

MINUTES OF THE MEETING OF THE CONSERVATION
COLLIER LAND ACQUISITION ADVISORY COMMITTEE

Naples, Florida, November 10, 2008

LET IT BE REMEMBERED, that the Conservation Collier Land
Acquisition Advisory Committee, in and for the County of Collier, having
conducted business herein, met on this date at 9:00 A.M. in REGULAR
SESSION at Administrative Building "F", 3rd Floor, Collier County
Government Complex Naples, Florida with the following members present:

CHAIRMAN: Bill Poteet
Will Kriz
Marco Espinar
Wayne Jenkins
Michael Delate
Tony Pires
Jeffrey Curl
Mimi Wolok
Jon Staiger

ALSO PRESENT: Jennifer Belpedio, Assistant County Attorney
Cindy Erb, Real Property Management
Alexandra Sulecki, Conservation Collier Coordinator
Melissa Hennig, Principal Environmental Specialist
Christal Segura, Conservation Collier Land Manager
Roosevelt Leonard, Collier County Appraiser
Anissa Karim, Environmental Specialist

I. Roll Call

Chairman Poteet called the meeting to order at 9:01AM. Roll call was taken and a quorum was established.

II. Approval of Agenda

Mr. Delate moved to approve the agenda subject to the following changes:

Items IV. D and E to be heard before IV. B

Second by Mr. Jenkins. Carried unanimously 9-0.

III. Approval of October 13, 2008 Minutes

Mr. Staiger moved to approve the minutes subject to the following corrections:

Page 2, paragraph 6, line 8 from "price is to high." to "price is *too* high (*however the Committee as a whole did not object.*)"

Page 3, paragraph 2 from "Mr. Delate stated he objected to acquiring parcels in this area." To "Mr. Delate stated he objected to acquiring parcels in this area, (*however the Committee as a whole did not object.*)"

Page 10, paragraph 4, line 7 from "individuals when removing types of livestock referenced...." To "individuals when *dispatching* of livestock referenced..." Page 4, paragraph 6, line 1 from "NGGE Unit 52" to "NGGE Unit 53"

Second by Mr. Pires. Carried unanimously 9-0.

IV. Old Business:

D. Program Financial Status Update – staff

Melissa Hennig, Principal Environmental Specialist presented a document entitled "*The Future of Conservation Collier Land Acquisition Fund (172) after the proposed Pepper Ranch Acquisition Financial Snapshot*" dated September 26, 2008. She noted Laura Davisson of the Budget Office (see item IV E. and item IX) would be available later in the meeting to answer any questions regarding the financial status of the Program.

E. Real Property Management Update - staff

Roosevelt Leonard, Collier County Appraiser provided an update on current Real Estate market values noting the following:

- Values of Homes and Condominiums are decreasing
- The Values of Conservation Land and Agricultural Land purchased or proposed to be purchased by Conservation Collier are decreasing.
- Conservation Collier purchases are incorporated into land sale data.
- The appraisal for Red Maple Swamp was completed in July/August of 2008
- The Pepper Ranch appraisal was completed in March of 2008.
- Appraisers use the sales approach in Agriculture and Conservation Lands to ensure data comparisons are consistent.
- In conclusion, land values continue to decline.

Laura Davisson, Collier County Budget Office was present and noted the following regarding the document entitled "*The Future of Conservation Collier*"

Land Acquisition Fund (172) after the proposed Pepper Ranch Acquisition Financial Snapshot” dated September 26, 2008:

- The Consultants utilize calendar year data in preparation of the document (as opposed to Fiscal Year).
- Property values and ad-valorem taxes are the mainstay of Conservation Collier Funding.
- Debt Service payments are required in January and July.
- The interest amount and estimated debt service shown is a combination of what the Program is currently paying combined with an estimate of the requirements following the Pepper Ranch acquisition.
- Upon acquiring Pepper Ranch, the data will be updated to reflect the actual debt service requirements.
- Conservation Collier is currently levying the maximum millage amount allowed by Legislation. A determination if the millage rate could be increased would require further research.

A discussion ensued regarding the merits of Purchasing Pepper Ranch under the existing agreement.

Mr. Pires and Mr. Delate expressed concerns the Program may be overpaying for the Pepper Ranch parcel due to the present market values and suggested reappraising or re-negotiating with the current owners for values reflecting today’s markets

Mr. Delate suggested suspending the purchase of properties until market values stabilize.

Other members were not in favor of suspending purchases based on existing appraisals and expressed concern the integrity of the Program may be compromised if this was to occur.

Speaker

Amber Crooks of the Conservancy of Southwest Florida addressed the Committee noting the following:

- The Conservancy supports acquisition of the parcel.
- The monies available are from a dedicated taxpayer fund.
- They do not support a “spending freeze” for the Program, especially with the availability of willing sellers.
- The landowners have negotiated on the completed appraisals and requesting a new appraisal would not be within the Policy of the Program.
- Request the Committee base recommendations to the Board of County Commissioners on the current data provided.

A. Real Property Management Update - A - list properties

1. Overall Status

Staff provided the following updates:

Trinh – Closing on December 15, 2008.

River Road – Closings in December.

Winchester Head – October 28, 2008 BCC approved 1 agreement – to date 9 property owners accepted, 2 rejected and 2 remain undecided. Some rejected offers are being reconsidered by the landowners.

Unit 53 – October 28, 2008 BCC approved 15 agreements - to date 25 property owners accepted, 3 rejected and 3 undecided.

Camp Keais – 4 agreements presented today.

Kaye Homes – December 1, 2008 closing.

Hamilton – An Executive Summary was presented which provided an overview of the property. The acquisition is scheduled to be heard by the Board of County Commissioners on November 18, 2008.

Mr. Espinar expressed concern his original vote in favor of acquiring the property was based on receipt of a \$1M dollar Conservation Fund Grant, which was not yet been awarded.

*Mr. Espinar move to recommend not acquiring the Hamilton parcel.
Second by Mr. Delate.*

Mr. Curl noted his original vote was predicated on receiving the \$1M Grant.

Chairman Poteet noted the parcel was previously recommended for acquisition and the owner rejected the original offer. It was subsequently re-submitted to the Program for acquisition before the Grant was proposed. He supports acquisition of the parcel.

It was also noted US Fish and Wildlife may be interested in subsequently purchasing the property from the County and incorporating it into the Ten Thousand Islands Preserve (Ten Thousand Islands National Wildlife Refuge). They have agreed to manage the property for the County until this time.

Speaker

Amber Crooks of the Conservancy of Southwest Florida addressed the Committee stating the Conservancy recommends the acquisition of the parcel based on its ecological value and urges the Committee to work with the Conservation Fund in acquiring the Grant next year.

Motion failed 4 “yes” - 4 “no”. Chairman Poteet, Ms. Wolok, Mr. Staiger and Mr. Kriz voted “no.” Mr. Pires abstained.

B. Contracts

1. Pepper Ranch – contract review and property naming

Alex Sulecki presented the Executive Summary “*Recommendation to approve an Agreement for Sale and Purchase with Lake Trafford Ranch LLP,*

a Florida limited liability limited partnership, for 2,511.90 acres under the Conservation Collier Land Acquisition Program, at a cost not to exceed \$33,328,400, and to name the resulting acquisition Pepper Ranch Preserve” and attached agreement. She noted the agreement received input from the Ordinance, Policy and Procedures Subcommittee at a meeting on October 24, 2008 in which numerous stakeholders were in attendance. Also, the Bond Resolution was submitted to Committee for review; however, it did not require a recommendation to the Board of County Commissioners. The proposed acquisition is scheduled for the November 18, 2008 Board of County Commission meeting. If Conservation Collier members wish to attend, please notify Staff so necessary public notices may be given.

It was noted James Harcourt, Florida Department of Environmental Protection, Bureau of Mining & Mineral Regulations submitted a letter to Alex Sulecki, Subject: “DEP BMMR Recommendations for groundwater management at the Corkscrew Oil Field in Collier County” dated October 30, 2008.

Alex Sulecki introduced the following individuals involved in the Environmental aspects (Cattle Dipping Vat Contamination) of the purchase:

Richard Lewis and Roxanne Guase of HSA Engineers, Consultant for the landowner provided an overview and proposed remedy for the Cattle Vat Dipping Station identified on the site. They stated they are confident on the cost estimate for cleanup of the site, which provides at least a 50 percent “contingency factor.” The chemicals associated with the cleanup are Toxophine, Arsenic and DDT.

Duane Dungan Environmental Consulting and Technology, Inc. Principal Geologist, stated he was the Consultant retained by Collier County and reviewed any relative data and Reports as requested.

Rob Ward, Sr. Project Manager, Collier County Pollution Control also reviewed any applicable Reports on be-half of the County noting the extent of the contamination is “stable.”

Charles Massella of Florida Department of Environmental Protection noted he reviewed the reports from HSA and agrees with the recommendations of the Consultants. The area should be excavated and incorporated into a long term monitoring program. He provided an overview of the two “clean up” options available to the County in the area of “no further action/complete cleanup” or “no further action with conditions.” He also reviewed the oil well site and only 1 of the 3 wells contains contamination, which consists of chlorides and is not a “major problem.”

Mr. Espinar moved to approve the Contract for Pepper Ranch and to keep the name “Pepper Ranch Preserve” in honor of the family that originally owned it. Second by Mr. Curl

Speaker

Amber Crooks of the Conservancy of Southwest Florida addressed the Committee noting Conservancy supports purchase of the parcel and the Committee ranked the parcel as an A1+ priority for acquisition. She outlined the numerous positive ecological aspects of the parcel.

Ms. Wolok requested the motion be amended to remove the naming of the Ranch as the Program is in the process of developing a Preserve Naming Competition and this would be an ideal opportunity for the students of Immokalee High School to become involved with Conservation Collier.

It was noted the main request of the owners when the property was nominated for acquisition by the Program was it to be named "Pepper Ranch Preserve."

Alex Sulecki also noted the following:

- The property survey will be updated if it is a necessary requirement from the Title Company.
- The value of the Panther Habitat Unit credits will be based on the Starnes agreement but will ultimately be a Board of County Commissioners decision.
- If necessary, restoration costs will be charged for the Panther Habitat Units.
- The Executive Summary on Page 2, paragraph 5, line 1 – the date will be revised from November 11, 2008 to November 10, 2008.
- A statement will be added to the Executive Summary, "Growth Management Impact Section" recognizing the appraisal reflected the removal of the value of the Steward Sending Area (SSA) credits.

Mr. Pires stated he is in favor of acquiring the parcel; however had issues on how it is proposed to be purchased (cost of buying public access to the 985 SSA acres). In addition, the parcel should be re-appraised to reflect current values.

Mr. Delate re-iterated his position on possible disservice to the public by proceeding with acquisition of the parcel at the current price.

Motion carried 7 "yes" – 2 "no." Mr. Pires and Mr. Delate voted "no."

2. NGGE Unit 53 – Depestre-Coba, Gonzalez, Mir, Palacios

Cindy Erb presented the Executive Summaries:

"Approve an Agreement for Sale and Purchase for 4.54 acres under the Conservation Collier Land Acquisition Program, at a cost not to exceed \$72,800 (Depestre-Coba)" dated November 11, 2008 and attached agreement

Approve an Agreement for Sale and Purchase for 4.93 acres under the Conservation Collier Land Acquisition Program, at a cost not to exceed

\$79,100 (Palacios/Jauregui)” dated November 11, 2008 and attached agreement.

Approve an Agreement for Sale and Purchase for 2.50 acres under the Conservation Collier Land Acquisition Program, at a cost not to exceed \$40,300 (Mir)” dated November 11, 2008 and attached agreement.

Approve an Agreement for Sale and Purchase for 2.50 acres under the Conservation Collier Land Acquisition Program, at a cost not to exceed \$40,300 (Gonzalez)” dated November 11, 2008 and attached agreement.

Mr. Espinar moved to approve all 4 contracts presented (above) in Unit 53. Second by Mr. Kriz. Carried 7 “yes” – 2 “no.” Mr. Pires and Mr. Delate voted “no.”

3. Winchester Head – Berman/Celsnak Trust

Cindy Erb presented the Executive Summary *“Approve an Agreement for Sale and Purchase for 1.14 acres under the Conservation Collier Land Acquisition Program, at a cost not to exceed \$19,300 (Berman/Celsnak)”* dated November 10, 2008 and attached agreement.

Mr. Jenkins moved to approve the Winchester property (as presented above. Second by Mr. Kriz. Motion carried 7 “yes” – 2 “no.” Mr. Pires and Mr. Delate voted “no.”

4. Camp Keais – Bortnick, Darby, Griffin, Schaab

Cindy Erb presented the Executive Summaries:

“Approve an Agreement for Sale and Purchase for 5 acres under the Conservation Collier Land Acquisition Program, at a cost not to exceed \$13,100 (Bortnick)” dated November 10, 2008 and attached agreement.

“Approve an Agreement for Sale and Purchase for 5 acres under the Conservation Collier Land Acquisition Program, at a cost not to exceed \$13,100 (Griffin)” dated November 10, 2008 and attached agreement.

“Approve an Agreement for Sale and Purchase for 2.5 acres under the Conservation Collier Land Acquisition Program, at a cost not to exceed \$6,900 (Schaab)” dated November 10, 2008 and attached agreement.

“Approve an Agreement for Sale and Purchase for 5 acres under the Conservation Collier Land Acquisition Program, at a cost not to exceed \$13,100 (Darby Tr.)” dated November 10, 2008 and attached agreement.

Mr. Espinar moved to not recommend acquisition of the parcels (presented above) due the fact the Charter references “public access” and “public use” and there is none on these parcels and the parcels are better suited for

private individuals in the development sector to acquire them for mitigation purposes. Second by Mr. Jenkins.

Alex Sulecki noted language will be added to the Executive Summary incorporating the recommendation.

Motion carried 8 “yes” – 1 “no.” Chairman Poteet voted “no.”

C. Conveyance Proposal Updates – staff

Alex Sulecki noted the following:

- Caloosa Reserve – Staff is awaiting resubmittal of the Management Plan from the landowner.
- Benfield Road properties – Management Plan slated for action today and the owners have indicated they are in agreement for an endowment fund for maintenance (there is no formal agreement at this time).

The Committee determined to require a Phase I Environmental Assessment for the Benfield Road properties.

V. New Business

A. ICSR’s

1. Joyce

Christal Segura provided a Power Point presentation on “*Conservation Collier Initial Screening Report – Joyce Property*” dated November 10, 2008 and highlighted the following:

- The property is 2.27 acres adjacent to the Oetting and Freitas parcels.
- The Oetting and Freitas parcels were previously acquired by the Program and are adjacent to Horsepen Strand.
- Access is via a paved road, 60th Ave NE
- There are minimal invasive exotics present.
- The adjacent properties are undeveloped
- Estimated market value - \$27,000
- Overall score 261/400
- The Elementary School across the street will be involved in naming of the Preserve, which will serve as an educational opportunity for the Public.

It was recommended the Big Cypress Basin provide an update on their funding activities for research in Horsepen Strand.

B. Cycle 6 proposal updates – scoring charts

Alex Sulecki presented the document “*Conservation Collier Cycle Six Willing Sellers*” dated November 10, 2008.

Included in the package was an overview of all of the Cycle 6 properties (excluding the TDR conveyance properties) for the Committees consideration in

ranking the parcels for acquisition in December. It was noted the Joyce parcel value of \$27,000 (\$12,000/acre) should be incorporated into the "Estimate Value/Actual Value" and the "Estimated Cost per Acre/Cost per Acre" columns respectively. Also submitted for "ranking consideration" was a document entitled "*Conservation Collier Cycle 6 Ranked Scores.*"

Ms. Wolok left at 11:05am

C. Refresher – development of Active Acquisition List

Alex Sulecki presented the document "*Conservation Collier Ranking Procedure-November 2008*" for the Committees consideration in ranking the properties for acquisition in December.

D. Conservation Collier Logo proposal

Alex Sulecki provided the Executive Summary "*Conservation Collier Logo*" dated November 10, 2008. She noted the Committee may approve the logo, but it will need final approval by the Board of County Commissioners who are in the process of determining whether separate logos within County Agencies are appropriate.

The Outreach Committee recommended the logo (logo I) designed by Jeff Curl. It will be revised to state "For Present and Future Generations."

Mr. Staiger moved to approve logo "I" as the Conservation Collier logo as revised. Second by Mr. Pires.

Mr. Kriz and Mr. Espinar stated they would prefer a simpler logo design.

Motion carried 6 "yes" – 2 "no." Mr. Kriz and Mr. Espinar voted "no."

D. Benfield Road Restoration Management Plan

Melissa Hennig presented the Plan noting it was recommended for acceptance by the Lands Evaluation Subcommittee and CDES Staff.

Mr. Kriz moved to approve the document "Conservation Collier: Benfield Road Properties Restoration and Management Plan" dated October 2008. Second by Mr. Staiger. Carried unanimously 8-0.

F. Starnes Panther Conservation Bank Agreement

Melissa Henning presented the document "*Summary of Starnes Panther Habitat Unit Conservation Bank Exhibits, Appendices and/or Agreements*" dated November 10, 2008. Also included was a draft Executive Summary related to the document.

A discussion ensued regarding the details of the document between Committee members, Staff and Amber Crooks of the Conservancy of Southwest Florida.

The Committee determined the item should be taken up by the Lands Evaluation and Management Subcommittee and returned to the full Committee for review.

G. Outstanding Advisory Committee Member Program

None

H. Coordinator Communications

Alex Sulecki noted the following

- Outreach Committee has recommended coordinating with CREW (Corkscrew Regional Ecosystem Watershed) Land Trust to distribute Conservation Collier brochures.
- CREW has added a Conservation Collier link to their website.
- CREW will be opening their Cypress Domes Trails on January 23, 2008 and have invited members of Conservation Collier. Any members wishing to attend should notify Staff so proper Public Notices may be issued if necessary.
- She thanked Ms. Wolok for representing Conservation Collier at the Environmental Leadership Program conference.
- She is attending the Ross W. McIntosh Show on November 20, 2008.

VI. Sub-Committee Meeting Reports

A. Outreach – Tony Pires, Chair

None

B. Lands Evaluation and Management – Marco Espinar, Chair

There will be a meeting immediately following this meeting to review the Milano Land Management Plan.

C. Ordinance Policy and Procedures – Will Kriz, Chair

None

VII. Chair Committee Member Comments

Chairman Poteet thanked all for the cards he received during his illness. In addition reminded members the annual ranking of properties will take place at the December meeting. Contact Staff with any questions regarding parcels under consideration. **Mr. Delate** recommended the Preserve Naming Competitions include public and private schools.

VIII. Public General Comments

Paul Constantino addressed the Committee stating he will remove any debris existing on his property at his expense.

IX. Staff Comments

November 10, 2008

Melissa Hennig stated the Office and Management and Budget will prepare an in-depth analysis of Conservation Collier financing following the November 18, 2008 Board of County Commissioners meeting.

There being no further business for the good of the County, the meeting was adjourned by order of the chair at 12:27 P.M.

**Conservation Collier Land Acquisition Advisory
Committee**



Bill Poteet, Chairman

These minutes approved by the Board/Committee on Dec 8, 2008
as presented or as amended . 