



City of Naples

City Council Chamber
735 Eighth Street South
Naples, Florida 34102

City Council Regular Meeting – May 16, 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
Margaret Sulick

Also Present:

William Moss, City Manager
Robert Pritt, City Attorney
Jessica Rosenberg, Deputy City Clerk
Vicki Smith, Technical Writing Specialist
David Lykins, Community Services Director
Gregg Strakaluse, Streets & Stormwater Director
Robin Singer, Planning Director
Adam Benigni, Planner
Erica Goodwin, Planner
John Dunnuck, Purchasing Manager
Robert Middleton, Utilities Director
Greg Givens, Grants Coordinator
Stephen McInerny, Fire Chief
Sheila Etelamaki
Kerry Keith
Ryan Frost
Ron Jefferson
John Allen
Cormac Giblin
Robert Sullivan
Ernest Linneman
Ted Soliday
Bill Gowens
Joseph McMackin
Ted Baldwin
Sheila Dugan

Gene Scott
John Tobin
Alan Parker
Larry Schultz
Penny Taylor
Mary Watkins
Michael Watkins
Henry Watkins
Jim Boula
Dorothy Hirsch
Sue Smith
Henry Kennedy
Judith Chirgwin
Charles Thomas
Christine Spake
Sara Hilbert
Wynn Phillips
Andrea Utter
Ted Trimmer
Bill Cox
Rocky Scofield
Alex Garland

Media:

Kristine Gill, Naples Daily News

Other interested citizens and visitors

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

Pastor Gene Scott, Celebration Community Church.

ANNOUNCEMENTS..... ITEM 3

Mayor Sorey introduced the Watkins family who presented a \$45,000 contribution for the new River Park Community Pool facility, adding that the Selfon family was contributing an additional \$5,000. He then read a proclamation designating May 17 as National Guard Reserve Day, and Vice Mayor Price read the National Small Business Week proclamation (May 20 through 25).

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

MOTION by Barnett to SET THE AGENDA withdrawing Item 8 (Easement Vacation 12-EV1) and adding the following: Item 16 (Public Art Advisory Committee/PAAC appointment); Item 17 (HUD / CDBG Agreement); Item 18 (horticultural collection discussion); and Item 19 (discussion of update for Land Development Regulations). This motion was 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).

PUBLIC COMMENT ITEM 5

(8:45 a.m.) None.

CONSENT AGENDA

APPROVAL OF MINUTES..... ITEM 6-a

April 4, 2012 and April 18, 2012 Regular Meeting minutes; as submitted.

APPROVAL OF SPECIAL EVENTS ITEM 6-b

- 1) Naples Concert Band – Free Sunday Concert – Cambier Park Bandshell – 10/21/12, 11/11/12, 12/02/12, 01/20/13, 02/10/13, 03/03/13, 03/24/13 and 04/14/13.
- 2) Gulf Coast Big Band – Free Sunday Concert – Cambier Park Bandshell – 11/18/12, 12/16/12, 01/27/13, 02/17/13, 03/10/13 and 03/31/13.

CLERK’S TRACKING #12-00023 ITEM 6-c

AWARDING A CONTRACT FOR IMPROVEMENTS TO FIFTH AVENUE NORTH INCLUDING ON-STREET PARALLEL PARKING, LANDSCAPING, HARDSCAPING AND IRRIGATION: \ VENDOR: SURETY CONSTRUCTION COMPANY, BONITA SPRINGS, FLORIDA \ COST: \$71,213.78 \ FUNDING: COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS (NO MATCHING FUNDS REQUIRED).

MOTION by Saad to APPROVE CONSENT AGENDA 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).

END CONSENT AGENDA

CITY COUNCIL / NAPLES AIRPORT AUTHORITY (NAA) JOINT MEETING..... ITEM 7

(8:45 a.m.) Following a brief introduction by Mayor Sorey, the joint meeting with the Naples Airport Authority (NAA) began with its Chairman, Cormac Giblin, providing an opening statement noting the NAA’s commitment to its mission of maintaining and operating the airport legally and safely.

Topics for discussion (It is noted for the record that public comment was taken for each individual topic.):

- US Customs and border protection;
- Transparency and televised meetings;
- Term limits for board members;
- 75,000-pound weight limit;
- Trend in aircraft operations;
- Alternate use of crosswind runway during special events;
- Flight procedures;
- Pollution and stormwater drainage;

- Taxiway A extension; and
- Voluntary curfew.

(It is noted for the record that documentation, including a printed copy of the NAA electronic presentation referenced throughout the item, is contained in the file for this meeting in the City Clerk's Office.)

Taxiway A extension (8:51 a.m.): Chairman Giblin explained that with the extension of the northeast end of runway 5/23, taxiway A, which lies to the east of the runway, is in need of extension also to allow aircraft from the east portion of the airport to access the runway for departure. In addition, the taxiway extension will allow aircraft to cross to the west of runway 5/23 without closing it; closure of the runway creates issues during heavy traffic, he added. This extension had been depicted on "Exhibit D", 2010 Utilization Plan Update (slide 27 of the presentation), presented to Council in March 2011, and referenced as a future improvement to occur sometime within the next five years. Since completing the runway extension project the NAA has been attempting to accelerate the timing of the taxiway extension, he said, although the project involves major changes to the airport's stormwater master plan. A large retention pond currently lies too close to the proposed taxiway path and work to address the situation should begin prior to the end of the year. In response to Vice Mayor Price, NAA Executive Director Ted Soliday explained that the project would be presented to the NAA at the next day's meeting for conceptual approval. He noted that the airport's stormwater management system accepts 400 acres of runoff from the surrounding Collier County, the majority of which enters from the east of its site. The aforementioned retention pond is extremely deep as it provides storage for the runoff; the proposal involves filling a major portion of the pond to accommodate the construction of the taxiway extension. Completion is scheduled prior to November 2013, Mr. Soliday said. He further confirmed that the document presented to Council, and the Metropolitan Planning Organization (MPO), was in fact the same Exhibit D presented that day.

Public Comment: (9:02 a.m.) **Alan Parker, 741-A Third Street South**, maintained his position that the NAA had not presented a document depicting the taxiway A extension to Council nor was it discussed in any City Council meeting. (It is noted for the record that all documents presented by Mr. Parker are contained in the file for this meeting in the City Clerk's Office.) He further recalled that during a March 2010 NAA meeting, a representative from the Federal Aviation Administration (FAA) had indicated its mandate that the taxiway be extended along with the threshold extension but that this too was left unaddressed. In conclusion, he noted the use of intersection takeoffs by departing aircraft, stating that he believed Council would not have approved the displaced thresholds had it been aware that aircraft would not be utilizing them at all times. The NAA's argument had been that safety would be increased and noise decreased with the extension of runway 5/23, yet it does not require its use, he maintained. Various Council Members said they were certain that Exhibit D had been presented numerous times to the public throughout the past two years; NAA Chairman Giblin agreed.

In response to Council Member Heitmann, Mr. Soliday reported that Exhibit D had in fact been presented to both City Council and the Planning Advisory Board (PAB) during consideration of the conditional use permit regarding the extension of runway 5/23. He further explained that the NAA had discussed the stormwater issues with both the Big Cypress Basin Board and the South Florida Water Management District (SFWMD), noting that it has an aggressive water management program. He also confirmed for Mrs. Heitmann that the displaced threshold project had been funded by the NAA in its entirety; no federal grant monies had been received.

Voluntary curfew (9:26 a.m.): NAA Member Ernest Linneman, noted that the key is that it is in fact voluntary, that while it is perfectly legal for aircraft to arrive or depart at any time, the curfew,

City Council Regular Meeting – May 16, 2012 – 8:29 a.m.

which was enacted in May 1996, is in effect from 10:00 p.m. to 7:00 a.m.. He asserted that pilots do attempt to adhere to the curfew and provided the following data: nighttime operations are at 2% of the overall total, of which 26% are public service flights (*air ambulance, mosquito control, EMS, Sheriff, Coast Guard and military*) and 75% occur between 10:00 p.m. to 12:00 a.m. and 6:00 a.m. to 7:00 a.m. All aircraft are included within the data, he stated, including those with blocked tail numbers. He then urged all in attendance to participate in the May 23 meeting of the Noise Compatibility Committee (NCC), noting its newly elected Chair, Scottie Yeager, who has been very involved in addressing the issue. Various Council Members thanked Ms. Yeager for her efforts. Mayor Sorey urged that future presentations reflect actual numbers and not merely percentages.

Although there are no penalties, airport staff does send letters of non-compliance to aircraft owners upon curfew violation. Additionally, NAA Member John Allen pointed out that some pilots are forced into late arrivals due to weather or mechanical problems beyond their control. Compliance should be acknowledged, he concluded, and Mr. Linneman explained that he has considered rewarding those who comply, especially with the locally based operators. Council Member Saad then requested a breakdown of curfew violations by arrivals and departures as well as the number that are locally based. Mayor Sorey requested that the information be provided to Council via e-mail; Mr. Soliday concurred.

In response to Council Member Finlay, Mr. Soliday clarified that aircraft must demonstrate a security risk prior to being allowed to black out tail numbers, which is done during the day as well as night, although they must still follow the airports security and safety protocols.

Vice Mayor Price then commended the NAA for its commitment to the curfew, indicating that it has reached a 98%+ compliance with a voluntary edict and continues making efforts for improvement.

Public Comment: (10:03 a.m.) **Larry Schultz, Aqualane Shores**, thanked both Council and the NAA for the meeting, beginning his comments by saying that the issue is not the total number of operations, but the increasing number of jets in particular and the amount of noise generated. Referencing curfew violators as affirmed above, he recommended publicizing a list as a deterrent and/or charging extra for utilizing the facility during curfew hours. Mr. Soliday explained that the breakdown of information regarding the number of jets was contained on slide 12 of the NAA presentation (a copy of which is contained in the file for this meeting in the City Clerk's Office). Consultant Ted Baldwin, with Harris, Miller, Miller & Hanson, Inc. (HMMH), a specialist in airport noise reduction, reported that the data reflected in the aforementioned slide had been gleaned from the flight plan data gathered by the FAA for 2005, 2010 and 2011. Going forward, additional information could be gathered from the same source, i.e. the number of jets versus other aircraft. Executive Director Soliday stated that this information is posted on the NAA website monthly. Mr. Baldwin added that while jet traffic had decreased by 50% since 2005, it is anticipated that it will rebound. **John Tobin, 574 Broad Avenue South**, observed that in his opinion, the credibility of the NAA is in question; especially with regard to the flight path over Old Naples versus Naples Bay. Communication with residents must be improved and problems acknowledged, he said, with data provided reflecting actual numbers and not merely percentages. Noise from jets and pollution from the aircraft have been topics of discussion since 2000, he concluded. Mayor Sorey thanked Mr. Tobin for his commitment to finding solutions. **Sue Smith, 11th Avenue South**, urged that the NAA and Council have regularly scheduled joint meetings thereby allowing greater communication with the public. She also expressed concern with the practice of blocking out tail numbers especially in light of the new customs facility. **Andrea Utter, 995 Ninth Avenue South**, stated that her home lies in the path

City Council Regular Meeting – May 16, 2012 – 8:29 a.m.

of the nighttime flights, subjecting her household to noise and pollution. She observed that these flights should be routed over Naples Bay thereby impacting fewer residents. Many people no longer complain or attend meetings as they doubt their comments are heeded, she concluded. **Alan Parker, 741-A Third Street South**, proposed that the NAA provide monthly reports, posted to its website, as to the total number of flights and specifics of each aircraft non-turbo and turbo, and jets by weight class. It could also include information on curfew violations. He also questioned whether some flights, aside from those experiencing mechanical problems, could be routed to the Fort Myers airport if arriving after the Naples curfew. A brief discussion of Mr. Parker's request regarding the specifics to be posted to the NAA website followed and it was decided that Mr. Soliday would decide upon the detail due to cost constraints involved in gathering the data. **Wynn Phillips, 975 Ninth Avenue South**, noted comments made by guests to his home when the jets fly overhead as well as the noise level at the Cambier Park tennis center which sometimes interrupts play. He urged caution when determining the flight path of the aircraft saying it could force current residents to relocate and discourage interested persons from relocating to the City.

Recess: 10:35 a.m. to 10:46 a.m. It is noted for the record that the same Council Members were present when the meeting reconvened and Item 7 continued.

Trend in aircraft operations (10:47 a.m.): NAA Member John Allen provided a brief overview of the data regarding annual growth of the airport, reiterating comments by Consultant Baldwin above. Projected growth at 5.2% might be optimistic, he added, as it would be driven by the economy. In response to whether the information requested by Mr. Parker above could be provided, Mr. Allen indicated that data for a three-month period during the upcoming tourist season could be gathered and posted to the NAA website. Mr. Soliday added that the NAA has access to the information from an automated data broadcast system (ADBS) that generates radar and satellite information which may prove to be helpful. Vice Mayor Price added that he believed that provision of the data would aid in accountability to the residents.

A brief discussion of the Piaggio turboprop, an extremely loud aircraft, followed during which Mr. Soliday noted that a modification to the prop that would lower the level of noise is available but very expensive. These aircraft, the majority of which are based in Tampa, are corporate jets; the owner has in fact directed that its pilots use noise reduction protocols when arriving or departing Naples as it is a known noise sensitive community, he added.

Council Member Heitmann received an overview of the NAA's noise complaint process and Council Member Finlay received confirmation that the capacity of the airport was in fact exceeded some days during tourist season.

Public Comment: (11:08 a.m.) **Larry Schultz, Aqualane Shores**, noted that the website flightaware.com provides information on the activities at the Naples airport on a daily basis if aircraft are using instrument flight rules (IFR) equipment although it does not reflect those aircraft with blocked tail numbers. **Sue Smith, 11th Avenue South**, questioned why some of the aircraft directed over the Old Naples area could not be rerouted to the north of Fifth Avenue South or further south, over the Port Royal area; it is unfair to subject the Old Naples residents to the majority of the flights arriving and/or departing the airport, she said. Mr. Soliday reported that both Fort Myers airports have lower fuel prices than Naples and that the other runway (14/32) was in fact utilized when wind conditions permit (aircraft land and takeoff into the wind). **Judith Chirgwin, Naples**, listed some of the changes she had observed over her 60 years as a Naples resident, cautioning that future land values must be considered when the future of the airport is discussed. Residents do not want noisy, low-flying aircraft encroaching into their lives after investing a great deal to live in the City she said.

US Customs and border protection (11:25 a.m.): Member Allen then reviewed this topic (slide 4 of the presentation), noting that the NAA fully funds the facility. He agreed with Council Member Finlay that the service has probably aided in reducing the number of curfew violations as aircraft can land directly in Naples. Mr. Soliday clarified that the airport must have at least 2,000 international clearings per year, for multiple years, prior to the FAA funding the customs service.

Public Comment: (11:35 a.m.) **Alan Parker, 741-A Third Street South**, urged that the NAA make no attempt to attract additional users with the customs facility which, he said, would result in the financial responsibility being transferred to the federal government. Mr. Allen noted that one intent of the service had been to attract businesses to the area involved in ventures other than tourism and real estate. **Larry Schultz, Aqualane Shores**, questioned the benefit of having the customs facility at the local airport and whether the NAA would perform a cost/benefit analysis at some point.

Alternate use of crosswind runway during special events (14/32), 75,000-pound weight limitation, & Flight procedures (11:38 a.m.): Member Allen reviewed the weight limitation (slide 10 of the presentation), stressing that all runways, taxiways and ramps, as well as the displaced thresholds, have been constructed to the 75,000-pound limitation; it would require a super-majority of the NAA to amend this restriction, he said.

Member Linneman reviewed noise abatement flight procedures (slides 18 and 19), noting that the FAA has approved the designated routes. He stressed that it is unsafe for aircraft to change direction late in an approach and therefore they begin their flight path one to two miles from the airport. As the flight paths cannot be altered with regard to landings, the intent is to keep the aircraft as high as possible at the lowest power setting as possible to abate the amount of noise during their approaches, he explained. With regard to departures (slide 19), the FAA has limited the altitude of Naples aircraft to 2,000 feet due to the proximity of the Fort Myers airport and required altitude separation of aircraft; the FAA is considering lifting this restriction, he added. This would result in less noise for a greater number of residents as many of the aircraft are quite capable of reaching 3,000 feet in a very short time. He further stressed that the Fifth Avenue South corridor for departures affects the least number of residents for the shortest amount of time although it has been proven that the pilots do not adhere to the corridor as closely as they should; this results in impacts to communities to the south such as Old Naples. This issue could be rectified by the implementation of SIDS (standard instrument departures) with those aircraft flying IFR. Routing departures over Naples Bay would affect residents for a longer period of time due to the path over open water. Also, slower aircraft are already routed over the Bay; aircraft of varying speeds cannot safely occupy the same airspace, he cautioned. Consultant Baldwin further explained that with new technology, the issue of shared airspace and current maximum altitudes will be resolved as Fort Myers will then be able to discern the Naples aircraft at the higher altitudes; all changes must be approved by the FAA, Mr. Soliday added. The FAA's priority lies with those airports with greater airspace constraints, Mr. Baldwin said, such as those in Miami and Fort Lauderdale; the schedule of the pertinent studies is located on the FAA website. In response to Mr. Allen, Mr. Baldwin confirmed that the NAA is nationally known as a leader in noise abatement measures.

Public Comment: (12:10 p.m.) **Ted Trimmer, 134 16th Avenue South**, explained that his home lies within the direct approach path from the west. He observed that, during times of heavy traffic, the aircraft seem to fly at extremely low altitude and under heavy power thereby creating a great deal of noise over his home; the opposite is true during times of less traffic and the noise reduction is very noticeable, he added. Mr. Soliday confirmed that the constant descent approach does create less noise and in fact is more economical as less fuel is needed.

City Council Regular Meeting – May 16, 2012 – 8:29 a.m.

The NAA is in the process of informing the airport's busiest customers/users of the noise abatement protocols, Mr. Soliday concluded. Mr. Trimmer then requested that the NAA monitor the results of the request and report to Council, thereby keeping the public informed. **Sue Smith, 11th Avenue South**, asked that, as an affected resident, a balance be found allowing the airport to continue to operate while maintaining the quality of life for residents. **Alan Parker, 741-A Third Street South**, questioned the methodology utilized when data had been gathered regarding actual populations for the Naples Bay and Fifth Avenue South areas for the Part 150 and 161 studies done in the past on which the departure path had been based. He maintained that with seasonal visitors, the Naples Bay area in fact has fewer persons to be affected by the noise from aircraft. **Henry Kennedy, Naples**, thanked the NAA for attending that day's meeting and for the information provided. **Bill Cox, 189 Edgemere Way**, did not respond when called.

Council and the NAA thanked all who attended. NAA Chairman Giblin urged the public to attend its monthly meetings and comment. Vice Mayor Price stated that he believed accountability and communication had both been addressed, noting that he had received confirmation from the City Clerk's Office that the above referenced Exhibit "D" was in fact contained in the file for the March 2011 meeting at which the NAA's displaced threshold extension had been considered.

Recess: 12:40 p.m. to 1:10 p.m. It is noted for the record that the same Council Members were present when the meeting reconvened and consideration of Item 15, which had been scheduled for 1:00 p.m. commenced.

SEAWALL CONSTRUCTION STANDARDS..... ITEM 15

Discussion of a proposed amendment to the Code of Ordinances pertaining to seawall construction standards. (1:10 p.m.) Planner Erica Goodwin utilized an electronic presentation to review the issues as contained in her agenda memorandum (Attachment 1) that had come to light during discussions with the Presidents' Council and area marine contractors. They are the result of new technology, seeking consistency with the regulations of the state and neighboring municipalities, as well as the environmental benefits of alternative construction methods. The issues were as follows:

- Allowing a property owner to recapture property beyond their existing shoreline (within versus beyond the property line). During discussion it was noted that Royal Harbor has platted seawall lines and therefore no zoning changes would be applicable.
- Allowing construction of a new seawall on the outside of an existing seawall which results in the structure extending farther into waterway. This item has been driven by marine contractors as well as homeowners, and is not addressed in the Code of Ordinances. Thus far, staff has refused such requests, if the existing structure is on the property line, as this would result in narrowing of the waterway; if within the property line, it is allowed out to the existing property line. Marine contractor Rocky Scofield provided a brief overview of construction techniques for retaining walls, explaining that most are corrugated panels with pea gravel fill. The Florida Administrative Code (FAC) currently allows an 18-inch encroachment into waterways (Florida Statutes remain at 12 inches) and Council must decide whether it wishes to consider allowing such construction. If so, then language could be drafted, City Attorney Robert Pritt indicated, adding that a permit from the state may in fact be necessary.
- Allowing new seawall caps to be placed on top of existing seawalls, resulting in an increase in the height of the seawall. Doing so limits environmental impacts as well as impacts to abutting properties. A maximum seawall cap height must be established should Council support this item; 5.5 feet elevation was recommended although further research would be undertaken should Council express interest in moving forward. Council Member Sulick cautioned that the maximum height should be established

City Council Regular Meeting – May 16, 2012 – 8:29 a.m.

considering the appearance from the water, not landward, thereby avoiding filling of a property, which increases elevation, with no consideration of adjacent properties.

- Allowing upland retaining walls in place of traditional seawalls in locations where new seawalls are not allowed.
- Allowing construction of new seawalls (manmade versus natural waterbody). Discussion involved requiring riprap to be installed when constructing new or replacing old seawalls along the shoreline of Naples Bay.
- Requiring riprap at the base of all new seawalls;
- Allowing new recessed boat slips. The state no longer allows perpendicular boat slip installations due to water flushing issues; boathouses are allowed over existing boat slips which is also a concern.
- Codifying Ordinance 87-5221 Technical Specifications (for seawalls and caps), which currently is merely referenced in the Code of Ordinances and not readily available. City Attorney Pritt cautioned that codification would be costly due to the size of the document, noting that staff should be able to develop another method of making the information available.
- Requiring Florida Department of Environmental Protection (FDEP) approval or exemption documentation at time of application to the City. Mr. Pritt noted that this may be prohibited by recent amendment at the state level and that staff would return to Council at a later date for consideration of this item.

Staff's recommendation for each of the above is also contained in Attachment 1.

Public Comment: (2:03 p.m.) **Rocky Scofield, 38 Banyan Road**, marine contractor, stated that the FAC allows certain counties within the state to encroach 18 inches into the waterway (including Collier County). With regard to seawalls/riprap on Naples Bay, old seawalls should be replaced with new ones when necessary and then riprap added for wave attenuation; if just beginning to fail, the seawall could be reinforced with riprap. He also stated that the FDEP allows an exemption of a 10-foot encroachment into federal waters. **Alex Garland, 3490 Enterprise Avenue**, marine contractor, noted that the builders, not marine contractors, are responsible for the placing of retaining walls around the City, especially in the Port Royal area where a maximum elevation for the riprap exists and greater elevation is needed for the rear of a property to meet FEMA (Federal Emergency Management Agency) elevations. Uniformity is also a consideration with construction of these structures, he added, noting his agreement with staff's recommendations. Certified surveys and engineering plans are also required by the City for seawalls, he said, agreeing with the prior speaker that placing riprap in front of seawalls, especially in Naples Bay, is a sound idea. Some of the issues require individual neighborhood solutions, he concluded. **Henry Kennedy, Naples**, supported the comments by the two marine contractors especially with regard to individual neighborhood consideration, adding that in his opinion, riprap should be utilized only in Naples Bay and that all affected property owners should be made aware of that day's discussion.

Council Member Sulick noted her concern that changes in building designs have not been taken into consideration. Homes are larger and swimming pools are being built more towards the rear of waterfront properties, creating some of the issues under discussion. Planner Goodwin pointed out that pools have a 15-foot setback from those rear property lines although decks may extend to the property line itself. Planning Director Robin Singer added that establishing a maximum seawall cap height will be helpful to avoid canals taking on a canyon-type appearance. She further suggested that a seawall inspection be required prior to construction/improvements on all waterfront properties; Mrs. Sulick agreed.

In response to Council Member Heitmann, Mr. Scofield clarified that eventually all seawall caps would be built to whatever maximum allowed as property owners seek to raise the elevation of their homes. Stormwater runoff onto neighboring property is also prohibited, he added, necessitating the use of swales and other water management measures. With regard to boat slips, he agreed that the perpendicular slips should not be allowed and that the FDEP prohibits them. Many are currently being filled in to increase usable lot areas and those being constructed are small and designed to address the size of the boat.

Consensuses were as follows:

Recapturing of shoreline along both manmade and natural waterbodies must not exceed established shoreline of neighboring properties; if within property line and meets environmental standards, following review by Natural Resources Division, administrative approval may be granted, otherwise request must be reviewed by Council.

Construction of new seawalls outside of existing seawalls permitted within manmade and natural waterbodies.

A maximum height for new seawall caps constructed on top of existing seawalls to be established.

Allow construction of retaining walls in lieu of traditional seawalls in manmade waterbodies.

Allow replacement of riprap with new seawalls in manmade waterbodies; with regard to natural waterbodies (Naples Bay), new seawalls may not replace existing riprap and new seawalls may replace existing seawalls although riprap is required in front of the new seawall.

Riprap is to be required at the base of all new seawalls on natural waterbodies.

Allow recessed boat slips so long as construction meets FDEP requirements; no boat house construction allowed.

Ordinance 87-5221 not to be codified in its entirety; staff to return with recommendations regarding possible technical manual containing pertinent data which would be referenced in the Code of Ordinances.

Staff to proceed to Planning Advisory Board (PAB) with draft regulations reflecting above consensuses.

**RESOLUTION (Withdrawn/ see Item 4 above)..... ITEM 8
A RESOLUTION DETERMINING EASEMENT VACATION PETITION 12-EV1 TO VACATE A PORTION OF THE PLATTED 10 FOOT WIDE PUBLIC UTILITY EASEMENT DESCRIBED IN THE PLAT OF OASIS ON THE GULF SUBDIVISION, LOCATED 150 FEET WEST OF GULF SHORE BOULEVARD SOUTH ON THE NORTH SIDE OF 16TH AVENUE SOUTH, MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.**

ORDINANCE (First Reading)..... ITEM 9
AN ORDINANCE RELATING TO OUTDOOR DINING; AMENDING SECTION 56-126 (c)(1); MOVING SECTION 56-127, OUTDOOR DINING ON PUBLIC PROPERTY, TO SECTION 56-126, OUTDOOR DINING, FOR THE PURPOSE OF COMBINING PROVISIONS REGARDING OUTDOOR DINING UNDER ONE HEADING IN THE CODE OF ORDINANCES; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION; AND AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (3:04 p.m.). Mayor Sorey declared first reading of the ordinance, setting second reading for June 6, 2012.

ORDINANCE 12-13124..... ITEM 10
AN ORDINANCE RELATING TO CONDITIONAL USES FOR THE HIGHWAY COMMERCIAL DISTRICT; ADDING SUBSECTION (19) TO SECTION 58-503 OF THE CODE OF ORDINANCES, CITY OF NAPLES, FOR THE PURPOSE OF ADDING FUNERAL HOMES, WITH OR WITHOUT CREMATORIES, TO THE LIST OF CONDITIONAL USES IN THE HC, HIGHWAY COMMERCIAL DISTRICT; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (3:05 p.m.).

Public Comment: (3:06 p.m.) None.

MOTION by Saad to ADOPT ORDINANCE 12-13124 as submitted; seconded by Barnett and carried 4-3, all members present and voting (Finlay-yes, Saad-yes, Barnett-yes, Sulick-no, Heitmann-no, Price-no, Sorey-yes).

It is noted for the record that Items 11-a and 11-b were considered concurrently.

CLERK’S TRACKING #12-00024..... ITEM 11-a
APPROVING A PROFESSIONAL SERVICES AGREEMENT FOR DESIGN SERVICES, EVALUATION, AND MARKETING PLAN FOR THE EXPANSION OF THE RECLAIMED WATER DISTRIBUTION SYSTEM: \ VENDOR: WESTON & SAMPSON ENGINEERS, INC., FORT MYERS, FLORIDA \ COST: \$1,099,100 \ FUNDING: CIP 12K58 – DISTRIBUTION SYSTEM EXPANSION.

RESOLUTION 12-13125..... ITEM 11-b
A RESOLUTION AMENDING THE FISCAL YEAR 2011-12 BUDGET ADOPTED BY ORDINANCE 11-12953 TO PROVIDE SUFFICIENT FUNDING FOR PROFESSIONAL ENGINEERING SERVICES TO DESIGN THE NEXT PHASE OF THE RECLAIMED WATER DISTRIBUTION SYSTEM; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (3:07 p.m.), who then noted that Article 3.1 of the contract reflected a completion date of September 30, 2012, which should be amended to 2013; City Manager William Moss agreed. Utilities Director Robert Middleton then provided a brief overview of his agenda memorandum (Attachment 2) which outlined the next phase of the irrigation (reclaimed, reuse or alternative) water distribution system expansion project and included an update of the Golden Gate Canal (GGC) project; completion date of the latter is slated for October 2012. He assured Council that public outreach would be addressed by the consultant as the water distribution project proceeds, although he cautioned that water usage and constructability were key factors in deciding the sequence of system installation. Mr. Middleton also confirmed that the aquifer storage and recovery (ASR) well program would proceed more quickly once the GGC project is completed due to the resulting increase in water supply for the cycle testing.

Vice Mayor Price questioned whether the firm had been involved in litigation. Jeff Wilson, representing Weston & Sampson Engineers, stated that to the best of his knowledge, there existed no outstanding litigation nor had the firm been involved in any regarding water distribution projects for the past ten years. In response to City Attorney Pritt, he then confirmed that a local firm, Bonness & Baylor, had been acquired by his firm approximately three years prior.

Public Comment: (3:27 p.m.) Sue Smith, 11th Avenue South, urged that affected residents be kept informed of the project's progress.

MOTION by Barnett to APPROVE ITEM 11-a amended as follows: Article 3.1: "...2013 2012." This motion was 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).

MOTION by Barnett to APPROVE RESOLUTION 12-13125 as submitted; 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).

Recess: 3:28 p.m. to 3:38 p.m. It is noted for the record that the same Council Members were present when the meeting reconvened.

CLERK'S TRACKING #12-00025 ITEM 12 APPROVING A PROFESSIONAL SERVICES AGREEMENT TO DEVELOP AND EVALUATE MANAGEMENT ALTERNATIVES FOR THE CITY'S STORMWATER BEACH OUTFALLS: \ VENDOR: AECOM TECHNICAL SERVICES, INC., FORT MYERS, FLORIDA \ COST: \$199,922 \ FUNDING: CIP 12V03 – BASIN II STORMWATER IMPROVEMENTS. (3:38 p.m.) Streets & Stormwater Director Gregg Strakaluse provided an overview of the item as contained in his agenda memorandum (Attachment 3) and reminded Council that the ten beach outfalls provide drainage for Basin II, 436 acres, involving the use of 15- to 30-inch lines, noting that at times two 30-inch lines are used for some locations. With the pending beach renourishment project, development of alternatives for the outfalls must move forward, he stated, adding that should construction be necessary, the beach would be disrupted only once if both projects were integrated and scheduled simultaneously. Mr. Strakaluse listed the following alternatives for inclusion in the consultant's review: integrating with the City's aquifer storage and recovery (ASR) well system; consolidating outfall pipe to a lesser number of discharge points along the beach; redirecting flow by another pump station to other locales for discharge; and subaqueous outfalls, which are constructed deeper and further out into the receiving waterbody thereby avoiding negative impacts to turtle nesting, and negating erosion and lateral access issues. The aforementioned subaqueous outfall solution would potentially be considered a maintenance project by the Florida Department of Environmental Protection (FDEP) and simplify permitting of the project.

Public Comment: (4:00 p.m.) None.

MOTION by Barnett to APPROVE ITEM 12 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).

CLERK'S TRACKING #12-00026 ITEM 13 AWARDDING A CONTRACT FOR THE PURPOSE OF CONSTRUCTING STORMWATER AND WATER MAIN IMPROVEMENTS WITHIN BASIN III: \ VENDOR: MITCHELL & STARK CONSTRUCTION CO. INC., NAPLES, FLORIDA \ COST: \$809,956.07 (STORMWATER) AND \$218,681.10 (WATER MAIN) \ FUNDING: CIP 11V14 – BASIN III STORMWATER IMPROVEMENTS AND CIP 12L02 – WATER TRANSMISSION MAINS. (4:01 p.m.) Streets & Stormwater Director Gregg Strakaluse briefly reviewed the item as reflected in his agenda memorandum (Attachment 4) and assured Council that fire flow had been a consideration in the design of the improvements.

In response to Council Member Saad's concern that Article 3.2 of the subject contract was overly broad, City Attorney Robert Pritt indicated that it should remain unchanged. The City's standardized contracts are scheduled for his review over the coming summer, Mr. Pritt stated,

and the language of the force majeure clause would be reviewed at that time. He then noted the amended language of Article 3.1 as contained in the supplemental document provided to Council (a copy of which is contained in the file for this meeting in the City Clerk's Office).

Public Comment: (4:13 p.m.) **Sue Smith, 11th Avenue South**, received confirmation that City records regarding the infrastructure under discussion are in fact available for the contractor's review.

MOTION by Sulick to APPROVE ITEM 13 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).

(4:14 p.m.) It is noted for the record that Mayor Sorey indicated that Item 19 would be continued due to time constraints.

LAND DEVELOPMENT CODE (LDC) DISCUSSIONS (Continued / see above) ITEM 19 DISCUSSION OF AMENDMENTS TO THE LAND DEVELOPMENT CODE THAT WILL UPDATE REGULATIONS, REMOVE CONFLICTS, AND DECREASE THE TIME ASSOCIATED WITH THE DEVELOPMENT REVIEW PROCESS.

EMS DISCUSSION..... ITEM 14 UPDATE BY VICE MAYOR PRICE, WITH DISCUSSION TO FOLLOW, REGARDING EMERGENCY MEDICAL SERVICES (EMS) IN COLLIER COUNTY. (4:15 p.m.) Vice Mayor Price briefly reviewed his white paper regarding Emergency Medical Service (EMS) and fire service improvements, county-wide. He listed what he considered the best three options to address ongoing issues with EMS and pre-hospital care.

The first is to continue to encourage the Collier County Sheriff's Office to develop a solution that would allow the City's 911 call center to directly dispatch EMS personnel; 70% of the existing issues could potentially be resolved. Currently, calls received by City personnel that require EMS service are forwarded to the County's call center, following which the same protocol questions are asked prior to dispatch of the EMS unit, further delaying response time. Mr. Price suggested writing to the Sheriff requesting his consideration of this option. Fire Chief Stephen McInerny pointed out that the County EMS supervisors monitor the City's emergency radios and are permitted to communicate with City dispatchers. Many times the EMS units are in route prior to dispatch by the County via this monitoring, Chief McInerny added, saving one to two minutes of response time.

Secondly, Vice Mayor Price continued, is to request that the County provide consistent staffing to units maintained within the City. Its current protocol is to cross-train personnel throughout the County by rotating assignments thereby exposing staff to differing types of emergencies. This can however hinder response times when units are unfamiliar with the City's geography and unable to locate their destinations. A balance of training and cross-training must be found, he said. He then identified his third option as standardizing medical protocol for City and County paramedics.

Should these action steps fail, he additionally recommended that the City seek from Collier County a Certificate of Public Convenience and Necessity (COPCN / private ambulance service certificate which must be obtained prior to applying to the state for an advanced life support (ALS) transport license).

Vice Mayor Price also noted a fourth action step contained within his white paper as encouraging Chief McInerny to establish a quick response team (QRT) that would consist of a small vehicle manned by qualified personnel; most of its calls would involve basic life support (BLS) measures. A QRT would allow the fire trucks and ambulances to remain available for

more serious and life threatening responses; the intent would be to deploy the correct asset initially and save lives, he concluded.

Council Member Heitmann suggested that the Sheriff and the County's EMS Medical Director, Dr. Robert Tober, appear before Council for a joint discussion of the issues. In response, Mayor Sorey recommended that a letter be forwarded to the Sheriff as discussed above, and that staff follow-up with regard to the four options as referenced. City Manager William Moss confirmed that staff would provide updates over the summer recess.

Public Comment: (4:48 p.m.) None.

(4:48 p.m.) Mayor Sorey indicated that Item 18 would be continued due to time constraints.

**HORTICULTURAL COLLECTION (Continued / see above) ITEM 18
DISCUSSION OF THE CITY CODE PERTAINING TO HORTICULTURAL COLLECTION
THAT IS MANAGED BY THE SOLID WASTE DIVISION.**

**RESOLUTION 12-13126 ITEM 16
A RESOLUTION APPOINTING ONE MEMBER TO THE PUBLIC ART ADVISORY
COMMITTEE FOR A FOUR-YEAR TERM COMMENCING ON MAY 16, 2012, AND EXPIRING
MAY 15, 2016; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert
Pritt (4:48 p.m.).**

Public Comment: (4:48 p.m.) None.

**MOTION by Sulick to APPROVE RESOLUTION 12-13126 APPOINTING
LESLIE FOGG which unanimously carried, all members present and voting
(Barnett-yes, Finlay-yes, Heitmann-yes, Price-yes, Saad-yes, Sulick-yes,
Sorey-yes).**

**RESOLUTION 12-13127 ITEM 17
A RESOLUTION APPROVING A THREE-YEAR URBAN COUNTY COOPERATION
AGREEMENT WITH COLLIER COUNTY FOR PARTICIPATION IN THE FEDERAL HOUSING
AND URBAN DEVELOPMENT (HUD) COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
PROGRAM FOR FEDERAL FISCAL YEARS 2013, 2014 AND 2015; AUTHORIZING THE
MAYOR TO EXECUTE THE URBAN COUNTY COOPERATION AGREEMENT; AND
PROVIDING AN EFFECTIVE DATE. (4:48 p.m.) Title not read. City Manager William Moss
provided a brief overview of the item as contained in the agenda memorandum by Grants
Coordinator Greg Givens (Attachment 5).**

Public Comment: (4:49 p.m.) None.

**MOTION by Saad to APPROVE RESOLUTION 12-13127 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).**

**PUBLIC COMMENT
(4:49 p.m.) Sue Smith, 11th Avenue South, questioned the timing and wisdom of the recent
approval of the City Attorney's contract. Mayor Sorey explained that the prior approval had
occurred late in that contract's cycle and he had decided that the matter should be considered
earlier rather than later. Mrs. Smith noted that the issue should be discussed in greater detail
than what had occurred and agreed to contact the City Manager and/or the City Attorney for
answers to her questions.**

**CORRESPONDENCE AND COMMUNICATION
(4:54 p.m.) Council Member Barnett thanked Vice Mayor Price for his involvement and report
with regard to Emergency Medical Services (EMS) (see Item 14 above); Council Member Sulick
agreed. Mr. Price then commended the City and staff for the recent City Fest activities. Mrs.
Sulick also thanked the Naples Airport Authority (NAA) for its participation in Item 7 (see above)**

City Council Regular Meeting – May 16, 2012 – 8:29 a.m.

as well as Mayor Sorey for the format of that joint meeting. Council Member Saad also expressed appreciation for the EMS presentation and the NAA discussion, adding that nighttime Fishing Pier activities were in need of closer scrutiny. Council Member Heitmann urged greater use of the crosswalks especially on Fifth Avenue South and expressed her gratitude to retiring City Clerk Tara Norman. Mayor Sorey then noted his appreciation to participants of the NAA discussion.

ADJOURN
5:02 p.m.

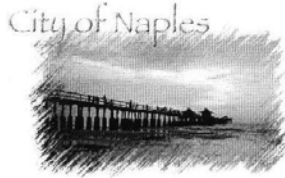
John F. Sorey III, Mayor

Patricia L. Rambosk, City Clerk

Minutes prepared by:

Vicki L. Smith, Deputy City Clerk

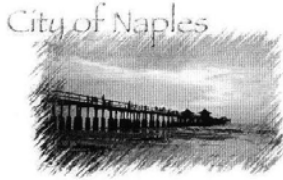
Minutes Approved: 08/22/12



NAPLES CITY COUNCIL AGENDA MEMORANDUM

Regular Meeting Date: May 16, 2012

Agenda Item: 15	Prepared By: Erica J. Goodwin, AICP, Planner II Department: Planning
<p>SUBJECT: Discussion regarding Chapter 16, Article VII – Seawalls and Revetments and Chapter 52, Article IV - Section 52-92 – Water Resources of the Code of Ordinances as they pertain to Seawalls, Revetments and Waterways.</p>	
<p>BACKGROUND: Recent discussion regarding the regulations pertaining to seawalls and revetments, and arguments made by marine contractors regarding new technology, consistency with the regulations of the State and neighboring municipalities and environmental benefits of alternative construction have prompted staff to examine the current Code and other local codes regarding seawall/revetment construction, materials, placement and height.</p> <p>The following issues have arisen :</p> <ul style="list-style-type: none"> • Allowing a property owner to recapture property beyond their existing shoreline - Within the property line vs. beyond the property line. A number of building permits have come through regarding the recapture of property both within and outside of the property line. Typically, staff has required dredge and fill permits under Section 52-93 of the Code, which requires that "no dredging or filling shall be performed in, upon or contiguous to any inland water area of the City, including but not limited to construction under Section 52-92(c) through (e), until approval of such work has been obtained" from City Council. The Code does provide for administrative approval of the filling in of recessed boat slips; however, it does not address the capture or recapture of property within or beyond the property line. Recommendation: Provide new text allowing administrative approval of fill permits inside the property line where rip rap is used and requiring City Council approval of all fill permits within the property line if a seawall is used or if the fill extends beyond the property line. • Allowing the construction of a new seawall on the outside of an existing seawall, extending farther into the waterway. It is anticipated that an increasing number of seawalls will begin to fail as they reach the end of their life span of 30 years or more. Staff has been approached by marine contractors with requests to allow for the construction of a new seawall outside the existing seawall, rather than removing the existing seawall and replacing it with an entirely new structure. In these cases, the new seawall projects farther into the waterway, up to 18" or even 24". The marine contractors and engineers argue that removal of the existing seawall to replace it in place has greater environmental impacts and costs to the land owner. For State controlled waterways DEP allows a 12 inch extension into the waterway (F.S. 403.812 (1) (e)). Marco Island has codified regulations that also allow this one time extension of 12 inches. City of Naples Code of Ordinances, Section 52-92 (b) (1) currently prohibits the narrowing of waterways through the placement of any structure or obstruction. 	

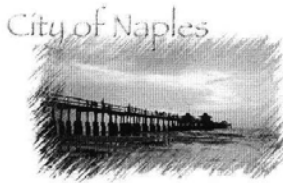


NAPLES CITY COUNCIL AGENDA MEMORANDUM

Regular Meeting Date: **May 16, 2012**

Page Two

Agenda Item:	15
<p>BACKGROUND (cont.): ARTICLE IV. - WATER RESOURCES Sec. 52-92. - Water resources generally (b) <i>Obstruction of waterways.</i> (1) It shall be unlawful to place any wall or any structure or obstruction of any nature in the canals, waterways and ditches that shall encroach in any manner upon the bottom width of such canals, waterways and ditches as they now exist.</p> <p>There are many zoning issues connected to this issue, including the measurement of setbacks and dock dimensions, both of which are currently taken from the water side of the seawall. If the seawall is allowed to extend an additional 12, 18, 24 inches, under the current Code, the point of measurement for structural setbacks and dock dimensions is altered.</p> <p>Recommendation: Staff does not recommend allowing the placement of a new seawall outside an existing seawall in cases where the new seawall would project beyond the property line. Staff recommends that language be included in the Code specifying that rip rap placed outside a seawall may extend into the waterway beyond the property line. However, should City Council determine that the construction of a new seawall outside the existing seawall be allowed, Staff recommends that it be allowed only one time and that all structural setbacks and dock dimensions be measured from the property line.</p> <ul style="list-style-type: none"> • Allowing new seawall caps to be placed on top of existing seawalls, increasing the height of the seawall - Allowing fill to be brought in to grade out the property to the new seawall height. A number of building permits have come through in which a seawall cap is proposed to be placed on top of an existing seawall cap, increasing the height of the seawall. Often in these cases, fill is brought in to grade out the property to the new seawall height. This results in varying seawall and grade heights and could be taken to an extreme absent regulations limiting the height. Ordinance 87-5221 provides the technical specifications for all seawalls and revetments in the City. This ordinance establishes a minimum seawall cap height of 4.5 feet N.G.V.D for properties fronting on protected tidal waters and a minimum seawall cap height of 5.5 feet N.G.V.D for properties fronting on open bays and channels. The ordinance does not, however, establish a maximum seawall cap height. <p>Recommendation: Staff recommends that a maximum seawall cap height be established.</p> <ul style="list-style-type: none"> • Allowing retaining walls in place of traditional seawalls, where new seawalls are not allowed. <p>Staff has been asked recently whether the construction of a retaining wall upland of the shoreline with vegetation and/or rip rap along the water's edge would be allowed in situations where a vertical seawall is not allowed. The Florida Department of Environmental Protection (DEP) provides an exemption from permitting for such structures, provided that all activities (dredging, filling, slope grading, or equipment access) are confined to uplands, and the wall is located landward of the coastal construction control line.</p> <p>Recommendation: Staff recommends that City Council consider allowing the use of retaining walls where the construction of a new seawall is not allowed but with the same limitation on fill beyond the property line discussed above. The rear property limit would remain the water's edge or property line, whichever is more restrictive.</p>	



NAPLES CITY COUNCIL AGENDA MEMORANDUM

Regular Meeting Date: **May 16, 2012**

Page Three

<p>Agenda Item: 15</p> <p>BACKGROUND (cont.):</p> <ul style="list-style-type: none"> <p>Allowing the construction of new seawalls - Manmade waterbody vs. natural waterbody Chapter 16, Article VII of the Code of Ordinances provides regulations for Seawalls and Revetments, addressing the repair or removal of failed seawalls or revetments. This section requires that all failed seawalls or revetments must be repaired or reconstructed and that any debris or portion of a failed seawall or revetment that is within the property or adjacent body of water must be removed. Subsection 16-252 (b) clarifies that due to the environmental benefit of rip rap, in no case will a failed revetment be replaced with a vertical seawall so long as such a replacement can be effected without disturbing the structural integrity of neighboring or adjacent shorelines. The issue faced by Staff in this case is the specific language in Subsection 16-252 (b) requiring that no "failed" revetment will be replaced with a vertical seawall. This language leaves it open to allow perfectly sound revetments to be replaced with vertical seawalls, although it does not appear that this satisfies the intent of the Code section to promote the environmental benefits of rip rap. Furthermore, in order to promote the environmental benefits of rip rap, including the provision of habitat, wave abatement and erosion control, rip rap should be required to be placed outside all new seawalls. Alternatively, the provision of rip rap outside of a seawall may adequately address the environmental intent of this section and the City may allow revetments to be replaced with vertical seawalls, so long as rip rap is provided. Staff questions whether or not there should also be a distinction between manmade waterbodies and natural waterbodies.</p> <p>Recommendation: Pursuant to discussions with the Natural Resources Manager regarding this issue, notwithstanding existing more restrictive requirements in certain zoning districts such as the R1-15A, Staff recommends that the City allow vertical seawalls in all manmade waterbodies with the provision of rip rap, but to prohibit the construction of new seawalls in natural waterbodies. In order to distinguish between natural and manmade waterbodies, the Natural Resources Division could create a map depicting natural and manmade waters that would be utilized to enforce this provision.</p> <p>Requiring rip rap at the base of all new seawalls. To promote the environmental and wave abatement benefits of rip rap and to encourage a more natural shoreline, rip rap can be placed on the outside of a vertical seawall. The State encourages this practice as an environmentally desirable shore protection practice and has determined that any time a vertical seawall is repaired or replaced, the wall is required to be faced with rip rap material. In some cases, the wall is required to be replaced entirely with rip rap material. In addition to providing habitat that can be colonized by various marine species, the rip rap also offers the opportunity for the establishment of beneficial vegetation at the shoreline. Properly placed riprap at the toe of a seawall also prevents sediment loss that could otherwise undermine the wall and works to absorb the impact of the waves as they shoot up the wall and fall back down. This solution is most useful in areas with high wave energy.</p> <p>FLORIDA STATUTES 373.414 Additional criteria for activities in surface waters and wetlands.— (5)(a) It is the intent of the Legislature to protect estuaries and lagoons from the damage created by construction of vertical seawalls and to encourage construction of</p>



NAPLES CITY COUNCIL AGENDA MEMORANDUM

Regular Meeting Date: **May 16, 2012**

Page Four

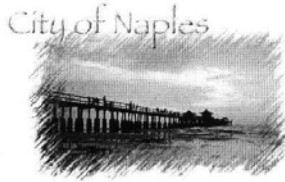
Agenda Item: 15		
BACKGROUND (cont.):		
<p>environmentally desirable shore protection systems, such as riprap and gently sloping shorelines which are planted with suitable aquatic and wetland vegetation.</p> <p>(c) When considering an application for a permit to repair or replace an existing vertical seawall, the governing board or the department shall generally require such seawall to be faced with riprap material, or to be replaced entirely with riprap material unless a condition specified in paragraph (b) exists.</p>		
<p>Recommendation: Staff recommends that all new or replacement seawalls provide rip rap at the base to prevent the under mining of the new structure from wave action and to promote the environmental benefit of the natural shoreline.</p>		
<ul style="list-style-type: none"> <p>Allowing new recessed boat slips?</p> <p>Staff has been asked regularly whether it is permissible for a property owner to cut in a new recessed boat slip on property where one does not exist. This is specifically prohibited in Port Royal, pursuant to Code Section 58-122; however, it is not addressed anywhere in the Code for properties in other zoning districts. The Code does address the construction of boathouses over existing recessed boat slips, requiring that the boathouse must meet the side yard setbacks applicable in the particular zoning district. The Code also addresses the filling in of existing recessed boat slips in Section 52-93(a)(4).</p> <p>Recommendation: Should Council determine that new recessed boat slips are permissible, Staff recommends that they be required to maintain the side yard setback of the respective zoning district.</p> 		
<ul style="list-style-type: none"> <p>Codifying Ordinance 87-5221 Technical Specifications</p> <p>Section 16-254 briefly addresses the technical specifications of seawalls and revetments by referencing Ordinance No. 87-5221, entitled "City of Naples Seawall and Revetment Regulations- Technical Specifications." Staff has observed that this Ordinance is rarely, if ever, acknowledged by marine contractors or property owners.</p> <p>Recommendation: Staff recommends that this Ordinance, or portions of the Ordinance, be added to Section 16-254 of the Code in order to ensure that the technical specifications for seawalls and revetments are accessible to contractors and property owners, as well as future Staff.</p> 		
<p>RECOMMENDED ACTION:</p> <p>This subject matter is presented in the accompanying PowerPoint presentation for discussion and further direction.</p>		
Reviewed by Department Director Robin D. Singer	Reviewed by Finance N/A	Reviewed by City Manager Bill Moss
City Council Action:		



NAPLES CITY COUNCIL AGENDA MEMORANDUM

Regular Meeting Date: May 16, 2012

Agenda Section: Regular	Prepared By: Bob Middleton, Director Department: Utilities
Agenda Item: 11	Legislative <input checked="" type="checkbox"/> Quasi-Judicial <input type="checkbox"/>
SUBJECT: Approve a Professional Services Agreement with Weston & Sampson Engineers, Inc. to provide professional design services to design evaluate and market the expansion of the reclaimed water distribution system in an amount of \$1,099,100 and approve a resolution amending the Fiscal Year 2011-2012 Budget in the amount of \$199,100 to provide sufficient funding for the project.	
SUMMARY: City Council is asked to approve a Professional Services Agreement with Weston & Sampson Engineers, Inc. to provide professional design services to construct the expansion of the reclaimed water distribution system to additional customers in an amount of \$1,099,100. In order to provide a sufficient funding source for the professional services, staff recommends an amendment to the Fiscal Year 2011-2012 Budget in the amount of \$199,100 by transferring funds from the Water/Sewer (420) fund balance to CIP 12K58 (Distribution System Expansion).	
BACKGROUND: On October 1, 2008, City Council adopted the Integrated Water Resources Plan (IWRP) to provide a sustainable water supply source for a 20-year planning period. The IWRP evaluated ten (10) alternatives to meet the projected 20-year water supply needs of the City. City Council adopted a modified Alternative 2 that provides strategic direction for the development of future water supply and storage facilities including aquifer storage and recovery (ASR) and use of water from the Golden Gate Canal for distribution through the irrigation (reclaimed) system. During the May 18, 2009 Workshop, City staff summarized activities to date and provided a longer term business plan; summarized the action plan to design, test, and implement an ASR well field; summarized the action plan to obtain and deliver the alternate water supply to irrigation customers within the Five-Year Capital Improvement planning period; and presented a Five-Year CIP required to implement the Integrated Water Resources Plan (IWRP). In June 2011, staff presented City Council with an updated 5-year capital improvement plan that earmarked funds to evaluate and design the expansion of the reclaimed water system during FY 2013; with construction to subsequently commence in the following year. City Council determined to advance the project by one year. Hence, the adopted budget provides for funds in the current fiscal year for engineering design. The estimated construction cost of this phase of the reclaimed water system expansion is \$9 million. This planning effort is based on the anticipated completion of the Golden Gate Canal project and successful results regarding the cycle testing of ASR wells 1 and 2. Since the implementation of the IWRP, ASR wells 1 and 2 have been constructed and are currently in the third of four cycle tests. Construction of ASR wells 3 and 4 have been delayed until cycle testing of ASR wells 1 and 2 has been completed. The Golden Gate Canal Intake Structure is substantially complete. The construction of the transmission main from the Intake Structure to the	

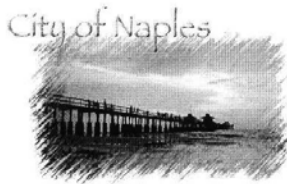


NAPLES CITY COUNCIL AGENDA MEMORANDUM

Regular Meeting Date: May 16, 2012

Page Two


Agenda Item: 11
<p>BACKGROUND (cont.): City's wastewater treatment plant began on May 1, 2012. The Golden Gate Canal project is scheduled to be completed by October 2012.</p> <p>RFP 018-12 as required by the Consultants Competitive Negotiations Act was publicly advertised on January 18, 2012 for the Design of Reclaimed Water System Expansion. One-hundred and six (106) H.T.E. vendors were notified, DemandStar sent eight-hundred and twenty one (821) notices to potential vendors, forty eight (48) plan holders were mailed a copy of the bid, and the bid was advertised in the Naples Daily News. The City received responses from ten (10) engineering firms for this project.</p> <p>On January 13, 2012, the City Manager approved a selection committee to evaluate the Request for Proposals from engineering firms to provide professional engineering services to design the next expansion of the reclaimed water distribution system. On March 8, 2012 the selection committee ranked the top three firms. On March 15, 2012, the top three firms made presentations on their approach to design the project and specific background with design of reclaimed water systems. After the presentations, the selection committee ranked the top three firms in the following order:</p> <ol style="list-style-type: none">1. Weston & Sampson2. Greeley & Hansen3. Hazen & Sawyer <p>Staff negotiated a project scope and fee with Weston & Sampson that includes the following tasks:</p> <ul style="list-style-type: none">• Preliminary Design Report• Hydraulic Computer Modeling<ul style="list-style-type: none">○ Reclaimed Water Distribution System○ Potable Water Distribution System• Survey, Topographic and Subsurface Data Collection• Design of System Expansion• Marketing and Promotional Program• Bidding Services <p>The Preliminary Design Report (PDR) will include an evaluation of potential reclaimed water service areas. Potential service areas will be based on the estimated potable water irrigation demand, the potential for customers to connect to the new reclaimed water system and constructability of the new system. The PDR will include a ranking of alternative areas to expand the reclaimed water distribution system.</p> <p>FUNDING SOURCE: Funding is allocated in the FY 2012 budget within the Water Sewer Fund in Account 420.2033.533.6030; CIP 12K58 (Distribution System Expansion) in the amount of \$900,000. The</p>

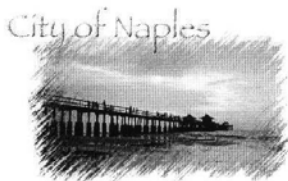


NAPLES CITY COUNCIL AGENDA MEMORANDUM

Regular Meeting Date: May 16, 2012

Page Three

Agenda Item: 11		
FUNDING SOURCE (cont.): requested budget amendment in the amount of \$199,100 will provide a sufficient funding source in the total amount of \$1,099,100.		
RECOMMENDED ACTION: Approve a Professional Services Agreement with Weston & Sampson to provide professional design services to design, evaluate and market the expansion of the reclaimed water distribution system in an amount of \$1,099,100; authorize the City Manager to execute the Agreement; and adopt a Resolution to amend the Fiscal Year 2011-2012 Budget in the amount of \$199,100 to provide sufficient funding for the professional engineering services.		
Reviewed by Department Director Bob Middleton	Reviewed by Finance Ann Marie Ricardi	Reviewed by City Manager Bill Moss 
City Council Action:		



NAPLES CITY COUNCIL AGENDA MEMORANDUM

Regular Meeting Date: May 16, 2012

Agenda Section: Regular	Prepared By: Gregg R. Strakaluse, Director Department: Streets & Stormwater
Agenda Item: 12	Legislative <input checked="" type="checkbox"/> Quasi-Judicial <input type="checkbox"/>
SUBJECT: Approve an Agreement with AECOM Technical Services, Inc. for an amount not to exceed \$199,922 to provide professional engineering services to develop and evaluate management alternatives for the City's stormwater beach outfalls.	
SUMMARY: City Council is asked to consider approving a Professional Services Agreement with AECOM Technical Services, Inc., to provide professional engineering services to develop and evaluate several management alternatives for the City's stormwater beach outfalls for an amount not to exceed \$199,922.	
BACKGROUND: During the preparation of the FY 2011-12 CIP budget, staff allocated \$260,000 towards the City's stormwater beach outfalls located in Basin II (attached Figure I). At that time, the Florida Department of Environmental Protection (FDEP) was still requiring the satisfactory completion of a plan, schedule and budget for the removal of all ten of the City's stormwater beach outfalls; otherwise, FDEP was not expected to issue another beach nourishment permit to the County. Both City and County staff were united in their determination to: <ol style="list-style-type: none"> 1. Decouple FDEP's requirement to remove the stormwater outfalls on the beach from the County's beach nourishment permitting effort that is currently underway for a proposed 2013 project, and 2. Convince FDEP that the long-term goal for the outfalls is to mitigate any potential impacts to the beach in ways that are technically sound and economically feasible, while also recognizing the public safety and flood protection goals of the City. <p>After lengthy discussions, FDEP agreed to decouple beach outfalls from the County's pending beach nourishment permit and also recognized that there are difficult technological and economical challenges to completely removing stormwater outfalls from the beach. However, in doing so, the City Council was required to amend its 2007 Stormwater Master Plan to include polices that mitigate impacts of the beach outfalls to erosion, water quality, turtle habitat and lateral access. On December 21, 2011, the City received a letter from FDEP approving language for a City resolution that, if adopted, would satisfy FDEP. To this end, City Council approved Resolution 12-13028 in January of this year and officially amended the City's 2007 Stormwater Master Plan. At this time, the City's beach outfalls are not expected to present any permitting challenges for the County's 2013 beach nourishment project. Furthermore, there is no certain time by which outfalls must be removed from the beach with the understanding that the City shall continue to implement policies and programs that mitigate their impacts to the beach.</p> <p>As the County's 2013 beach nourishment project moves forward in design and permitting, staff anticipates that some level of effort will be required by the City to modify existing beach outfalls to</p>	

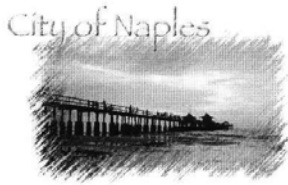


NAPLES CITY COUNCIL AGENDA MEMORANDUM

Regular Meeting Date: **May 16, 2012**

Page Two

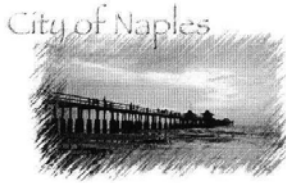
Agenda Item:	12
<p>BACKGROUND (cont.): accommodate the new beach profile (higher and wider). During the March City Council Workshop presentation, Mr. Gary McAlpin, Director of the County's Coastal Zone Management Department, is on record as indicating that the stormwater outfalls on the beach are the City's sole responsibility to manage. Both City and County staff realize, that in order to have a successful beach nourishment project and maintain (or improve) the stormwater outfalls, it is critical to work together and coordinate both improvements in order to prevent detrimental effects of one onto the other. For example, if the City does not act to extend outfalls (the most basic modification), and the County's nourishment project extends the beach profile, there would be dramatic erosion of the beach at each one of the outfalls. Staff believes that this is an opportune time to evaluate options and prepare for the pending beach nourishment project.</p> <p>In January 2009, City Council approved Resolution No. 09-12325 which pre-qualified engineering firms specializing water resource engineering for use by the City. As part of that solicitation, the City identified several potential projects that may require professional engineering services over the next few years, including projects associated with the City's stormwater beach outfalls. On September 13, 2011, the Purchasing Division distributed official notice to all eight pre-qualified firms for this project. Eight letters of interest were received on October 14, 2011. Staff delayed making a formal selection of a firm until efforts to modify FDEP's requirements were complete. Since Council's adoption of the resolution in January, staff identified AECOM Technical Services, Inc. as the most qualified firm to provide the City with a beach outfall management plan. The solicitation, negotiations, and recommendation to approve a contract for this project fully complies with the Consultant's Competitive Negotiations Act (CCNA).</p> <p>The attached professional services agreement includes the scope of services, fee and project schedule. The scope of services has been developed with the intent of acquiring very limited field data (since much already exists), developing a hydraulic model of the drainage areas serving the outfalls, and developing and evaluating alternatives for the outfalls, particularly in light of the 2013 nourishment project. AECOM has agreed to perform the services detailed in the scope for an amount of \$199,922. The work is expected to take nine months once a notice to proceed is issued.</p> <p>FUNDING SOURCE: \$260,000 is budgeted in the Stormwater Enterprise Fund Capital Improvement Project 12V03 "Basin II Stormwater Improvements".</p> <p>RECOMMENDED ACTION: Approve a Professional Services Agreement with AECOM Technical Services, Inc., for an amount not to exceed \$199,992 to provide professional engineering services to develop and evaluate management alternatives for the City's stormwater beach outfalls; authorize the City Manager to execute the Agreement.</p>	
Reviewed by Department Director Gregg R. Strakaluse, P.E.	Reviewed by Finance Ann Marie Ricardi
	Reviewed by City Manager Bill Moss
City Council Action:	



NAPLES CITY COUNCIL AGENDA MEMORANDUM

Regular Meeting Date: May 16, 2012

Agenda Section: Regular	Prepared By: Gregg Strakaluse, Director Department: Streets and Stormwater
Agenda Item: 13	Legislative <input checked="" type="checkbox"/> Quasi-Judicial <input type="checkbox"/>
SUBJECT: Award Contract to Mitchell & Stark Co., Inc. to construct stormwater and water main improvements within Basin III for an amount not to exceed \$1,028,637.17.	
SUMMARY: City Council is asked to consider awarding a Contract to Mitchell & Stark Co., Inc. in the amount of \$1,028,637.17 in order to construct stormwater (\$809,956.07) and water main (\$218,681.10) improvements within Basin III and authorize the City Manager to execute the Contract.	
BACKGROUND: The City of Naples is divided into twelve separate stormwater drainage basins. Basin III is a 477-acre basin generally including Old Naples south of 2 nd Avenue South. For the past several years, staff has been making incremental improvements to the stormwater system in Basin III to improve flood protection and water quality. Completed work includes Phase I infrastructure improvements performed in FY 2007-08 along 4 th and 5 th Avenues South, Spring Lake, and 8 th Avenue South. In 2010, staff completed Phase II work at the Cove Stormwater Pump Station that included the installation of new pumps, electronics, and a debris removal system that improves water quality prior to discharge. In 2011, Phase III-a improvements were constructed within Basin III and included work along Broad Avenue South, Gulf Shore Boulevard South. This year, the Capital Improvement Program includes \$1.2 million for Phase III-b stormwater improvements along 8 th Street South and a portion of 8 th Avenue South (see Figure I). The scope of work will include the installation of larger storm sewer pipe (24 to 60-inches in size), additional storm drain inlet installation, and the creation of some roadside swales to improve water quality. The new piping system along with new drain inlets will be better able to drain stormwater from the avenues off 8 th Street South. This project was evaluated with the Utilities Department. It was determined it would be beneficial to include utility upgrades within the Basin III project. The existing water main along 8 th Avenue South from 10 th Street South to 3 rd Street South varies in size from 2-inch to 6-inch. To increase water flow and pressure in this area, this project will include the installation of approximately 2,700 feet of 6-inch water main, resulting in a continuous 6-inch water main from 10 th Street South to 3 rd Street South. Additionally, fire hydrants will be added to improve fire protection. The cost of the water main improvements total \$218,681.10. On Friday, April 6, 2012, Bid #041-12 was publicly advertised. On May 5, 2012, bids were opened and the resulting lowest responsive bidder was identified as Mitchell & Stark Co., Inc. Kyle Construction, Inc. submitted the lowest bid, however, that bid omitted two pay items. Kyle Construction's representative acknowledged the omission and formally withdrew their bid making Mitchell & Stark Co., Inc. the lowest responsive bidder. Mitchell & Stark is currently on the City's pre-qualified utility contractor's list and had successfully completed similar work in Basin V. The firm also performs other minor maintenance jobs for the City on an ongoing basis. Staff has concluded that this firm meets the qualifications of a responsible low bidder.	

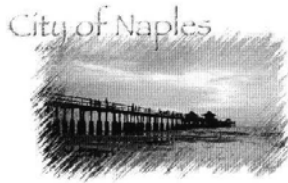


NAPLES CITY COUNCIL AGENDA MEMORANDUM

Regular Meeting Date: May 16, 2012

Page Two

Agenda Item:		
<p>BACKGROUND (cont.): Eight companies submitted bids for this project (please see the Bid Tabulation-Figure 2 attached). All of the bidders came in below the engineer's estimate of \$1.1 million for the stormwater improvements. Mitchell & Stark submitted a bid that was \$290,043 below the engineer's estimate. The average of all bid submittals for the stormwater improvements is \$961,587.29.</p> <p>The water main improvement was bid as an alternate item. Mitchell & Stark bid of \$218,681.10 was within the range of the engineer's estimate. When added to the stormwater improvements portion of the bid tabulation, Mitchell & Stark remains the lowest responsive bidder.</p> <p>In order to minimize disruption to residents and motorists, this construction project is scheduled to begin in June of 2012 and reach substantial completion within 175 calendar days (or by November 2012). Final completion is scheduled for December 2012. If the contractor fails to meet the substantial or final completion dates and no additional working days are granted for hurricanes, tropical storms or other events out of the contractor's control, liquidated damages will be assessed for each late day.</p>		
<p>FUNDING SOURCE: Funding for the stormwater portion of this work is currently available within the Stormwater Fund – CIP 11V14 – Basin III Stormwater Improvements - Account 470-6070-539-6030. Funding for the water main portion of this work is available within the Water Main Fund – 12L02 – Improvements O/T/ Building – Account 420-2034-533.60-30.</p>		
<p>RECOMMENDED ACTION: Award a Contract to Mitchell & Stark Co., Inc. to provide labor, materials, and the equipment necessary to construct stormwater and water main improvements within Basin III for an amount not to exceed \$1,028,637.17 and authorize the City Manager to execute the Contract.</p>		
Reviewed by Department Director Gregg R. Strakaluse, P.E.	Reviewed by Finance N/A	Reviewed by City Manager A. William Moss
City Council Action:		



NAPLES CITY COUNCIL AGENDA MEMORANDUM

Regular Meeting Date: **May 16, 2012**

Agenda Section:	Prepared By: Greg Givens through Bill Moss, City Manager Department: City Manager	
Agenda Item:	Legislative <input checked="" type="checkbox"/>	Quasi-Judicial <input type="checkbox"/>
To be Added		
SUBJECT: Resolution approving a three-year Urban County Cooperative Agreement with Collier County for participation in the Federal Housing and Urban Development (HUD) Community Development Block Grant (CDBG) Program.		
SUMMARY: City Council is asked to consider a Resolution approving a three-year Urban County Cooperation Agreement with Collier County for participation in the Federal Housing and Urban Development (HUD) Community Development Block Grant (CDBG) Program for Federal Fiscal Years 2013, 2014 and 2015; and to authorize the Mayor to execute the Urban County Cooperation Agreement.		
BACKGROUND: The City of Naples has been a CDBG Entitlement City and has received an allocation of Community Development Block Grant funds since the mid 1980's. Approval of the 2013, 2014 and 2015 Urban County Cooperative Agreement allows the County to continue to administer the CDBG activities and annually filing the CDBG Action Plan with HUD. On May 9, 2012, the City received notification that Collier County planned to re-qualify as an "Urban County" under HUD requirements. As part of this process, the City has the option of renewing the three-year Urban Cooperation Agreement between Collier County and the City of Naples. If renewed, the Agreement will allow the continued participation in the County's Urban County Entitlement Community Development Block Grant Program. This means the County will continue to administer the CDBG activities, and annually filing the CDBG Action Plan with HUD, while the City of Naples will manage the day-to-day CDBG implementation. It is recommended the City renew the Urban County Cooperation Agreement for Fiscal Years 2013, 2014, and 2015. Collier County staff insisted that the Agreement be approved by City Council prior to June 1, 2012. Because there are no scheduled meetings before June 1, staff requests that this subject matter be added to the Regular Agenda of May 16, 2012.		
FUNDING SOURCE: Under the Urban Cooperation Agreement, the City will continue to receive its full annual federal CDBG allocation as designated by HUD. The annual allocation to the City of Naples is around \$100,000.		
RECOMMENDED ACTION: Adopt a resolution to approve the three-year Urban Cooperation Agreement between Collier County and the City of Naples for federal fiscal years 2013, 2014, and 2015 and authorize the Mayor to execute the agreement.		
Reviewed by Department Director Bill Moss	Reviewed by Finance Ann Marie Ricardi	Reviewed by City Manager Bill Moss
City Council Action:		