ORDINANCE NO. 2009-39

AN ORDINANCE AMENDING COLLIER COUNTY ORDINANCE NO. 92-40, WHICH CREATED THE IMMOKELEE BEAUTIFICATION MUNICIPAL SERVICE TAXING UNIT IN COLLIER COUNTY, FLORIDA, PROVIDING FOR THE EXPANSION OF THE UNIT BOUNDARIES TO ADD APPROXIMATELY 16,982 +/- ACRES; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES, CONFLICT AND SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners, on October 25, 1977, adopted Collier County Ordinance No. 77-52, creating the Immokalee Lighting and Beautification Municipal Service Taxing Unit for the purpose of providing street lighting and beautification within the unit; and

WHEREAS, the Board of County Commissioners, on September 23, 1986, adopted Collier County Ordinance No. 86-65, creating the Immokalee Lighting and Beautification District Advisory Committee which provided for the appointment and composition of the Advisory Committee and setting forth the terms of office; and

WHEREAS, on February 20, 1990, the Immokalee Lighting and Beautification Advisory Committee met and approved a motion to recommend to the Board of County Commissioners that Collier County Ordinance No. 77-52 be modified so as to separate the Lighting District from the Beautification District, thereby making both Districts separate, but having identical district boundaries and retaining the current Advisory Committee composition and make-up only for the Beautification District; and

WHEREAS, the Board of County Commissioners, on June 9, 1992, adopted Collier County Ordinance No. 92-40 that created the Immokalee Beautification Municipal Services Taxing Unit (the “MSTU”), for the purpose of landscape beautification within the MSTU; and

WHEREAS, the Board of County Commissioners desires to expand the boundaries of the MSTU.

Words Underlined are added; Words Struck Through are deleted.
NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA that:

SECTION ONE: AMENDMENTS TO COLLIER COUNTY ORDINANCE NO. 92-40, AS AMENDED, TO EXPAND BOUNDARIES

Section Three of Collier County Ordinance No. 92-40, as amended, is hereby amended to expand the MSTU’s boundaries to add approximately 16,982 +/- acres, as follows:

The boundaries of the Unit shall comprise all that land located in Collier County, Florida, and specifically described as:

The South 1/4 of the South 1/4 of Section 29; the South 1/4 of the Southeast 1/4 of Section 30; the Northeast 1/4 of Section 31; all of Section 32; all of Section 33; the Southwest 1/4 of Section 34; and the South 1/4 of the Southwest 1/4 of Section 28; all in Township 46 South; Range 29 East.

The Southeast 1/4 of Section 3; the West 1/4 of Section 3; all of Section 4; the Northeast 1/4 of Section 5; the North 1/4 of the Northwest 1/4 of Section 5; the East 1/4 of Section 9; and the Southwest 1/4 of the Northeast 1/4 of Section 11; all in Township 47 South; Range 29 East.

That portion of land lying in Collier County, Florida, more particularly described as follows:

The Southwest Quarter of the Southwest Quarter of section 25 and all of sections 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and the West half of the Northwest Quarter of section 36, Township 46 South, Range 29 East; and

All of Sections 1, 2, 3, 4, 5, 6, 9, 10, 11, the West half of Section 12, the Northwest Quarter of Section 13, the North half of section 14 and all of Sections 15 and 16, Township 47 South, Range 29 East; and

All of Section 6, Township 47 South, Range 30 East; and

Words Underlined are added; Words Struck Through are deleted.
The North half of Section 1, Township 47 South, Range 28 East lying Easterly of the Eastern Shoreline of Lake Trafford; and

All of Section 25 and that portion of Sections 35 and 36 lying Northerly and Easterly of the Northerly and Easterly shorelines of Lake Trafford, Township 46 South Range 28 East.

Attached Exhibit "A" represents the above-referenced MSTU boundaries.

SECTION TWO: INCLUSION IN THE CODE OF LAWS AND ORDINANCES

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Collier County, Florida. The sections of this Ordinance may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

SECTION THREE: CONFLICT AND SEVERABILITY

In the event this Ordinance conflicts with any other ordinance of Collier County or other applicable law, the more restrictive shall apply. If any court of competent jurisdiction holds any phrase or portion of the Ordinance invalid or unconstitutional, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion.

SECTION FOUR: EFFECTIVE DATE

This Ordinance shall take effect upon filing with the Secretary of State.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this 28th day of July, 2009.
ATTEST:
DWIGHT E. BROCK, CLERK

By: 
Deputy Clerk

Attorn as to Chancery 8
signature only.

BOARD OF COUNTY COMMISSIONERS OF
COLLIER COUNTY, FLORIDA

By: 
DONNA FIALA, CHAIRMAN

Approved as to form and
legal sufficiency:

Scott R. Teach
Deputy County Attorney

This ordinance filed with the
Secretary of State's Office the
3rd day of August, 2009.

and acknowledgement of that
filing received this 10th day
of August, 2009.

Words Underlined are added; Words Struck Through are deleted.
Exhibit "A"

Words Underlined are added; Words Struck Through are deleted.
STATE OF FLORIDA)
COUNTY OF COLLIER)

I, DWIGHT E. BROCK, Clerk of Courts in and for the
Twentieth Judicial Circuit, Collier County, Florida, do
hereby certify that the foregoing is a true and correct
copy of:

ORDINANCE 2009-39

Which was adopted by the Board of County Commissioners
on the 28th day of July, 2009, during Regular Session.

WITNESS my hand and the official seal of the Board of
County Commissioners of Collier County, Florida, this 31st
day of July, 2009.

DWIGHT E. BROCK
Clerk of Courts and Clerk
Ex-officio to Board of
County Commissioners

[Signature]

By: Martha Vergara,
Deputy Clerk
EXECUTIVE SUMMARY

Request for authorization for County Manager or his designee to bring to the Board a proposed amendment to Ordinance No. 92-40, as amended, which created the Immokalee Beautification Municipal Service Taxing Unit, to expand the boundaries to match the ‘urban boundary’ within current Immokalee Community Redevelopment Agency (ICRA) boundaries.

OBJECTIVE: That the Board of County Commissioners authorize County Manager or his designee to bring to the Board a proposed amendment to Ordinance No. 92-40, as amended, which created the Immokalee Beautification Municipal Service Taxing Unit, in order to expand the boundaries to match the ‘Urban Boundary’ within current ICRA boundaries.

CONSIDERATIONS:

- On October 8, 2009, the Immokalee MSTU and the ICRA had a joint workshop regarding the expansion of the Immokalee MSTU boundaries. The boundary expansion has been requested by the MSTU Committee to allow the Committee to expand beautification project activity into the ‘entire urban area’ of Immokalee – as the entire urban community benefits from the beautification of the Hwy 29 corridor and also 1st Street corridor. The expansion will therefore include all of the property owners who benefit from the beautification projects performed by the Immokalee MSTU. The expansion proposal was well received by members of the public attending the workshop.

- On February 25, 2009, the Immokalee MSTU made a motion to expand the boundaries to match the ‘urban boundary’ within current ICRA boundaries. Copies of the minutes of that meeting are attached in support of this request to bring forward the proposed amendment to Ordinance No. 92-40.

FISCAL IMPACT: Expansion of the Immokalee Beautification MSTU boundaries will increase the district’s taxable value base and thus the property tax dollars raised. However, the effect of this expansion including the tax levy implications will not be realized until the 2010 tax year (FY 2011). This assumes that the enabling expansion ordinance and related filings will be completed prior to December 31, 2009.

The area proposed to be included as part of the expanded MSTU boundaries has a current taxable value of $108,928,540. However, with the projected decrease in taxable value over the 2009 and 2010 tax year, the expanded boundary area could see a taxable value reduction totaling as much as $35,180,000 over two years. Assuming a 2010 tax year valuation of approximately $73,748,540 the application of 1.0 mils per $1,000 of taxable value would generate $73,748 for the expanded boundary component. Potential total revenue for the MSTU with the expanded boundary totals approximately $302,000.

This will have an impact upon the aggregate county millage rate when this calculation is performed for the FY 2011 budget. For purposes of TRIM, the aggregate millage rate which is a
product of dollars raised for each Collier County government taxing authority is measured against the aggregate rolled back millage rate. Dollars raised above the aggregate rolled back millage rate would fall outside the simple majority vote scenario - at least for the taxing authorities levying above their individual rolled back rate.

**GROWTH MANAGEMENT IMPACT:** There is no Growth Management Impact associated with this Executive Summary.

**LEGAL CONSIDERATIONS:** This item has been reviewed and approved by the County Attorney's Office, is not quasi-judicial and requires no ex parte disclosure, requires only a majority vote for approval, and is otherwise legally sufficient for Board action.—SRT.

**RECOMMENDATION:** That the Board of County Commissioners authorize County Manager or his designee to bring back at a future meeting a proposed amendment to Ordinance No. 92-60, as amended, to expand the boundaries of the Immokalee Beautification MSTU to match the current ICRA boundaries.

Prepared By: Darryl Richard, Project Manager – MSTUs, Alternative Transportation Modes

Attachments: 1) Immokalee MSTU minutes from 2-25-09; 2) Exhibit A - Current and Expanded Boundary Map
COLLIER COUNTY
BOARD OF COUNTY COMMISSIONERS

Item Number: 16B11
Item Summary: Request for authorization for staff to bring to the Board a proposed amendment to Ordinance No. 92-40, as amended, which created the Immokalee Beautification Municipal Service Taxing Unit, to expand the boundaries to match the urban boundary within current Immokalee Community Redevelopment Agency (ICRA) boundaries.

Meeting Date: 4/14/2009 9:00:00 AM

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IMMOKALEE BEAUTIFICATION M.S.T.U.  
ADVISORY COMMITTEE  
February 25, 2009  

Minutes  

I. The meeting was called to order at 4:35 PM by Cherryle Thomas. A quorum was established.

II. Attendance  
Members: William Deyo, Cherryle Thomas, Lucy Ortiz, Andrea Halman  
County: Darryl Richard – MSTU Project Manager, Tessie Sillery – MSTU Operations Coordinator, Weldon Walker Jr. – Code Enforcement  
Others: Penny Phillippi – CRA Executive Director, Fred Thomas Sr. – CRA Chairman, Christie Betancourt – CRA, Richard Tindell - ASLA, Mike McGee – McGee & Associates, Sue Flynn – Mancan

III. Approval of Agenda  
Add: ‘Y. C. New Member Application  
Change: VII. A. Maintenance Report - JRL (Instead of McGee & Associates)  
Remove: VII. C. JRL Design Landscape

William Deyo moved to approve the agenda as amended. Second by Andrea Halman. Motion carried unanimously 3-0.

Lucy Ortiz arrives at 4:34 pm

IV. Approval of Minutes – January 28, 2009  
Change: Penny Philleppi (misspelled) should read "Penny Phillippi"

William Deyo moved to approve the minutes as amended. Second by Andrea Halman. Motion carried unanimously 4-0.

V. Transportation Services Report  
A. Budget Report – Caroline Soto distributed and reviewed the Immokalee MSTU Fund 162 Report dated 2/25/09. (See attached)  
- Available Operating Expense - $99,410.78  
- Available Improvement General - $192,466.51  
- Ad Valorem Tax Collected - $217,433.80  
- Purchase Orders Paid-to-Date - $1,275,466.83
B. Project Manager Report – Darryl Richard distributed and reviewed the Project Manager Report. (See attachments)

- (IMM-15) Work Order for JRL; Landscape Architectural Services Fixed Term. Waiting for Purchase Order to be issued.
- (IMM-14) McGee & Associates - Phase VI Project
  96 Light poles have been installed from 1st and 9th Street. Confirmation of FDOT review and approval of street tree plantings is pending. FDOT will be installing 2-crosswalks.

Darryl Richard reported a string of lights are out due to the age of the conduit. Southern Signal & Lighting provided a quote to repair lights at 4th Street. He stated there are no guarantees because every pull box along the street is in a tree cutout and may have root damage from the trees. It will take a month to complete the repairs. A recommendation was made to move forward on the repair and as a future preventive measure, move the pull boxes out of the tree cutouts.

Staff stated the pole at 1st street has been ordered and the normal delivery time is 6-months.

Lucy Ortiz moved to accept the proposal from Southern Signal and Lighting (to repair lights at 4th Street) not to exceed $7,000. Second by William Deyo. Motion carried unanimously 4-0.

Darryl Richard distributed a quote from Commercial Land Maintenance to remove 10-tree stumps and dispose of debris and recommended not addressing at this time.

Tessie Sillery noted the Committee previously approved the purchasing of liners for trash containers up to $1,000 and the quote came in at $1,111. Staff recommended accepting the quote for 20 blue liners.

William Deyo moved to accept the quote for trash liners in the amount of $1,111. Second by Lucy Ortiz. Motion carried unanimously 4-0.

Darryl Richard distributed and reviewed a map of the Immokalee MSTU Boundary Expansion Proposal and asked for clarification on the boundaries. (See attached)

Discussion ensued on the difference between urban, MSTU and CRA boundaries and the following amendment was made.

Lucy Ortiz rescinded her motion made on January 28, 2009 to include “consistent with CRA boundaries.” Second by William Deyo. Motion carried unanimously 4-0.
Lucy Ortiz moved to go forward on the Boundary Expansion to be consistent with the Urban Boundaries. Second by William Deyo. Motion carried unanimously 4-0.

Darryl Richard distributed and reviewed a report on “Taxable Values” on various boundary options. (See attached)

Penny Phillippi, CRA Director, stated an Executive Summary for the approval of the Immokalee Stormwater Master Plan has been completed. The Stormwater Department, the CRA and a Consultant will submit the Stormwater Master Plan to the BCC for approval along with a complete list of funding possibilities to include a portion of the forthcoming Federal Stimulus monies. Darryl Richard suggested when they present the Executive Summary, to ask the BCC for an approval to get a proposal on the Master Plan.

Cherryle Thomas asked if the State pays the County to sweep the streets. Staff will research and report back to the Committee.

C. New Member Application
Tessie Sillery distributed an Advisory Board Application received from Carrie Williams to fill the vacant position on the Committee.

Lucy Ortiz moved to accept Carrie Williams’ application and submit it to the BCC for their approval. Second by William Deyo. Motion carried unanimously 4-0.

VI. Transportation Maintenance Report - None

VII. Landscape Architects Report
A. Maintenance Report – JRL - None

B. Phase II B Project – Mike Mcgee reported the following:
• Waiting for County and FDOT comments on the Phase II B Project
• CLM is replacing plants, adding soil and working on irrigation modification. Work scheduled to be completed by March 6, 2009.
• Street sweeping needs to be done now.
• Sprinkler heads in medians from the casino to Boston Road need to be repaired.

C. JRL Design Landscape - None

VIII. Community Redevelopment Agency
Penny Phillippi asked permission to show the Committee a Power Point presentation on RWA Consulting - Land Development Conceptual Designs on 2-shopping plazas at the March meeting and receive input from the MSTU.

Fred Thomas asked the Committee for support on a future proposal the CRA will be drafting to the County recruiting their support to have a
portion of the "Exclusive Casino" rights be earmarked for Immokalee future development.

IX. Code Enforcement Report – Weldon Walker reported the following:
   ➢ "Clean-Up" Day has been changed to March 28, 2009.
   ➢ Plan to have a "Clean-Up" Day every 6-months
   ➢ Code Enforcement meets at the Health Department at 10:00 am every 3rd Tuesday of the month.
   ➢ Flyers will be distributed throughout the Community
   ➢ Sheriffs' Department will have mandated Community Workers helping clean up.
   ➢ Volunteers from Notre Dame will be assisting elders needing help to clean their property.

X. Old Business
   A. Main Street Pedestrian Zoning – Addressed previously.
   B. Boundary Expansion – Addressed previously.

XI. New Business – None

XII. Public Comment - None

There being no further business to come before the Committee, the Meeting was adjourned by order of the Chair at 5:55 P.M.

Immokalee Beautification MSTU Advisory Committee

Cherryle Thomas, Chairman

These minutes approved by the Committee on ___________________,
as presented ______________ or amended ______________.

The next meeting is March 25, 2009, 4:30 PM
Immokalee Community Park
321 First Street South
Immokalee, FL

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