



City of Naples

City Council Chamber
735 Eighth Street South
Naples, Florida 34102

City Council Regular Meeting – April 4, 2012 – 8:29 a.m.

Mayor Sorey called the meeting to order and presided.

ROLL CALL..... ITEM 1

Present:

John F. Sorey III, Mayor
Gary Price II, Vice Mayor

Council Members:

Bill Barnett
Douglas Finlay
Teresa Heitmann
Samuel Saad, III (arrived 8:32 a.m.)
Margaret Sulick

Also Present:

William Moss, City Manager
Robert Pritt, City Attorney
Jessica Rosenberg, Deputy City Clerk
Roger Reinke, Assistant City Manager
Vicki Smith, Technical Writing Specialist
Thomas Weschler, Police Chief
Buddy Bonollo, Police Officer
Robert Middleton, Utilities Director
Robin Singer, Planning Director
Adam Benigni, Planner
Erica Goodwin, Planner
Gregg Strakaluse, Streets & Stormwater Director
David Lykins, Community Services Director
Michael Bauer, Natural Resources Manager
Christa Carrera, Floodplain Coordinator
Clarence Tears
Ernest Linneman
Cormac Giblin
Jan Miller
Charlotte Burnett
Barbara Walker
Marianne Megela

Sam Henderson
John Remington
Willis Jones
Larry Schultz
Henry Kennedy
Sharon Kenny
William Kelly
Charles Thomas
Alan Ryker
Sue Smith
Susan Schultz
Judith Chirgwin
Patricia (Fishburn) Mannix
Jim Boula
Jim Zimmerman
Alan Parker
John Passidomo
Tony Ridgway

Media:

Kristine Gill, Naples Daily News
Other interested citizens and visitors

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

Reverend Dr. Sam Henderson, Moorings Presbyterian Church.

ANNOUNCEMENTS..... ITEM 3

The Aqualane Shores Association made a presentation to Police Officer Buddy Bonollo for his five years of service in this neighborhood. Mayor Sorey then proclaimed April 8 through 14 as

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National Public Safety Telecommunications Week and April 16 as National Healthcare Decisions Day, followed by a Water Conservation proclamation to Big Cypress Basin Director Clarence Tears. (It is noted for the record that the Child Abuse Awareness Month proclamation will be presented at a later date.)

SET AGENDA (add or remove items)..... ITEM 4

MOTION by Barnett to SET THE AGENDA continuing Item 6-a (approval of minutes) and removing from the Consent Agenda for separate discussion Item 6-h (pedestrian signal at Four Corners) and Item 6-l (budget amendment for installation of gate system at both parking garages). This motion was seconded by Finlay and unanimously carried, all members present and voting (Barnett-yes, Finlay-yes, Heitmann-yes, Price-yes, Saad-yes, Sulick-yes, Sorey-yes).

PUBLIC COMMENT ITEM 5

(8:47 a.m.) **John Remington, 3525 Gordon Drive**, explained that he represented 17 property owners, including the Naples Beach Hotel and Golf Club, and wished to address Item 10 (amending the Coastal Construction Code). He encouraged the change to administrative approval by City staff due to the additional state review and approval process for coastal variances. Additionally, he expressed concern with the provision regarding marine turtle protection regulations, especially those pertaining to lighting, pointing out that lighting should be allowed during non-nesting season. **Henry Kennedy, Naples**, noted the unsafe traffic conditions along Fifth Avenue South, particularly the intersections, requesting that this be addressed before someone is injured. **Willis Jones, 801 River Point Drive #201-A**, representing Beaumaris Condominiums, expressed residents' concern with the number of operations at the municipal airport, citing nearly 9,000 in February. Pollution from the aircraft engulfs exterior railings and is also deposited in the Gordon River as well as Naples Bay, he said, noting that Fort Lauderdale had soundproofed homes affected by a runway extension. **Jim Zimmerman, representing Keep Collier Beautiful**, presented Mayor Sorey with a T-shirt for volunteers who would be cleaning up the beach on April 14 at the Fishing Pier, urging others to participate. **Susan Schultz, 408 16th Avenue South**, voiced her support of the proposed airport advisory board, listing other airports in southwest Florida which have established same (a copy of the list is contained in the file for this meeting in the City Clerks Office). **Larry Schultz, 408 16th Avenue South**, read into the record his statement regarding concern that the Naples Airport Authority had withheld public records (Attachment 1) and noted his support of the aforementioned advisory board, saying that he believed such a panel would increase trust and advocate transparency between the NAA and the public. **Alan Parker, 741 Third Street South**, expressed continued concern that the NAA did not adhere to its site plan, as submitted, in completing its runway extension project. He maintained that taxiway A was to have been connected to runway 23 but this was not completed due to issues with a retention pond; the result is intersection takeoffs which are prohibited by many airports, he added. He requested disclosure of Council's awareness of this situation, saying that the intersection takeoffs should be stopped for safety reasons. **Sharon Kenny, 411 17th Avenue South**, also supported an advisory board, commending the citizens attempting to convince Council of its merits and improve communication with the NAA via proper channels. Aircraft noise has not improved with the runway extension as promised by the NAA, she noted, and something must be done. **Sue Smith, 11th Avenue South**, agreed with prior speakers with regard to excessive noise and pollution generated by aircraft, expressing concern for the beach especially. She then questioned laws governing bicycle safety, stating that state law mandates that a vehicle remain three feet from the bicycle at all times and in many places throughout the City this is impossible and is therefore a concern. **Jan Miller, 628 Broad Avenue South**, stated that she has lived near airports much of her life but that the pollution from the local airport is a concern to her,

noting that she views the noise as secondary. She explained that many whom she has spoken to note that they do not use the Old Naples beaches but migrate to the northern areas to avoid the noise and pollution from the aircraft flying overhead. She strongly supported the proposed advisory board, asking that Council approve its establishment and restore the confidence of residents in the NAA and Council.

CONSENT AGENDA

APPROVAL OF MINUTES (Continued / see Item 4 and below)ITEM 6-a

APPROVAL OF SPECIAL EVENTSITEM 6-b

1) 27th Summer Jazz Concert Series – Naples Beach Hotel and Golf Club – Watkins Lawn – 06/16/12, 07/21/12, 08/25/12 and 09/22/12.

2) Lipdub – Community Music Video – portions of Third Street South, 13th Avenue South, Gordon Drive, and the Fishing Pier (12th Avenue South) – 04/22/12.

3) Evenings on Fifth – Fifth Avenue South Business Improvement District (FASBID) – Fifth Avenue South – 04/12/12, 04/19/12, 04/26/12 and 05/10/12.

4) Gulf Coast Runners Tropicool 5k Run – City Fest Event – Third Street South and Broad Avenue South, west on Broad Avenue South to Second Street South, south on Second Street South to Gordon Drive, north on Gordon Drive to 18th Avenue South and Third Street South, east on 14th Avenue South to Fourth Street South, and north on Fourth Street South to Broad Avenue South, and west on Broad Avenue South to the finish line at Broad Avenue South and Third Street South.

CLERK’S TRACKING #12-00010ITEM 6-c

AWARDING A CONTRACT FOR IMPROVEMENTS TO THE CITY’S POTABLE WATER SUPPLY WELL HEADS: \ VENDOR: WELLMASTERS, INC., MULBERRY, FLORIDA \ COST: \$81,836.65 \ FUNDING: CIP 12X01 – WELL EQUIPMENT GOLDEN GATE WELLFIELD.

RESOLUTION 12-13085ITEM 6-d

A RESOLUTION ACCEPTING A BILL OF SALE FROM THE NAPLES AIRPORT AUTHORITY FOR 1,150 FEET OF NEW 12-INCH WATER MAIN PIPING LOCATED ALONG CITATION POINT ROAD TO AN EXISTING CITY OF NAPLES OWNED AND MAINTAINED 6-INCH WATER MAIN AT THE INTERSECTION OF CITATION POINT ROAD AND ENTERPRISE ROAD; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 12-13086ITEM 6-e

A RESOLUTION APPROVING A SUBORDINATION OF EASEMENT INTEREST AND AGREEMENT FOR FACILITY RELOCATION WITH COLLIER COUNTY SUBORDINATING A 5 FOOT BY 60 FOOT STRIP OF LAND WITHIN AN EXISTING CITY EASEMENT IN ORDER FOR COLLIER COUNTY TO CONSTRUCT INTERSECTION IMPROVEMENTS AT PINE RIDGE ROAD AND NAPLES BOULEVARD; AUTHORIZING THE MAYOR TO EXECUTE THE SUBORDINATION OF EASEMENT INTEREST AND AGREEMENT FOR FACILITY RELOCATION WITH COLLIER COUNTY; DIRECTING THE CITY CLERK TO RECORD THE SUBORDINATION OF EASEMENT INTEREST; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 12-13087ITEM 6-f

A RESOLUTION APPROVING A TRANSPORTATION POST PROJECT MAINTENANCE AGREEMENT BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION AND THE CITY OF NAPLES RELATING TO THE GULF SHORE BOULEVARD SIDEWALK PROJECT; AUTHORIZING THE MAYOR TO EXECUTE THE MAINTENANCE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 12-13088ITEM 6-g

A RESOLUTION APPROVING A TRANSPORTATION POST PROJECT MAINTENANCE AGREEMENT BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION AND THE CITY OF NAPLES RELATING TO THE CRAYTON ROAD SIDEWALK PROJECT;

AUTHORIZING THE MAYOR TO EXECUTE THE MAINTENANCE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE. Title not read.

MOTION by Saad to APPROVE CONSENT AGENDA except Items 6-a, 6-h and 6-i; seconded by Barnett and unanimously carried, all members present and voting (Barnett-yes, Finlay-yes, Heitmann-yes, Price-yes, Saad-yes, Sulick-yes, Sorey-yes).

END CONSENT AGENDA

APPROVAL OF MINUTESITEM 6-a

March 7, 2012 Regular Meeting minutes.

Public Comment: (9:15 a.m.) None.

MOTION by Sulick to CONTINUE THIS ITEM TO APRIL 18, 2012 REGULAR MEETING; seconded by Saad and unanimously carried, all members present and voting (Barnett-yes, Finlay-yes, Heitmann-yes, Price-yes, Saad-yes, Sulick-yes, Sorey-yes).

RESOLUTION 12-13089.....ITEM 6-h

A RESOLUTION APPROVING PERMITTING FORMS AND AGREEMENTS FOR THE PEDESTRIAN SIGNAL CROSSING PROJECT AT THE INTERSECTION OF STATE ROAD 90 (US 41 SOUTH) AND STATE ROAD 45 (US 41 EAST) ALSO KNOWN AS FOUR CORNERS; AUTHORIZING THE CITY MANAGER TO EXECUTE FLORIDA DEPARTMENT OF TRANSPORTATION PERMITTING FORMS AND AGREEMENTS; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (9:15 a.m.). Streets & Stormwater Director Gregg Strakaluse reviewed the agenda memorandum submitted by Traffic Engineer George Archibald (Attachment 2), explaining the necessity for the resolution; namely, confirmation of the City Manager’s authorization by Council to execute applicable forms and the Florida Department of Transportation’s (FDOT’s) “Construction Agreement”. FDOT final review and permitting for the pedestrian signal crossing cannot occur without approval of this item, he said.

Public Comment: (9:16 a.m.) **Henry Kennedy, Naples**, expressed concern that more information should be provided to Council prior to approval, such as the effects of the crossing on traffic. He stated that, in his opinion, no one crosses at that intersection except during downtown special events; he further said that the design will stop traffic onto northbound US 41, adding that each of the prior proposals had ended in denial and as one of the most dangerous intersections in the City, a pedestrian crosswalk only increases the danger. He questioned the actual functioning of the plan, saying that no details of its operation have been discussed by either Council or the Community Redevelopment Agency Advisory Board (CRAAB) who had had the proposal as a recent agenda item. He further noted that the City’s traffic engineer had admitted to him that while so far as engineering the plan appears successful, following further analysis it is simply dangerous. If pedestrian safety and mobility during special events is desired, then police officers should be placed at the intersection to direct traffic at those times, he concluded. **Alan Ryker, 300 Fifth Street South**, stated that the Naples Pathways Coalition supported the crossing and noted the existence of 48 free parking spaces on the northeast corner of the intersection that would possibly be utilized if people could safely transverse US 41 at that location; he urged approval.

Mr. Strakaluse clarified that it would be premature to present the design plan at that time as FDOT’s input had not been received. Once that occurs and the project is subjected to the bid process, Council approval would then be sought, he explained. Council Member Saad then expressed his support of the project. Council Member Sulick observed that the FDOT will not approve an unsafe project, pointing out that as state roads are involved, the FDOT must review and approve any proposal. Traffic Engineer Archibald confirmed for Mrs. Sulick that the Four Corners pedestrian crosswalk has been discussed for more than four years and the design before Council results from a coordinated effort with the FDOT. In response to Mayor Sorey, he also

noted that he did not recall the conversation regarding safety cited above by a public speaker and that the state and the City has recognized the intersection of two major state roads with no pedestrian crossings as rather unique.

Council Member Heitmann stated that an alternative location should be considered for the crossing, citing the resulting backup of traffic on US 41 from the east during peak travel times. She further disagreed with the item being placed on the Consent Agenda as discussion should have been anticipated and the project should have been vetted in a workshop meeting. Mrs. Heitmann expressed further concern that the project had not been included on the agenda of a recent Community Redevelopment Agency (CRA) meeting although considered a week later by the CRAAB.

Vice Mayor Price then recommended the amendment as reflected in the motion below to ensure that the design is brought back to Council prior to implementation.

MOTION by Saad to APPROVE RESOLUTION 12-13089 amended as follows:
Section 2: "...permitting and implementation of the ..."; seconded by Price
and carried 6-1, all members present and voting (Barnett-yes, Finlay-yes,
Heitmann-no, Price-yes, Saad-yes, Sulick-yes, Sorey-yes).

RESOLUTION 12-13090.....ITEM 6-i

A RESOLUTION AMENDING THE 2011-12 BUDGET ADOPTED BY ORDINANCE 11-12953 TO FUND THE COSTS OF INSTALLING GATE ACTIVATED ACCESS CONTROL SYSTEMS AT THE TWO DOWNTOWN PARKING GARAGES; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Robert Pritt (9:33 a.m.). Assistant City Manager Roger Reinke provided an overview of his March 27 memorandum (Attachment 3) detailing the need for the devices in the two, City-owned parking facilities. The gates will allow proper functioning of the vehicle counters that trigger the "garage full" signs by prohibiting improper ingress/egress, noting that the Community Redevelopment Agency (CRA) had agreed to appropriate \$50,000 to fund the installations. In response to Council Member Finlay, he stated that additional information as to the details as to the functioning of the gates would be provided once known, i.e. whether the gate remains up for a continual flow of traffic such as during special events. He also explained for Vice Mayor Price that directional striping had been added and traffic cones utilized but to no avail. Mr. Price then stated that maintaining the proper lane at the north entrance to the newest garage is nearly impossible and that initially it was to only be utilized during special events; the project is too costly and he would not support it, he added. Council Member Heitmann agreed with Mr. Price, stating his comments as her reasoning for separate discussion of the Consent Agenda item.

In response to Council Member Sulick, Mr. Reinke observed that while one entrance could be designated for that purpose and the other for exiting, enforcement would be difficult.

Public Comment: (9:40 a.m.) **Henry Kennedy, Naples**, stated that as a constant user of the parking garages, he had observed them filled to capacity only during special events, recommending that the item be denied and instead marking openings as one for ingress and one for egress. Mayor Sorey noted that parking in the garage during Naples Players performances proved to be onerous also and urged approval of the proposal due to the success of the Fifth Avenue South area especially on evenings when additional activities are planned; the counters cannot maintain a proper accounting without the gates, he added.

MOTION by Sorey to APPROVE RESOLUTION 12-13090 as submitted;
seconded by Finlay and carried 4-3, all members present and voting (Saad-
yes, Price-no, Finlay-yes, Barnett-yes, Sulick-no, Heitmann-no, Sorey-yes).

It is noted for the record that Items 7-a and 7-b were read and considered concurrently.

**RESOLUTION 12-13091.....ITEM 7-a
A RESOLUTION DETERMINING VARIANCE PETITION 11-V4 FROM SECTION 58-294 OF THE CODE OF ORDINANCES FOR A PARCEL (APPROXIMATELY 10,999.50 SQUARE FEET) WITH AN EXISTING DUPLEX TO BE SUBDIVIDED RESULTING IN TWO PARCELS EACH MEASURING LESS THAN THE REQUIRED 6,000 SQUARE FOOT MINIMUM LOT SIZE AND A VARIANCE FROM SECTION 58-296 OF THE CODE OF ORDINANCES TO ALLOW ZERO-FOOT REAR YARDS WHERE THE EXISTING BUILDINGS ABUT EACH OTHER AND TO ALLOW THE SOUTHERN MOST UNIT 20 FEET FROM THE PROPERTY LINE ALONG THE ALLEY WHERE A 25 FOOT FRONT YARD WOULD BE REQUIRED ON PROPERTY ZONED R3-12 LOCATED AT 358 AND 360 SECOND AVENUE SOUTH, OWNED BY TOMAC, LLC, MORE FULLY DESCRIBED HEREIN, SUBJECT TO THE CONDITIONS LISTED HEREIN; AND PROVIDING AN EFFECTIVE DATE.**

**RESOLUTION 12-13092.....ITEM 7-b
A RESOLUTION APPROVING THE PRELIMINARY AND FINAL (RECORD) PLAT of 364 SECOND AVENUE SOUTH, A REPLAT OF A PARCEL WITH AN EXISTING DUPLEX (APPROXIMATELY 10,999.50 SQUARE FEET) INTO 2 PLATTED LOTS OF APPROXIMATELY 5,668.29 SQUARE FEET AND 5,331.21 SQUARE FEET LOCATED AT 358 AND 360 SECOND AVENUE SOUTH, OWNED BY TOMAC, LLC, MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.** Title read by City Attorney Robert Pritt (9:49 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: Barnett and Finlay/no contact; Price and Sorey/visited the site and spoke with the petitioner and the petitioner’s agent; Sulick/visited the site but no contact; Saad/spoke with the petitioner’s agent; and Heitmann/visited the site and spoke with the petitioner.

Attorney John Passidomo, noting himself as the new agent for the petitioners, indicated that he intended to provide a new perspective of the petitions upon that reconsideration. He pointed out the two prior approvals by Council for similar requests that allowed fee simple ownership and thereby avoiding a condominium form of ownership for those other two-unit structures. Mr. Passidomo then reviewed the site plan, denoting the above referenced variances and reiterating that the petitioners reside in the rear unit facing the alley and wish to sell the front unit. He listed the following as four objectives that the petitioners share with the City: 1) encouraging single family use rather than multi-family use; 2) encouraging a single family aesthetic over a duplex aesthetic; 3) encouraging home ownership over condominium rental; and 4) encouraging a lower density in a property zoned for multi-family use. The only change will be the form of ownership, he stated, noting that one of the aforementioned similar petitions also involved a variance; he therefore requested approval as recommended by staff.

City Attorney Pritt then recommended that a Whereas clause be added to both subject resolutions indicating Mr. Passidomo as the agent of record for the reconsideration. Planning Director Robin Singer then briefly reviewed the petitions as contained in her agenda memorandum (Attachment 4), noting that while staff recommended approval, the Planning Advisory Board (PAB) had not concurred due to concerns with a front-to-rear lot division; the PAB does support fee simple ownership except in that instance, she added. She further confirmed that the above referenced prior approval had involved a variance addressing minimum lot size. In response to Council Member Sulick, Ms. Singer clarified that form of ownership is not determined during the building permit process for duplexes although the question will be asked in the future; townhouse ownership is questioned currently, she added.

Mrs. Sulick also questioned the rear unit fronting onto an alley and Ms. Singer pointed out that this is not prohibited in the City.

City Attorney Pritt assured Council Member Heitmann that a common structure agreement is attached to the resolution and recorded in the public record, as well as being referenced on the final plat map; such an agreement runs with the land and is legally binding to future owners, he added. Ms. Singer then explained that the plat would also reflect the voluntary reduction in density for each of the two lots to 1 unit where currently 1.5 would be allowed.

Public Comment: (10:14 a.m.) **Henry Kennedy, Naples**, waived comment. **William Kelly, PO Box 2584**, observed that in his opinion, no new information had been provided but the petitioner's agent had claimed that the request should be approved due to prior approvals. He stated that he had cautioned Council against setting a precedent during those prior considerations, noting that one of those property owners has now converted a public alley to a side driveway; homes should not be allowed to front on alleys, he asserted. The petitioner created the circumstances and should be denied this variance, he concluded.

Attorney Passidomo reiterated that if the City wishes to reduce density by allowing single family town homes rather than multi-family condominiums, as with the other two instances, the petitions should be approved. Council Member Finlay agreed and seconded the motion reflected below, adding that he believed the neighborhood would benefit from ownership versus rental of the units. Council Member Saad indicated that while he would support the motion, the issues must be addressed by Council due to the number of these requests being submitted. Mayor Sorey added that a need for fee simple ownership is now apparent and a process to make it available must be developed which does not involve a variance.

Council Members Sulick and Heitmann maintained their opposition due to the City being asked to alter its zoning to accommodate a form of ownership.

MOTION by Barnett to APPROVE RESOLUTION 12-13091 as submitted; seconded by Finlay and carried 5-2, all members present and voting (Finlay-yes, Saad-yes, Barnett-yes, Sulick-no, Heitmann-no, Price-yes, Sorey-yes). (It is noted for the record that a Whereas clause is to be added reflecting Attorney John Passidomo as agent for the petitioner.)

MOTION by Barnett to APPROVE RESOLUTION 12-13092 as submitted; seconded by Finlay and carried 5-2, all members present and voting (Barnett-yes, Finlay-yes, Heitmann-no, Price-yes, Saad-yes, Sulick-no, Sorey-yes). (It is noted for the record that a Whereas clause is to be added reflecting Attorney John Passidomo as agent for the petitioner.)

Recess: 10:31 a.m. to 10:45 a.m. It is noted for the record that the same Council Members were present when the meeting reconvened.

**RESOLUTION 12-13093.....ITEM 8
A RESOLUTION DETERMINING VARIANCE PETITION 12-V4 FROM SECTION 58-176 OF THE CODE OF ORDINANCES TO ALLOW AN EXISTING HOUSE AND POOL TO REMAIN WITH NONCONFORMING FRONT, SIDE AND REAR SETBACKS ON PROPERTY LOCATED AT 1575 GULF SHORE BOULEVARD SOUTH, OWNED BY DAN G. FISHBURN, TRUSTEE AND PATRICIA S. MANNIX (FISHBURN) TRUSTEE; MORE FULLY DESCRIBED HEREIN, SUBJECT TO THE CONDITIONS LISTED HEREIN; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (10:45 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: Heitmann/visited the site and spoke with the petitioner; Saad, Finlay and Barnett/familiar with the site but no contact; and Sulick, Sorey and Price/visited the site but no contact. Petitioner Patricia Mannix (Fishburn) briefly explained that the house and pool were built according to plans submitted and approved by the City; however, during the process of selling the home recently, it became apparent that the setbacks did not meet Code requirements although they remain the same as in 2000 when the home received its Certificate of Occupancy (CO).

Planning Director Robin Singer provided details of the various encroachments as contained in her agenda memorandum (Attachment 5), explaining changes to the approval process since 2000 intended to avoid such incidences; she recommended approval of the variance with the condition as reflected on page 2 of the aforementioned memorandum.

Public Comment: (10:53 a.m.) None.

MOTION by Heitmann to APPROVE RESOLUTION 12-13093 as submitted; seconded by Finlay and unanimously carried, all members present and voting (Barnett-yes, Finlay-yes, Heitmann-yes, Price-yes, Saad-yes, Sulick-yes, Sorey-yes).

**ORDINANCE 12-13094.....ITEM 9
AN ORDINANCE RELATING TO DENSITIES; REPEALING SECTION 56-88, DENSITY;
REPEALING SECTION 56-123, DENSITIES, MAXIMUM PERMITTED; AMENDING
SUBSECTION (3) OF SECTION 58-263, CONDITIONAL USES; ADDING SECTION 58-271,
MAXIMUM ALLOWABLE DENSITY; AMENDING SUBSECTION (2) OF SECTION 58-293,
CONDITIONAL USES; ADDING SECTION 58-301, MAXIMUM ALLOWABLE DENSITY;
AMENDING SUBSECTIONS (2) AND (5) OF SECTION 58-323, CONDITIONAL USES; ADDING
SECTION 58-331, MAXIMUM ALLOWABLE DENSITY; AMENDING SUBSECTION (2) OF
SECTION 58-353, CONDITIONAL USES; ADDING SECTION 58-361, MAXIMUM ALLOWABLE
DENSITY; AMENDING SUBSECTION (2) OF SECTION 58-383, CONDITIONAL USES; ADDING
SECTION 58-392, MAXIMUM ALLOWABLE DENSITY; AMENDING SUBSECTION (2) OF
SECTION 58-413, CONDITIONAL USES; ADDING SECTION 58-422, MAXIMUM ALLOWABLE
DENSITY; AMENDING SUBSECTION (2) OF SECTION 58-443, CONDITIONAL USES; ADDING
SECTION 58-451, MAXIMUM ALLOWABLE DENSITY; AMENDING SUBSECTIONS (2) AND (6)
OF SECTION 58-473, CONDITIONAL USES; ADDING SECTION 58-481, MAXIMUM
ALLOWABLE DENSITY; AMENDING SUBSECTIONS (10), (13) AND (15) OF SECTION 58-503,
CONDITIONAL USES; AMENDING SUBSECTIONS (4) AND (5) OF SECTION 58-533,
CONDITIONAL USES; AMENDING SUBSECTIONS (5) AND (6) OF SECTION 58-563,
CONDITIONAL USES; AMENDING SUBSECTIONS (12) AND (18) OF SECTION 58-593;
AMENDING SUBSECTION (13) OF SECTION 58-622, USES PERMITTED; AMENDING
SUBSECTIONS (4) AND (5) OF SECTION 58-623, CONDITIONAL USES; AMENDING
SUBSECTION (3) OF SECTION 58-742, USES PERMITTED; AMENDING SUBSECTION (2) OF
SECTION 58-743, CONDITIONAL USES; AMENDING SECTION 58-802, USES PERMITTED;
AND AMENDING SUBSECTION (18) OF SECTION 58-904, CONDITIONAL USES; OF THE
CODE OF ORDINANCES, CITY OF NAPLES, FOR THE OF PURPOSE MOVING MAXIMUM
DENSITIES INTO EACH ZONING DISTRICT, MOVING DENSITIES FOR TRANSIENT
LODGING AND NURSING HOMES INTO EACH APPLICABLE DISTRICT; ELIMINATING THE
METHOD OF PLANNING ADVISORY BOARD APPROVAL FOR ADDITIONAL DENSITY;
ADDING DEFINITIONS OF TRANSIENT LODGING TO ADD DENSITY REQUIREMENT;
PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE
DATE. Title read by City Attorney Robert Pritt (10:55 a.m.).**

Public Comment: (10:57 a.m.) None.

MOTION by *Finlay* to ***ADOPT ORDINANCE 12-13094*** as submitted; seconded by *Saad* and carried 6-0, all members present and voting (*Barnett-absent, Finlay-yes, Heitmann-yes, Price-yes, Saad-yes, Sulick-yes, Sorey-yes*).

ORDINANCE (First Reading only / no action taken)..... ITEM 10
AN ORDINANCE RELATING TO COASTAL CONSTRUCTION; AMENDING SECTION 52-32, COASTAL CONSTRUCTION CODE, TO DEFINE THE ROLE COASTAL AREAS PLAY IN OUR COMMUNITY, UPDATE THE COASTAL CONSTRUCTION REQUIREMENTS AND DEFINITIONS TO BE IN COMPLIANCE WITH THE FLOOD DAMAGE PREVENTION ORDINANCE AND THE FLORIDA STATUTES, AND TO PROVIDE A HIGHER REGULATORY STANDARD IN PROTECTING OUR COASTAL AREAS; AMENDING SECTION 52-33, COASTAL CONSTRUCTION SETBACK LINE OF THE CODE OF ORDINANCES, TO REVISE THE REQUIREMENT TO OBTAIN A VARIANCE FOR RESIDENTIAL CONSTRUCTION SEAWARD OF THE COASTAL CONSTRUCTION SETBACK LINE AND ADDING A PROVISION THAT IMPROVES ENFORCEMENT OF THE CITY'S MARINE TURTLE PROTECTION REGULATIONS; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION; AND AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (10:58 a.m.).

RESOLUTION 12-13095..... ITEM 11
A RESOLUTION REQUESTING THAT THE COLLIER COUNTY BOARD OF COUNTY COMMISSIONERS AMEND SECTION 2-830(d) OF THE COLLIER COUNTY CODE OF ORDINANCES, KNOWN AS THE "RESIGN TO RUN" PROVISION; DIRECTING THAT THE CITY CLERK FORWARD A COPY OF THIS RESOLUTION TO THE BOARD OF COUNTY COMMISSIONERS; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (10:59 a.m.). Council Member Finlay provided a brief overview of the circumstances that arise when the above cited provision is applied by Collier County as contained in the agenda memorandum submitted by City Manager William Moss (Attachment 6).

Public Comment: (11:04 a.m.) None.

MOTION by *Finlay* to ***APPROVE RESOLUTION 12-13095*** as submitted; seconded by *Barnett* and unanimously carried, all members present and voting (*Barnett-yes, Finlay-yes, Heitmann-yes, Price-yes, Saad-yes, Sulick-yes, Sorey-yes*).

It is noted for the record that Items 12-a and 12-b were read and considered concurrently.

CLERK'S TRACKING #12-00011..... ITEM 12-a
AWARDING A CONTRACT FOR IMPROVEMENTS TO THE CITY'S WATER TREATMENT PLANT FILTER CONTROLS AND VALVES: \ VENDOR: POOLE & KENT COMPANY OF FLORIDA, MIAMI, FLORIDA \ COST: \$1,263,300 \ FUNDING: CIP 11K15 – FILTER CONTROL REHAB.

RESOLUTION 12-13096..... ITEM 12-b
A RESOLUTION AMENDING THE 2011-12 BUDGET ADOPTED BY ORDINANCE 11-12953 TO PROVIDE SUFFICIENT FUNDING FOR IMPROVEMENTS TO THE WATER TREATMENT PLANT FILTER CONTROLS AND FILTER VALVES; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (11:04 a.m.). Utilities Director Robert Middleton briefly reviewed his agenda memorandum which summarized the items, confirming for the City Attorney that the low bid in fact met specifications.

In response to Council Member Heitmann, Deputy City Clerk Jessica Rosenberg explained that contracts are tracked by the City Clerk’s Office with a numbering system initiated when Council agreed with staff that resolutions were not necessary for approving them.

Public Comment: (11:06 a.m.) None.

MOTION by Sulick to APPROVE ITEM 12-a as submitted; seconded by Heitmann and unanimously carried, all members present and voting (Barnett-yes, Finlay-yes, Heitmann-yes, Price-yes, Saad-yes, Sulick-yes, Sorey-yes).

MOTION by Saad to APPROVE RESOLUTION 12-13096 as submitted; seconded by Sulick and unanimously carried, all members present and voting (Barnett-yes, Finlay-yes, Heitmann-yes, Price-yes, Saad-yes, Sulick-yes, Sorey-yes).

RESOLUTION 12-13097 ITEM 13

A RESOLUTION AMENDING THE 2011-12 BUDGET ADOPTED BY ORDINANCE 11-12953 TO FUND THE COSTS OF REPAIRING AND MAINTAINING THE DECORATIVE STREETLIGHTS WITHIN THE 41-10 DISTRICT AND THE RIVER PARK NEIGHBORHOOD IN THE COMMUNITY REDEVELOPMENT AREA; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Robert Pritt (11:09 a.m.). City Manager William Moss provided a brief overview of the item as contained in the agenda memorandum submitted by Assistant City Manager Roger Reinke (Attachment 7), noting that staff recommended that the funding source for the lighting repair/improvements be allocated from the General Fund Contingency; only Council may allocate from this fund, he added. Additional funding options are also offered for consideration in the March 27 memorandum by Streets & Stormwater Director Gregg Strakaluse (Attachment 8, Page 2), Mr. Moss concluded.

Following his analysis of percentages of taxable values within the City compared to those of the redevelopment area, Council Member Finlay recommended that 70% of the funding be allocated from the Community Redevelopment Agency (CRA) and 30% from the General Fund. Mayor Sorey questioned this, noting that the lighting to be repaired/maintained is located along streets utilized by vehicles and pedestrians who do not live within the redevelopment area or even within the City. If using that analogy, Mr. Finlay said, then the CRA should not have funded the Fifth Avenue South lighting project recently completed. Council Member Sulick stated that the lighting should be funded by the CRA also, except that along US 41 and Director Strakaluse clarified that the Florida Department of Transportation (FDOT) has an agreement with the City for the US 41 lighting, except the decorative fixtures which are the City’s responsibility. Council Member Saad supported allocation from the contingency fund as he said that he supported use of CRA funds only for capital improvement projects and removal of blight in the redevelopment area neighborhoods.

Council Member Heitmann agreed with Council Member Finlay’s above comments, questioning the number of lights along US 41 and those along the side streets; a breakdown could be provided at a later time, Mr. Strakaluse stated. Addressing Council Member Saad’s comments, Mrs. Heitmann said that she believed that the streetlight’s current condition could be viewed as contributing to blighted conditions, especially with regard to safety of residents and visitors utilizing the sidewalks and roadways involved. She agreed with Mr. Saad that an exit plan for the CRA, which sunsets in 2024, should be developed addressing the future necessity of the City funding the maintenance of capital projects funded by the CRA until that time. City Manager Moss observed that prior to the new lighting along Fifth Avenue South, the City, via the Streets Funds, had maintained the existing lighting, not the CRA Fund; Vice Mayor Price agreed

with this recollection. Assistant City Manager Reinke then clarified for Mrs. Heitmann that the projected \$2-million balance in the CRA Trust Fund is an approximate figure applying known expenditures for the remainder of the fiscal year and could change should currently unbudgeted expenditures be approved. Mr. Price concluded the discussion by recommending that a CRA review be scheduled to develop a plan for the future of the redevelopment area.

Public Comment: (11:31 a.m.) None.

MOTION by Saad to APPROVE RESOLUTION 12-13097 as submitted; seconded by Price and carried 4-3, all members present and voting (Heitmann-no, Finlay-no, Price-yes, Barnett-yes, Sulick-no, Saad-yes, Sorey-yes).

VENDOR / BOOTH FEES.....ITEM 15

DISCUSSION OF VENDOR / BOOTH FEES FOR SPECIAL EVENTS CONDUCTED WITHIN THE CITY OF NAPLES. (11:32 a.m.) Community Services Director David Lykins provided a brief history of the vendor/booth fees for special events as contained in his agenda memorandum (Attachment 9), concluding with the three options cited on page 2 of the aforementioned memorandum. In response to Vice Mayor Price, he stated that the annual revenue from the fees averages \$12,000 to \$14,000. He also clarified for Council Member Sulick that the City routinely funds custodial services for restroom maintenance and refuse removal, as well as minimal electrical costs for events held in Cambier Park or on the streets that are not fully City-sponsored; police and fire coverage is reimbursed to some extent. Mrs. Sulick observed that the intent of increasing the fees in 2009 had been to halt the taxpayers subsidizing the events except for those chosen for City sponsorship; this continues to be her key concern, she added.

Referencing his prior calculation of \$5,000 per hour for Council meetings, Vice Mayor Price observed that should discussion of the fees go beyond two hours for this item then the revenue for the year has been made moot. If the revenue had been reported at \$100,000 annually, then a prolonged discussion would be warranted, he said.

Public Comment: (11:49 a.m.) The following speakers indicated support of eliminating all vendor/booth fees, citing their ongoing costs for events and their contribution to the community financially: **Charlotte Burnett, representing Naples Art Crafters; Barbara Walker, representing Neapolitan Enterprises; Tony Ridgway, representing Third Street South Merchants Association; and Marianne Megela, representing Naples Art Association,**

Mayor Sorey noted his support for elimination of the fees, noting that the events contribute to the quality of life in the City and that the City subsidizes many activities. He then proffered the motion below which was seconded by Vice Mayor Price. Council Member Sulick maintained her support of some sort of mechanism for reimbursement to the City following major events and Mayor Sorey suggested that a street fee be vetted via the Community Services Advisory Board (CSAB), with recommendations then forwarded to Council for consideration.

MOTION by Sorey to DIRECT STAFF TO DRAFT RESOLUTION ELIMINATING BOOTH FEES FOR CONSIDERATION AT APRIL 18, 2012 REGULAR MEETING AND RETURN AT A FUTURE TIME WITH RECOMMENDATIONS FROM CSAB ON PARK / STREET FEES. This motion was seconded by Price and carried 6-1, all members present and voting (Saad-yes, Sulick-yes, Heitmann-no, Finlay-yes, Price-yes, Barnett-yes, Sorey-yes).

Recess: 12:40 p.m. to 1:09 p.m. It is noted for the record that the same Council Members were present when the meeting reconvened.

STORMWATER LAKES MANAGEMENT PLAN DISCUSSION ITEM 14

(1:09 p.m.) Streets & Stormwater Director Gregg Strakaluse utilized an electronic presentation during review of the stormwater lakes management plan. (A printed copy of the presentation as well as the plan is contained in the file for this meeting in the City Clerk's Office.) He then explained for Council Member Finlay that water quality data had not been obtained from Lowdermilk Lake in 2008 as it empties into the Gulf of Mexico, which is not considered impaired; it will be tested at some point in the future, he added. With regard to spot dredging of some lakes, Natural Resources Manager Michael Bauer clarified that while this process does remove areas of concentrated pollutant-filled muck, it does not treat the source and therefore the need for public education and awareness of activities that increase the level of pollutants entering the waterbodies.

A brief discussion of the detention ponds at the municipal airport followed during which it was noted the Naples Airport Authority's (NAA's) intent to collect water quality data prior to expansion of the system. Dr. Bauer agreed with Mayor Sorey that the City should coordinate this effort with the NAA to guarantee that the airport data parameters are similar to the City's.

Dr. Bauer clarified that aerators and the floating islands have been effective in addressing algae blooms although Spring Lake and Swan Lake are both heavily treated with chemicals by the surrounding residents. Director Strakaluse then reported that the source of fecal coliform in Spring Lake is as yet undetermined although testing was done the prior day and results should be available within 30 days; testing will be scheduled twice a year following source identification. With regard to ownership of Spring Lake, City Attorney Robert Pritt explained that while it is known that the lake does not belong to the City, the current owner(s) is unknown. The lake was owned by the original developers of that area (Lakeview Terrace) and at the time of dissolution of their company a trust was formed; the trust was later also dissolved, he added. Apparently no dedication to the City of the lake was ever forthcoming, Mr. Pritt indicated, and Mr. Strakaluse advised that staff recommended that the City work with the surrounding property owners, sharing the costs to solve the issues with that particular lake. Mr. Pritt then observed that methods exist to allow such a partnership. Mayor Sorey said that he believed that the runoff from 340 acres is collected in that lake and therefore the surrounding property owners contribute a small amount of the pollution. This will prove to be problematic with most of the lakes to be treated, Mr. Pritt stated.

Council Member Price commended the plan, requesting that water quality improvements be tracked to allow cost / benefit analyses to be made on an ongoing basis as the program is implemented. Mr. Strakaluse confirmed that resources are available to implement the plan for Tier I (Attachment 10) lakes and staff intends to communicate with property owners whose land abuts the private lakes and those with an undetermined ownership. Direction is needed as to how aggressive Council deems staff should be in this regard and Mr. Price recommended beginning with Tier I, Lake Manor specifically, with details of expenditures to be provided on a regular basis to Council, and Mayor Sorey added that resulting lowered levels of pollutants in Naples Bay must also be factored into the aforementioned analyses. Lake Manor should provide a model for addressing the remainder of the lakes in that tier, then allow its application to the Tier II lakes. Director Strakaluse advised that each community will also be accountable to the Florida Department of Environmental Protection (FDEP) with regard to meeting the numeric nutrient criteria.

Council Member Sulick requested that staff provide the number of acres draining into each receiving lake.

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With regard to treatment of Spring Lake, Dr. Bauer explained for Council Member Heitmann that several years ago the surrounding property owners had agreed to chemically maintain the lake and the City would install the aerators; they were also to inform the City of any maintenance which, to date, has not occurred, and the chemicals being utilized have virtually killed off all of the vegetation, he added. Relative to regulatory requirements, Director Strakaluse agreed with Mrs. Heitmann that penalties do exist and noted that the new numeric nutrient criteria are to become effective in November. With the lake management plan, the City is attempting to demonstrate steps being taken to mitigate pollution into Naples Bay. Dr. Bauer added that no immediate penalties would be levied and that credit would be given for steps toward lowering pollutant levels, agreeing with Council Member Price that Lake Manor would be the most effective model to educate the public City-wide. He further advised Mrs. Heitmann that the water in Lake Manor eventually enters the Gordon River and therefore Naples Bay. Mr. Strakaluse then reported that no lakes within golf courses had been included within the plan as they receive no City stormwater discharges, although pointing out that the owners of those lakes will be included in the public outreach program and the lakes subject to pollutant loading regulations as they empty directly into receiving waterbodies.

In response to Council Member Barnett, Mr. Strakaluse stated that should the Lake Manor plan be implemented, results should be seen by the end of the next fiscal year. Dr. Bauer added that the lake's high copper content is largely due to the fact that the lake is located within the Garden of Hope (Naples Community Hospital / NCH property) and is treated with copper sulfate that migrates downstream to Lake Manor; educating NCH with alternative treatment of its lake should improve water quality downstream, he said.

Council Member Sulick recommended that following summer recess, staff provide information to residents regarding the state and federal mandates relative to water quality, including penalties. City Manager William Moss stated that the assignment of responsibility as to the source of pollutants, such as the City or Collier County, would not be assigned until August but general information would be available.

Discussion followed regarding direction for staff and the consensus below was forthcoming. Additional information is to be provided, including a timeline for implementation.

Public Comment: (2:27 p.m.) None.

Consensus to place Tier I (City-owned) and Tier II (priority) lakes management plans in next capital budget cycle; staff to return with additional information on Lake Manor.

Recess: 2:47 p.m. to 2:57 p.m. It is noted for the record that the same Council Members were present when the meeting reconvened except Vice Mayor Price who returned at 3:04 p.m.

UTILITIES ZERO-BASED BUDGETING PRESENTATION ITEM 16

(2:57 p.m.) Utilities Director Robert Middleton utilized an electronic presentation for his department's zero-based budget analysis (a printed copy of which is contained in the file for this meeting in the City Clerk's Office; excerpted text of which is appended hereto as Attachment 11).

Public Comment: (3:55 p.m.) **Sue Smith, 11th Avenue South**, questioned the apparent increase of outsourcing. Referencing recent controversy regarding fluoridation of drinking water, she urged that more research be undertaken in that respect. She also received confirmation that automated systems do have backup systems in the event of failures.

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In response to Council Member Finlay, Director Middleton assured Council that the City's sewer system will meet the demands once its service area reaches build-out, although City Manager William Moss added that it is as yet unclear as to whether water needs will be met for the 30-year plan. Mr. Middleton stated that demand for potable water continues to lessen with the use of irrigation (reclaimed, reuse or alternative) water and expansion of that service area. Council Member Saad received assurance that distribution loss is less than 5% (industry standard is 10%), and actually 2% most of the time. Mr. Moss then clarified that while conversion from septic to the City's sewer system has undergone master planning, the priority Bembury neighborhood cost is prohibitive for the residents; grants are being sought, he added.

Director Middleton then clarified for Council Member Saad that routine maintenance should remain in-house for greater control. However, certain functions prove to be less expensive when outsourced, such as hauling sludge from the water and wastewater. Mr. Middleton further observed that the plants are monitored closely by the Florida Department of Environmental Protection (FDEP) and the South Florida Water Management District (SFWMD) with the most recent infraction in 1995 of discharge into the Gordon River during renovation of the Wastewater Treatment Plant; such a record would become difficult with outsourcing.

Council Member Heitmann received an update of the electronically read water meter installation project and the backflow preventer installation program, as well as affirmation that the department does perform all chloride testing. She then requested a future update on the City's wellfields.

Mr. Middleton then explained that during the engineering analysis of the expansion of the project service area, financial modeling will occur to ascertain the loss of revenue due to reclaimed water replacing potable water for irrigation. Mayor Sorey noted that with the shortage of alternative water experienced by Collier County, excess City production might be sold but Mr. Middleton cautioned that City volumes would be utilized for filling its aquifer storage and recovery (ASR) wells prior to any other strategy being considered. He observed for Council Member Saad that the exploratory well permit proposed for the Cove storm station area is to be submitted to the state at month's end.

PUBLIC COMMENT

(4:23 p.m.) **Ernest Linneman, representing the Naples Airport Authority (NAA)**, read into the record a statement representing the NAA's response to comments during Item 5 by Larry Schultz and Alan Parker regarding the runway extension project and its response to public records requests (Attachment 12). In response to Council Member Finlay, he clarified that while taxiway A had in fact been reflected on the site plan referenced, it had also been noted that it was to be constructed within the next five-year period due to issues with the location of an existing retention pond; design for the needed modifications is going forward, he added. Mr. Linneman however declined to comment with regard to intersection takeoffs, also referenced during Item 5, saying that it was being discussed by the NAA. **Cormac Giblin, Chairman of the NAA**, read into the record his April 3 letter regarding the establishment of an airport advisory board (Attachment 13), which also pointed out the effort of the NAA, noting that its membership is made up entirely of City residents and therefore do not have a conflict of interest with other residents. He confirmed for Council Member Sulick that the public is welcome to attend the NAA meetings and workshops, noting that they are held in the Council Chamber although at times workshops may of necessity be held at the airport. In response to Council Member Heitmann, he explained that the NAA views itself as Council's advisory committee, as well as the Noise Compatibility Committee, and that it does not see the need for an additional body to be established; no official NAA discussion/vote has occurred regarding the matter, he

added. He stated that he believed the NAA and Council should schedule at least one joint meeting per year to address issues which arise, not merely to discuss the airport's budget. Over the past 10 months, the NAA has attempted to improve its community outreach efforts in various ways, Mr. Giblin pointed out, noting its willingness to work with the residents for better communication.

A brief discussion of other airport advisory committees followed and Council Member Finlay questioned how the Sunshine Law (Chapter 286, Florida Statutes) would be adhered to by a local board and whether other truly independent airport authority boards, such as the NAA, have advisory committees. Vice Mayor Price observed that the issue should be discussed by Council, requesting that the NAA provide a written response to the allegations regarding its public records process as referenced by Mr. Schultz during Item 5 above. **Sue Smith, 11th Avenue South**, stated that while she did not disapprove of the local airport, the increases in noise and pollutants from the increased number of aircraft are simply unacceptable. The City is popular as a community for enjoyment of the outdoors and it is no longer as enjoyable, she said, noting residue from the aircraft being distributed in pools and yards. The number of concerned citizens is increasing due to the increase in the noise and pollution, she concluded.

CORRESPONDENCE AND COMMUNICATIONS

(4:45 p.m.) During review of items commented upon at the recent Town Hall meeting, Mayor Sorey received a consensus of no support for pursuing an airport advisory committee (6-1 / Heitmann dissenting), although Council directed staff to contact the Naples Airport Authority (NAA) and schedule a joint meeting of the two entities. He further noted his intent to attend an upcoming NAA meeting, as a private citizen, regarding aircraft ignoring the voluntary curfew of flights, following which he cautioned against discussion of Clam Bay issues due to ongoing litigation. Consensus followed that Dr. David Buser submit a position paper for discussion by Council, avoiding issues under litigation. Vice Mayor Price indicated that April 2 had been designated as World Autism Day. He complimented the aforementioned Town Hall meeting, recommending future ones be moderated by the Mayor only and concluded by saying that board and committee members should be treated with respect. Council Member Barnett suggested that Town Hall meetings be scheduled in various locations around the City and that a discussion should be scheduled relative to the City purchasing the Renaissance Village Property (northwest corner of US 41 and Goodlette-Frank Road) (consensus not to pursue such a discussion). Council Member Sulick received confirmation of an open container law with regard to alcoholic beverages, noting violations of same along Fifth Avenue South that had been reported to her by citizens; the City Manager indicated that a workshop discussion of this topic would be scheduled. Additionally, she questioned the process for horticultural waste removal, noting its buildup along streets prior to being picked up. Referencing the National Healthcare Decisions Day proclamation (see Item 3 above), Council Member Saad stressed the importance of such directives, continuing by questioning the status of Code amendments regarding duplexes and requesting that a copy of the draft ordinance be provided as soon as possible. He also reported that the Collier County Sheriff's Department had obtained a 911 software update which should improve service and recommended that the small parcel of property located near the Florida Power & Light (FPL) substation on Goodlette-Frank Road be researched for purchase by the City as a parking site for the River Park Community pool (consensus for staff to research). Council Member Heitmann questioned the use of sandwich board signage in the City and shared her personal feelings regarding the outcome of the recent rules and procedures discussion in which she was prohibited, via Council consensus, from obtaining a paper copy of the Council meeting packet in the future. She provided supporting reasons for the request, offering to pay for the copies. Mrs. Heitmann then expressed concern with the recent ejection of a resident from a meeting during public comment on an item, to which

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Mayor Sorey indicated that he has spoken personally to the citizen and welcomed his return to meetings.

ADJOURN
5:51 p.m.

John F. Sorey III, Mayor

Tara A. Norman, City Clerk

Minutes prepared by:

Vicki L. Smith, Technical Writing Specialist

Minutes Approved: May 16, 2012

NAPLES CITY COUNCIL APRIL 4, 2012 PRESENTATION OF LARRY SCHULTZ
RE PROPOSAL FOR CITIZENS AIRPORT ADVISORY COMMITTEE

I AM LARRY SCHULTZ OF AQUALANE SHORES AND I SUPPORT COUNCIL CREATING AN AIRPORT ADVISORY COMMITTEE FOR WHICH COUNCIL WILL APPOINT 5 TO 7 RESIDENTS, NOT ASSOCIATED WITH THE AIRPORT, TO ADDRESS THE AIRPORT'S IMPACT ON THE COMMUNITY AND PROVIDE COUNCIL ADVISORY INFORMATION AND RECOMMENDATIONS.

THERE ARE MANY REASONS FOR THIS COMMITTEE BUT I WOULD LIKE TO TALK ABOUT JUST TWO: TRANSPARENCY AND TRUST.

TRANSPARENCY INVOLVES THE PUBLIC GETTING TRUTHFUL INFORMATION FROM THE AIRPORT, THE BEST EXAMPLE OF WHICH IS PUBLIC EFFORTS TO GET RUNWAY EXTENSION DOCUMENTS.

IN AN OCTOBER 6, 2010 PUBLIC RECORDS REQUEST, I ASKED THE AIRPORT TO PRODUCE RUNWAY EXTENSION DOCUMENTS. I WAS REQUIRED TO DEPOSIT \$200 IN ADVANCE AND PAY FOR SEVERAL HUNDRED PAGES WHICH I RECEIVED IN NOVEMBER AND DECEMBER 2010, MANY OF WHICH I USED FOR THE MARCH 2011 COUNCIL MEETING.

IN JUNE 2011 WE MADE A SIMILAR REQUEST TO THE FAA IN CONNECTION WITH THE ENVIRONMENTAL ASSESSMENT, AND THE FAA PRODUCED IMPORTANT AIRPORT EMAILS WHICH THE AIRPORT DID NOT GIVE US IN DECEMBER. THIS WAS PROOF OF THE CONCEALMENT

I NOTIFIED THE AIRPORT THAT THEY HAD FAILED TO PRODUCE DOCUMENTS. FIRST THEY DENIED IT BUT FINALLY, ON DECEMBER 29, 2011 THEY PRODUCED THOUSANDS OF ADDITIONAL DOCUMENTS.

THIS LONG DELAYED PRODUCTION INCLUDED IMPORTANT DOCUMENTS BUT IT WAS TOO LATE AND THEY WERE USELESS.

SUPPLEMENT
S# PC Schultze

THE AIRPORT HAD VIOLATED THE FLORIDA PUBLIC DOCUMENTS LAW BY WITHHOLDING DOCUMENTS CONCERNING THE RUNWAY EXTENSION.

HAD WE MADE THE REQUESTS AS A CITY COUNCIL ADVISORY COMMITTEE, THESE WITHHELD DOCUMENTS WOULD HAVE BEEN PROMPTLY PRODUCED. BUT ASKING FOR THEM AS PRIVATE CITIZENS WE NEVER GOT THEM UNTIL IT WAS TOO LATE.

THE SECOND POINT RELATES TO TRUST BETWEEN THE PEOPLE AND THE COUNCIL.

THE AIRPORT'S RUNWAY EXTENSION DEFENSE AGAINST THE PUBLIC WAS TO ATTACK OUR CREDIBILITY.

I DON'T KNOW WHAT THEY SAID TO MAYOR BARNETT OR COUNCILMEMBERS, BUT MAYOR BARNETT WROTE THAT WE HAD CONNED THE PEOPLE. THEN AT THE MARCH MEETING THE AIRPORT ATTORNEY FALSELY ACCUSED US OF DOCTORING AN NAA RECORDING WE PLAYED FOR THE COUNCIL.

BUT IT WAS CLEAR TO EVERYONE ATTENDING THE COUNCIL MEETING THAT THE COUNCIL PLACED LITTLE IF ANY WEIGHT ON OUR EVIDENCE AND THAT THEY BELIEVED THE AIRPORT 100%.

HAD WE BEEN WORKING AS AN ADVISORY COMMITTEE FOR THE COUNCIL, THEY COULD NOT HAVE DOUBTED OUR POSITION.

COUNCIL SHOULD NOT INSULATE THE AIRPORT FROM PRODUCING PUBLIC DOCUMENTS AND

COUNCIL SHOULD NOT ALLOW THE AIRPORT TO DESTROY THE TRUST RELATIONSHIP BETWEEN THE PUBLIC AND THE COUNCIL.

A CITIZENS AIRPORT ADVISORY COMMITTEE WILL SOLVE THESE PROBLEMS AND THAT'S THE LAST THING THE AIRPORT WANTS TO SEE.

October 14, 2011

Ted Soliday, Executive Director

Naples Municipal Airport

By email:

Dear Ted,

On October 7, 2010, I requested you provide me with documents from the Naples Municipal Airport and the Naples Airport Authority.

The documents I requested included, among other things, emails from January 1, 2009 to October 6, 2010, to or from employees of the airport and (i) the Board members of the NAA, or (ii) employees of the FAA, relating to the airport's proposed runway extension.

Productions were made to me over the next few weeks, and I paid several hundred dollars for both your staff time and copying costs.

I received assurance that the production was complete.

On August 23, 2011, in response to a FOIA request, the FAA produced emails that were within the scope of my October 2010 requests to you, but which I believe were omitted from your production to me. For example, the FAA produced emails between airport employee Irv Dehn and the FAA which you did not produce to me. My failure to receive these emails from you impacted our efforts opposing the airport's planned runway extension, which now is under construction.

Since I am aware only of the FAA emails which I believe were missing, I am concerned that non-FAA emails or other documents which I requested also may have been omitted from your production.

On September 16, 2011 I wrote you and suggested we try to resolve this matter through mediation. On September 23, 2011 your attorney, Mr. McMackin, wrote me and said he believes you have properly provided all documents in response to my October 7, 2010 request and that he required some time to review the matter. I have received no follow-up response in the past 3 weeks.

Rather than incur further delay, would you please provide copies of any additional documents necessary to fully comply with Items 1 and 2 of my October 7, 2010 public records request as set forth below. Note that the reference to "the present" as a cutoff date is October 6, 2010. Would you also please explain your position concerning production of the Irv Dehn/FAA emails.

A. Please produce copies of the following documents pursuant to applicable statutes.

1. Letters, memoranda and emails to or from the Naples Municipal Airport, its executive director, employees, representatives, or agents, from January 1, 2009 to the present, which relate or refer to Runway Extension Matters, with any employees, representatives or agents of:
 - a. FAA
 - b. HMMH
 - c. KHA
2. Letters, memoranda and emails to or from the Naples Airport Authority or its Board members, from January 1, 2009 to the present, relating or referring to Runway Extension Matters, with any employees, representative or agents of:
 - a. FAA
 - b. HMMH
 - c. NaplesMunicipal Airport

B. As used herein Runway Extension Matters include matters relating or referring to:

1. Runway extensions and displaced thresholds proposed for runways 5/23.
 2. 75,000 lb. weight limit.
 3. Environmental Assessment for runway extensions.
 4. Obtaining commercial service including, but not limited to, communications with prospective airlines.
 5. Noise attenuation relating to runway extensions.
 6. Safety relating to runway extensions.
- C. FAA is the Federal Aviation Administration, KHA is Kimley-Horn and Associates, Inc., and HMMH is Harris, Miller, Miller and Hansco, Inc.

Thank you for your cooperation.

Larry Schultz

408 16th Ave. S.

Naples, 34102

cc. Joe McMackin, Naples Airport Authority attorney, McMackj@bsk.com

Robert Pritt, Naples City Attorney, Rpritt@calaw.com

Pat Gleason, Special Counsel, Florida Attorney General, Pat.Gleason@myfloridalegal.com



CITY OF NAPLES AIRPORT AUTHORITY
160 AVIATION DRIVE NORTH • NAPLES, FLORIDA 34104-3568

ADMINISTRATION (239) 643-0733/ FAX 643-4084
OPERATIONS 643-0404/FAX 643-1791, E-MAIL: administration@flynaples.com

30 December 2011

Mr. Larry Schultz
408 16th Ave. S.
Naples, FL 34102

Dear Mr. Schultz:

Please accept this letter as confirmation of our conversation on December 29, 2011, that the City of Naples Airport Authority provided you and Mr. Alan Parker access to Authority correspondence files (both mail and email correspondence) dated January 1, 2009 through October 7, 2010, and that you received copies of the specific correspondence requested. We also confirm that as of December 29, 2011, you do not have any public information requests outstanding or unfulfilled by the City of Naples Airport Authority.

Sincerely,

Sheila A. Dugan
Deputy Executive Director

NAPLES MUNICIPAL AIRPORT
The Most Beautiful Airport in the Country



- ① **Vero Beach airport** commission serves as an advisory commission to the City Council
- ② **Venice Airport Advisory Board**

Collier County on March 7 2010 established an airport authority advisory board to assist the Airport Authority on all matters relating to airports in Marco Island, Immokalee and Everglades City.

⑥ **SW Florida International and Page Field**

The Lee County Port Authority was established in 1987 to operate Southwest Florida International Airport and Page Field. The Port Authority is an enterprise fund, totally supported by revenue generated from its operations. No ad valorem (property) taxes are used in airport operations or expansion.

The Airports Special Management Committee serves as an advisory board to the Port Commissioners, reviewing policy, administrative and management matters for both airports. Each commissioner appoints one committee member. The committee also includes two regional members who represent the interests of neighboring Collier and Charlotte counties. These citizens share their business experience, expertise in their particular fields, and knowledge of the Southwest Florida market for the benefit of the airports and the entire region.

<http://www.lcpa.com/airports/>

City of Deland

AIRPORT ADVISORY COMMITTEE

The Airport Advisory Committee shall review and make recommendations on airport policies, procedures and plans as requested by the City Commission or staff. The Committee may also make recommendations to maintain and improve airport safety, operational policies, and the economic viability of the Deland Municipal Airport. The Committee shall consist of 7 voting members and 2 ex officio members. Terms are for two (2) years.

⑨ **Fort Lauderdale-Hollywood International Airport Advisory Board**

The purpose of the Airport Advisory Board is to make recommendations to the City Commission on matters concernin

expansion of the Ft. Lauderdale-Hollywood International Airport in Dania Beach. The Board was created for the general purpose of protecting the health, safety and well-being of the citizens of Dania Beach by authorizing the Board to do independent noise studies and air quality tests, and to make recommendations directly to the City Commission.

The Board consists of fifteen (15) members appointed by the City Commission. Each Commissioner is responsible for nominating three (3) people to the Board. Members must be residents of the City of Dania Beach for six (6) months prior to their appointment. Members will serve without compensation at the pleasure of the City Commission.

10

Fort Lauderdale Executive Airport

Aviation Advisory Board (AAB)

Aviation Advisory Board Mission

"To recommend to the City of Fort Lauderdale City Commission action necessary for the planning, development, construction, enlargement, improvement, maintenance, operation, regulation, and policing of airports owned, operated, and controlled by the City of Fort Lauderdale."



NAPLES CITY COUNCIL AGENDA MEMORANDUM

Regular Meeting Date: April 4, 2012

Agenda Section: Consent	Prepared By: George Archibald, Traffic Engineer Department: Streets and Stormwater
Agenda Item: 6-h	Legislative <input checked="" type="checkbox"/> Quasi-Judicial <input type="checkbox"/>
SUBJECT: Resolution approving Florida Department of Transportation Permitting Forms and Agreements for the Pedestrian Signal Crossing Project at Four Corners.	
SUMMARY: City Council is asked to consider a Resolution approving Florida Department of Transportation (FDOT) Permitting Forms and Agreements for the Pedestrian Signal Crossing Project at the intersection of State Road 90 (U.S. 41 South) and State Road 45 (U.S. 41 East) also known as Four Corners; and authorizing the City Manager to execute Florida Department of Transportation Permitting Forms and Agreements.	
BACKGROUND: City staff has submitted the pedestrian signal plans (signal sheet showing the plan view is attached) to FDOT for final review and permitting. Part of the submittal package included FDOT's "Traffic Signal Installation/Modification Authorization" and "Permit for Government" forms. For FDOT to take final action on signal plan approval, a Resolution confirming the City Manager's authorization by City Council to execute applicable forms is required along with an additional form, FDOT's "Construction Agreement". Copies of the above referenced forms are included with the attached Resolution authorizing the City Manager to execute applicable forms and agreements for final FDOT permitting.	
FUNDING SOURCE: Currently, the FDOT has no permitting fee for processing the above referenced forms. \$200,000 is allocated in the CRA Capital Improvement Program for design and construction of this project.	
RECOMMENDED ACTION: Adopt a Resolution approving Permitting Forms and Agreements for the Pedestrian Signal Crossing Project at the intersection of State Road 90 (U.S. 41 South) and State Road 45 (U.S. 41 East) also known as Four Corners; and authorizing the City Manager to execute Florida Department of Transportation Permitting Forms and Agreements.	
Reviewed by Department Director: Gregg Straka/Use	Reviewed by Finance: Ann Marie Ricard
City Council Action:	Reviewed by City Manager: Bill Moss



Memo

Office of the City Manager

TO: Honorable Mayor and Members of City Council
FROM: Roger Reinke, Assistant City Manager
DATE: March 27, 2012
SUBJECT: Parking Garage Access Control Systems

On several occasions during the past few months, the two parking garages located near 5th Avenue South have reached capacity; however, the car counting systems have not activated the "Full" notification sign. This results in drivers entering the garages, searching for unavailable parking spaces, only to reach the top level to turn around and proceed to the exit.

Staff has determined that the counting systems are functioning but a lack of access control allows drivers to enter or exit the garage in the wrong direction causing the counters to miscount by adding or subtracting when not appropriate. Over time, the counter system tally becomes completely inaccurate.

Staff has attempted to address the problem by adding pavement markings and lane dividers but the problem has not been resolved. Parking consultants have recommended the addition of a gate activated access control system at each garage to alleviate the problem. The estimated cost is \$25,000 per garage. \$50,000 total.

I have discussed this issue with Lise Sundrla, Executive Director of the Fifth Avenue Business Improvement District (the BID); however, the BID has not offered an opinion on the access control gates.

The Community Redevelopment Agency (CRA) discussed this matter at the March 21, 2012 meeting and directed staff to prepare a budget amendment to appropriate \$50,000 from the CRA Trust Fund Balance to the Capital Improvement Account to fund the installation of the parking garage access control systems.

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NAPLES CITY COUNCIL AGENDA MEMORANDUM

Regular Meeting Date: April 4, 2012

Agenda Section: Regular	Prepared By: Robin D. Singer, Director Department: Planning
Agenda Item: 7	Legislative <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/>
SUBJECT: Consideration of a two part request for a Variance to lot size and setbacks and for the Subdivision of property with an existing duplex on property located at 358 and 360 2 nd Avenue South.	
SUMMARY: City Council is asked to consider a Variance and Subdivision Petition for the following as they pertain to the property located at 358 and 360 2 nd Avenue South:	
<ul style="list-style-type: none"> • 11-V4 A resolution determining a variance from Section 58-294 of the Code of Ordinances in order to allow an approximately 10,999.50 square foot parcel with an existing duplex to be subdivided resulting in two parcels each measuring less than the required 6,000 square foot minimum lot size and a variance from Section 58-296 of the Code of Ordinances to allow zero-foot rear yard where the existing buildings abut each other and to allow the southern most unit 20 feet from the property line along the alley where a 25 foot front yard would be required. • 11-SD3 A resolution determining a request to subdivide a parcel measuring approximately 10,999.50 square feet with an existing duplex into two platted lots of approximately 5,500 square feet each. 	
BACKGROUND: On March 7, 2012, City Council voted 4-3 to deny this request for Subdivision and the motion to approve the Variance was defeated by a vote of 3-4. On March 21, 2012, City Council voted 6-0 to reconsider both petitions	
The subject property is located in the R3-12 multiple family district and the existing duplex on the property was constructed in 2009. One of the duplex units faces 2 nd Avenue South and the other faces the alley between 2 nd Avenue South and 3 rd Avenue South. The owner would like to subdivide the existing parcel between the two units separating the parcel into two parcels. Access and frontage for the rear parcel will be from the alley. In order to subdivide the parcel variances are required from the minimum lot size requirement, from the front yard requirement for the rear unit and to the rear setbacks for both units where they are attached.	
At the time the original application was made, the Planning Advisory Board (PAB) and City Council were considering similar requests in the City wherein the petitions for variance and subdivision were considered separately. In this case, the petitioner has chosen to process both petitions simultaneously. The petitioner's agent has worked with staff and the City Attorney to insure that the Common Structure Agreement proposed as part of the petition for subdivision would be adequate to protect both owners. This delayed the review as the PAB continued the item on August 10, 2011. The petitions were heard again on November 9, 2011 and the PAB voted 5-2 to deny the petitions	



NAPLES CITY COUNCIL AGENDA MEMORANDUM

Regular Meeting Date: April 4, 2012

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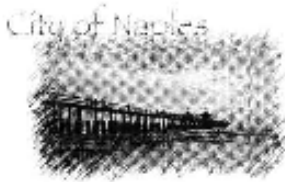
Agenda Item: 7		
BACKGROUND (cont.):		
<p>based on the lack of a hardship based on conditions that were out of the owner's control. The petitioner chose to postpone the hearing before City Council in order to review the outcome of discussions by the PAB of the City's subdivision ordinance and allowances for townhouse or zero lot line subdivisions. The PAB discussed the ordinance on February 8, 2012. Their discussion indicated support for allowing townhouse or zero lot line subdivisions but they specifically stated that this provision should not include divisions where the units would be divided front/back, as is proposed under these petitions, rather than side by side where both units face the street.</p> <p>Despite the recommendation of the PAB and subsequent discussion of the ordinance, the petitioner has decided to proceed to City Council. Based on previous review and approval of similar requests, staff has recommended approval subject to the recording of the plat and Common Structure Agreement and subject to a limitation on future development of the parcels of one dwelling unit per property.</p> <p>On July 29, 2011, a total of 198 letters were mailed to all property owners located within 500 feet of the subject property. One email response was received in protest.</p> <p>File Reference: 11-V4 and 11-SD3 Petitioner: TOMAC, LLC Agent: Kristin M. Conroy, Conroy, Conroy & Durant, P.A. Location: 358 and 360 2nd Avenue South Zoning: R3-12 Multiple Family District</p>		
RECOMMENDED ACTION:		
<p>City Council approve the following relating to property located at 358 and 360 2nd Avenue South subject to the conditions listed in the resolutions:</p> <p>a. Adopt a Resolution approving Variance Petition 11-V4 from Section 58-294 of the Code of Ordinance in order to allow an approximately 10,999.50 square foot parcel with an existing duplex to be subdivided resulting in two parcels each measuring less than the required 6,000 square foot minimum lot size and a variance from Section 58-296 of the Code of Ordinances to allow zero-foot rear yards where the existing buildings abut each other and to allow the southern most unit 20 feet from the property line along the alley where a 25 foot front yard would be required on property zoned R3-12.</p> <p>b. Adopt a Resolution approving Petition 11-SD3 for Final (Record) Plat approval, a replat of a parcel with an existing duplex (approximately 10,995.5 square feet) into two platted lots of approximately 5,668/29 and 5,331.21 square feet on property owned by TOMAC, LLC.</p>		
Reviewed by Department Director Robin D. Singer City Council Action:	Reviewed by Finance NA	Reviewed by City Manager Bill Moss



NAPLES CITY COUNCIL AGENDA MEMORANDUM

Regular Meeting Date: April 4, 2012

Agenda Section: Regular	Prepared By: Robin D. Singer, Director Department: Planning
Agenda Item: 8	Legislative <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/>
<p>SUBJECT: A Resolution determining Variance 12-V4 to allow an existing house and pool to remain with nonconforming front, side and rear setbacks on property located at 1575 Gulf Shore Boulevard South.</p>	
<p>SUMMARY: City Council is asked to consider a Resolution determining Variance 12-V4 from Section 58-176 of the Code of Ordinances in order to allow an existing house to remain as built 20.8 feet from the rear (north) property line where 25 feet is required, 24.9 feet from the front (west) property line where 25 feet is required and to allow the existing swimming pool 28.3 feet from the front (south) property line where 30 feet is required and 7.4 feet from the side (east) property line where 7.5 feet is required on property located in the R1-10 zoning district at 1575 Gulf Shore Boulevard South. In that this is a Quasi-Judicial matter, disclosures and the swearing in of those giving testimony are required.</p>	
<p>BACKGROUND: The existing single family home and pool were built in 2000. The current owners would like to sell the home. Through the process of selling the property, it was discovered that the home extends 4.2 feet into the rear setback and 0.1 foot into the front setback and that the swimming pool extends 1.7 feet into the front setback and 0.1 feet into the side setback.</p> <p>The minimum required yards in 2000 were the same as they are today. However, the building permit plans showed a 20 foot rear setback along the alley where a 25 foot rear setback was and is required. The plans were approved, the permit was issued, the structures were built and the certificate of occupancy was issued according to the incorrect setbacks. The survey provided in 2000 indicated that the foundation would meet the front and side setbacks. The survey did not show the pool. The discrepancies in the front and side setbacks are minor and could be addressed through an administrative variance, which allows a variance of up to 10% of the Code requirement with notice to surrounding property owners. However, the variance to the rear setback exceeds that requirement and could not be accomplished administratively. There have been no complaints about the home since it was built and this petition comes before the City as a result of an effort to sell the property.</p> <p>On March 14, 2012, the Planning Advisory Board voted 7-0 to recommend approval. On February 28, 2012, a total of 44 letters were mailed to all property owners located within 500 feet of the subject property. As of the date of this report, staff has not received any responses.</p>	



NAPLES CITY COUNCIL AGENDA MEMORANDUM

Regular Meeting Date: April 4, 2012

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Agenda Item: 8		
BACKGROUND (cont.):		
File Reference: 12-V4		
Petitioner: Dan G. Fishburn, Trustee and Patricia S. Mannix (Fishburn), Trustee		
Agent: David E. Leigh, P.A. and Albie Varoski (of John R. Wood, Realtors)		
Location: 1575 Gulf Shore Boulevard South		
Zoning: R1-10 Single Family		
RECOMMENDED ACTION:		
Based on the petition meeting the General Criteria and the majority of the Specific Criteria and based on the fact that there have been no complaints or issues with the structures since construction, staff recommends approval subject to the following condition:		
This variance shall apply to the property and improvements on the property as they exist at the time of approval of this resolution and as depicted on the survey prepared by Dagostino & Wood, Inc. dated 2/21/12. These improvements may be repaired and maintained in their current locations. Any new construction or additions shall be required to meet the minimum setbacks.		
Reviewed by Department Director Robb D. Singer	Reviewed by Finance N/A	Reviewed by City Manager Bill Moss
City Council Action:		



NAPLES CITY COUNCIL AGENDA MEMORANDUM

Regular Meeting Date: April 4, 2012

Agenda Section:	Regular	Prepared By:	Bill Moss, City Manager
Agenda Item:	11	Department:	City Manager
		Legislative <input checked="" type="checkbox"/>	Quasi-Judicial <input type="checkbox"/>
SUBJECT:			
Resolution Requesting Amendment to Section 2-830 (d), Collier County Code of Ordinances — Resign to Run			
SUMMARY:			
Section 2-830 (d) of the Collier County Code of Ordinances, known as the “resign to run” provision, prohibits members of a Collier County Board from becoming a candidate for an elected political office. The Resolution requests that the Collier County Board of County Commissioners amend the ordinance to exclude candidates for an elected municipal office.			
BACKGROUND:			
On April 21, 2012, Councilman Finlay proposed, and City Council agreed to consider a resolution requesting that the Board of County Commissioners amend Section 2-830 (d) of the Collier County Code of Ordinances to remove provisions that members of a County board cannot become a candidate for an elective political office in a municipality and cannot serve on such board during his or her candidacy.			
Section 2-830 (d) provides:			
<i>No member of any county board shall become a candidate for an elective political office and continue to serve on such board during his or her candidacy unless such board member/candidate is running unopposed for a non-remunerative elective position or an elective position receiving nominal remuneration, such as the Mosquito Control District Board or a fire district board. Should any county board member compete for an elective non-remunerative political office or a nominally-remunerative political office on the date applications for candidacy expire, such candidacy shall be deemed a tender of resignation from such board and the board shall immediately advise the commission in writing of said resignation. No board member shall be required to resign or deemed to have tendered his or her resignation unless such candidacy is being opposed. The commission shall deem the position vacant upon receipt of written notice of said resignation. The board member shall not serve at any meetings after his or her position becomes vacant pursuant to this ordinance. This provision shall not apply to candidates who currently serve in elected positions and who are seeking re-election.</i>			
While the Board of County Commissioners may have good reasons to prohibit members of Collier County boards from becoming candidates for elected county offices, such provisions should not extend to political offices that are not associated with the Collier County government.			
As the ordinance is written and applied, a Naples resident who is serving on a Collier County Board must resign from the board if the Naples resident files for candidacy for a City of Naples elected office. However, a Naples resident who already holds an elected office in the City of Naples may			



NAPLES CITY COUNCIL AGENDA MEMORANDUM

Regular Meeting Date: April 4, 2012

Page Two

Agenda Item: 11		
BACKGROUND (cont.):		
serve on a Collier County Board, and a candidate for a Naples elected office who is running unopposed may continue to serve on a Collier County Board.		
The policy does not appear to have sufficient justification to remove otherwise productive members of a board merely because of their desire to also seek political office in another jurisdiction. A board member must resign if seeking political office, but may again be appointed once elected to the municipal office.		
Furthermore, the Collier County Code appears to conflict with an Attorney General Opinion AGO-87-91 that opined:		
<i>Accordingly, I am of the opinion that a municipality is not authorized to adopt an ordinance which prohibits conduct which is permitted by state law and may not therefore adopt an ordinance requiring members of local appointed boards who serve without salary to resign their positions in order to seek elected political office when such officers are not required to resign under the state's Resign to Run Law</i>		
AGO-87-91 is attached.		
The attached resolution requests that the Board of County Commissioners amend Section 2-830 (d) to allow candidates for municipal office to remain on a Collier County board.		
RECOMMENDED ACTION:		
Consider Resolution		
Reviewed by Department Director Bill Moss	Reviewed by Finance N/A	Reviewed by City Manager Bill Moss
City Council Action:		



NAPLES CITY COUNCIL AGENDA MEMORANDUM

Regular Meeting Date: April 4, 2012

Agenda Section: Regular	Prepared By: Roger Reinke, Assistant City Manager Department: City Manager
Agenda Item: 13	Legislative <input checked="" type="checkbox"/> Quasi-Judicial <input type="checkbox"/>
SUBJECT: Resolution approving a budget amendment in the amount of \$95,500 for the purpose of correcting deficiencies and providing for continued maintenance of decorative streetlights in the 41-10 District and the River Park Neighborhood in the Community Redevelopment Area.	
SUMMARY: City Council is asked to consider a Resolution amending the 2011-12 Budget adopted by Ordinance 11-12953 in the amount of \$95,500 to fund the costs of repairing and maintaining the decorative streetlights within the 41-10 District and the River Park neighborhood in the Community Redevelopment Area.	
BACKGROUND: Over the last few years, an increasing number of complaints have been received regarding the condition of decorative lights in River Park and the US 41-10 District. A memo is provided as part of this agenda item for additional information. A discussion to determine the appropriate funding source was undertaken by the Community Redevelopment Agency (CRA) at their March 21, 2012 meeting. Several funding sources were considered including the General Fund, the CRA Fund, and the Streets Fund. Staff was directed to make a recommendation to City Council and prepare a budget amendment to accomplish the necessary repairs. The illumination of the public rights-of-way may be viewed as a benefit to the community at large; therefore, it is recommended that \$95,500 be appropriated from the FY2011-2012 General Fund Contingency and transferred to the Streets Fund Street Light and Pole Maintenance Account to correct the noted deficiencies and provide for continued maintenance. The Resolution provided reflects this option. In the event City Council determines the cost of this street lighting is more appropriately allocated to other funding sources, additional options are included in the backup memo. The provided Resolution must be modified to reflect the appropriate allocation of funds if another option is preferred.	
FUNDING SOURCE: The recommended funding source is the General Fund Contingency. \$500,000 was allocated in the Contingency, and \$59,759 was transferred out upon City Council approval to fund the River Park swimming pool deck upgrade. The balance of the General Fund Contingency, therefore, is \$440,241.	
RECOMMENDED ACTION: Approve a Resolution amending the FY2011-2012 Budget by appropriating \$95,500 from the	



NAPLES CITY COUNCIL AGENDA MEMORANDUM

Regular Meeting Date: April 4, 2012

Page Two

Agenda Item: 13		
RECOMMENDED ACTION (cont.): General Fund Contingency to the Streets Fund Street Light and Pole Maintenance Account to repair and provide for continued maintenance of the decorative streetlights described above.		
Reviewed by Department Director Roger Reinke	Reviewed by Finance Ann Marie Ricardi	Reviewed by City Manager Bill Moss
City Council Action		



Memo

Streets & Stormwater

Streets & Traffic • Stormwater

TO: Honorable Mayor and Members of City Council
FROM: Gregg R. Strakaluse P.E., Director
DATE: March 27, 2012
SUBJECT: Decorative Street Lighting (41-10 District and River Park Neighborhood)

The Streets & Traffic Division maintains over 250 decorative streetlights within the 41-10 District and River Park Neighborhood in the Community Redevelopment Area. These lights were installed in the late 1990's through 2002. The Division is currently responsible for standard maintenance that includes wiring, bulb, and ballast changes. The Division is also responsible for funding electrical costs for each street. These costs are primarily funded through gas tax revenue, which has been steadily decreasing. Over the last few years, the Division has received an increasing number of complaints regarding the condition of decorative lights in River Park and the 41-10 District. In light of the Division's limited budget, staff has spent considerable time rebuilding existing luminaires and cleaning plastic globe shielding that has discolored over the years. Decorative street lights that are damaged due to traffic accidents are replaced when funding is recovered from the responsible party's insurance company.

The Street & Traffic Division has identified two areas of need:

1. Replacing defective and damaged luminaires and globes; and
2. Maintaining an inventory of supplies beyond bulbs and ballast. Inventory should include poles, luminaires, and globes.

The estimated cost of replacing damaged and defective luminaires and globes:

• 5-single luminaires @ \$ 2,850 ea. =	\$14,250
• 1-double luminaire @ \$5,295 ea. =	\$ 5,295
• 1-triple luminaire @ \$6,245 ea. =	\$ 6,245
• 185 globes @ \$235 ea. =	\$43,475
• 185 ballasts @ \$75 ea. =	\$13,875
	\$83,140

The estimated the cost of creating an appropriate inventory:

• 5-poles @ \$400 ea. =	\$ 2,000
• 2-single luminaires @ \$2,850 ea. =	\$ 5,700
• 15 globes @ \$235 ea. =	\$ 3,525
• 15 ballasts @ \$75 ea. =	\$ 1,125
	\$12,350

TOTAL COST: \$95, 490

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Page 2

The Streets & Traffic Division has currently allocated \$10,000 from the Streets Fund toward the total cost to begin the most urgent repairs.

A discussion to determine the appropriate funding source was undertaken by the Community Redevelopment Agency (CRA) at their March 21, 2012 meeting. Several funding sources were considered including the General Fund, the CRA Fund, and the Streets Fund. Staff was directed to make a recommendation to City Council and prepare a budget amendment to accomplish the necessary repairs.

RECOMMENDATION:

The illumination of the public rights of way may be viewed as a benefit to the community at large; therefore, it is recommended that \$95,500 be appropriated from the FY2011-2012 General Fund Contingency and transferred to the Streets Fund Street Light and Pole Maintenance Account to correct the noted deficiencies and provide for continued maintenance. The Resolution provided reflects this option.

In the event City Council determines the cost of this street lighting is more appropriately allocated to other funding sources the following options are provided. The provided Resolution must be modified to reflect the appropriate allocation of funds if another option is preferred.

Option 2: Fund the repair and maintenance by appropriating \$31,850 from the General Fund Contingency, \$31,850 from the CRA Fund balance, and \$31,850 from Streets Fund balance, and appropriating the total of \$95,550 to the Streets Fund Street Light and Pole Maintenance Account

Option 3: Fund the repair and maintenance by appropriating, \$47,750 from the CRA Fund balance, and \$47,750 from Streets Fund balance, and appropriating the total of \$95,500 to the Streets Fund Street Light and Pole Maintenance Account.

Option 4: Fund the repair and maintenance by appropriating, \$47,750 from the General Fund Contingency, and \$47,750 from Streets Fund balance, and appropriating the total of \$95,500 to the Streets Fund Street Light and Pole Maintenance Account.

Option 4: Fund the repair and maintenance by appropriating, \$47,750 from the General Fund Contingency, and \$47,750 from CRA Fund balance, and appropriating the total of \$95,500 to the Streets Fund Street Light and Pole Maintenance Account.

Fund Balance Information:

The CRA Trust Fund Balance is projected to be approximately \$2 Million in the current budget, however, this has not been adjusted to reflect the information in the audited financial statement.

The Streets Fund Balance is projected to be approximately \$2.3 Million in the current budget, however, this has not been adjusted to reflect the information in the audited financial statement.

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NAPLES CITY COUNCIL AGENDA MEMORANDUM

Regular Meeting Date: April 4, 2012

Agenda Section: Regular	Prepared By: David M. Lykins, Director Department: Community Services
Agenda Item: 15	Legislative <input checked="" type="checkbox"/> Quasi-Judicial <input type="checkbox"/>
SUBJECT: Discussion of Vendor / Booth Fees for Special Events conducted within the City of Naples.	
BACKGROUND: This subject matter was rescheduled on March 19, 2012 to this meeting. During discussions with City Council on Wednesday December 7, 2011, the Community Services Advisory Board (CSAB) was tasked with reviewing the current booth / vendor fee issue, consideration of options, and provide recommendations to City Council. The purpose of this discussion is to provide the recommendations of the CSAB and determine whether City Council would like to retain or modify vendor / booth fees. The CSAB was tasked with developing and amending review and approval criteria for events in 2008 and concluded with a joint discussion between City Council and CSAB on January 12, 2009. On June 3, 2009 (Resolution 09-12456) vendor / booth fees were increased from \$10 to \$35. Vendor / booth fees are defined as follows: <i>There will be a \$35 per booth/vendor fee, per each day of the event. This fee will be charged for each booth, tent, or stand engaged in the selling of food, drink, art, crafts, books or other merchandise. Booths that provide free information and do not sell any product or merchandise will be exempt from this fee. Booth fees must be paid in a single check by the host organization for each event within 60 days after the event.</i> Throughout 2009 and 2010, coordinators hosting the downtown Art in the Park shows experienced decreased vendor participation. As a result, City Council was approached with a request from the show organizers for a reconsideration of the increased vendor / booth fees. Simultaneously, the Third Street South Association approached the City requesting a similar consideration for a waiver of police and fire personnel costs and vendor / booth fees for an Open Air Farmers Market concept. On November 4, 2009, City Council approved a full fee waiver request from the Third Street South Association (all costs) for the December 12, 2009 Open Air Farmers Market. During the Council Meeting of December 16, 2009, City Council approved a full fee waiver for the January 16, February 20, March 20, and April 17, 2010 Open Air Farmers Markets. City Council approved a reduction in vendor / booth fees from \$35 to \$10 on December 16, 2009 for the Art in the Park Shows conducted by Naples Art Association during April, November and December of 2010. On January 19, 2010, City Council discussed vendor / booth fees and, by consensus, directed staff	



NAPLES CITY COUNCIL AGENDA MEMORANDUM

Regular Meeting Date: **April 4, 2012**

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Agenda Item: 15		
BACKGROUND (cont.):		
to return with a Resolution (10-12596) which was approved on January 20, 2010 reducing the vendor / booth fee from \$35 to \$10 per vendor / booth from January 20, 2010 to December 31, 2010.		
City Council discussed the benefit of extending reduced vendor / booth fees on August 18, 2010, and, by consensus, directed staff to prepare a Resolution (10-12732) which was approved on September 1, 2010 that continued the \$10 vendor / booth fee for one additional year through December 31, 2011.		
On December 7, 2011, at the request of the Third Street South Association, City Council waived booth fees for Farmers Markets on January 7, 21, February 4, 18, March 3, 24, and April 7, 21, 2012, with the understanding that the Third Street South Association shall fund the full cost of police personnel for each event. City Council directed the CSAB to evaluate booth fees and return with a recommendation.		
Events previously authorized by the City Council as a sponsored activity, receiving a waiver of booth fees, police and fire personnel overtime labor are: 1. Great Dock Canoe Race, 2. City of Naples 4 th of July Parade and Fireworks, 3. Naples High School Homecoming Parade, 4. Collier County NAACP Martin Luther King Parade, 5. City of Naples Christmas Parade, 6. Naples National Two Day Art Fest in Cambier Park, and 7. Naples Concert Band.		
The CSAB met on January 10, 2012 and by motion, unanimously recommended the elimination of vendor / booth fees. Representatives from Fifth Avenue South BID (Business Improvement District), Third Street South Association, Naples Art Association, Naples Art Crafters and Naples Eden Art Fest conveyed to CSAB Members the financial impacts of vendor / booth fees to their events.		
CSAB considered the likelihood of a financial benefit for businesses within the City as a result of community events, and expressed concern that an increase in booth or vendor fees is a disincentive to the levels of vendor participation, potentially affecting the quality of vendors and the experience of the overall event.		
Options City Council may wish to consider are as follows:		
<ol style="list-style-type: none"> 1. Increase vendor / booth fees from \$10 to \$35, as approved on June 3, 2009 with a commencement date of January 1, 2013. 2. Retain vendor / booth fees at \$10 permanently. 		
Support the CSAB recommendation for eliminating vendor / booth fees.		
Reviewed by Department Director Dave Lykins	Reviewed by Finance N/A	Reviewed by City Manager Bill Mess
City Council Action:		

Recommendations Lakes Management Plan

- **Tier I – IV Lakes:**
 - Data Collection, Source Reduction, Public Outreach, Partnerships & Education
 - Consider Ordinances & Enforcement
 - + \$73,000 / year {O & M Budget}
- **Tier I Lakes: City Owned Lakes**
 - Additional Data Collection (Lowdermilk Lake)
 - Improve Vegetative Maintenance
 - Expand aeration and floating islands
 - Biological, Chemical, Mineral Applications
 - Spot Dredging
 - Structure repairs at inflow & outfalls
 - + \$69,500 /yr. {O & M Budget}; + \$187,000 Capital

Recommendations Lakes Management Plan

- **Tier II Lakes (Priority Lakes):**
 - Public Outreach, Partnerships, Agreements, Assessment Districts
 - Vegetative maintenance, aeration, structural repairs, chemical & biological applications
 - Dredging
 - + \$94,300 / year {O & M Budget}
 - + \$1,497,000 {Capital}
- **Tier III Lakes:**
 - Public Outreach, Partnerships, Agreements, Assessment Districts
 - Vegetative maintenance, aeration, structural repairs, chemical & biological applications
 - More data is needed to determine dredging needs.
 - + \$95,500 /yr. {O & M Budget}; + \$25,000+ {Capital}

Excerpted text Item 16 / Utilities Zero-based Budgeting / 04/04/12r

City of Naples Utilities Department

- Water Treatment Plant
- Wastewater Treatment Plant
- Water Distribution
- Wastewater Collections
- Utilities Maintenance
- Solid Waste
- Equipment Services

Utilities Department Overview

- The mission of the Utilities Department is to efficiently maintain the public water, sewer and irrigation infrastructure and provide services to ensure the safety and well-being of the City residents.

City Code Directive Water/Sewer

Section 30-1(b)

- *Responsibility of city.* The city shall only be responsible for a good faith effort to provide reasonable water, sewer, and reclaimed water service. Water service is subject to the continuing availability of raw water supply, and water, sewer, and reclaimed water service is subject to the availability of the respective treatment plants' capacity and all requirements of the law.

Water/Sewer Fund (Utilities) Summary

	07-08	08-09	09-10	10-11	11-12
Water Sewer Fund Personal Services	6,483,975	6,884,869	6,892,587	6,692,034	6,824,118
Water Sewer Fund Operating Expenses	13,440,455	14,759,505	14,071,860	14,110,594	13,816,362
TOTAL EXPENSES	\$19,924,430	\$21,644,374	\$20,964,447	\$20,802,628	\$20,640,480

Percent Change from 07-08 3.59%

Comprehensive Annual Financial Report – 2010 / Page 62

Total Capital Assets: \$164,041,545

Administration

- Functions of the Administration Division:
 - **Administration of Department : \$5,522,338**
- Total Operating Expenses: \$4,888,669
- Total Personnel Budget: \$633,669
- Total Positions: 6

	ADOPTED BUDGET 07-08	ADOPTED BUDGET 08-09	ADOPTED BUDGET 09-10	ADOPTED BUDGET 10-11	ADOPTED BUDGET 11-12
PERSONNEL SERVICES	694,575	613,867	636,714	\$614,121	\$633,669
OPERATING EXPENSES	4,911,563	4,949,266	4,667,206	\$4,954,674	\$4,888,669
TOTAL EXPENSES	5,606,138	5,563,133	5,303,920	5,568,795	5,522,338

-1.5% decrease since 07-08

Five Year Comparison

JOB TITLE	07-08 Adopted	08-09 Adopted	09-10 Adopted	10-11 Adopted	11-12 Adopted
ADMINISTRATION (2001)					
Public Works Director	1	0	0	0	0
Utilities Director	1	1	1	1	1
Deputy Director	0	0	0	1	1
Utilities Engineer	1	1	1	0	0
Budget & CIP Manager	1	1	1	1	1
Project Manager	0	1	1	1	1
Administrative Coordinator	1	1	1	1	1
Administrative Specialist II	3	1	1	1	1
	8	6	6	6	6

Five Year Staffing Changes

FY 08/09 Project Manager

- Eliminated the Public Works Director position. Recreated a Project Manager position as a result of the elimination of the Construction Management Department.

FY 08/09 Administrative Specialist II

- Eliminated two positions as a result of the first set of layoffs.

FY 10/11 Deputy Director

- Reclassified a Utilities Engineer position in order to restructure Department's administrative functions

TOTAL Water/Sewer Fund / Five Year Comparison

JOB TITLE	07-08 Adopted	08-09 Adopted	09-10 Adopted	10-11 Adopted	11-12 Adopted
<ul style="list-style-type: none"> • Utilities reduced staffing level by 6 positions over the past 5 years. <ul style="list-style-type: none"> – Two (2) Administrative Specialists II (Admin) – Two (2) Plant Operators (WTP & WWTP) – Two (2) Utilities Technicians (WWC) • As a result of reorganizing, 4 positions transferred from Finance in the past three years: <ul style="list-style-type: none"> – Three (3) Meter Readers (09/10) – One (1) Warehouse Coordinator (11/12) 					

Utilities Administration Function: Administration / **Activities supporting this function: \$401,233**

6 personnel - \$633,669

(1 additional Administrative Specialist II budgeted in WD assist with Administration's function)

- Oversight of Divisions Operations
 - Personnel Services (management / payroll)
 - Operations & Maintenance
- Fiscal / Budget Management & Control
 - 5-Year Capital Improvement Planning
 - Annual Operations and Maintenance Budgets
 - Payment review & Invoice processing
 - Fixed asset tracking
- Purchasing
 - Bid Design & Specifications
 - RFQ/P Reviews

- Contract Administration
- Warehouse Management
- Correspondence & Communications
 - Customer Concerns
 - Agenda Packets
 - Presentations
 - Grant Administration
- Permitting & Compliance
 - Plant operating permits (FDEP & SFWMD)
 - Construction permits (FDEP)
 - Monitoring reports (FDEP & SFWMD)
- Engineering
 - Site Plan Reviews
 - Internal System Expansions
- Design Review
 - Project Management – Capital Improvement Projects

Impacts of a 10% Reduction / **Function: Administration \$103,400 in potential reductions**

<u>Activity</u>	<u>Reduction</u>	<u>Potential Negative</u>
Administration	Personnel	Slower response to department activities Limited project control increased project cost

Impacts of a 10% Increase

- Added position for the marketing of reclaimed water

Potential Outsourcing & Consolidation

- Outsourcing
 - Engineering
 - Project Management
 - Permit / Design Review

Existing Outsourcing

- Professional Design Services (large projects)
- Professional Studies / Reports

Water Treatment Plant

- Functions of the Plant:
 - **Treatment: \$5,917,281**
- Total Operating Expenses: \$4,858,255
- Total Personnel Budget: \$1,059,026
- Total Positions: 15 (*includes permit coordinator*)

	07-08 ADOPTED BUDGET	08-09 ADOPTED BUDGET	09-10 ADOPTED BUDGET	10-11 ADOPTED BUDGET	11-12 ADOPTED BUDGET
<i>PERSONNEL SERVICES</i>	1,051,252	1,142,140	1,108,320	\$1,050,942	\$1,059,026
<i>OPERATING EXPENSES</i>	4,804,778	5,372,101	5,168,486	\$5,103,785	\$4,858,255
TOTAL EXPENSES	5,856,030	6,514,241	6,276,806	6,154,727	5,917,281

1.0% increase since 07-08

Five Year Comparison

JOB TITLE	07-08 Adopted	08-09 Adopted	09-10 Adopted	10-11 Adopted	11-12 Adopted
WATER PRODUCTION (2030)					
Plant Superintendent	1	1	1	1	1
Treatment Plant Supervisor	1	1	1	1	1
Plant Operators I - IV	10	9	9	9	9
Utilities Coordinator	0	1	1	1	1
Service Worker III	2	1	1	1	1
Equipment Operator III	1	1	1	1	1
Utilities Permit Coordinator	1	1	1	1	1
	16	15	15	15	15

Five Year Staffing Changes

FY 08/09 Plant Operator

- Eliminated this position

FY 08/09 Utilities Coordinator

- Reclassified a Service Worker III position in order to provide additional duties to assist with administrative functions associated with repair and maintenance of the Water Plant.

Function: Treatment / **Activities supporting this function: \$5,917,281**

- Process Control - Water Treatment – \$3,586,460

9 personnel - \$596,360

- Chemicals
- Electricity – plant, 4 remote sites and 54 water wells
- Monitoring / Reporting
- Pumping
- Storage
- Process control testing
- Customer Complaints
 - Odor
 - Pressure
- Sludge Management - \$375,180
1 personnel - \$64,894
 - Dewatering
 - Sludge hauling
- Plant Maintenance - \$896,815
2 personnel - \$107,638
 - Preventative Maintenance
 - Parts
 - Routine Repairs
 - Grounds Maintenance
- Plant Administration & Project Management
2 personnel - \$213,672
 - Coordinating daily operations to flow with project implementation
 - Project Oversight

Impacts of a 10% Reduction / **Function: Treatment \$590,000 in potential reductions**

Activity	Reduction	Potential Negative
Process Control	Chemicals	Increase in color, treatment quality reduction, possible violations and fines
	Power	Treatment quality reduction, water pressure reduction, possible violations and fines

	Personnel	FDEP plant staffing requirements, increased overtime, safety reduced, liability increased, increased response time
Plant Maintenance	Preventative Maintenance	Service interruptions, equipment failure, violations, fines, increased capital expenses,
	Grounds maintenance	Aesthetics will decrease

Impacts of a 10% Reduction / **Function: Treatment \$590,000 In potential reductions**

Activity	Reduction	Potential Negative
Process Control	Chemicals	Increase in color, treatment quality reduction, possible violations and fines
	Power	Treatment quality reduction, water pressure reduction, possible violations and fines
	Personnel	FDEP plant staffing requirements, increased overtime, safety reduced, liability increased, increased response time
Plant Maintenance	Preventative Maintenance	Service interruptions, equipment failure, violations, fines, increased capital expenses,
	Grounds maintenance	Aesthetics will decrease

Impacts of a 10% Increase

- Additional plant operator
- Increased SCADA / Instrumentation (Remote capabilities for enhanced performance/reporting)
 - Unmanned facilities

Potential Outsourcing & Consolidation

- Outsourcing
 - Sludge Management – dewatering and hauling
 - Plant Maintenance – Utilities Maintenance
 - Water Treatment Operations
- Consolidation
 - Water Treatment – Collier County

Existing Outsourcing

- Sludge Hauling
- Ground Maintenance
- Generator Maintenance
- Breaker Maintenance
- Tank Inspections
- Large Pump and Motor Repair
- Well Rehabilitations

Water Distribution

- Functions of the Collection Division:
 - **Water Distribution : \$2,412,859**
- Total Operating Expenses: \$981,797
- Total Personnel Budget: \$1,431,062
- Total Positions: 22

	07-08 ADOPTED BUDGET	08-09 ADOPTED BUDGET	09-10 ADOPTED BUDGET	10-11 ADOPTED GET	11-12 ADOPTED BUDGET
PERSONNEL SERVICES	1,225,521	1,406,165	1,349,610	\$1,347,180	\$1,431,062
OPERATING EXPENSES	798,996	877,262	802,423	949,585	981,797
TOTAL EXPENSES	2,024,517	2,283,427	2,152,033	2,296,765	2,412,859

19.2% increase since 07-08

Water/Sewer Service Areas

- City Limits
 - 16.5 square miles
- Water Service Area
 - 29.6 square miles
 - *Raw Water Main Extending to Eastern Golden Gate Estates (not included)*
- Sewer Service Area
 - 16 square miles

Five Year Comparison

JOB TITLE	07-08 Adopted	08-09 Adopted	09-10 Adopted	10-11 Adopted	11-12 Adopted
WATER DISTRIBUTION (2031)					
Distribution Supervisor	1	1	1	1	1
Cross Control Technician	2	2	2	2	2
Sr. Utilities Technician	4	4	4	4	4
Utilities Technician	8	8	8	8	8
Utilities Coordinator	1	1	1	1	1
Utilities Locator	2	2	2	2	2
Utilities Inspector	1	1	1	1	1
Equipment Operator IV	1	1	1	1	1
Administrative Specialist II	1	1	1	1	1
Warehouse Coordinator*	0	0	0	0	1
	21	21	21	21	22

Five Year Staffing Changes

FY 11/12 Warehouse Coordinator

- Moved from the Finance Department/Purchasing Division to the responsibility and management of the Water Sewer Fund during FY 2010-2011
- Not shown are the three Customer Service Meter Readers

Potable Water Distribution / Activities supporting this function: \$2,412,859

- Distribution Mains & Valves - \$425,438
- 13 personnel - \$779,883
 - Main / Service Installation
 - Repair
 - Hydrant/Blow-off Repair and Installations
 - Construction Inspection
- Preventative Maintenance \$106,359
 - System Flushing
 - Mainline Cleaning
 - Valve Exercising
- Meters - \$450,000
- 2 personnel - \$119,229
 - Installation of Electronic Meters
 - 15 year meter change outs
 - Maintenance
 - Testing (Small Meters)
- Project Management & Administration
- 2 personnel - \$158,123
 - Oversight of In-house and Outsourced Projects
- Underground Utility Locating
- 2 personnel – \$109,118

- Backflow Prevention
2 personnel - \$145,828
 - Annual Backflow Testing
 - Annual Large Meter Testing
- Customer Complaints

Impacts of a 10% Reduction / **Function: Distribution \$240,000 in potential reductions**

Activity	Reduction	Potential Negative
Water Distribution	Personnel	Increased response time, possible violations, increased overtime, safety reduced, liability increased
	Meter replacement and maintenance schedules	Revenue reductions due to loss of accuracy; increase customer inquiry/complaints due to bi-monthly bill fluctuations
	Preventative Maintenance	Service interruptions, violations, fines, increased capital expenses

Impacts of a 10% Increase

- Enhanced asset data collection services (GPS/GIS)
- Customer backflow preventer installation program

Potential Outsourcing & Consolidation

- Outsourcing
 - Annual large meter testing
 - Annual backflow preventer testing
 - All system repairs
 - Meter replacements and repairs
 - Emergency afterhours callouts
- Consolidation
 - Water Distribution – Collier County

Existing Outsourcing

- Large Emergency Repairs
- Large Replacement Projects

Wastewater Treatment Plant

- Functions of the Plant:
 - **Treatment: \$3,065,925**
 - **Central Lab: \$329,000**
- Total Operating Expenses: \$1,913,160
- Total Personnel Budget: \$1,481,765
- Total Positions: 19

	07-08 ADOPTED BUDGET	08-09 ADOPTED BUDGET	09-10 ADOPTED BUDGET	10-11 ADOPTED BUDGET	11-12 ADOPTED BUDGET
PERSONNEL SERVICES	\$1,446,680	\$1,573,527	\$1,573,887	\$1,504,932	\$1,481,765
OPERATING EXPENSES	\$1,948,205	\$2,396,228	\$2,316,664	\$1,977,670	\$1,913,160
TOTAL EXPENSES	3,394,885	3,969,755	3,890,551	3,482,602	3,394,925

0.0% increase since 07-08

Five Year Comparison

JOB TITLE	07-08 Adopted	08-09 Adopted	09-10 Adopted	10-11 Adopted	11-12 Adopted
WASTEWATER TREATMENT (3040)					
Treatment Plant Supervisor	1	1	1	1	1
Plant Superintendent	1	1	1	1	1
Laboratory Supervisor	1	1	1	1	1
Laboratory & Field Technician	2	2	2	2	2
Plant Operator	11	11	11	10	10
Industrial Waste Technician	1	1	1	1	1
Service Worker III	1	1	1	1	1
Equipment Operator III	1	1	1	1	1
Utilities Coordinator	1	1	1	1	1
	20	20	20	19	19

Five Year Staffing Changes

FY 10/11 Plant Operator

- Eliminated this position

Treatment / Activities supporting this function: \$3,394,925

- Process Control - Wastewater Treatment and Alternative Water Distribution - \$1,407,555
9 personnel – \$858,174

- Chemicals
- Electricity – Plant only
- Monitoring / Reporting
- Pumping
- Storage
- Process Control Testing
- Customer Complaints
 - Odor
 - Golf Courses

- Sludge Management - \$162,800
2 personnel - \$129,729

- Dewatering
- Class "AA" Treatment
- Sludge Hauling

- Plant Maintenance - \$311,805
2 personnel – \$101,621

- Preventative Maintenance
- Parts
- Routine Repairs
- Grounds Maintenance

- Project Management & Administration
2 personnel - \$218,087

- Coordinating daily operations to flow with project implementation
- Project Oversight

Central Lab

4 personnel - \$334,875

- Compliance Monitoring - \$31,000 supplies
 - Testing for Water Plant, Raw Water Wells, Distribution System, Wastewater Plant, Collections System, & Groundwater Monitoring Wells
 - 15,000 samples collected and tested per year
- Water Quality Sampling

- Mainline breaks, Repairs, Replacement, & Complaints
- 5,000 samples collected and tested per year
- Customer Complaints
 - Due to Water Quality concerns
- Beach Sampling

Impacts of a 10% Reduction / **Function: Treatment \$339,400 in potential reductions**

<u>Activity</u>	<u>Reduction</u>	<u>Potential Negative</u>
Process Control	Chemicals	Treatment quality reduction, possible violations and fines, increase in odor
	Power	Treatment quality reduction, reuse pressure reduction, possible violations and fines
	Personnel	FDEP Plant staffing requirements, increased overtime, safety reduced, liability increased, increased response time
Plant Maintenance	Preventative Maintenance	Service interruptions, equipment failure, violations, fines, increased capital expenses
	Grounds maintenance	Aesthetics will decrease

Function: Central Lab \$33,000 in potential reductions

<u>Activity</u>	<u>Reduction</u>	<u>Potential Negative</u>
Compliance Monitoring	Analysis / Monitoring	Possible violations (compliance and hold time) and fines, slower response time to quality issues, delays in restoring service, increased production well down time
Water Quality Sampling	Sampling	Possible violations and fines, slower response time to customer complaints,

Impacts of a 10% Increase

- Reclaimed System Coordinator
 - Increased marketing of reuse, increased signage and inspection of signage, lessen risk of cross connections
- Instrumentation (Remote capabilities for enhanced performance/reporting)
 - More efficient and accurate reporting and monitoring
- Stormwater Testing

Potential Outsourcing & Consolidation

- Outsourcing
 - Sludge Management – treatment, dewatering & hauling
 - Central Lab
 - Plant Maintenance – Utilities Maintenance
 - Wastewater Treatment Operations
- Consolidation
 - Wastewater Treatment – Collier County

Existing Outsourcing

- Sludge Hauling
- Grounds Maintenance
- Generator Maintenance
- Breaker Maintenance
- Tank Inspections
- Large Pump and Motor Repair
- Specific Lab Testing

Wastewater Collection

- Functions of the Collection Division:
 - **Wastewater Collection and Reclaimed Water Distribution : \$1,458,455**
- Total Operating Expenses: \$454,725
- Total Personnel Budget: \$1,003,730
- Total Positions: 17

	07-08 ADOPTED BUDGET	08-09 ADOPTED BUDGET	09-10 ADOPTED BUDGET	10-11 ADOPTED BUDGET	11-12 ADOPTED BUDGET
PERSONNEL SERVICES	1,070,835	1,095,418	1,019,018	\$989,609	\$1,003,730
OPERATING EXPENSES	338,046	493,641	434,024	\$430,375	\$454,725
TOTAL EXPENSES	1,408,881	1,589,059	1,453,042	1,419,984	1,458,455

3.5% increase since 07-08

Water/Sewer Service Areas

- City Limits
 - 16.5 square miles
- Water Service Area
 - 29.6 square miles
 - Raw Water Main Extending to Eastern Golden Gate Estates (not included)
- Sewer Service Area
 - 16 square miles

Five Year Comparison

JOB TITLE	07-08 Adopted	08-09 Adopted	09-10 Adopted	10-11 Adopted	11-12 Adopted
WASTEWATER COLLECTION (3041)					
Collections Supervisor	1	1	1	1	1
Utilities Coordinator	1	1	1	1	1
Sr. Utilities Technician	3	3	3	3	3
Equipment Operator V	1	1	1	1	1
Equipment Operator IV	1	1	1	1	1
Utilities Locator	1	1	1	1	1
Utilities Technicians	11	9	9	9	9
	19	17	17	17	17

Five Year Staffing Changes

FY 08/09 Utilities Technicians

- Eliminated two vacant positions that were intended to provide additional resources for maintenance of the reclaimed water system.

Wastewater Collection and Reclaimed Distribution / Activities supporting this function: \$1,458,455

- Gravity Sanitary Sewer System (manholes, mains, & service connections) - \$383,780
 - 14 Personnel - \$805,520
 - Installation, repair, replacement
 - Cleaning (mainlines & pump stations)
 - Televising
 - Relining
- Sanitary Pressurized Mains
 - Installation, repair, replacement
 - Valve maintenance, repair, & installation
- Reclaimed Water Distribution Mains & Valves
 - Installation
 - Repair
 - Hydrant/Blow-off Repair and Installations
- Reclaimed Water Service Installations
- Reclaimed Meters - \$90,945
 - 2 personnel- \$107,823
 - Installation, replacements and maintenance
 - Reclaimed Water System Preventative Maintenance
 - Flushing

- Mainline Cleaning
- Valve Exercising
- Project Management & Administration
 - In-house and Outsourced Projects
- Customer Complaints
- GPS
 - 1 Person - \$55,967
 - Water, Sewer, & Reclaimed

Impacts of a 10% Reduction / **Function: Collection \$145,000 in potential reductions**

Activity	Reduction	Potential Negative
Collection and Reclaimed Distribution	Personnel	Increased response time, sewer overflows, possible violations, increased overtime, safety reduced, liability increased
	Preventative Maintenance	Service interruptions, sewer overflows, violations, fines, increased capital expenses

Impacts of a 10% Increase

- Enhanced asset data collection services (GPS/GIS)

Potential Outsourcing & Consolidation

- Outsourcing
 - Mainline cleaning & televising
 - All system repairs
 - Meter replacements and repairs
- Consolidation
 - Wastewater Collection – Collier County

Existing Outsourcing

- Large Emergency Repairs
- Gravity Sewer Lining
- Sewer Lateral Lining

Utilities Maintenance

- Functions of the Maintenance Division:
 - **Maintenance of the mechanical and electrical components of the Utilities System : \$1,689,553**
- Total Operating Expenses: \$641,690
- Total Personnel Budget: \$1,047,863
- Total Positions: 16

	07-08 ADOPTED BUDGET	08-09 ADOPTED BUDGET	09-10 ADOPTED BUDGET	10-11 ADOPTED GET	11-12 ADOPTED BUDGET
PERSONNEL SERVICES	995,112	1,053,752	1,040,038	\$1,034,413	\$1,047,863
OPERATING EXPENSES	638,867	671,007	661,366	\$654,095	\$641,690
TOTAL EXPENSES	1,633,979	1,724,759	1,701,404	1,688,508	1,689,553

3.4% increase since 07-08

Five Year Comparison

JOB TITLE	07-09 Adopted	08-09 Adopted	09-10 Adopted	10-11 Adopted	11-12 Adopted
UTILITIES MAINTENANCE (4050)					
Utilities Maintenance Supervisor	1	1	1	1	1
Instrument Technician	4	4	4	4	4
Utilities Maintenance Tech II/I	8	8	8	8	8
Tradesworker	1	1	1	1	1
Service Worker III	1	1	1	1	1
Utilities Coordinator	1	1	1	1	1
	16	16	16	16	16

Five Year Staffing Changes

There have not been any staffing changes within the division.

Maintenance of the Utilities System / Activities supporting this function: \$1,689,553

- 120 Sewer Pump Stations – Maintenance, Repair, & Replacements - \$298,014
7 personnel - \$403,837
 - Electrical Components
 - Mechanical Components
 - Telemetry Systems
 - Testing
 - Landscape Maintenance
- 54 Raw Water Wells – Maintenance, Repair, & Replacements - \$149,007
3 personnel - \$188,496
 - Electrical Components
 - Mechanical Components
 - Telemetry Systems
 - Testing
 - Disinfecting
 - Landscape Maintenance
 - Building Maintenance
- 4 Potable Water Remote Pumping Stations – Maintenance, Repair, & Replacements - \$49,869
3 personnel - \$195,844
 - Electrical Components
 - Mechanical Components
 - Telemetry Systems
 - Testing
 - Building Maintenance
- Treatment Plant Maintenance Assistance (Large/Technical Applications)
1 person - \$73,743
- Maintenance Contract Management - \$145,000
2 personnel - \$138,383
 - Generator Maintenance
 - Odor & Grease Control
 - Capital Improvement Project planning and implementation

Impacts of a 10% Reduction / **Function: Maintenance \$170,000 in potential reductions**

Activity	Reduction	Potential Negative
Maintenance	Personnel	Possible violations, increased overtime, safety reduced, liability increased, increased response time
	Preventative Maintenance	Service interruptions, violations, fines, increased capital expenses

Impacts of a 10% Increase

- Enhanced asset data collection services (GPS/GIS)

Potential Outsourcing & Consolidation

- Outsourcing
 - Mechanical/Electrical/Instrumentation Repairs
- Consolidation
 - Water & Wastewater Plants
 - Collier County

Existing Outsourcing

- Large Emergency Repairs
- Generator Maintenance
- Odor & Grease Control Services
- Large motor and pump repairs

Solid Waste Division

- Functions of Solid Waste:
 - Administration: \$1,306,222
 - Residential Garbage Collections: \$1,161,395
 - Horticultural Debris Collections: \$590,000
 - Commercial Garbage Collections: \$2,190,857
 - Residential Recycling Collections: \$465,748
- Total Operating Expenses: \$4,051,622
- Total Personnel Budget: \$1,682,400
- Total Positions: 25.5

	ADOPTED BUDGET 07-08	ADOPTED BUDGET 08-09	ADOPTED BUDGET 09-10	ADOPTED BUDGET 10-11	ADOPTED BUDGET 11-12
PERSONNEL SERVICES	\$1,855,816	\$2,015,262	\$1,684,214	\$1,700,089	\$1,662,400
OPERATING EXPENSES	\$4,509,325	\$4,679,384	\$4,413,973	\$4,356,398	\$4,051,622
TOTAL EXPENSES	6,365,141	6,694,646	6,098,187	6,056,487	5,714,022

-10.2% decrease since 07-08

Five Year Comparison

ADMINISTRATION (1201)

Solid Waste Superintendent	1	1	1	1	1
Administrative Specialist II	1	1	1	1	1
Solid Waste Supervisor	0	0	1	1	1
Customer Service Representative	1	0	0	0.5	0.5
	3	2	3	3.5	3.5

RESIDENTIAL (1222)

Solid Waste Supervisor	1	1	0	0	0
Equipment Operator III	2	2	2	2	2
Crew Leader III	3	3	3	3	3
Service Worker III	8	8	6	6	6
	14	14	11	11	11

COMMERCIAL (1224)

Solid Waste Supervisor	1	1	0	0	0
Equipment Operator V	6	6	5	5	5
Service Worker III	1	1	0	0	0
	8	8	5	5	5

JOB TITLE	07-08 Adopted	08-09 Adopted	09-10 Adopted	10-11 Adopted	11-12 Adopted
RECYCLING (1225)					
Equipment Operator V	2	2	2	3	3
Service Worker III	2	2	2	2	2
Recycling Coordinator	0	0	1	1	1
	4	4	5	6	6
TOTAL	29	28	24	25.5	25.5

- Solid Waste reduced staffing levels by 3.5 positions over the past 5 years.

Five Year Staffing Changes

FY 08/09 Customer Service Representative

- Eliminated this position as part of the first set of layoffs. A part-time position was recreated in 2010-2011 to assist with increased volume of customer service calls.

FY 09/10 Solid Waste Supervisor (Commercial)

- Transferred this position from the Commercial division to Administration to better account for management responsibilities.

FY 09/10 Solid Waste Supervisor (Residential)

- Eliminated this position as an effort to streamline operations.

FY 09/10 Recycle Coordinator

- Reclassified an Equipment Operator V in the Commercial division to assist with an increase level of service within the recycle program.

FY 10/11 Equipment Operator V

- Added this position as a result of migrating to a "single stream" recycle collections operation. This position is responsible for transporting recyclable material to the Lee County Material Recovery Facility (MRF).

Administration / Activities supporting this function: \$65,201

3.5 personnel - \$293,993

- Administration of Solid Waste Contracts
 - Horticulture, roll-off, recycling disposal, compactor rentals, dumpster and cart contracts
- Manage Customer Service and Code Issues
- General Supervision for the Division
 - Payroll, accounts payable/receivable, and HTE
- Budgeting, Reporting and Compliance

Residential Garbage Collections / Activities supporting this function: \$1,161,395

- Single Family Collection – approximately 6,000 homes
- Multi-Family Collection – approximately 10,000 multi-family units - \$284,750
- 11 personnel - \$636,645
 - Twice per week collections
 - Backdoor service (single family)
 - Standard, underground, and trash room service (multi-family)
 - 3 routes w/ 1 large truck and 2 small pickups per route
 - Large Item Pick Up (as scheduled)
- Waste Hauled to County Landfill - \$240,000

Horticulture Debris Collections / Activities supporting this function: \$590,000

Outsourced Service - IDC Choice Environmental

- Collection - \$590,000
 - Once per week
 - No quantity limit
 - No bundling or containment required

Commercial Garbage Collections / Activities supporting this function: \$2,190,657

- Collection – Approximately 525 customers and 350 condominiums - \$717,335
- 5 personnel - \$373,322
 - Seven days per week (based on customer needs)
 - Dumpsters, compactors, and 95 gallon carts
 - 3 routes
- Waste Hauled to County Landfill - \$1,100,000

Residential Recycling Collections / Activities supporting this function: \$465,748

- Single Family Collection – approximately 6,000 homes
- Multi-Family Collection - approximately 10,000 multi-family units - \$107,248
- 6 personnel - \$358,500
 - Once per week
 - Single stream 65 or 35 gallon carts
 - 2 routes collected by 2 large recycle trucks
 - Once per week
 - Single stream 95 gallon carts (Condos)
- Hauled to Lee County Material Recovery Facility (MRF)

Impacts of a 10% Reduction / \$570,000 in potential reductions

<u>Function</u>	<u>Reduction</u>	<u>Potential Negative</u>
Administration	Personnel	Decreased service, increased overtime, health & safety concerns, liability increased, increased response time
	Grounds maintenance	Aesthetics will decrease
Residential Garbage Collections	Preventative Maintenance	Service interruptions, equipment failure, violations, fines, increased capital expenses,
Horticulture Collections	Eliminate Service	Homeowners would be responsible for disposing debris

Impacts of a 10% Increase

- Increase level of service: Expand the recycle collection program to include hazardous material and scheduled collection of consumer electronics

Outsourcing & Consolidation

- Outsourcing
 - Residential Garbage Collections
 - Commercial Garbage Collections
 - Residential Recycling Collections
- Consolidation
 - Collier County – Waste Management

Existing Outsourcing

- Horticulture
- Roll-off Container/Compactor Hauling Services

Linneman

This morning, Mr. Parker and Mr. Schultz made assertions concerning the integrity of the individuals on the Board of the Naples Airport Authority and the senior staff of the Authority. Mr. Parker's assertion that the extension of taxiway A was on the drawings presented to City Council last March failed to note that the drawing indicated the taxiway was to be built within the next five years and not coincident with the runway extension.

Mr. Schultz made assertions that the Airport senior staff failed to be responsive to public records requests made by him. The facts are that the Airport staff was completely responsive to Mr. Schultz's subsequently modified record request. The NAA will be able to demonstrate this to the complete satisfaction of City Council.

It is unfortunate that in their zeal to achieve their ends they are willing to tarnish the reputation and integrity of the Airport's Executive Director and the individuals serving the City of Naples and its residents as members of the Board of the NAA. 4/4/12

SUPPLEMENT
#PC Linneman
@end of meeting



CITY OF NAPLES AIRPORT AUTHORITY
160 AVIATION DRIVE NORTH • NAPLES, FLORIDA 34104-3568

ADMINISTRATION (239) 643-0733 FAX 643-4084
OPERATIONS 643-0404 FAX 643-1791, E-MAIL administration@flynaples.com

April 3, 2012

The Honorable John F. Sorey, III
City of Naples
735 Eighth Street S
Naples, FL 34102

Dear Mayor Sorey:

Please accept this letter in response to the idea of establishing an "independent" committee to advise City Council on airport matters.

We believe that you are well aware of our record of accomplishments, both state wide and federally. We were successful in banning Stage 1 and 2 aircraft (the noisiest) from our airport, as well as the only airport that has successfully completed a Part 161 Study (requirements governing noise and access restrictions).

In addition, as Council is aware, our Board Members all live in the City, come from diverse backgrounds, range in age, education, etc., therefore, the statement by some that the City of Naples Airport Authority Board of Commissioners is "unbalanced" is frivolous at best.

I believe that I speak for all Commissioners when I state that we are cognizant of our statutory duty to make decisions on reliable data presented to us. This includes studies by our consultants, the recommendations of the Noise Compatibility Committee, the requirements placed upon us by the FAA, as well as the advisory consensus of Council.

Your appointed Airport Authority Members are working for all City residents and should be credited with honest motives for their public service.

Respectfully,

Cormac Giblin, Chairman

C: Honorable Commissioners
Honorable Council Members
Bill Moss, City Manager



NAPLES MUNICIPAL AIRPORT
The Best Little Airport in the Country

