



City Council Chamber
735 Eighth Street South
Naples, Florida 34102

City Council Regular Meeting – June 13, 2007 – 9:00 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
Tara Norman, City Clerk
Vicki Smith, Technical Writing Specialist
Stephen Weeks, Technology Services Director
Adam Benigni, Acting Planning Administrator
Christine Carrera, Building & Zoning Technician
Robin Singer, Community Development Director
David Lykins, Community Services Director
Ron Wallace, Construction Mgmt. Director
George Archibald, Traffic Engineer
Dan Mercer, Public Works Director
Sandeep Dasari, Plans Review Engineer
Ann Marie Ricardi, Finance Director
Bob Middleton, Utilities Director
Joe Boscaglia, Parks & Parkways Superintendent
Larry Arrington
Herb Marlowe
Ernest Linneman
Tom Laughlin
Allen Nelson

Gene Scott
Virginia Corkran
Judith Chirgwin
Dorothy Hirsch
Sharon Kenny
Everett Thayer
Sue Smith
Sandi Leddy
Michael Volpe
Willie Anthony
Don Leddy
Falconer Jones, III
Margaret Sulick
AnneElena Foster
Donna Westemeyer
Taylor Wells
Robert Wiley

Media:

Eric Staats, Naples Daily News
Aisling Swift, Naples Daily News
Other interested citizens and visitors

INVOCATION AND PLEDGE OF ALLEGIANCE.....ITEM 2

Pastor Gene Scott, Celebration Church

ANNOUNCEMENTSITEM 3

Mayor Barnett proclaimed June 15, 2007, as World Elder Abuse Awareness Day in the City of Naples.

SET AGENDA (add or remove items)ITEM 4

MOTION by Taylor to ***SET THE AGENDA*** withdrawing Items 8-r (structural engineering) and Item 14 (ranking of firms to provide Master Planning for Naples City Dock); removing from the Consent Agenda for separate discussion Items 8-i and 8-j (median lighting project on US 41), 8-n (roadway improvements on US 41), and 8-x (Naples Trolley Tours); adding Item 19 (Council Chamber design), Item 20 (functions of Citizens Police Review Board/CPRB), Item 21 (special event-50th birthday party/John Cox), Item 22 (amendment to interlocal agreement with Collier County regarding Federal Emergency Management Agency/FEMA research), Item 23 (discussion of aquifer storage and recovery/ASR wells), Item 24 (amendment to agreement with Naples Art Association/NAA), and Item 25 (designation of delegate to Florida League of Cities/FLC). This motion was 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 COMMENTITEM 5

(9:13 a.m.) **Judith Chirgwin, 112 Tenth Avenue South**, referenced what she termed photographs of City-approved construction sites abutting her property which she said she believes contributed to the flooding. This flooding, she noted, was the only time this had occurred except during Hurricane Donna (1960). Noting deficiencies of pump station #3 cited by City staff on June 11, she cautioned against any additional impervious surfaces being allowed along Gulf Shore Boulevard, south of Fifth Avenue South, since this would exacerbate the failure of the stormwater system and increase the instances of flooding. **Everett Thayer, 1690 Avion Place**, criticized past rock hauling on North Road adjacent to Naples Airport and urged Council to determine the tonnage that had actually been trucked over the roadway. In response to Mr. Thayer, Council Member Taylor indicated that Collier County and Naples Airport Authority (NAA) is now monitoring the activities of the mining contractor, Quality Enterprises. **Sharon Kenny, 411 17th Avenue South**, Aqualane Shores Neighborhood Association board member, gave a brief history of the linear park between 18th and 21st Avenues South (see Item 15 below), which she said is the only remaining open space in that neighborhood. When informed of the initial \$26,000 budgeted by the City for the upgrade of the park, she said, the neighborhood discussed means of raising additional funds since the \$26,000 would merely cover irrigation. The Association hired its own landscape architect and plans were brought before the Community Services Advisory Board (CSAB) in November of 2003 resulting in approval and a budget amount of \$45,000; however, an additional \$65,000 was needed to complete the plan as submitted, resulting in a total cost of approximately \$105,000, Ms. Kenny noted. At that time, she said, George Riley offered a donation in the needed amount to complete the mulched path, upgraded pavers, and flowers denoted in the landscaping plan; therefore, Ms. Kenny urged that Council approve Item 15. **Sue Smith, 11th Avenue South**, referred to Henry Kennedy, thanking him for his time spent addressing Council on City matters. She questioned the advisability of Council taking a lengthy summer recess and suggested that terms of office for Council Members be two rather than four years. **Virginia Corkran, 213 Ninth Avenue South**, noted her written remarks submitted regarding the City's responsibility to protect citizens from stormwater issues

resulting from construction of mega-houses (homes built to the maximum allowable lot coverage) (Attachment 1). **Donna Westemeyer, 504 Broad Avenue South**, voiced her support of Council Member Willkomm's recent questioning of the Naples Airport Authority (NAA) conduct and provided a one-week log of nighttime flights which she said should be banned from 10:00 p.m. to 6 a.m. Council Member Taylor requested a follow-up by staff with the NAA regarding those flights listed in the aforementioned log (contained in the file for this meeting in the City Clerk's Office).

CONSENT AGENDA

SPECIAL EVENTSITEM 8-a

1) Underwater Cleanup – City of Naples – Natural Resources Division – under the Naples Fishing Pier – 07/28/07.

RESOLUTION 07-11680..... ITEM 8-b

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF NAPLES AND ACCURATE TENNIS COURTS, INC., FOR THE DESIGN AND INSTALLATION OF TENNIS COURTS AT ANTHONY PARK; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 07-11681ITEM 8-c

A RESOLUTION APPROVING A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF NAPLES AND COASTAL PLANNING AND ENGINEERING, INC., FOR PROFESSIONAL CONSULTING SERVICES FOR DESIGN, PERMITTING, ENGINEERING, AND CONSTRUCTION MANAGEMENT OF THE DOCTORS PASS NORTH JETTY REPAIRS; AUTHORIZING THE CITY MANAGER TO EXECUTE THE PROFESSIONAL SERVICES AGREEMENT; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 07-11682..... ITEM 8-d

A RESOLUTION APPROVING A THIRD AMENDMENT TO THE PURCHASE AND SALE OF GOODS AGREEMENT BETWEEN THE CITY OF NAPLES AND EVANS OIL COMPANY, INC., TO PROVIDE ADDITIONAL GASOLINE AND DIESEL FUEL TO THE NAPLES CITY DOCK; AUTHORIZING THE CITY MANAGER TO EXECUTE THE THIRD AMENDMENT; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 07-11683.....ITEM 8-e

A RESOLUTION APPROVING AN AGREEMENT WITH INSITUFORM TECHNOLOGIES, INC., FOR MISCELLANEOUS LINER REPAIRS TO THE SANITARY SEWER AND STORMWATER SYSTEMS; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 07-11684..... ITEM 8-f

A RESOLUTION APPROVING A TENTH AMENDMENT TO THE CONTINUING CONTRACT FOR PROFESSIONAL SERVICES BETWEEN THE CITY OF NAPLES AND TETRA TECH, INC. - HARTMAN AND ASSOCIATES, INC., TO PROVIDE PROFESSIONAL ENGINEERING SERVICES TO UPDATE THE RATE STRUCTURE FOR THE STORMWATER UTILITY; AUTHORIZING THE CITY MANAGER TO EXECUTE THE TENTH AMENDMENT TO THE CONTINUING CONTRACT FOR PROFESSIONAL SERVICES; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 07-11685.....ITEM 8-g
A RESOLUTION APPROVING A SECOND AMENDMENT TO THE AGREEMENT WITH KYLE CONSTRUCTION, INC., FOR IMPROVEMENTS TO STORMWATER BASIN III; AUTHORIZING THE CITY MANAGER TO EXECUTE THE SECOND AMENDMENT TO AGREEMENT; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 07-11686..... ITEM 8-h
A RESOLUTION APPROVING A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF NAPLES AND KIMLEY-HORN AND ASSOCIATES, INC., FOR PROFESSIONAL DESIGN SERVICES FOR THE ROADWAY IMPROVEMENTS ON SANDPIPER STREET; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 07-11687 ITEM 8-k
A RESOLUTION APPROVING A THIRD AMENDMENT TO THE AGREEMENT WITH BENTLEY ELECTRIC COMPANY, INC., FOR THE MEDIAN LIGHTING PROJECT ON 10TH STREET NORTH BETWEEN CENTRAL AVENUE AND 6TH AVENUE NORTH; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 07-11688..... ITEM 8-l
A RESOLUTION APPROVING AN AGREEMENT FOR PURCHASE AND SALE OF GOODS BETWEEN THE CITY OF NAPLES AND LUMEC, INC., FOR THE PURCHASE OF STREET LIGHTING FIXTURES FOR 10TH STREET NORTH FROM CENTRAL AVENUE TO 6TH AVENUE NORTH; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 07-11689..... ITEM 8-m
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF NAPLES AND VILA AND SON LANDSCAPING CORP., FOR THE LANDSCAPING AND IRRIGATION PROJECT ON 10TH STREET NORTH FROM CENTRAL AVENUE TO 7TH AVENUE NORTH; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 07-11690..... ITEM 8-n
A RESOLUTION APPROVING A NINTH AMENDMENT TO THE AGREEMENT WITH BONNESS, INC., FOR ROADWAY IMPROVEMENTS ON 10TH STREET NORTH, BETWEEN CENTRAL AVENUE AND 7TH AVENUE NORTH; AUTHORIZING THE CITY MANAGER TO EXECUTE THE NINTH AMENDMENT TO AGREEMENT; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 07-11691..... ITEM 8-p
A RESOLUTION APPROVING A CONTINUING CONTRACT WITH GRAEF, ANHALT, SCHLOEMER & ASSOCIATES, INC., TO PROVIDE STRUCTURAL ENGINEERING SERVICES ON AN AS-NEEDED BASIS; AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 07-11692.....ITEM 8-q
A RESOLUTION APPROVING A FIRST AMENDMENT TO THE CONTINUING CONTRACT FOR PROFESSIONAL SERVICES BETWEEN THE CITY OF NAPLES AND GRAEF, ANHALT, SCHLOEMER & ASSOCIATES, INC., FOR THE DESIGN OF NEW JIB CRANES AND MAINTENANCE CATWALKS; AUTHORIZING THE CITY MANAGER TO EXECUTE THE FIRST AMENDMENT TO THE CONTINUING CONTRACT; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION (Withdrawn – see item 4 above).....ITEM 8-r
A RESOLUTION APPROVING A CONTINUING CONTRACT WITH TKW CONSULTING ENGINEERS, INC., TO PROVIDE STRUCTURAL ENGINEERING SERVICES ON AN AS-NEEDED BASIS; AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 07-11693.....ITEM 8-s
A RESOLUTION APPROVING A CONTINUING CONTRACT WITH RARE EARTH SCIENCES, INC., DBA HSA ENGINEERS AND SCIENTISTS, TO PROVIDE STRUCTURAL ENGINEERING SERVICES ON AN AS-NEEDED BASIS; AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 07-11694.....ITEM 8-t
A RESOLUTION APPROVING A FIRST AMENDMENT TO THE CONTINUING CONTRACT FOR PROFESSIONAL SERVICES BETWEEN THE CITY OF NAPLES AND RARE EARTH SCIENCES, INC., DBA HSA ENGINEERS & SCIENTISTS, TO PROVIDE PROFESSIONAL ENGINEERING AND DESIGN SERVICES FOR THE RENOVATIONS TO FIRE STATION #1; AUTHORIZING THE CITY MANAGER TO EXECUTE THE FIRST AMENDMENT; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 07-11695.....ITEM 8-u
A RESOLUTION AMENDING THE 2006-07 BUDGET AS ADOPTED BY ORDINANCE 06-11363 FOR THE EXPENDITURE OF FUNDS FROM THE UTILITIES TAX ACCOUNTS TO SUPPLY AND INSTALL A FIRE ALARM SYSTEM AND SMOKE DETECTORS AT FIRE STATION #2; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 07-11696.....ITEM 8-v
A RESOLUTION APPROVING SUBMITTAL OF A COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT LIST TO COLLIER COUNTY FOR POTENTIAL U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) FUNDING IN 2007-2008; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 07-11697.....ITEM 8-w
A RESOLUTION APPROVING THE STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) INTERLOCAL AGREEMENT BETWEEN THE CITY OF NAPLES AND THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, ACCEPTING THE HOUSING ASSISTANCE PLAN FOR FISCAL YEARS 2007-08, 2008-09 AND 2009-10; AUTHORIZING THE MAYOR TO EXECUTE THE INTERLOCAL AGREEMENT; AND PROVIDING AN EFFECTIVE DATE. Title not read.

MOTION by Taylor to **APPROVE CONSENT AGENDA** except Items 8-i, 8-j, 8-n, and 8-x; 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).

END CONSENT AGENDA

It is noted for the record that Items 8-i, 8-j, and 8-n were read and considered concurrently.

RESOLUTION 07-11698..... ITEM 8-i
A RESOLUTION APPROVING A SECOND AMENDMENT TO THE AGREEMENT WITH BENTLEY ELECTRIC COMPANY, INC., FOR THE MEDIAN LIGHTING PROJECT ON U.S. 41, BETWEEN 7TH AVENUE NORTH AND 17TH AVENUE NORTH; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

RESOLUTION 07-11699..... ITEM 8-j
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF NAPLES AND NEW ROOTS LANDSCAPE, INC., FOR THE INSTALLATION OF LANDSCAPING AND IRRIGATION ON U.S. 41 MEDIANS FROM 7TH AVENUE NORTH TO 17TH AVENUE NORTH; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

RESOLUTION 07-11700..... ITEM 8-n
A RESOLUTION APPROVING AN EIGHTH AMENDMENT TO THE AGREEMENT WITH BONNESS, INC., FOR ROADWAY IMPROVEMENTS ON U.S. 41, BETWEEN 7TH AVENUE NORTH AND FLEISCHMANN BOULEVARD; AUTHORIZING THE CITY MANAGER TO EXECUTE THE EIGHTH AMENDMENT TO AGREEMENT; AND PROVIDING AN EFFECTIVE DATE. Titles read by City Attorney Robert Pritt (9:50 a.m.). Construction Management Director Ron Wallace explained that during the budget process, US 41 improvements had been discussed in detail; \$600,000 had been designated for a capital improvement project continuing the Gateway theme from Seventh Avenue North to Fleischman Boulevard. Concerns had been voiced by Council as to whether the decorative lighting was needed, but support for the median landscaping and irrigation continued, he said. During these discussions it was ascertained that at least the infrastructure for the lighting should be installed simultaneously with the irrigation and landscaping to prevent damage to these other elements when fixtures were installed; therefore direction had been given to install the lighting infrastructure (conduit, wiring, and pole foundations) at the same time as the irrigation and landscaping. The three items above reflect the contracts for these elements, he said, adding that they do not include pedestrian lighting and sidewalks. He therefore asked approval.

Public Comment: (9:53 a.m.) None.

MOTION by MacIlvaine to **APPROVE RESOLUTION 07-11698** as submitted; seconded by Willkomm and carried 6-1, all members present and voting (MacIlvaine-yes, Nocera-yes, Price-yes, Sorey-yes, Taylor-no, Willkomm-yes, Barnett-yes).

MOTION by MacIlvaine to **APPROVE RESOLUTION 07-11699** as submitted; seconded by Willkomm and carried 6-1, all members present and voting (MacIlvaine-yes, Nocera-yes, Price-yes, Sorey-yes, Taylor-no, Willkomm-yes, Barnett-yes).

MOTION by MacIlvaine to **APPROVE RESOLUTION 07-11700** as submitted; seconded by Willkomm and carried 6-1, all members present and voting (MacIlvaine-yes, Nocera-yes, Price-yes, Sorey-yes, Taylor-no, Willkomm-yes, Barnett-yes).

With regard to Item 8-u (funding for installation of fire alarm system and smoke detectors at Fire Station #2), Council Member Price expressed disappointment with the supplemental information provided to Council (a copy of which is contained in the file for this meeting in the City Clerk's Office), saying this type of decision making is unacceptable.

RESOLUTION 07-11701.....ITEM 8-x
A RESOLUTION APPROVING A FRANCHISE AGREEMENT BETWEEN NAPLES TROLLEY TOURS, INC., AND THE CITY OF NAPLES, RELATING TO THE USE OF CITY STREETS AND DESIGNATED TROLLEY STOPS WITHIN THE CITY LIMITS; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (9:57 a.m. following Council Member's comments). Council Member Taylor noted that while she understood and supported the need for the trolleys to provide stops around the City, she requested confirmation that these are designated and occur in commercial, not residential areas. Council Member Sorey said that the stops are indeed designated but requested that City Manager Robert Lee follow-up on delinquent franchise fees which he had addressed with City Manager Lee prior to that meeting.

Public Comment: (9:57 a.m.) None.

MOTION by Taylor to **APPROVE RESOLUTION 07-11701** as submitted; seconded by MacIlvaine and unanimously carried, all members present and voting (MacIlvaine-yes, Nocera-yes, Price-yes, Sorey-yes, Taylor-yes, Willkomm-yes, Barnett-yes).

It is noted for the record that Items 9-a and 9-b were read and considered concurrently.

RESOLUTION 07-11702.....ITEM 9-a
A RESOLUTION DETERMINING LIVE ENTERTAINMENT PETITION 07-LE5 FOR INDOOR AND OUTDOOR ENTERTAINMENT FOR WAHOO'S BAR & GRILL LOCATED AT 210 9TH STREET NORTH, MORE FULLY DESCRIBED HEREIN, SUBJECT TO THE CONDITIONS LISTED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

RESOLUTION 07-11703.....ITEM 9-b
A RESOLUTION DETERMINING RESIDENTIAL IMPACT STATEMENT PETITION 07-RIS9 FOR EXTENDED HOURS OF OPERATION FROM 11:00 A.M. TO 1:00 A.M. SUNDAY THROUGH THURSDAY AND 11:00 A.M. TO 2:00 A.M. FRIDAY AND SATURDAY AND FOR OUTDOOR ENTERTAINMENT FROM 9:00 P.M. TO 10:00 P.M. SUNDAY THROUGH THURSDAY AND 9:00 P.M. TO 11:00 P.M. ON FRIDAY AND SATURDAY FOR WAHOO'S BAR & GRILL LOCATED AT 210 9TH STREET NORTH, MORE FULLY DESCRIBED HEREIN, SUBJECT TO THE CONDITIONS LISTED HEREIN; AND PROVIDING AN EFFECTIVE DATE. Titles read by City Attorney Robert Pritt (9:57 a.m.). This being a quasi-judicial proceeding, Notary Public Vicki Smith administered an oath to those intending to offer testimony; all responded in the affirmative. City Council Members then made the following ex parte disclosures: MacIlvaine/no contact; Sorey/visited the site but no contact; Price, Nocera, Willkomm and Taylor/familiar with the site but no contact; and Barnett/familiar with the site and spoke with the petitioner. Acting

City Council Regular Meeting – June 13, 2007 – 9:00 a.m.

Planning Administrator Adam Benigni, stated that this was a request for a live entertainment permit for a new establishment in the “D” Downtown District and that due to its location, staff recommended approval.

Attorney Michael Volpe, petitioner’s agent, explained that no residential units are located within 300 feet of the structure, that the windows do not open and are shuttered, and that the structure is solid concrete. The establishment, which has a sports theme, is seeking permission for live entertainment both inside and outside the restaurant. Inside, amplified live music would be provided by not more than six individuals and outside, amplified and non-amplified music by not more than two performers, he said. He also noted that there are 25 to 26 seats in the outside area which are screened by landscaping. Entertainment hours requested for outside entertainment are from 9:00 p.m. to 10:00 p.m. Sunday through Thursday, and from 9:00 p.m. until 11:00 p.m. on Friday and Saturday; inside entertainment would be offered from 9:00 p.m. to 1:00 a.m. Sunday through Thursday and from 9:00 p.m. to 2:00 a.m. on Friday and Saturday. Discussion followed during which Council Members pointed out that for fairness to other establishments within the City, these hours could not be approved.

Public Comment: (10:38 a.m.) **Willie Anthony, 559 14th Street North**, who was administered an oath prior to offering this testimony, stated that while he agrees with the unique location and construction of the structure, he has concern regarding the nearby church whose evening activities might be affected.

Following additional discussion of the hours applied for, Council Member Sorey moved to continue the item to 1:00 p.m. following scheduled executive sessions and a noon recess. This, Mr. Sorey said, would allow Attorney Volpe to contact the petitioner with regard to limiting both entertainment hours and the number of performers; Mr. Volpe agreed (see below).

Recess: 11:02 a.m. to 11:15 a.m. It is noted for the record that the same Council Members were present when the meeting reconvened.

EXECUTIVE SESSION.....ITEM 6
(11:15 a.m.) Mayor Barnett advised that Council would enter into an executive session pertaining to John A. Pulling, Jr., as Personal Representative of the Estate of John A. Pulling, Sr. v. City of Naples, Circuit Court Case No. 07-268-CA.

Executive Session: 11:17 a.m. to 11:25 a.m. It is noted for the record that the same Council Members were present when the meeting reconvened.

(11:25 a.m.) No action taken.

EXECUTIVE SESSION.....ITEM 7
(11:25 a.m.) Mayor Barnett advised that Council would enter into an executive session pertaining to the Board of Trustees North Naples Fire Control District v. Board of Trustees City of Naples Firefighters Pension Fund and City of Naples, Circuit Court Case No. 03-491-CA.

Executive Session: 11:26 a.m. to 11:51 a.m. It is noted for the record that the same Council Members were present when the meeting reconvened.

(11:52 a.m.)

MOTION by Barnett as follows: Roetzel & Andress to continue as City’s legal representative in BOARD OF TRUSTEES CASE NO. 03-491-CA so long as the City’s Fire Pension Board agrees to Roetzel & Andress withdrawing as its representative in the aforementioned case. This motion was seconded by Sorey

and carried 6-1, all members present and voting (MacIlvaine-no, Nocera-yes, Price-yes, Sorey-yes, Taylor-yes, Willkomm-yes, Barnett-yes).

Recess: 11:53 a.m. to 1:01 p.m. It is noted for the record that the same Council Members were present when the meeting reconvened except Vice Mayor Nocera who returned at 1:05 p.m.. Consideration of Item 9 continued following the recess and a brief discussion regarding the possibility of continuing Item 15.

(Continued from above) **ITEM 9**
(1:03 p.m.) Petitioner's Attorney Michael Volpe reported agreement by the petitioner with the hours proposed by Council contained in the motion below. Council Member Sorey stressed that the City's noise ordinance and the 50-decibel sound level would be strictly enforced. Council Member Taylor then proffered the following motions.

MOTION by Taylor to **APPROVE RESOLUTION 07-11702** amending Section 2-1 as follows: "...maximum of ~~six~~ four performers playing indoors on Sundays through Thursdays from ~~9:00 p.m. until 1:00 a.m.~~ 6:00 p.m. until 11:00 p.m. and Fridays and Saturdays from ~~9:00 p.m. until 2:00 a.m.~~ 4:00 p.m. until 11:30 p.m. and a maximum of two performers playing outdoors Sundays through Thursdays from ~~9:00 p.m.~~ 6:00 p.m. until 10:00 p.m. and Fridays and Saturdays from ~~9:00 p.m.~~ 6:00 p.m. until 11:00 p.m." This motion was seconded by Willkomm and carried 4-3, all members present and voting (Nocera-no, Sorey-yes, Taylor-yes, MacIlvaine-yes, Willkomm-yes, Price-no, Barnett-no).

MOTION by Taylor to **APPROVE RESOLUTION 07-11703** amending Section 1 as follows: "...maximum of ~~six~~ four performers playing indoors on Sundays through Thursdays from ~~9:00 p.m. until 1:00 a.m.~~ 6:00 p.m. until 11:00 p.m. and Fridays and Saturdays from ~~9:00 p.m. until 2:00 a.m.~~ 4:00 p.m. until 11:30 p.m. and a maximum of two performers playing outdoors Sundays through Thursdays from ~~9:00 p.m.~~ 6:00 p.m. until 10:00 p.m. and Fridays and Saturdays from ~~9:00 p.m.~~ 6:00 p.m. until 11:00 p.m." This motion was seconded by Willkomm and carried 4-3, all members present and voting (Price-no, Sorey-yes, Nocera-no, Willkomm-yes, Taylor-yes, MacIlvaine-yes, Barnett-no.)

RESOLUTION 07-11704.....ITEM 15
A RESOLUTION AMENDING THE 2006-07 BUDGET ADOPTED BY ORDINANCE 06-11363; APPROPRIATING \$65,000 RECEIVED FROM MR. GEORGE RILEY FOR GENERAL PARK IMPROVEMENTS TO THE LINEAR GREENSPACE MEDIAN AND RIGHTS-OF-WAY LOCATED ON THE EASTERN PORTION OF GORDON DRIVE BETWEEN 18TH AVENUE SOUTH AND 21ST AVENUE SOUTH; NAMING THE LINEAR GREENSPACE MEDIAN AND RIGHTS-OF-WAY LOCATED ON THE EASTERN PORTION OF GORDON DRIVE BETWEEN 18TH AVENUE SOUTH AND 21ST AVENUE SOUTH AS RILEY PARK; PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (1:16 p.m.). Council Member Taylor asked that City Manager Robert Lee explain a request by staff for continuance. City Manager Lee said that during the recess called at 11:53 a.m., he had been informed that information provided within the meeting packet may not be accurate; namely, that the resolution showed acceptance of \$65,000 and the naming of the park while a June 7 memorandum from Construction Management Director Ron Wallace had referenced \$120,918 as previously having

been encumbered by the City when this figure should have been approximately \$20,000. Mr. Wallace said that nearly \$100,000 of irrigation and landscaping remain to be budgeted. He further explained that when the project was originally designed by an Aqualane Shores landscaping architect, the estimated cost was approximately \$100,000; the City budgeted \$40,000 as its portion and Aqualane Shores Neighborhood Association the \$65,000 pursuant to discussions at that time. However, over time, due to increased construction costs and the addition to the original design of irrigation and additional lighting, the original \$100,000 (in 2003) had become nearly \$166,000; City funding at the prior level had not been carried forward so that an additional \$80,000 is needed from reserves to complete the park as designed. Mr. Wallace stated that a continuance would allow research into other sources within the budget as well as possible modification of the design to lower costs. Council Member Price asked whether approval could be given to move forward with the project with the understanding that staff would endeavor to find these other resources for funding. City Manager Lee indicated that this could be done and if additional approvals from Council become apparent, staff would return following the summer recess, but that the naming of the park and the acceptance of the \$65,000 could go forward at that time. Following the motion below, Mr. Wallace indicated that the irrigation and landscaping plans would indeed come before Council since a designated funding source would need approval.

Public Comment: (1:21 p.m.) None. (See also Item 5 above, Page 2.)

MOTION by Sorey to **APPROVE RESOLUTION 07-11705** as submitted; 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).

RESOLUTION 07-11705.....ITEM 16
A RESOLUTION APPOINTING AN INTERIM DEPUTY CITY CLERK FROM JUNE 13, 2007 TO FEBRUARY 29, 2008; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (1:22 p.m.).

Public Comment: (1:22 p.m.) None.

MOTION by Sorey to **APPROVE RESOLUTION 07-11704** as submitted; 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).

RESOLUTION 07 -11706ITEM 17-a
A RESOLUTION APPOINTING ONE MEMBER TO THE COMMUNITY SERVICES ADVISORY BOARD FOR THE BALANCE OF A THREE-YEAR TERM EXPIRING JUNE 18, 2008; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (1:23 p.m.).

Public Comment: (1:23 p.m.) None.

MOTION by Barnett to **NOMINATE WILLIAM TUCKER TO THE COMMUNITY SERVICES ADVISORY BOARD (CSAB) FOR THE BALANCE OF A THREE-YEAR TERM EXPIRING JUNE 18, 2008.** This motion was unanimously carried, all members present and voting (MacIlvaine-yes, Nocera-yes, Price-yes, Sorey-yes, Taylor-yes, Willkomm-yes, Barnett-yes).

RESOLUTION 07-11707..... ITEM 17-b
A RESOLUTION APPOINTING ONE MEMBER TO THE PLANNING ADVISORY BOARD FOR THE BALANCE OF A THREE-YEAR TERM CONCLUDING APRIL 30, 2008; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (1:23 p.m.).

Public Comment: (1:23 p.m.) None.

MOTION by MacIlvaine to NOMINATE JAMES HUGHES TO THE PLANNING ADVISORY BOARD (PAB) FOR THE BALANCE OF A THREE-YEAR TERM CONCLUDING APRIL 30, 2008. This motion was unanimously carried, all members present and voting (MacIlvaine-yes, Nocera-yes, Price-yes, Sorey-yes, Taylor-yes, Willkomm-yes, Barnett-yes).

Recess: 1:25 p.m. to 1:52 p.m. It is noted for the record that the same Council Members were present when the meeting reconvened.

ORDINANCE (First Reading).....ITEM 10
AN ORDINANCE REGARDING STORMWATER; AMENDING SECTION 16-51, DEFINITIONS, FOR THE PURPOSE OF ADDING DEFINITIONS FOR SPECIFIC DRAINAGE TERMS; ADDING SECTION 16-115, STORMWATER CONSTRUCTION STANDARDS FOR THE PURPOSE OF ESTABLISHING STORMWATER CONSTRUCTION STANDARDS; AMENDING SECTION 56-40, LOT COVERAGE, MAXIMUM PERMITTED, OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER PROVISION; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (1:52 p.m.) who then noted supplemental information provided which included an amended draft to correct scrivener's errors. Referencing Section 56-40(a) (Lot coverage, maximum permitted. Generally.) in the aforementioned amended draft, Community Development Director Robin Singer pointed out the inclusion of single-family zoning districts in subsection (a) and also single-family in the table inset (maximum coverage requirements) within the same subsection (see Attachment 2, Page 6 and 7, respectively).

Ms. Singer explained that the intent of the amendments is to aid in mitigating drainage impacts of new construction upon existing homes in single-family districts. Drainage issues with regard to both conveyance and the rate of conveyance from new construction sites into the stormwater system have arisen and flooding has occurred at nearby existing homes. Traffic Engineer George Archibald stated that the current property maintenance code (Section 16-291) prohibits discharge runoff onto adjacent low-lying properties and had been dealt with in the past by forcing conveyance of stormwater into the City streets; however, as the intensity and/or rate of this runoff increases, the greater the likelihood of compromising the stormwater drainage system and flooding streets and surrounding areas. Mr. Archibald explained that the amended draft ordinance is an attempt to increase the amount of on-site storage of rainwater required, thereby slowing the rate of conveyance and increasing the quality of the water eventually leaving the site.

In response to Council Member Sorey, Mr. Archibald clarified that the intent of the amendment had not been to improve the drainage system, although this should occur as a consequence, but to protect adjacent private property from flooding. Through an additional one-inch storage requirement it is hoped that it will result in less impervious coverage of a particular lot. Mr. Sorey said that he believed the intent should be to encourage on-site storage with the incentive

being additional impervious surfaces allowed. In response to Council Member Taylor, Mr. Archibald said that recently constructed or redesigned homes which had been found to affect surrounding properties had to be addressed on a case-by-case basis, that the amendment currently under discussion did not apply to them. State standards, and standards and criteria from other communities had been researched in an attempt to duplicate them in this locale, he said, noting that the State water quality standard for storage is the proffered one inch.

In response to Vice Mayor Nocera, Mr. Archibald pointed out that the creation of depressed sodded areas in rear and side yards in conjunction with underground drainage via piping and rock beds have been used in many cases where maximum lot coverage is utilized along with the effects of FEMA (Federal Emergency Management Agency) requirements imposed upon new construction. However, Mr. Archibald also noted, there is no state or local standard that exceeds one inch.

Council Member Price said that he believed the issue to be that as homes are getting larger, the amount of greenscape is therefore decreasing, and what is being proposed is 15% impervious surface above the maximum allowable building area. He noted that the City of Winter Park restricts its total impervious lot coverage to 50% of the total lot area and that while he would not suggest this option, he questioned any proposal over the present maximum allowable. Mr. Price explained that his concern is with homes built from 2003 onward which are generally larger homes with greater buildable total lot coverage and therefore higher total lot coverage. Ms. Singer however expressed concern with regard to limiting the buildable area versus private property rights, therefore, the amendment under review would alter only the amount of additional allowable lot coverage, not the buildable area.

Council Member Sorey stressed that detention on the site should in fact be the focus, not the amount of impervious surface. If a design proposes 10% impervious surface, then one inch should be detained on site, 15% should require two inches and 20% should detain 2.5 inches on site, he said, thereby providing the homeowner with a choice for obtaining approval for more impervious surface.

In response to Council Member Taylor, City Attorney Pritt stated that he had no opposition to the amendment as presented from the standpoint of a challenge under the Bert Harris Private Property Rights Act, that as long as the ability to apply for a variance exists, such a challenge would not occur. City Attorney Pritt noted that while this amendment would not be retroactive, some properties may become nonconforming and a provision presently exists for this within the Code of Ordinances.

A brief discussion followed regarding Council Member Sorey's suggestion and Mr. Archibald indicated that if designs were considered on a case-by-case basis, such an approach could be utilized, although noting that staff had endeavored to maintain the buildable area in a manner not to necessitate additional stories. Ms. Singer noted that Mr. Sorey's proposal would not be proportional, to which Mr. Sorey agreed, but adding that it would be motivational.

Public Comment: (2:41 p.m.) **Dorothy Hirsch, 626 Regatta Road,** stated that she believed this issue to be citywide, not merely in the Old Naples area; therefore, she urged approval but also with consideration of Council Member Sorey's proposed amendments. City Attorney Pritt

noted that any amendment would return this ordinance to a first reading, so any changes should be noted at that time. Ms. Hirsch continued that some flood damage is also attributable to rainwater from adjacent roofs sheeting across property lines, not necessarily from non-functioning storm drains at the streets. **Judith Chirgwin, 112 Tenth Avenue South**, referencing photographs of properties which abut hers (copies of which are contained in the file for this meeting in the City Clerk's Office), explained that this latter type of flooding has occurred to her home due to new construction. She asked that Council take action to control the size of the footprint of new construction, consider the use of pilings to increase available pervious surface and cisterns for the capturing of rain water. **Falconer Jones, III, 1255 Cobia Court**, agreed with the suggested use of pilings and cisterns, saying that he could not support the amendment as drafted. Furthermore, he said, public input is needed prior to major changes regarding property rights and that he believes retention of stormwater on single-family lots is exempted by state law. Mr. Jones listed other means of controlling stormwater and improving the existing system for drainage, urging that Council proceed cautiously, especially with the potential of homes becoming nonconforming. In response to Council Member Price, he said that the focus should be on keeping water off of adjoining property on a case-by-case basis with the use of swales and underground drainage as already discussed, but that on a comprehensive level other strategies should also be considered such as the linear water quality park proposed for Broad Avenue South, dredging of existing retention lakes, and the possible construction of additional lakes and filter marshes. Council Member Sorey agreed with the latter suggestions and questioned Mr. Jones as to his opinion regarding the difficulty of water detention on-site. Mr. Jones cited a prior suggestion regarding the use of pilings and not allowing back fill within the stem walls. **Sandi Leddy, 635 Park View Lane**, thanked Council for its consideration of the flooding issue and noted that she believed that following a storm event such as Hurricane Wilma, sightseers should not be allowed to travel flooded roadways because of the wakes caused by passing vehicles which had actually flooded homes in her neighborhood, not the standing water. **Margaret Sulick, 3295 Fort Charles Drive**, stated that she believed FEMA had created a great deal of the flooding issues with new elevation requirements for new construction and that also many existing swales had been filled. She also explained that this draft amendment did not take into consideration homes located on waterways and districts wherein flooding is not a significant problem, but noted that she could support mandated guttering systems, and requiring that landscaping debris be hauled away from a site, not blown into the street and thereby clogging the storm system.

Recess: 3:12 p.m. to 3:28 p.m. It is noted for the record that the same Council Members were present when the meeting reconvened.

During discussion that followed, various changes to the draft ordinance were discussed regarding the amount of water to be detained on-site and a corresponding percentage of increase of impervious surface coverage. An assortment of scenarios developed regarding what the aforementioned percentage of increase should be based upon, either maximum buildable area, built area or total lot area. Community Development Director Singer suggested that, due to the ensuing confusion, the staff return following the summer recess with models of the various scenarios for consideration therefore allowing homes to be built with amenities but limiting the amount of impervious surface. Council Member Willkomm voiced support of the draft amendment and staff's testimony and therefore proffered the motion below. Council Member MacIlvaine explained that he could not support the motion as stated, that summer recess would

allow staff time to review the draft and incorporate changes noted by Council and public speakers as necessary, to which Council Member Taylor agreed.

MOTION by Willkomm to **APPROVE THIS ORDINANCE** amending Section 2 (Sec. 16-115(1)) as follows (in table of minimum stormwater design criteria): **storage detention and 1' 2"**. This motion was seconded by Price and failed 2-5, all members present and voting (MacIlvaine-no, Taylor-no, Price-yes, Sorey-no, Nocera-no, Willkomm-yes, Barnett-no).

Council then agreed to the need for the above referenced models to aid in their decision and Council Member Sorey proffered the motion below.

MOTION by Sorey to **CONTINUE THIS ORDINANCE TO AUGUST 15, 2007, REGULAR MEETING WITH DIRECTION TO STAFF TO RETURN AT THAT TIME WITH MODELS REFLECTING VARIOUS SCENARIOS OF IMPERVIOUS SURFACE COVERAGE CALCULATION.** This motion was seconded by MacIlvaine and carried 6-1, all members present and voting (MacIlvaine-yes, Nocera-yes, Price-no, Sorey-yes, Taylor-yes, Willkomm-yes, Barnett-yes).

RESOLUTION 07-11708.....ITEM 11
A RESOLUTION RANKING THE TOP THREE FIRMS IN ORDER OF PREFERENCE TO PROVIDE ENGINEERING SERVICES FOR THE HVAC IMPROVEMENTS FOR THE PUBLIC WORKS ADMINISTRATION BUILDING, POLICE AND EMERGENCY SERVICES BUILDING, AND DEVELOPMENT SERVICES BUILDING; AUTHORIZING THE CITY MANAGER TO NEGOTIATE A CONTRACT WITH THE TOP-RANKED FIRM; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (4:07 p.m.).

Public Comment: (4:08 p.m.) None.

MOTION by MacIlvaine to **APPROVE RESOLUTION 07-11708** as submitted; seconded by Taylor and unanimously carried, all members present and voting (MacIlvaine-yes, Nocera-yes, Price-yes, Sorey-yes, Taylor-yes, Willkomm-yes, Barnett-yes).

RESOLUTION 07-11709.....ITEM 12
A RESOLUTION RANKING THE TOP THREE FIRMS IN ORDER OF PREFERENCE TO PROVIDE ARCHITECTURAL DESIGN SERVICES FOR THE FLEISCHMANN PARK COMMUNITY CENTER; AUTHORIZING THE CITY MANAGER TO NEGOTIATE A CONTRACT WITH THE TOP-RANKED FIRM; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (4:08 p.m.).

Public Comment: (4:08 p.m.) None.

MOTION by Taylor to **APPROVE RESOLUTION 07-11709** as submitted; seconded by MacIlvaine and unanimously carried, all members present and voting (MacIlvaine-yes, Nocera-yes, Price-yes, Sorey-yes, Taylor-yes, Willkomm-yes, Barnett-yes).

.....ITEM 13
DATE PALMS ON FIFTH AVENUE SOUTH DISCUSSION REGARDING REPLACEMENT City Manager Robert Lee explained that due to Council's request, this item was to be discussed with the following options available: 1) let the royal palm remain where planted and no further action taken; 2) request developer to pay the difference in cost between a royal and date palm; or 3) remove the royal palm and purchase a date palm to be planted on the

site with the understanding that it may not survive due to soil contamination. Council Member Taylor proffered the motion below and Council Member Willkomm noted that originally two date palms were to be purchased.

Public Comment: (4:10 p.m.) None.

MOTION by Taylor as follows: **Developer be asked to pay the difference between the trees actually planted and the date palms previously occupying the site (funds to be deposited into the City tree fund). This motion was seconded by Sorey and unanimously carried, all members present and voting (MacIlvaine-yes, Nocera-yes, Price-yes, Sorey-yes, Taylor-yes, Willkomm-yes, Barnett-yes).**

RESOLUTION (Withdrawn – see Item 4 above).....ITEM 14
A RESOLUTION RANKING THE THREE FIRMS IN ORDER OF PREFERENCE TO PROVIDE MASTER PLANNING AND DESIGN SERVICES FOR THE RENOVATION/REPLACEMENT OF THE CITY DOCK; AUTHORIZING THE CITY MANAGER TO NEGOTIATE A CONTRACT WITH THE TOP-RANKED FIRM; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 07-11710.....ITEM 18
A RESOLUTION ACCEPTING THE COMMUNITYWIDE VISION PLAN FOR THE CITY OF NAPLES TITLED “PRESERVING NAPLES: A VISION PLAN TO KEEP THE BEST OF THE PAST WHILE BUILDING A BETTER COMMUNITY FOR THE FUTURE” AND DIRECTING THE CITY MANAGER TO INCORPORATE THE FINDINGS OF THE DOCUMENT INTO THE CITY’S COMPREHENSIVE PLAN; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (4:10 p.m.).
Referencing the visioning plan (a copy of which is contained in the file for this meeting in the City Clerk’s Office), Council Member Taylor questioned the advisability of inclusion of “Adopting an annexation policy” within Section Four: The Strategic Initiatives (Pages 38-40), to which Council Member Willkomm agreed. Council Member Price pointed out that he believes the City should nevertheless have an annexation policy, that this would give the public a sense of security as to what exactly would occur in the event of interest in annexation by an entity in the future. In response, however, Miss Taylor pointed out that while she is not unsupportive of an annexation policy, she did not believe it should be included in the above referenced Section 4.

Consultant Herb Marlowe, Arrington-Marlowe, LLC, explained that an annexation policy is to be perceived as a tool to achieve goals, therefore, this is the reason for its inclusion within the strategic initiatives subheadings.

Council Member Sorey cited, under Annexation, the seventh bulleted item (Page 11), and questioned whether the word “significant” should be added prior to “annexation proposals,” stating his understanding that this amendment had been requested during prior discussions. Council Members Willkomm and Price expressed the view, however, that every annexation should be presented to residents for approval in the form of a referendum until a publicly approved annexation policy is forthcoming. Mayor Barnett noted the current voluntary annexation request regarding Hole-In-The-Wall Golf Club, indicating that he believed this to be a small area which would not impact the City in an adverse way; staff should in these instances be able to research such a proposal and Council should be capable of rendering a decision in this regard, he added. Vice Mayor Nocera and Council Member MacIlvaine agreed. Mr. Price however cited the controversy involving the Pelican Bay annexation proposal as undermining

residents' confidence in the City's annexation policy, prompting him to believe that a vote on every annexation proposal should be required. At that time the following directions were given.

Consensus to amend seventh bulleted item under annexation, Page 11, as follows: "Opportunity for Naples residents to vote on future significant annexation proposals."

Consensus that "Adopt an annexation policy" remain under Section 4, all subsections, Pages 38-40.

Public Comment: (4:28 p.m.) **Sue Smith, 11th Avenue South**, stated that she strongly believed that the public must have all the information prior to any annexation being acted upon, that this information should be discussed publicly in the Council meetings. She also urged a detailed accounting of the general fund be provided for public scrutiny. **Margaret Sulick, 3295 Fort Charles Drive**, said that she believes citizens must to be apprised of all issues involving each annexation, and that these issues be addressed publicly. **Don Leddy, 635 Parkview Lane**, did not respond when called. **Judith Chirgwin, 112 Tenth Avenue South**, stated that as a resident, she wished to vote on each annexation.

Council Member Sorey gave a brief history of the opinion polling process which had been undertaken in order to formulate the visioning plan, noting the length of time involved in producing the final document.

***MOTION** by Sorey to **APPROVE RESOLUTION 07-11710** as submitted but amending the visioning plan, in annexation policy in seventh bulleted item (Page 11) as follows: "Opportunity for Naples residents to vote on future significant annexation proposals." This motion was seconded by Nocera and carried 4-3, all members present and voting (Nocera-yes, Sorey-yes, Taylor-no, MacIlvaine-yes, Willkomm-no, Price-no, Barnett-yes)*

RESOLUTION 07-11711 (Added Item – see Item 4 above)ITEM 22
A RESOLUTION APPROVING A SUPPLEMENTAL AMENDMENT NO. 3 TO INTERLOCAL AGREEMENT BETWEEN THE CITY OF NAPLES, FLORIDA AND THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY TO PROVIDE ADDITIONAL FUNDING FOR SERVICES REQUESTED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY; AUTHORIZING THE MAYOR TO EXECUTE THE SUPPLEMENTAL AMENDMENT NO. 3 TO THE INTERLOCAL AGREEMENT; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (4:52 p.m.). Robert Wiley, Collier County Engineering Services Department, explained that due to the extent of this ongoing process, the original estimate by Tomasello Consulting Engineers was significantly below the actuality. The additional funding requested, he added, is due to changes within the Federal Emergency Management Agency (FEMA) itself and the agency's constantly changing requirements for the floodplain mapping process. He referenced his April 26 correspondence and Richard Tomasello's February 9 correspondence containing a detailed accounting of the additional request for \$10,400 from the City. (It is noted for the record that the above referenced correspondence are contained in the file for this meeting in the City Clerk's Office.)

Public Comment: (4:56 p.m.) None.

***MOTION** by Taylor to **APPROVE RESOLUTION 07-11711** as submitted; seconded by MacIlvaine and unanimously carried, all members present and*

voting (MacIlvaine-yes, Nocera-yes, Price-yes, Sorey-yes, Taylor-yes, Willkomm-yes, Barnett-yes).

COUNCIL CHAMBER DESIGN (Continued from 06/11/07-see Item 4 above).....ITEM 19
Stephen Weeks, Technology Services Director, referenced his May 2 memorandum and explained that the first item to be addressed is the position and size of the podium; namely, to lower it 12 inches and recess the electronics into the structure itself. In addition, the camera riser at the rear of the room would be removed, and a flat-screen monitor installed facing Council. Council then briefly discussed the positioning of the police officer assigned to Council meetings, but no changes were made in this regard. Due to budget constraints, the motion below was proffered.

Public Comment: (5:07 p.m.) None.

MOTION by Sorey as follows: Modify podium in its present location, remove riser at rear of Chamber, and install one plasma monitor. This motion was seconded by Barnett and carried 6-1, all members present and voting (Taylor-no, Willkomm-yes, Sorey-yes, Nocera-yes, MacIlvaine-yes, Price-yes, Barnett-yes)

ORDINANCE (First Reading) (Added Item-see Item 4 above)ITEM 20
AN ORDINANCE AMENDING DIVISION 3 OF ARTICLE V, BOARDS, COMMISSIONS AND COMMITTEES, OF CHAPTER 2 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES IN ORDER TO REVISE CERTAIN PROVISIONS GOVERNING THE ACTIVITIES OF THE CITIZENS' POLICE REVIEW BOARD; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (5:08 p.m.).

Public Comment: (5:08 p.m.) None.

MOTION by Barnett to APPROVE THIS ORDINANCE on First Reading as submitted; seconded by Nocera and carried 6-0 (MacIlvaine-yes, Nocera-yes, Price-yes, Sorey-yes, Taylor-absent, Willkomm-yes, Barnett-yes).

Recess: 5:08 p.m. to 5:17 p.m. It is noted for the record that the same Council Members were present when the meeting reconvened except Vice Mayor Nocera who returned at 5:20 p.m.

SPECIAL EVENT (Added Item – see Item 4 above)ITEM 21
1) 50TH Birthday Party – J. Cox – 1040 13th Street North – 06/16/07. Council Member Price asked whether other events had been added to an agenda due to failure to meet the submittal deadline. City Manager Robert Lee said that usually an item of this type would in fact be delayed until the following Council meeting, but in this instance was being dealt with due to the summer recess.

Public Comment: (5:19 p.m.) None.

MOTION by Barnett to APPROVE ITEM 21-SPECIAL EVENT; seconded by Taylor and unanimously carried, all members present and voting (MacIlvaine-yes, Nocera-yes, Price-yes, Sorey-yes, Taylor-yes, Willkomm-yes, Barnett-yes).

(Added Item-see Item 4)ITEM 23
AQUIFER STORAGE & RECOVERY (ASR) WELL DISCUSSION

Public Works Director Dan Mercer reviewed the findings contained in his June 12 memorandum (Attachment 3), updating Council on the exploratory drilling of an aquifer storage and recovery (ASR) well at the City's wastewater treatment plant. Because a subterranean void was detected,

additional flow testing is recommended he said; however, the estimate had been lowered to \$10,000 and not the \$50,000 noted in the above reference memo. Utilities Director Bob Middleton noted that upon the outcome of the flow testing and its results, additional alternative uses for the well could be presented if necessary. Mr. Mercer pointed out that an update would be forthcoming following summer recess.

Public Comment: (5:25 p.m.) None.

No action taken, staff report only.

Mayor Barnett noted that Council Member Willkomm had provided in writing various questions he wished to pose to the Naples Airport Authority (NAA) regarding recently discussed activities by its Executive Director Ted Soliday and the NAA; therefore, he said, Mr. Willkomm had indicated he would not address this topic during that meeting. (It is noted for the record that a copy of this document is contained in the file for this meeting in the City Clerk's Office.)

RESOLUTION 07-11712 (Added Item – see Item 4 above)ITEM 24
A RESOLUTION ADOPTING A FIRST AMENDMENT TO THE USE AGREEMENT WITH THE NAPLES ART ASSOCIATION FOR THE VISUAL ARTS CENTER (VON LIEBIG ART CENTER); AMENDING RESOLUTION 95-7398; AUTHORIZING THE MAYOR TO EXECUTE THE FIRST AMENDMENT TO THE USE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (5:25 p.m.). In response to Mayor Barnett, Council Member Taylor, who serves as the City's representative on the Naples Art Association Board of Directors, explained that this amendment will allow a reasonable charge to be levied for special shows, not for admission to the Visual Arts Center itself.

Public Comment: (5:28 p.m.) Taylor Wells, 585 Park Street, waived comment.

MOTION by Sorey to APPROVE RESOLUTION 07-11712 as submitted; seconded by Taylor and unanimously carried, all members present and voting (MacIlvaine-yes, Nocera-yes, Price-yes, Sorey-yes, Taylor-yes, Willkomm-yes, Barnett-yes).

RESOLUTION 07-11713.....ITEM 25
A RESOLUTION APPOINTING A VOTING DELEGATE FOR THE FLORIDA LEAGUE OF CITIES ANNUAL CONFERENCE; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (5:28 p.m.).

Public Comment: (5:28 p.m.) None.

MOTION by Barnett to NOMINATE VICE MAYOR NOCERA AS THE CITY'S VOTING DELEGATE TO THE FLORIDA LEAGUE OF CITIES ANNUAL CONFERENCE. This motion was seconded by Taylor and unanimously carried, all members present and voting (MacIlvaine-yes, Nocera-yes, Price-yes, Sorey-yes, Taylor-yes, Willkomm-yes, Barnett-yes).

PUBLIC COMMENT.....

(5:28 p.m.) Allen Nelson, 469 Tenth Avenue South, expressed concern with residents not knowing what recourse is available to them to address concerns involving the Naples Airport Authority (NAA), particularly when solutions might adversely impact the airport financially. Council Member Taylor noted that the City Council's jurisdiction in this regard is contained within the City Charter, and Mr. Nelson asked that this issue be considered further at a future time. Tom Laughlin, 25 Second Avenue South, commended Council Member Willkomm and his initiative with regard to questioning of NAA and its actions, saying that he believes this oversight to be a major function of Council. Sue Smith, 11th Avenue South, expressed

appreciation of the concerns being raised with regard to the airport and stressed noise from the aircraft and pollution as her chief complaints. She also noted the following: lack of response to questions she had asked of Council over the past; concern with the increase in traffic in the Old Naples area; and what she termed a lack of communication with residents in her area regarding the visioning process. **Ernest Linneman, 980 Galleon, NAA Chair**, stated that he had received a copy of the above referenced questions presented by Council Member Willkomm to the NAA, noting question six on the document regarding airport security measures and the seriousness of allegations in this regard.

CORRESPONDENCE AND COMMUNICATIONS.....

(5:52 p.m.) Council Member Willkomm said that he believed Council has the right to question matters involving Naples Airport. In response to Council Member Price, City Attorney Robert Pritt said that he knew of no reason Mr. Price could not attend the Florida League of Cities conference (see Item 25 above) which was also being attended by Vice Mayor Nocera. Mr. Price proposed that during the summer recess staff ascertain the cost per space in relation to a design/build process for the parking structure proposed at Sixth Avenue and Eighth Street South; however Council did not concur with this recommendation. City Manager Robert Lee however also pointed out that staff could research the cost per space of other parking structures around the state which had been constructed with the design/build process. Mr. Price also noted the ongoing resident meetings at the Collier County Public Library, located on Central Avenue every fourth Thursday, at 6:00 p.m. In response to Vice Mayor Nocera, City Manager Lee stated that he had clarified a misconception by the Lake Park Association President that, in fact, action had been taken regarding Tenth Street improvements north of Sixth Avenue North. Council Member Taylor stated that although she would not advocate changes to the structure itself, the scoreboard at Naples High School must be modified to remove the large advertisement appearing on the back, facing Golden Gate Parkway; Council indicated that this would be addressed following summer recess. Council Member Sorey expressed appreciation to Council for the way in which it addressed recent difficult issues, as did Mayor Barnett.

ADJOURN.....

6:05 p.m.

Bill Barnett, Mayor

Tara A. Norman, City Clerk

Minutes prepared by:

Vicki L. Smith, Technical Writing Specialist

Minutes Approved: August 15, 2007

JUN 11 2007

TO: NAPLES CITY COUNCIL
FROM: VIRGINIA B. CORKRAN, FORMER CITY COUNCIL MEMBER
RE: TONI TUTTLE/MEGAHOUSES/ WATER DRAINAGE/ CITY RESPONSIBILITY
DATE: JUNE 13, 2007

CITY OF NAPLES RESIDENTS SHOULD EXPECT AND RECEIVE FROM CITY COUNCIL APPROPRIATE AND NECESSARY SUPERVISION OF ONGOING CITY ACTIVITIES IN THE INTEREST AND PROTECTION OF ITS CITIZENS.

TODAY, I SPEAK IN SUPPORT OF TONI TUTTLE'S NOTIFICATION TO THE CITY OF NAPLES THAT THE CITY AND ITS STAFF HAVE NOT PROVIDED APPROPRIATE CARE AND PROTECTION. IN REGARD TO NEW CONSTRUCTION OF MEGAHOUSES, THE SUBJECT OF WATER DISCHARGE IS A KEY, AND EXPENSIVE ISSUE. THE CITY WATER REUSE PROJECT, THE CITY PATHWAY PROGRAM, AND REPLACEMENT/REJUVENATION OF THE ANTIQUATED CITY WATER SYSTEM ARE ALL INVOLVED, BUT HAVE NOT BEEN ADDRESSED COHERENTLY TOGETHER IN THE 'VISIONING' PROCESS OR BY COUNCIL. FOR EXAMPLE, HOW CAN AN ON-SITE WATER RETENTION SWALE COORDINATE WITH A FLAT CONCRETE SIDEWALK? HOW CAN THERE BE BENEFICIAL ON-SITE WATER RETENTION WHEN A MEGAHOUSE IS BUILT TO PRESENT EXTREME BOUNDARIES? CONSIDERING THE WATER ISSUE AS RELATED TO SETBACKS AND OTHER REQUIREMENTS, CITY COUNCIL NEEDS TO PROCEED WITH EXPERT ADVICE AND SERIOUS CONSIDERATION FOR THE FUTURE OF NAPLES. MORE MEGAHOUSES COMING!

IN THE MEANTIME, NEGLECT IN ADDRESSING THIS ISSUE, HAS CAUSED SUBSTANTIAL HARM TO RESIDENTS LIKE TONI TUTTLE. SPEAKING FOR MYSELF, THE CORKRANS HAVE ALSO BEEN ANXIOUSLY UNDERGOING THE MEGAHOUSE EXPERIENCE! STARTING WITH THE TEAR-DOWN OF THE OLD ORIGINAL HOUSE ACROSS THE ALLEY FROM US, I HAVE FOLLOWED THE MEGAHOUSE FROM SITE PLAN TO COMPLETION. AS WELL AS TAKING PICTURES, I'VE KEPT A DIARY ON ALL MY CONTACTS WITH CITY STAFF WITH WHOM I SHARED MY CONCERNS. "HURRY" I SAID. I SPOKE PRIVATELY AND PUBLICLY TO ROBIN SINGER, COMMUNITY DEVELOPMENT DIRECTOR. YOUR CITY MANAGER WAS KEPT INFORMED THROUGH PHONE AND CORRESPONDENCE. NOW GRANTED A C.O., "MY" MEGAHOUSE AWAITS THE NEXT RAINSTORM WITH ONLY ONE BUT NO SWALES AND EXTENDED INTO THE ALLEY! AFTER THE NEXT RAINSTORM I PROMISE TO REPORT TO YOU, WITH THE UNDERLYING CONVICTION AND BELIEF THAT THE CITY OF NAPLES IS RESPONSIBLE WHEN WE ARE FLOODED!

MY LAST WORDS ARE: ANTICIPATE AND PREPARE THE CITY BUDGET TO HELP ALL THOSE CITIZENS WHOM YOU HAVE NEGLECTED TO PROTECT!

Revised
Agenda Item 10
Meeting of 6/13/2007

ORDINANCE NO. 07-

AN ORDINANCE REGARDING STORMWATER; AMENDING SECTION 16-51, DEFINITIONS, FOR THE PURPOSE OF ADDING DEFINITIONS FOR SPECIFIC DRAINAGE TERMS; ADDING SECTION 16-115, STORMWATER CONSTRUCTION STANDARDS FOR THE PURPOSE OF ESTABLISHING STORMWATER CONSTRUCTION STANDARDS; AMENDING SECTION 56-40, LOT COVERAGE, MAXIMUM PERMITTED, OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER PROVISION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 16-114 and Section 16-291 of the Code of Ordinances of the City of Naples requires new construction to provide a surface water management plan, provide for proper grading, provide for stormwater discharge to a water management system, provide for the control of water discharge to protect abutting property; and

WHEREAS, the City of Naples Comprehensive Plan identifies the 5-year, 1-hour storm event as the recommended level of service goal for conveyance systems in the City of Naples; and

WHEREAS, Section 56-40 establishes the permitted lot coverage in different zoning districts; and

WHEREAS, there is a need to supplement the above referenced requirements for controlling stormwater from new developments and re-developments by the establishment of specific standards for stormwater conveyance and retention; and

WHEREAS, specific stormwater standards for conveyance and retention have been drafted as being in the best interest of the public for protection of public facilities and private property; and

WHEREAS, on May 9, 2007, the Planning Advisory Board reviewed the proposed amendment and recommended by

vote of 7 to 0, that City Council adopt the proposed amendments;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NAPLES, FLORIDA:

Section 1. That Section 16-51 of the Code of Ordinances of the City of Naples, Florida, is hereby amended to read as follows (with underlining indicating additions and ~~strikeout~~ indicating deletions):

Sec. 16-51. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory structures (type I) are nonhabitable structures that normally have a roof and a measurable floor area, or ground surface area, e.g. gazebos, sheds, detached garages, chickees, boathouses, swimming pools, etc.

Accessory structures (type II) are nonhabitable structures that usually do not have a roof and a measurable floor area, e.g. fences, signs, driveways, sidewalks, exterior screen walls, etc.

Commercial means all other occupiable areas that are not classified as residential, including multifamily residential.

Gross square footage is the total square footage of the structure measured to the outside of the exterior walls, or column lines where there are no walls. This is the same as the building footprint. Where the structure contains multiple floors (stories), the gross square footage is calculated to include the area of all floors (stories).

Impact fees are charges assessed and collected on newly developed property by local governments. The intent of the fee is to recover the cost incurred by providing public amenities required for the new development.

Impermeability is the relative inability of a material to

allow the flow of water to pass through the material, typically associated with solid surfaces that prohibit rainfall and/or rainfall-runoff from entering and passing through the material.

Impervious means impenetrable or impermeable by water.

Impervious area means the percentage of the lot land area covered by impervious surfaces such as buildings or structures, swimming pools, decks, lanais, patios, driveways, and also includes any surface covered by concrete, bricks, blocks, flagstones, paving, sealant, or any other impermeable material. Standard engineering coefficients of permeability shall be used for partially pervious materials.

Occupiable areas are, for the purpose of this article, defined as any enclosed space that can be occupied by humans. This would include every square foot of floor area under the same roof of residential and commercial buildings computed to the outside of the exterior walls, or column line for areas without exterior walls, of the structure. In a residential structure this would include attached garages, carports, storage rooms, etc.

Paved areas are any exterior areas covered with human-made or natural materials to provide a walking and/or vehicle traversing surface as opposed to real grass or other vegetation. Materials could include but shall not necessarily be limited to concrete, asphalt, brick, stone, and astro-turf type surfaces.

Penalty fees are additional fees imposed upon the project for failure to comply with some requirements of this article.

Permit fees means monies collected for the processing of permits and operation of the building and zoning division.

Plan review fees are fees collected at the time an application for a permit is submitted to the building and zoning division to cover the cost of reviewing the plans and specifications for code compliance. This fee will be charged for all construction projects involving habitable structures and accessory structures where plans have to be submitted.

Residential means 1- or 2-family units of occupiable areas.

Surcharge fees are additional fees imposed by some level of government to be used for some specific purpose.

Temporary use permits are permits issued for special activities or events that do not meet local zoning requirements. These permits are issued for a specific time period determined by the building official based on the applicant's request.

Section 2. That Section 16-115 of the Code of Ordinances of the City of Naples, Florida, is hereby added to read as follows (with underlining indicating additions):

Sec. 16-115 Stormwater construction standards.

- (1) Any new development or redevelopment of platted properties within the City of Naples shall be reviewed to assure compliance with the following minimum stormwater design criteria:

<u>LAND USE</u>	<u>CONVEYANCE/QUANTITY</u>	<u>STORAGE/QUALITY</u>
Single Family	5Year-1Hour Storm (1)	1" Storage (2)
Multi-Family	5Year-1Hour Storm (1)	1" Storage (2)
Non-Residential/ Mixed Use	5Year-1Hour Storm (1)	1" Storage (2)

NOTES:

- (1) Unless otherwise specified by previous South Florida Water Management District (SFWMD) permits or District criteria, a storm event of a one-hour duration and 5 year return frequency shall be used in computing the minimum off-site discharge rates from properties to the City's stormwater system.
- (2) Unless otherwise specified by previous South Florida Water Management District (SFWMD) permits or District criteria, on-site stormwater storage shall be one inch of retention/detention over the entire impermeable area of a property. Where

special materials are utilized and swimming pools and patio areas are designed for storage or infiltration or percolation of water, the building official may credit such areas in the computation of total on-site storage.

(2) All implementation of stormwater improvements shall conform to the above standards and shall include compliance with the following special criteria:

- a. Plans and specifications signed and sealed by an appropriate design professional shall be submitted for review and approval prior to the issuance of City permits. Upon completion of the construction of stormwater improvements and prior to receiving a certification of occupancy or completion, a certification with record documents shall be submitted by the design professional stating that the work has been satisfactorily completed in accordance with the plans and specifications.
- b. The maximum grade elevation above the crown of the street for all property outside of the building footprint shall be 18 inches at no greater than a 4:1 slope ratio. The building official may allow an increase in this criterion based on adjacent higher land elevation or based on established site conditions in accordance with an approved South Florida Water Management District permit.
- c. Establishment of grassed swales to the maximum degree possible within the City street right-of-way.
- d. Prohibition of stormwater discharge into a platted alley unless a drainage conveyance system exists within the alley with sufficient surplus capacity to handle the quantity of runoff proposed for discharge to the alley.
- e. Best Management Practices (BMPs) and Best Available Technology (BATs) shall be incorporated into the design and implementation of stormwater conveyance and storage systems. BMPs and BATs shall include the use of roof gutters on all side yards with a width of less than 10 feet, include the use of sod and landscaped

material installed at grades less than 10 %, the use of sodded swales for both on-site storage and conveyance, the use of underdrains for both storage and conveyance, the use of yard drains for routing of runoff, the use of pool and deck areas for collection of runoff, and the application of procedures set forth in the City's Right-Of-Way Construction Standards Ordinance and Handbook.

- f. Streets and sidewalks shall be designed to minimize potential for increasing runoff from private property to the City's stormwater system.
- g. For stormwater detention storage, the owner must provide the building official with a plan for the maintenance of the detention facility. Said plan shall set forth the maintenance requirements of the facility and the party responsible for performing the maintenance.

Section 3. That Section 56-40, Lot coverage, maximum permitted, of the Code of Ordinances of the City of Naples, Florida is hereby amended to read as follows (with underlining indicating additions and ~~strikeout~~ indicating deletions):

Sec. 56-40. Lot coverage, maximum permitted.

(a) *Generally.*

Within single-family zoning districts, total impervious area cannot exceed 15% above the maximum building area for any single-family lot as given in the following table for various lot size increments. Within districts R3-6, R3-12, R3T-12, R3-15, R3T-18, R3-18 and HC, and PD for multifamily residences and transient lodging facilities or nursing, group or rest homes, the combined area of a lot or parcel of land occupied by all principal and accessory buildings and roofed structures, except for covered motor vehicle parking structures, shall not exceed the percentage given in the following table for various heights of buildings, such height of building being the height of the highest principal building on the lot:

TABLE INSET:

Single-Family: Lot Size Increment or portion (increment in square feet)	Maximum Building Area (percentage of lot area)*
First 5,000	48
Next 5,000	35
Next 10,000	24
Next 30,000	20
Next 50,000	15
Thereafter	2
Mutli-family, HC, PD: Height of Building	Percent of Lot Area
30.0 feet or less	25
30.1 feet to 40.0 feet	24
40.1 feet to 50.0 feet	23
50.1 feet to 60.0 feet	22
60.1 feet to 70.0 feet	21
70.1 feet to 80.0 feet	20
80.1 feet to 87.0 feet	19

*-total impervious surface cannot exceed 15% above the allowable maximum building area for any single-family lot

Section 4. That if any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

Section 5. That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 6. This ordinance shall take effect 90 days after adoption at the second reading.

APPROVED AT FIRST READING THIS 13th DAY OF JUNE, 2007.

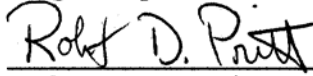
PASSED AND ADOPTED AT SECOND READING AND PUBLIC HEARING IN OPEN
AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF NAPLES,
FLORIDA THIS 15TH DAY OF AUGUST, 2007.

Bill Barnett
Mayor


Attest:

Approved as to form and
legality:

Tara A. Norman, City Clerk



Robert D. Pritt
City Attorney

TO: Dr. Robert E. Lee, City Manager
FROM: Dan Mercer, Director of Public Works 
DATE: June 12, 2007
SUBJECT: Aquifer Storage and Recovery Well Update

In September 2005, City Council entered into an Agreement with Tetra Tech, Inc. to provide professional services to prepare an exploratory Aquifer Storage and Recovery (ASR) well test program, prepare final construction specifications, provide an engineering estimate to construct the exploratory well and to review bids to award a construction contract. The data from the test program was used to prepare and submit a Florida Department of Environmental Protection (FDEP) Underground Injection Control (UIC) permit application to construct an operational ASR well.

In December 2005, City Council entered into a Local Government Agreement with South Florida Water Management District (SFWMD) to provide grant funding to permit and construct an exploratory ASR well. This was for a 50% grant that provided up to \$600,000 after the construction contract was awarded. Tetra Tech provided an engineering estimate for the construction of the exploratory ASR well at \$1.2 million. The City received the grant money in December 2006.

In March 2006, Tetra Tech submitted the UIC permit application to FDEP to construct the exploratory ASR well. FDEP has issued a 'Notice of Intent to Issue Permit' for this project. On August 31, 2006 a legal notice was placed in the Naples Daily News (NDN) that notified the public of FDEP's Notice of Intent to Issue Permit. It was a 14-day notice that ran until September 14, 2006. The City has received the UIC permit to construct the exploratory ASR well.

On August 16, 2006, City Council authorized the City Manager to execute a contract with Rowe Drilling Company Inc. to install the exploratory ASR well at the Wastewater Treatment Plant. This exploratory ASR well is necessary to evaluate the potential of underground storage zones. As the exploratory well is being drilled, water quality samples and soil samples are collected to determine the depth of confining layers that would be best to store water from the Golden Gate canal system and/or reclaimed water from the Wastewater Treatment Plant. The data collected will ultimately be included in the FDEP UIC permit application to construct and operate a permanent ASR well. The cost to install this exploratory well is \$1,076,700.00.

On November 29, 2006, Rowe Drilling began construction of the exploratory ASR well at the Wastewater Treatment Plant.

Today, June 12, 2007, the Project Engineer provided the City with a preliminary report on the testing of the ASR exploratory well. The information provided is as follows: The ASR exploratory well is completed to a total depth of 1100 feet. Flow and water quality testing have

Page 2

June 12, 2007

been completed on three intervals. According to the tests performed, the deepest and intermediate zones are not suitable for ASR wells due to the water quality at those depths.

The shallow zone, from 306 to 505 feet deep, has potential for an ASR well, with the interval 360-370 the most likely. The concern at this level is a small void that was spotted on the video log indicating the potential for ASR is not good, and according to the project engineer further testing may not be warranted.

If most of the flow is over a 5 to 10 foot interval, then the potential for ASR is better. The next step would be to discuss the use of the exploratory well to run a short-term injection and recovery test with FDEP. If the results of this test are good, the next step would be to build a full-scale ASR well and run extensive cycle testing.

It is my recommendation that the additional flow testing on the 360-370 foot interval should be conducted to confirm whether the small void would affect the flow over the entire ten feet, or over a short interval. It is better for ASR to have a larger interval. The tests to determine the maximum interval are estimated to cost not more than \$50,000. If the 'spinner' tests do confirm this exploratory well project should go no further, staff will evaluate the next intended site and bring back a presentation with report after City Council's summer break.

If you have any additional questions on this matter, please contact me. Thank you.