



City Council Chamber
735 Eighth Street South
Naples, Florida 34102

City Council Workshop Meeting – January 8, 2007 – 8:30 a.m.

Mayor Barnett called the meeting to order and presided.

ROLL CALLITEM 1

Present:

Bill Barnett, Mayor
Johnny Nocera, Vice Mayor

Council Members:

William MacIlvaine
Gary Price, II
John Sorey, III
Penny Taylor
William Willkomm, III

Also Present:

Robert Lee, City Manager
Robert Pritt, City Attorney
Vicki Smith, Technical Writing Specialist
Tara Norman, City Clerk
Stephen Weeks, Technology Services Director
David Lykins, Community Services Director
Michael Bauer, Natural Resources Manager
Ann Marie Ricardi, Finance Director
Dan Mercer, Public Works Director
Ron Wallace, Construction Management Director
Paul Bollenback, Building Official
Chet Hunt, CRA Manager
Robert Middleton, Utilities Director
Michael Klein, Waterfront Operations Manager

Frank Donohue
Dorothy Hirsch
Sue Smith
Henry Kennedy
Jim Boula
Judith Chirgwin
Toni Tuttle
Doug Finlay
Alan Ryker
Dianne Mayberry-Hatt
Segundo Fernandez

Media:

Aisling Swift, Naples Daily News
Other interested citizens and visitors.

SET AGENDA.....ITEM 2

MOTION by Taylor to SET AGENDA AS PRESENTED; seconded by Price and unanimously carried, all members present and voting (MacIlvaine-yes, Nocera-yes, Price-yes, Sorey-yes, Taylor-yes, Willkomm-yes, Barnett-yes).

PUBLIC INPUTITEM 3

Frank Donohue, 5961 Westport Lane, representing the Marine Industries Association of Collier County, addressed the recent administrative law decision concerning the posting of lowered vessel speed limits in Naples Bay, urging that no further tax monies be expended for litigation in this matter. Instead, he said, additional patrol officers are needed to enforce existing laws. Mr. Donohue took issue with City Attorney Robert Pritt's recommendation that further

legal action nevertheless be pursued and suggested that the City retain another law firm to review this decision before proceeding. **Dorothy Hirsch, 626 Regatta Road**, suggested a workshop to compile a synopsis of areas open to enforcement, including a summary of fines and penalties. This should include nuisance violations as well as structural violations, she said, taking the position that this would make future enforcement less subjective. **Sue Smith, 11th Avenue South**, with regard to the visioning process suggested that Council review the manner in which past tax monies have been spent, that this should be considered before additional taxation is proposed. She also criticized what she termed was the tracking of public information requests and was also critical of the manner in which mulch had been applied to medians, noting that the material washes into the streets and then into the storm drains.

REQUEST FOR ATTORNEY/CLIENT (EXECUTIVE) SESSIONITEM 9

City Attorney Robert Pritt requested that Council advise him in an executive or closed attorney/client session pertaining to Collier County Board of County Commissioners, et al, Petitioners vs. Florida Fish and Wildlife Conservation Commission and the City of Naples et al, Respondents, and Citizens to Preserve Naples Bay, Inc., and the Conservancy of Southwest Florida, Inc., Intervenor – State of Florida Administrative Hearings – Case No. 05-2034, 05-2035, 05-2036 and 05-2037. This request was granted for 11:45 a.m., during the City Council Regular Meeting of January 10, 2007.

Consensus to hold attorney/client session on Wednesday, January 10, 2007, at 11:45 a.m. during the Regular Meeting

WATERWAYS ANCHORAGE DISCUSSIONITEM 4

Attorney Segundo Fernandez, representing the City in the matter of obtaining a permit for the Crayton Cove mooring field, reviewed the resolution of issues in this regard, including submerged land ownership and leases. He said that the matter of the submerged land lease and environmental resource permit (ERP) is to come before the Governor and Cabinet for approval; however, while preparing for that hearing, several issues came to light. One involved the Governor and Cabinet imposing upon the City, through the Florida Department of Environmental Protection (FDEP), the requirement to prohibit the anchorage of vessels outside the mooring field for which the permit and the lease were being pursued. However, Federal Maritime Law preempts municipalities from enacting certain ordinances that restrict navigation, and this has been pointed out to the FDEP and the Fish & Wildlife Conservation Commission; in addition, only the State can regulate anchorage of vessels over sovereignty submerged lands which in the case of the City of Naples, are owned by the State. Nevertheless, he said he recommended that the proposed Naples ordinance be continued until these issues are fully resolved at the Cabinet level. Even so, the State had itself failed to adopt regulations in this regard; therefore it could not ask the City to do so. The anticipated alternative is that when the matter of the submerged land lease and ERP come before the Governor and Cabinet tentatively on February 13, the City will be required to enter into a management agreement to assist the State in enforcing its regulations, if these regulations are indeed ever decided upon at the State level, Mr. Fernandez said.

Another item to be heard by the Governor and Cabinet involves a requirement that the City quit claim back to the State any submerged land that it owns in exchange for issuance of the Butler Act disclaimer, which has already been received. Attorney Fernandez however took the position

that it is not correct for the State to ask the City to forfeit its claim to land whose ownership is not in dispute. Attorney Fernandez noted that the FDEP however appears to be sympathetic to this position and that the City is compliant with the Consent Orders and the Temporary Use Agreement in force.

Attorney Fernandez further explained the above referenced Butler Act, adopted in the 1950's, which entails the State relinquishing ownership of sovereign land over navigable waters with regard to where permitted improvements have been made. This is the case with reference to the marina owned by the City of Naples so that ownership would not be in question and no submerged land lease payment would be necessary. This however is not the case with regard to the mooring field which was placed in open water and preempts sovereignty lands; vessels are in essence permanently anchored there and the water is therefore not navigable making the execution of a submerged land lease necessary.

In response to Council Member MacIlvaine, Attorney Fernandez clarified that the above mentioned State regulations would be applicable statewide when adopted and the management agreement by the City would be to aid in the enforcement of those rules, as would be the case with other cities around the State. He also confirmed for Council Member Sorey that the City would no longer be required to adopt the ordinance restricting anchorage, which would remain as presently dictated by the Temporary Use Agreement. He further clarified that local legislation would however be necessary to deal with instances when a vessel has given up all rights to navigate, such as one permanently disabled and/or abandoned. Under Federal Maritime Law, this is within the purview of the City because such vessels would present a hazard to navigation and the City would have jurisdiction.

During further discussion, Attorney Fernandez explained the adoption process by which the State would notice and receive comments on statewide issues such as adoption of rules affecting rights to navigation. This would include publication in the Florida Administrative Weekly, workshops held at various locations throughout the state for input by all interested parties, including city and county governments which would submit written comments. Then 21 days after final drafting, they would be available for challenge through the administrative hearing process. He concluded by saying that it was possible that these rules may in fact, never be adopted; nonetheless, the impetus for such legislation usually derives from environmental groups who believe that the indiscriminate anchorage of vessels with liveaboards is adversely affecting the environment, Mr. Fernandez concluded.

Council Member Taylor then noted the City's effort to form a consortium of municipalities around the state regarding undergrounding of utilities, and Attorney Fernandez received consensus by Council to inform the Florida League of Cities of the formation of such a lobbying group.

Council Member Sorey requested that City Manager Lee provide a summation of the City's position with regard to issues surrounding the lands affected by the Butler Act, thereby enabling Council Members to individually lobby state legislators. He also urged involvement around the state in the development of the regulations under discussion at that meeting. City Manager Lee

noted that he had previously requested an executive summary from the State and would provide it to Council.

Public Comment: (9:12 a.m.) **Henry Kennedy (no address given)**, questioned the advisability of the City relinquishing its claim to lands and asked whether State-imposed rules had the full effect of law. He also questioned the City agreeing to aid in enforcing regulations that are not yet adopted by the State. Attorney Fernandez said that regulations adopted by State of Florida agencies, or by the Governor and Cabinet, indeed have the full force and effect of law; nevertheless, they may be challenged during the aforementioned drafting process. He however concurred with Mr. Kennedy's dismay regarding rules not yet adopted, but also pointed out that this agreement is a condition attached to approval of the submerged land lease that the City is requesting. Attorney Fernandez also stressed that when ownership of lands is transferred to governments or private citizens in conjunction with the Butler Act, the State requires adjacent submerged land to be quit claimed to ensure that no further question of ownership could occur beyond that which was originally transferred by the State. This should not apply to a parcel of approximately 8,500 square feet of submerged land to which he said the City is in possession of a deed. **Jim Boula, 702 Broad Avenue South**, said that according to the Temporary Use Agreement now in effect, a liveaboard is defined as a vessel on which a five-day continual stay occurs, with or without intent of the vessel being a permanent residence; conversely, being in navigation is any vessel that is not abandoned or put out of service. He requested further clarification of the distinction between these two categories. Attorney Fernandez said that the definition of navigation is for the State to determine and that under the State Constitution, the Cabinet is charged with managing navigable waters. Where the City's mooring field is concerned, the State is the landlord therefore it may impose a five-day liveaboard standard, although as the lessee, this could be challenged by the City. Furthermore, the State may impose various conditions on environmental permitting for the City Dock as a marina. However, Attorney Fernandez stressed that the required permits should be first obtained with modifications requested from the State at a later time.

Consensus to allow Attorney Fernandez to contact the Florida League of Cities regarding formation of a lobbyist group for undergrounding of utilities around the state.

IMPACT FEE DISCUSSIONITEM 5

City Manager Robert Lee introduced this item by explaining that it is an overview of the impact fee program in Collier County, advising Council of what fees are levied by the County, and the City's portion of those fees, and how the fees are used. Finance Director Ann Marie Ricardi, utilizing an electronic presentation (a printed copy of which is contained in the file for this meeting in the City Clerk's Office), explained that an impact fee (or capacity fee) is a charge on new development to underwrite the construction or expansion of off-site capital improvements that are necessitated by and benefit the new development. In the City, this charge is based on square footage. She also noted that water and sewer fees would be addressed at a future presentation and therefore would not be included in that day's impact fee discussion.

Director Ricardi stated that Chapter 163.31801, Florida Statutes, is the "Florida Impact Fee Act" which was recently amended to require a separate fund for each category. She listed the 12 impact fees charged by the County, which are collected at the issuance of the building permit:

Community Parks, Regional Parks, Libraries, Fire, School, Road, Jail, EMS, Government Buildings, Law Enforcement, Water, and Sewer. Director Ricardi added that the City collects fees for the County, per an interlocal agreement which renews automatically (Library, Parks, EMS, Correctional, School and Streets); during the building permit issuance, the City retains 2.79% as an administrative fee and with certain exceptions, the remainder is forwarded to Collier County. These exceptions are the County Road Impact fee, of which the City retains the first \$200,000 collected, and the School Impact fee, of which the City retains 0.65%.

The City's six impact fees are Parks, Fire, Government, Law Enforcement, Water and Sewer, and are regulated under Section 2-841 and Appendix A of the Code of Ordinances, Director Ricardi said. She then gave a comparison of City/County impact fees (Attachment 1), noting that the differences lie in that no Community Parks, Fire, or County Law Enforcement are paid by those building within the City. She then reviewed the collection and usage of City funds since 1991 (Attachment 2) and explained that \$25,000 had been budgeted for an impact fee study in 2006-07 since fees had not been updated since 1991. In response to Council Member Price, she explained that the study would involve an analysis of the City's needs and provide a nexus to new construction. Council Member Sorey noted that since citizens of the City indeed subsidize the County through payment of impact fees, they should make known their opinions to the County when increases are contemplated.

In response to Council Member Willkomm, City Attorney Robert Pritt affirmed that impact fees are charged only against new construction, and no impact fees are required if one house is replaced with another; however, if one structure is replaced with two units, then impacts fees are required. Mr. Pritt further explained that this is the reason fewer impact fees are paid within the City because fewer structures are considered new construction. During further discussion, Council Member Sorey requested an additional impact fee comparison of a 2,000 and 4,000 square foot home built as new construction in the County as compared to a teardown in the City replaced by the same 2,000 and 4,000 square foot home, and also the proper procedure for the teardown of an existing home. (Please see below for additional information presented regarding impact fees following a recess.) City Attorney Pritt pointed out to Council that he supported the aforementioned impact fee study, noting that many of Council's questions would be answered by that study.

Public Comment: Doug Finlay, 3430 Gulf Shore Boulevard North, waived comment.

.....**ITEM 6**
NAPLES BAY SOUTH FLORIDA WATER MANAGEMENT DISTRICT FUNDS

Natural Resources Manager Michael Bauer gave an electronic presentation (a printed copy of which is contained in the file for this meeting in the City Clerk's Office) in which he overviewed funding from the South Florida Water Management District (SFWMD) and how these allocations affect Naples Bay. Noting a recent confusion in the public, Dr. Bauer clarified that in 2004, SFWMD approached the State for funding in the amount of \$1-million toward the restoration of Naples Bay and the request was denied. SFWMD then decided to allocate this amount from its own Naples Bay funding, Dr. Bauer said, and presented a breakdown of the expenditures (Attachment 3). Council Member Sorey pointed out that the aforementioned \$1-million was allocated for Naples Bay, not the City of Naples as perceived by some members of the public. If the City had presented projects worthy of funding, it would have received a greater part of that allocation, he said, and Dr. Bauer agreed. Dr. Bauer also stressed that he did not

consider it a competition due to the fact that all of the projects funded would indeed benefit the Bay.

Dr. Bauer then reviewed the 2005 and 2006 Naples Bay Watershed initiatives (see Attachment 3), which were disbursed to the City, County and SFWMD for their respective projects, especially noting the \$1-million to the District for the Golden Gate weir construction. Discussion followed regarding improvement to the City's projects thereby obtaining more of the available funding. Council Member Sorey further explained that SFWMD ranks project proposals on their merits and disburses funding accordingly; therefore, the City must be proactive in development of projects benefiting its efforts in restoration of Naples Bay.

Council Member Price asked whether a project could be developed with clearly defined goals and realistic expectations for the amount of funding available to proceed with that project. In response, Dr. Bauer explained that the philosophy of the City has changed in that emphasis is now decidedly on quality of the water entering the Bay, not merely the quantity, and that these types of goals and expectations will be reflected in an upcoming presentation regarding the Stormwater Master Plan to be presented by Public Works Director Dan Mercer. Council Member Sorey pointed out that Dr. Bauer and his staff are however monitoring the pollutants in Naples Bay coming from the City and the fresh water runoff from the County that affects the dissolved oxygen. Dr. Bauer said that he would in March be reviewing with Council the results from the 16 monitoring sites.

City Manager Robert Lee stated that the City is taking positive steps in obtaining the above referenced funding, which are usually matched by the entity receiving the funding; he also noted that the Stormwater Master Plan had not been updated since 1996. In response to Vice Mayor Nocera, City Manager Lee suggested the implementation of an independent Natural Resources Department as part of the ongoing visioning process.

Recess: 10:21 a.m. to 10:36 a.m. It is noted for the record that the same Council Members were present when the meeting reconvened.

A brief discussion followed regarding impact fees (see Item 5 above) and the document presented to Council during the above recess (Attachment 4) which reflects Collier County impact fees on addition/replacement construction. City Manager Lee said that it appeared the County does indeed impose impact fees for teardowns according to increase of square footage, but that the City does not. Council Member Price stated that additional discussion of this item could take place during the January 10 meeting, Item 8-c (agreement to provide Temporary Plans Examiner and Building Inspections Services). Council Member Sorey suggested that the way in which the County imposed impact fees per square footage of increase in size should also be included in the study regarding City impact fees (see Item 5 above, page 5). Building Official Paul Bollenback explained that a formula is used when a home is built in the City whereby a determination is made as to the requirements for the structure, that if the construction necessitates a larger water meter than on the unit previously occupying the site, then a fee is associated, through utilities, for this increase in infrastructure usage.

PATHWAYS STUDY UPDATEITEM 7
Construction Management Director Ron Wallace utilized an electronic presentation (a printed copy of which is contained in the file for this meeting in the City Clerk's Office) to review the ongoing Pathways Master Plan, adding that staff would return in the near future with results of

the Comprehensive Pathways Study. He reviewed current and completed projects such as the Neapolitan Way sidewalks and the Ninth Street South missing links. He also noted the Gulf Shore Boulevard one-way analysis wherein the consultant had recommended against proceeding with a one-way configuration; this roadway had been incorporated into the Comprehensive Pathways Plan instead.

Director Wallace explained the public involvement, goals and schedule associated with the Comprehensive Pathways Plan, emphasizing public concerns/comments on the need for more connectivity between such facilities as the parks and beaches, improved signage and better education for bicyclists and motorists. Director Wallace said that a third public meeting would be held in February, at 5:00 p.m. at the Norris Center for a presentation of the draft plan; the public involvement summary would then come before Council sometime in March.

Council Member Price urged Director Wallace to incorporate comments and concerns made by members of the public other than in the meeting context; he also suggested sharing the aforementioned draft plan with the public prior to coming before Council thereby allowing additional input which could then be transmitted to Council. City Manager Robert Lee said that the staff would make the draft plan available to the Presidents' Council, enabling each neighborhood represented the opportunity to review and return with suggestions and/or comments. Council Member Sorey urged any interested citizens to attend the above referenced February meeting to review and offer any commentary necessary.

With regard to public education, Council Member Taylor stressed the importance of cyclists and pedestrians understanding the proper pathway safety protocol. Director Wallace concurred that an educational program is needed and noted that this would be addressed during the budgeting phase. Council Member Taylor asked whether staff had looked to grant funding for this purpose, pointing out that it should be an ongoing process, not merely at the initial stage.

Public Comment: (10:58 a.m.) **Judith Chirgwin, 112 Tenth Avenue South**, said that she did not feel Naples had been developed as a tourist destination, that it is a planned residential community. She stated that as a resident on Gulf Shore Boulevard South, she does not wish to relinquish her greenspace for bicycle racing enthusiasts since the County has areas which would accommodate this activity. **Toni Tuttle, 87 Sixth Avenue South**, addressed what she termed safety issues regarding Gulf Shore Boulevard South, citing a count of pedestrian, bicycle and vehicular traffic in her area, and saying that a pathway in Old Naples would not, in her opinion, solve any of the existing problems. **Doug Finlay, 3430 Gulf Shore Boulevard North**, said that, in his opinion, the goal of establishing pathways is to have people cycle into town instead of driving and that the City's plan should be integrated into the Collier County Comprehensive Pathways Plan for greater efficiency. He explained that in the upcoming Level of Service (LOS) report for Parks and Parkways, 19 of 21 categories will show no five-year growth due to the fact that no space exists for additional parks or ball diamonds within the City. Mr. Finlay stressed that there are however accommodations for bicycle lanes and paths due to the fact that the City already owns the rights-of-way where they would be constructed. In conclusion, he pointed out that most cyclists in the City, many of whom are older residents, are not racers and do not participate in the pace lines associated with the sport. In response to Council Member Taylor, Mr. Finlay said that while he recognizes the need for pace lines, the size of the line is a key safety factor; that perhaps limiting the size of the line and not banning them all together would

be a solution. Council Member Price noted the need for motorists to be aware that cyclists also have a right to utilize the roads; more and more bicycles are on the road and an educational program is needed regarding safety issues, he added. **Alan Ryker, 300 Fifth Street South**, stated that more bicycles are now sold than other vehicles and presented Council with a flyer regarding an upcoming cycling event (a copy of which is contained in the file for this meeting in the City Clerk's Office). He stressed the need to promote awareness and educate the public, especially those new to the City, that bicycling is so prevalent in the area. **Dianne Mayberry-Hatt, 470 Banyan Boulevard**, said that she has been attending the pathways meetings and is very excited, as a cyclist herself, at the interest of her fellow attendees.

In response to Mayor Barnett, City Manager Lee said that an update on the patching of cutouts in the roadway due to utility work on Eighth Avenue South, west of Saint Anne's School, would be forthcoming at that week's regular meeting. He also noted that in order for staff to obtain the above referenced public input to the draft pathways plan, it would most likely not come before Council until sometime in April. Council Members Sorey and Price cautioned that it be no later than the first meeting in April due to seasonal residents leaving the area; they also suggested that the Presidents' Council could attend the public hearing if their residents have comments in need of forwarding to Council. City Manager Lee said that an email could be sent to all members notifying them of the present schedule for the draft plan.

WATER CONSERVATION PROGRAM.....ITEM 8

Utilities Director Bob Middleton gave an electronic presentation (a printed copy of which is contained in the file for this meeting in the City Clerk's Office) during which he said that this program is to educate students at the elementary level on the consumption and conservation of water. He said that the City of Naples produces 21 million gallons of water per day during the winter season and that annual water consumption is approximately 6.1 billion gallons; therefore, it is essential to heighten public awareness with regard to conserving this valuable resource. Director Middleton explained that 250 fifth grade students would be provided with a resource action kit to take home that would include a water efficient showerhead, two faucet aerators, and also a system for detecting toilet leaks, which he said is the greatest source of wasted water usage. Once the devices are installed, the students will perform a water audit of their home and provide the data to their respective schools. He said it is hoped that with family involvement, conservation will be generated within those homes. In reviewing the calculation summary (Attachment 5), he explained that if 60% of the 250 homes installed the water efficient showerheads, over a one-year period, 2.1 million gallons of water would be conserved. He concluded that the total cost of the program is approximately \$8,300, and the program will begin with teacher enrollment in January through February, with results reported to Council in the summer.

In response to Council Member Sorey, Director Middleton said that 70% of the above referenced 21 million per day is used for irrigation and agreed that with recent weather conditions, water levels are slightly low. Responding to Vice Mayor Nocera, Director Middleton explained that annual daily use is approximately 17 million gallons per day, that the 21 million is seasonal use when additional residents are present. With regard to the City's water use permit, although the system design capacity is 32 million per day, the amount of withdrawal is limited to approximately 25 million gallons per day. This consumptive use permit, he said, is currently due for renewal with the hope of lengthening the permit from a five to either a ten or twenty-year

duration due to the water conservation programs now underway in the City. Again in response to Vice Mayor Nocera, Director Middleton pointed out that two lines, potable and non-potable/reuse, are not yet required for new construction, although the two lines are now being installed to existing homes. Council Member Sorey suggested that the irrigation hookup be located near the meter therefore lessening the cost when the reuse system becomes available to all residents.

Consensus for staff to research requirements relative to homeowner connections to future reuse water facilities.

BRIEFING BY CITY MANAGER.....ITEM 10

It is noted for the record that a copy of the City Manager's written report is contained in the file for this meeting in the City clerk's Office. Additionally, City Manager Robert Lee noted the following: 1) suggestion of a summary sheet for staff to work from regarding cause and effect of code violations; 2) a brief explanation of the tracking of public records requests; 3) that the annual report is now available on the City website; and 4) that the lease on the parking lot at Fourth Street and Fourth Avenue South has expired. Community Redevelopment Agency (CRA) Manager Chet Hunt reported that the owner of the aforementioned lot has agreed to lease it to the City through the end of May and that the funds are budgeted within the CRA.

Consensus to renew lease on Fourth Avenue and Fourth Street South parking lot.

In response to Council Member Taylor, City Manager Lee explained that Michael Baker, Jr., referenced in the monthly floodplain mapping progress report dated December 29, 2006, is the second consultant hired by the Federal Emergency Management Agency (FEMA). Also, Council Member Taylor requested explanation of the December 29 memo from Public Works Director Dan Mercer in which approval for signage prohibiting truck traffic on Fifth Avenue South had been requested. She expressed dismay that truck traffic could be diverted from Fifth Avenue South which is the only commercial truck route within the Old Naples area. She further took issue with the rerouting since Central is a residential area. City Manager Lee said that staff would provide further information during the January 10 meeting regarding possible alternative route recommendations. Council Member Willkomm asked whether the noise of vehicles transversing the brick crosswalks on Central had been taken into consideration during the rerouting of the trucks, that these crosswalks create noise when merely from car travel.

Council Member Taylor asked whether the drafting of documents, such as the annual report, could be worded in such a way that the public could more easily comprehend their contents and City Manager Lee responded that the section of the annual report she referenced (under Finance and Administration, paragraph two) could actually be amended since it is on the City website for the public to view.

Council Member Sorey also referenced the above mentioned FEMA report, asking whether the delays noted would affect the projected completion of the mapping, which he pointed out, is presently far overdue. He also reminded Council that the consultants for the visioning survey

questions would be in need of guidance regarding the recipients of the survey and suggested that those residents domiciled in the City should be the ones to be surveyed.

REVIEW OF ITEMS ON THE 01/10/07 REGULAR MEETING AGENDAITEM 11
Council Members Taylor and Price requested additional information regarding Item 8-b (landscape services). Mr. Price asked for an explanation of the discrepancy of the amount approved and the amount actually paid, and whether this amount is only for sod replacement; Miss Taylor requested a history of the median issues. City Manager Robert Lee requested that Item 8-f (South Florida Water Management District/SWFMD funding) be removed from the Consent Agenda for separate discussion. Council Member Taylor also requested information regarding the Design Review Board's (DRB's) action regarding Item 9 (Conditional Use 06-CU11/Freedom Monument) and Council Member MacIlvaine asked whether Collier County input on this item had been received. City Manager Lee also noted that staff would request that Item 14 (anchorage ordinance) be continued to the February 21, 2007, regular meeting.

PUBLIC COMMENT
(12:00 p.m.) **Sue Smith, 11th Avenue South**, questioned travel and service vehicle routes in the Old Naples area with increased traffic, installation and future maintenance of manhole covers in the City many of which are currently causing a traffic hazard, contracting of landscaping maintenance around the City, and the use of mulch in medians which washes into the stormwater system.

CORRESPONDENCE/COMMUNICATION
Council Member Sorey noted the recent drug-related arrests on 14th Street North and asked that staff develop recommendations to avoid similar future problems at rental properties such as this. He also requested the status of the Naples Preserve roof repair, to which City Manager Robert Lee responded that the Design Review Board (DRB) recently addressed this item and recommended utilizing the Dura Loc process. Council Member Willkomm asked that addresses be provided to enable Council Members to visit sites on which the process had been applied and Council Member Price stated that he wished to propose language to be added to the contract which would aid in protecting the City if leaking should occur following the application of the process. Council Member MacIlvaine requested that legal updates be provided to Council in a more timely manner and that they be edited when new information is included within the updates. Regarding Item 12/Administrative Appeal 06-AA4, 22 Fourth Avenue South on that week's regular meeting agenda, Council Member Taylor asked whether State definitions existed for building issues and terms such as wall, stem wall, and foundation, requesting that these be provided; Council Member Sorey added monolithic slab to this list of definitions, and Vice Mayor Nocera requested aerated concrete be included. Miss Taylor also requested the status of the Master Plan for River Park and the legal research regarding Keewaydin Island park; she also noted the need to inform the public that alligators are a possible presence in lakes around the City. Vice Mayor Nocera suggested status reports on response to complaints received by Council Members from the public containing staff actions regarding the complaints. Council Member Price asked for review of vacant lot maintenance in the City and requested a future workshop regarding discussion of in-house versus outside legal counsel to avoid conflict of interests. Mayor Barnett requested an update on shuffleboard courts, a progress report on the new computerized traffic signalization system, and the status of the formation of the consortium regarding undergrounding of utilities.

Consensus to review codes regarding vacant lot maintenance and future needs in this regard.

Consensus for future workshop discussion of in-house versus outside legal counsel.

ADJOURN
12:24 p.m.

Bill Barnett, Mayor

Tara A. Norman, City Clerk

Minutes prepared by:

Vicki L. Smith, Technical Writing Specialist

Minutes Approved: 2/7/07

Impact Fee Comparison

	(for a 2000 SF home)		City of Naples	
	East Naples Construction	Construction		Difference
Parks – City	-	87.51		87.51
General Government - City	-	73.66		73.66
Fire - City	-	82.23		82.23
Law Enforcement City	-	199.10		199.10
				-
Parks – Regional	2,272.00	2,272.00		-
Parks – Community	1,027.00	-		(1,027.00)
East Naples Fire	440.00	-		(440.00)
Libraries	506.25	506.25		-
Schools	9,206.00	9,206.00		-
Roads:	8,884.00	8,884.00		-
Jails:	213.40	213.40		-
Emergency Medical Services	112.04	112.04		-
County Law Enforcement	317.55	-		(317.55)
Government Buildings	807.00	807.00		-
				-
Total	23,785.24	22,443.19		(1,342.05)

Impact Fee Usage (City)

Fire

- ◆ Collections since 1991 \$777,268
- ◆ Expenditures include:
 - Station 1 Expansion 1995 \$574,757
 - Mobile Burn Unit \$77,832
 - Special Response Trailer \$12,199
 - Fire Engine \$81,250
 - Training Site Expansion \$71,914

Impact Fee Usage (City)

Police

- ◆ Collections since 1991 \$1,452,599
- ◆ Expenditures include:
 - Police building addition \$2.2 million
 - Police Boat \$36,238
 - Pole Cam System \$13,600
 - Evidence Drying Cabinet \$3,524

Impact Fee Usage (City)

Parks & Recreation

- ◆ Collections since 1991 \$142,493.42
- ◆ Expenditures include:
 - Goodlette Road Linear Park \$139,528.82
 - Irrigation System Computerization \$6,681.52
 - Anthony Park Expansion \$70,000

Impact Fee Usage (City)

General Government

- ◆ Collections since 1991 \$407,549.91
- ◆ Expenditures include:
 - Finance/City Computerization \$734,405
 - HTE Planning / Zoning software \$26,418
 - Anthony Park Expansion \$70,000
 - TV Production Chambers \$94,345

2004 NAPLES BAY WATERSHED INITIATIVE**\$1,000,000**

Gateway Triangle	\$250,000	County
SWIM Plan	200,000	District
Bathymetric Mapping	200,000	District
Modeling	300,000	District
Historic Habitat Mapping	50,000	City

2005 NAPLES BAY WATERSHED INITIATIVE**\$2,090,000**

Oyster Restoration	\$ 50,000	City
West Lake Stormwater	200,000	County
Twin Lakes Stormwater	200,000	County
Gordon River Water Park	500,000	County
Naples Bay Stratigraphy	50,000	FGCU
Gateway Triangle	90,000	County
Golden Gate Weir	1,000,000	District

2006 NAPLES BAY WATERSHED INITIATIVE**\$1,000,000**

Basin III Stormwater	\$ 50,000	City
Basin V Stormwater	100,000	City
Royal Harbor Swales	60,000	City
Gordon River Water Park	250,000	County
Lely Stormwater	400,000	County
SWIM Plan	35,000	District
Reserved	105,000	District

2007 POTENTIAL FUNDING FOR NAPLES BAY PROJECTS**\$2,000,000**

Henderson Creek Diversion	\$ 506,000
Lely Stormwater Diversion	359,000
Golden Gate Flooding	300,000
Gordon River Greenway	300,000
Gateway Triangle	200,000
Royal Harbor Swales	60,000
Bay Biotic Survey	50,000
Pump Station Sheetflow	125,000
Pump Station Filter Marsh	100,000

COLLIER COUNTY ADDITION / REPLACEMENTS IMPACT FEES

Original Home Less than 1,500 Sq. Ft Living Area CHANGED TO: 1,500 to 2,499

Road	$\$8,884.00 - \$6,359.00 = \$2,525.00$
School	$\$9,206.00 - 8,228.00 = \977.00
EMS	$\$112.04 - \$100.59 = \$11.45$
Parks	$\$2,272.00 - \$2,068.00 = \$204.00$
Libraries	$\$506.25 - \$460.23 = \$46.02$

Original Home Less Than 1,500 SQ FT Living Area change to 2,500 plus

Road	$\$9,884.00 - \$6,359.00 = \$3,525.00$
School	$\$10,017.00 - 8,228.00 = \$1,789.00$
EMS	$\$122.67 - \$100.59 = \$22.08$
Parks	$\$2,476.00 - \$2,068.00 = \$408.00$
Libraries	$\$548.59 - \$460.23 = \$88.36$

Original Home 1,500 To 2,499 SQ FT Living Area change to 2,500 plus

Road	$\$9,884.00 - \$8,884.00 = \$1,000.00$
School	$\$10,017.00 - 9,206.00 = \811.00
EMS	$\$122.67 - \$112.04 = \$10.63$
Parks	$\$2,476.00 - \$2,272.00 = \$204.00$
Libraries	$\$548.59 - \$506.25 = \$42.34$

Government Buildings & Jail Additional SQ. FT. ONLY

Government Buildings	$\$.1412$ Per Sq. Ft (Living Area)
Jail	$\$.1067$ Per Sq. Ft.(Living Area)
	Effective 6/30/06

CALCULATION SUMMARY

Long-term Benefits

		GALLONS SAVED				Gallons Saved by ALL Three Devices		
Participants (homes)	% of installation rate	Annual Showerhead Savings (Estimated 10 year life)		Annual Kitchen Faucet Aerator Savings (Estimated 5 year life)		Annual Bathroom Faucet Aerator Savings (Estimated 5 year life)		10 Years
		2,190,000	136,875	159,688	205,313	239,531	273,750	
250	60%	2,190,000	136,875	159,688	205,313	239,531	273,750	23,610,938
250	70%	2,555,000	159,688	182,500	239,531	273,750	307,969	27,546,094
250	80%	2,920,000	182,500	205,313	273,750	307,969	354,164	31,481,250
250	90%	3,285,000	205,313	239,531	307,969	354,164	401,175	35,416,406