

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

July 09, 2024

9:00 AM

Commissioner Chris Hall, District 2; – Chair
Commissioner Burt Saunders, District 3; – Vice Chair
Commissioner Rick LoCastro, District 1
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 Chair. 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 Chair. 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 Chair. 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 Chair. Speakers will be limited to three minutes, and no additional minutes may be ceded to the speaker. At the Chair'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 Pastor David George, First Naples (29357)**
- 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. June 11, 2024, BCC Minutes (29317)**
- 3. AWARDS AND RECOGNITIONS**
 - 3.A. EMPLOYEE**
 - 3.B. ADVISORY BOARD MEMBERS**
 - 3.C. RETIREES**
 - 3.D. EMPLOYEE OF THE MONTH**
- 4. PROCLAMATIONS**
- 5. PRESENTATIONS**
 - 5.A. 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**
- 10. BOARD OF COUNTY COMMISSIONERS**
 - 10.A. Recommendation to provide additional information to the Board of County Commissioners regarding the request for a partial refund of \$141,540.90 for funds received to release a code enforcement lien with an accrued value of \$167,500 in the code enforcement action titled Board of County Commissioners vs. Krista L. Irizarry and Marcial John Irizarry, relating to previously owned property located at 105 16th St. SE, Collier County, Florida. (All Districts) (29304)**

11. COUNTY MANAGER'S REPORT

- 11.A.** Recommendation to approve and adopt a Resolution authorizing the condemnation of those fee simple and easement interests necessary for the construction of roadway, drainage and utility improvements required for the extension of Vanderbilt Beach Road from 16th Street NE to Everglades Boulevard. (Project No. 60249). Estimated fiscal impact: \$17,195,000. (Jay Ahmad, Transportation Engineering Division Director) *(All Districts) (29149)*
- 11.B.** Recommendation to authorize the County Attorney to advertise for future consideration an Ordinance amending Chapter 74 of the Collier County Code of Laws and Ordinances, which is the Collier County Consolidated Impact Fee Ordinance, providing for the incorporation, by reference, the impact fee study; amending the Water and Wastewater impact fee rate schedule; providing for an effective date of December 1, 2024, in accordance with the 90-day notice requirement set forth in Section 163.31801(4)(d), Florida Statutes; and providing for revised definitions and update of the provisions related to the adoption and collection of impact fees. (Joe Bellone, Director Utilities Finance) *(All Districts) (28534)*
- 11.C.** Recommendation to adopt a Resolution establishing the Maximum Property Tax Rates to be levied in FY 2024/25 and reaffirm the Advertised Public Hearing dates in September 2024 for the budget approval process. (Christopher Johnson, Director - Corporate Financial Planning and Management Services) *(All Districts) (29342)*

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

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 approve final acceptance of the potable water and sewer utility facilities and accept the conveyance of a portion of the potable water facilities for Collier County Sports Complex and Event Center - Phase 2, PL20230012609. *(District 3) (29210)*
- 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 Collier County Resource Recovery Business Park Interconnect, PL20220005993. *(District 3) (29059)*
- 16.A.3.** Recommendation to approve final acceptance of the potable water and sewer utility facilities and accept the conveyance of a portion of the potable water and sewer facilities and appurtenant utility easement for Great Wolf Lodge, PL20240005649. *(District 3) (29213)*
- 16.A.4.** 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 Oyster Harbor at Fiddler's Creek Phase 1, Application Number PL20130002036, and authorize the release of the maintenance security in the amount of \$336,125. *(District 1) (29039)*
- 16.A.5.** 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 Redline Auto Suites, PL20240002566. *(District 2) (29021)*
- 16.A.6.** Recommendation to approve final acceptance of the potable water utility facilities for Ritz-Carlton Naples Central Equipment Plant, PL20240005467. *(District 2) (29116)*
- 16.A.7.** This item requires that Commission members provide ex-parte disclosure. 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 Del Webb Naples Parcels 304-306 (Application PL20230017431), approval of the standard form Construction and Maintenance Agreement, and approval of the performance security in the amount of \$2,009,779.75. *(District 5) (29146)*
- 16.A.8.** This item requires that Commission members provide ex-parte disclosure. 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 Tree Farm Tract "A" Replat approval of the standard form Construction and Maintenance Agreement and approval of the performance security in the amount of \$2,166,706.78. (PL20230014384). *(District 3) (29220)*
- 16.A.9.** Recommendation to approve an Agreement for Sale and Purchase under the Conservation Collier Land Acquisition Program with 1) Jeffrey and Melissa Hughes for a 1.59-acre parcel at a cost of \$46,110, and 2) Kyle Wilson and Lisa Mason for a 1.59-acre parcel at a cost of \$46,110, for a total cost not to exceed \$95,460, inclusive of closing costs. *(District 5) (29062)*

16.B. TRANSPORTATION MANAGEMENT DEPARTMENT (CONSENT)

- 16.B.1.** Recommendation to approve an Agreement for the purchase of a parcel (Parcel 543FEE) required for the 62nd Ave NE Bridge Project (Project No. 60212). Estimated Fiscal Impact: \$192,000. *(District 5) (29024)*
- 16.B.2.** Recommendation to approve Change Order No. 1 to Agreement No. 23-8079, Treeline Drive & Logan Blvd. North of Immokalee Rd. Intersection Improvements to Thomas Marine Construction, Inc., adding seventeen days to the agreement and utilizing \$41,882.00 for unforeseen additional items from the Owner's Allowance, and authorize the Chairman to sign the attached Change Order. (Project No. 60245) *(District 2, District 3) (29041)*
- 16.B.3.** Recommendation to authorize the necessary Budget Amendment to reallocate funds in the Landscape Fund (1012) for a total amount of \$126,912. *(District 2, District 3, District 4) (29078)*
- 16.B.4.** Recommendation to authorize a Budget Amendment to recognize revenue and transfer funding for projects within the Transportation Supported Gas Tax Fund (3083) and Transportation & CDES Capital Fund (3081) in the amount of \$384,812.43. (Projects 60085, 60066, 60088, 69331, 69333, 69336, 68338, and 69339) *(All Districts) (29162)*
- 16.B.5.** Recommendation to approve a reimbursement request of \$44,879.00 to the City of Naples from Tourist Development Tax funds relative to professional services provided by Adept Public Relations, LLC, for a Tourism Impact Study for the Naples Gulf of Mexico Beach Stormwater Outfall Pipe Removal & Water Quality Project and make a finding that this expenditure promotes tourism. *(District 4) (28955)*
- 16.B.6.** Recommendation to approve the Closing of the Public Transportation Grant Agreement for the Public Transit Block Grant Program Contract No. G2F05 between the State of Florida Department of Transportation and the Collier County Board of County Commissioners, and to authorize the County Manager, or designee, to perform the ministerial function of executing future Closing of the Public Transportation Grant Agreements. *(All Districts) (29010)*
- 16.B.7.** Recommendation to approve Change Order No. 1, adding two hundred thirty-seven (237) days and the reallocation of funds for materials testing and field office expenses under Agreement No. 21-7877 with Kisinger Campo & Associates, Corp for the Construction Engineering and Inspection services for the Transportation Investment Generating Economic Recovery (TIGER) Grant Immokalee Area Improvements project, and authorize the Chairman to sign the Change Order. (Project No. 33563) *(District 5) (29011)*
- 16.B.8.** Recommendation to approve the selection committee's ranking and authorize staff to begin contract negotiations with the top-ranked firm, AECOM Technical Services, Inc., concerning for Professional Services ("RPS") No. 24-8220, "CEI and Peer Review Services for Bridges within the Golden Gate Estates," so that staff can bring a proposed agreement back for the Board's consideration at a future meeting. (Project No. 60212) *(District 5) (29111)*

- 16.B.9.** Recommendation to approve the award of Invitation to Bid (“ITB”) No. 23-8153 “Immokalee Rd (C.R. 846E) Paved Shoulder Improvements – FPID 449668-1-54-01-SCOP” to Thomas Marine Construction, Inc., in the amount of \$946,146.00, approve Owner’s Allowance of \$50,000, and authorize the Chairman to sign the attached Construction Services Agreement. (Project 60253, Funds 1841 and 3083) *(District 5) (29131)*
- 16.B.10.** Recommendation to recognize and appropriate revenue to the Traffic Operations cost center (163630) in the amount of \$209,692.48 for Fiscal Year 2024, and authorize the attached Budget Amendment. *(All Districts) (29231)*
- 16.B.11.** Recommendation to approve a Settlement Agreement and Release with Quality Enterprises USA, Inc., related to the “Design-Build of Whippoorwill Lane and Marbella Lakes Drive Connection” project, under Agreement No. 20-7735, in the amount of \$304,670.75. (Project No. 60219) *(District 2) (29293)*
- 16.B.12.** Recommendation to approve and authorize the Chairman to execute the submittal of the Local Government Funding Request (LGFR) Beach Project Applications to the Florida Department of Environmental Protection (FDEP) for Fiscal Year 2025/2026. *(District 1, District 4) (29310)*
- 16.B.13.** Recommendation to approve the FY2024 Annual Progress Report of the Collier County Transit Development Plan and authorize its submission to the Florida Department of Transportation (FDOT). *(All Districts) (29219)*

16.C. PUBLIC UTILITIES DEPARTMENT (CONSENT)

- 16.C.1.** Recommendation to authorize the County Manager or designee to meet with representatives of the Greater Naples Fire Control and Rescue District and the North Collier Fire Control and Rescue District to review, reaffirm, and update the 2013 Agreement regarding access to raw water for supplemental use for fighting fires and bring the update back to the Collier County Board of County Commissioners, as the ex-officio the governing board of Collier County Water-Sewer District, for consideration. *(All Districts) (29016)*
- 16.C.2.** Recommendation to authorize Budget Amendments to reallocate capital project funding within Water User Fee Capital Project Fund (4012) in the amount of \$500,000 and Wastewater User Fee Capital Project Fund (4014) in the amount of \$1,500,000 to fund current project needs. *(All Districts) (29102)*
- 16.C.3.** Recommendation to adopt Resolutions to set the date, time, and place for an advertised public hearing where the Board will adopt special assessments to be collected on the non-ad valorem property tax bill for curbside solid waste collection and disposal services to set a not-to-exceed fee of \$330.00 from FY2025 through FY2029 and approve the statutorily required notification to customers. *(All Districts) (29108)*

- 16.C.4.** Recommendation that the Board award Invitation to Bid (“ITB”) No. 23-8190, “Master Pump Station (MPS) 302 Force main Replacement,” to Quality Enterprises USA, Inc., in the amount of \$1,797,365.80, approve an Owner’s Allowance of \$150,000, and authorize the Chairman to sign the attached Agreement. *(District 1) (29058)*

16.D. PUBLIC SERVICES DEPARTMENT (CONSENT)

- 16.D.1.** Recommendation to approve and authorize the Chairman to sign the HUD Federal Financial Report SF-425 to close out the Emergency Solutions Grant-CV for the Program Year 2020, the Emergency Solutions Grant Program Year 2020, and the Emergency Solutions Grant Program Year 2021. (No Fiscal Impact) *(All Districts) (29022)*
- 16.D.2.** Recommendation to approve the reimbursement of a one-time payment for \$18,192.77 to AmeriCorps for the Retired Senior Volunteer Grant #18SRSFL005. (Fiscal Impact \$18,192.77) (Community & Human Services Grant Support Fund 1806) *(All Districts) (29023)*
- 16.D.3.** Recommendation to approve and authorize the Chairman to (a) sign two (2) 2025-2027 Urban County Cooperation Agreements, one with the City of Naples and one with the City of Marco Island, (b) approve the associated resolution, and (c) authorize staff to forward the supporting documentation to the U.S. Department of Housing and Urban Development to comply with HUD’s Urban County Re-Qualification requirements. (No Fiscal Impact) *(All Districts) (29061)*

16.E. CORPORATE BUSINESS OPERATIONS (CONSENT)

- 16.E.1.** Recommendation to approve the administrative report prepared by the Procurement Services Division for After-the-Fact purchases requiring Board approval in accordance with the Procurement Ordinance and the Procurement Manual in the amount of \$3,853.99 and ratify After-the-Fact purchases made with purchasing card in the amount of \$5,024.45. *(All Districts) (28523)*

16.F. COUNTY MANAGER OPERATIONS (CONSENT)

- 16.F.1.** Recommendation to consider letters of intent from Gargiulo Education Center, Inc., a not-for-profit organization, and from Up In Smoke, LLC, both proposing to purchase Collier County-owned property located on 16140 and 16144 Performance Way, and authorize and direct the County Manager or designee to take any and all action necessary to surplus the properties in accordance with the competitive bidding process set forth in Section 125.35, Florida Statutes, allowing all persons and entities to compete for purchase of the property. *(District 2) (28896)*

- 16.F.2.** Recommendation to adopt a Resolution fixing September 5, 2024, 5:05 p.m., in the Third Floor Board Room, 3299 East Tamiami Trail, Naples, Florida, as the date, time, and place for the Public Hearing for approving the Special Assessment (Non-Ad Valorem Assessment) to be levied against the properties within the Pelican Bay Municipal Service Taxing and Benefit Unit for maintenance of the water management system, beautification of recreational facilities and median areas and maintenance of conservation or preserve areas, management of the dredging and maintenance activities for Clam Pass for the purpose of enhancing the health of the affected mangrove forest and establishment of Capital Reserve Funds for ambient noise management, maintenance of conservation or preserve areas, including the restoration of the mangrove forest, U.S. 41 berm, street signage replacements within the median areas, landscaping improvements to U.S. 41 entrances and beach renourishment, all within the Pelican Bay Municipal Service Taxing and Benefit Unit. *(District 2) (29174)*
- 16.F.3.** Recommendation to adopt a Resolution approving amendments (appropriating grants, donations, contributions, or insurance proceeds) to the Fiscal Year 2023-24 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) (29314)*
- 16.F.4.** Recommendation to authorize Budget Amendments to recognize \$1,000,000 to be received from Lodge Abbott Associates, LLC, pursuant to a Settlement Agreement and Release for the construction of a parking lot on Tract 10, Wiggins Bay, Phase I which was recently conveyed to Collier County and accept an update on the County's development plan to construct the parking lot. *(District 2) (29051)*
- 16.F.5.** Recommendation to authorize Budget Amendments to align the Conservation Collier Budgets to facilitate the partial transfer of funds from Conservation Collier Acquisition Fund and the Conservation Collier Management Fund to the General Fund in a total amount \$29,619,397. *(All Districts) (29315)*
- 16.F.6.** Recommendation to accept a donation of public art to be installed in the Bayshore Gateway Triangle Community Redevelopment Area parking lot, 3321 Bayshore Drive. *(District 4) (29344)*
- 16.F.7.** Recommendation to provide after-the-fact approval for the County Manger or designee to execute an EMS County Grant Program agreement with the Florida Department of Health, Bureau of Emergency Medical Services for medical and rescue equipment and training in the amount of \$78,658.02 and to authorize necessary Budget Amendments. *(All Districts) (29337)*

16.G. AIRPORT AUTHORITY (CONSENT)

- 16.G.1.** Recommendation to authorize Budget Amendments to recognize revenue for Marco Island Executive Airport, in the amount of \$260,000, and for Immokalee Regional Airport, in the amount of \$200,000, to accommodate increased fuel purchases and associated operating expenses over budgeted levels. *(District 1, District 5) (29209)*

16.H. BOARD OF COUNTY COMMISSIONERS (CONSENT)

16.I. MISCELLANEOUS CORRESPONDENCE (CONSENT)

16.J. OTHER CONSTITUTIONAL OFFICERS (CONSENT)

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 in the amount of \$32,887,883.67 were drawn for the periods between June 13, 2024 and June 26, 2024 pursuant to Florida Statute 136.06. *(All Districts) (29358)*

16.J.2. Request that the Board approve and determine valid public purpose for invoices payable and purchasing card transactions as of July 3, 2024. *(All Districts) (29359)*

16.K. COUNTY ATTORNEY (CONSENT)

16.K.1. Recommendation to approve and authorize the Chairman to execute a Settlement Agreement in the lawsuit styled Elizabeth Marx v. Collier County, Case No. 24-CA-1039, now pending in the Circuit Court of the Twentieth Judicial Circuit in and for Collier County, Florida, for the sum of \$10,000. *(All Districts) (28761)*

16.K.2. Recommendation to approve and authorize the Chair to execute a Settlement Agreement in the lawsuit styled Patrick Klima v. Collier County, (Case No. 22-CA-2166), now pending in the Circuit Court of the Twentieth Judicial Circuit in and for Collier County, Florida, for the sum of \$75,000. *(All Districts) (29166)*

16.K.3. Recommendation to appoint Donald Munksgaard to the Water and Wastewater Authority. *(All Districts) (29223)*

16.L. COMMUNITY REDEVELOPMENT AGENCY (CONSENT)

17. SUMMARY AGENDA

This section is for advertised public hearings and must meet the following criteria: 1) A recommendation for approval from staff; 2) Unanimous recommendation for approval by the Collier County Planning Commission or other authorizing agencies of all members present and voting; 3) No written or oral objections to the item received by staff, the Collier County Planning Commission, other authorizing agencies or the Board, prior to the commencement of the BCC meeting on which the items are scheduled to be heard; and 4) No individuals are registered to speak in opposition to the item. For those items which are quasi-judicial in nature, all participants must be sworn in.

17.A. This item requires that Commission members provide ex-parte disclosure. Should a hearing be held on this item, all participants are required to be sworn in. Recommendation to approve a Resolution of the Board of County Commissioners of Collier County, Florida, renaming a street from BelleraWalk Circle to BelleraWalk Way, as shown on the plat of Ave Maria Unit 5, BelleraWalk Phase 1A, and located approximately 800 feet east of the intersection of Ave Maria Boulevard and BellaraWalk Boulevard, in Section 9, Township 48 South, Range 29 East, Collier County, Florida. [PL20240001579] *(District 5) (29080)*

18. ADJOURN

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