



City of Naples

City Council Chamber
735 Eighth Street South
Naples, Florida 34102

Moorings Bay Citizens Advisory Committee Regular Meeting February 20, 2009 – 9:00 a.m.

Chairman Katz called the meeting to order and presided.

ROLL CALL.....ITEM 1

Present:

Albert Katz, Chairman
Michael Bozzo, Vice Chairman
Merrill Kuller
Harold Zink

Absent:

Myles Strohl

Also Present:

Michael Bauer, Natural Resources Manager Monique Krist, Natural Resources Coordinator
Jessica Rosenberg, Deputy City Clerk Other interested citizens and visitors.

ANNOUNCEMENTS.....ITEM 2

Vice Chairman Bozzo stated that Member Strohl wishes to resign from the Committee, but had not yet submitted an official letter to that effect.

ITEMS TO BE ADDED.....ITEM 3

Chairman Katz provided a series of recent photographs (copies of which are contained in the file for this meeting in the City Clerk’s Office), depicting piers located in Moorings Bay (see Item 8).

APPROVAL OF MINUTES.....ITEM 4

Chairman Katz suggested that the Committee defer approval of the January 20, 2009, meeting minutes; the Committee concurred.

FINANCIAL REPORTS - JANUARY.....ITEM 5

(It is noted for the record that a copy of the January financial report is contained in the file for this meeting in the City Clerk’s Office.) Natural Resources Manager Michael Bauer pointed out that the taxing district fund balance is approaching \$1-million, a portion of which may be expended for a proposed survey of the Moorings Bay access channel (see Item 6). That expense, he said, would not be eligible for reimbursement from the Collier County Tourist Development Council (TDC).

MOTION by Kuller to ACCEPT the January financial report; seconded by Zink and unanimously carried (Bozzo-yes, Kuller-yes, Strohl-absent, Zink-yes, Katz-yes).

MOORINGS BAY ACCESS CHANNEL SURVEY.....ITEM 6

Natural Resources Manager Michael Bauer stated that 13 engineering consulting firms had responded to the request for qualifications (RFQ) for the Moorings Bay access channel survey

project. The selection committee reviewed the submittals, he said, and Coastal Planning & Engineering (CP&E) was chosen as the top-ranked firm and, once approved by City Council, cost negotiations may commence. Chairman Katz noted that he had served on the selection committee, describing the review process as rigorous. He further pointed out that, should negotiations with CP&E fail, the City would move to the second-ranked firm. It is incumbent upon City officials, particularly Dr. Bauer, to ensure that the negotiated price is fair, he added. In further discussion, Dr. Bauer encouraged Members to provide input with regard to a range of reasonable costs for the proposed survey, which would be used to determine the location of the access perimeter channel. There would also be an option in the scope of work to survey the bathymetry of the entire Moorings Bay system, he added. In response to Vice Chairman Bozzo, Dr. Bauer explained that the process of ranking firms on the basis of qualifications prior to proceeding with cost negotiations is required by the State of Florida. Chairman Katz requested that copies of the RFQ issued be provided to the Committee Members; Dr. Bauer agreed.

DOCTORS PASS DREDGING UPDATE.....ITEM 7

Natural Resources Manager Michael Bauer stated that the dredging of Wiggins Pass, a County project, should be completed by mid-March and the contractor would then remobilize at Doctors Pass. The dredging of Doctors Pass should be completed in early April, he said. Chairman Katz asked whether residents of the Moorings Bay system would be notified of the work, which would be around the clock. Dr. Bauer confirmed that a Notice to Mariners had been published, but agreed that it would be helpful to provide separate notification to those nearest the site, particularly residents of the Indies West and Admiralty Point condominiums.

In response to Member Kuller, Dr. Bauer explained that the bid for the north jetty rehabilitation had exceeded the funds available for the project from the Collier County Tourist Development Council (TDC), therefore it has been deferred until the following year, at which time the City may proceed in tandem with the County's jetty project at Marco Island. This, he said, would result in cost savings for both entities. Chairman Katz noted that the Committee had previously discussed whether the delay would compromise the safety of the structure and it was determined that the jetty is sufficiently stable.

PIERS AND PERMITTING.....ITEM 8

Member Kuller pointed out that, at the previous meeting, resident Doug Finlay had reported several violations of the City's pier regulations. Chairman Katz explained that he and Mr. Finlay had informally surveyed and photographed piers from the Harbour Drive Bridge to Seagate Drive that appear to be nonconforming. The piers were observed from the water, he said, and photographs were taken of those that appeared wider than eight feet, the maximum size allowed by the Code of Ordinances, or with the U-shaped configuration prohibited by the Code (Section 56-93). Mr. Katz stressed that although measurements were not obtained, more than 100 piers were identified as possibly in violation of the City's regulations. He noted that 10 printed photographic examples had been provided to Members, but that the remaining photographs were available digitally. (It is noted for the record that a copy of the photographs are contained in the file for this meeting in the City Clerk's Office.) Vice Chairman Bozzo nevertheless pointed out that piers may extend up to 20 feet into Moorings Bay, but may not impede the perimeter channel.

The Committee discussed the aforementioned photographs and whether the sizes and configurations of various examples would be considered appropriate. Natural Resources Manager Michael Bauer noted that there is no limit to the number of piers constructed on a single property, therefore it is possible to have two L- or T-shaped piers combine to form a U-shape. Member Kuller pointed out that many piers are enclosed as a deck with seating available and some are clearly not vessel-related.

Dr. Bauer further explained that he had drafted revisions to the existing pier regulations, but the Committee had recommended deferring further consideration until the Moorings Bay access channel survey (see Item 6) is available, which will indicate the present location of the channel. Following receipt of the survey, he said, draft revisions would be presented to various property owner associations, in an effort to obtain input from all waterfront residents.

Member Kuller however asked whether the City planned to address the violations cited by Mr. Finlay at the January 20 meeting. Chairman Katz said he believed that some of the questionable piers were located in Park Shore, a subdivision in which certain areas are not subject to the normal Park Shore pier regulations; Dr. Bauer concurred. Mr. Katz further noted that Mr. Finlay had discussed the matter with Building Services Director Paul Bollenback, who had indicated that the properties were not subject to the normal regulations due to their location within Park Shore. Chairman Katz and Vice Chairman Bozzo indicated that they wished to actively participate in the drafting of revisions to the pier regulations; Dr. Bauer suggested that it may be possible to review the matter in a special workshop meeting.

Chairman Katz questioned whether the Committee wished to assist in inspection of newly constructed piers; Vice Chairman Bozzo however said he believed the Committee had previously agreed not to pursue a greater role in reviewing permit applications for piers. Citing the limitations of staff time, Mr. Katz indicated that volunteer assistance may be helpful in this regard. Dr. Bauer explained that building officials perform an inspection following construction to ensure compliance with the approved plans, however, there is no safeguard for changes in construction following the inspection.

STORM DRAIN MEDALLION UPDATE.....ITEM 9

Natural Resources Manager Michael Bauer stated that City Council had requested that the stormwater drain marker include stronger language with regard to penalties for violations. Natural Resources Coordinator Monique Krist said she believed that the City Attorney had approved the language revision, which indicates succinctly that there are criminal penalties for dumping, and the re-design of the marker is in process. In further discussion, Dr. Bauer explained that the final design would be presented to City Council, with the understanding that although the Committee is ready to proceed with the project in Moorings Bay, it may wish to consider a citywide program. Ms. Krist further noted that the circular marker previously selected by the Committee would however not accommodate the additional language. Therefore, the re-design would be configured for a larger rectangular marker. The change, she said, would result in a cost increase. Dr. Bauer agreed to provide Members with a copy of the final design for input. Chairman Katz suggested that staff provide an updated cost estimate to City Council.

PUBLIC COMMENTS.....ITEM 10

None.

MEMBER COMMENTS.....ITEM 11

In response to Member Kuller, Natural Resources Manager Michael Bauer explained that the City Clerk's Office would publicize the Committee's vacancy following Member Strohl's official resignation.

Dr. Bauer stated that the water quality testing program in Moorings Bay had been in effect for four months with the assistance of volunteers, noting that preliminary results are positive, which he attributed to successful flushing. Vice Chairman Bozzo requested that the results be made available to residents; various suggestions for dissemination included utilizing the Save the Bays organization newsletter, property owner association newsletters, and the City's website. Chairman Katz noted that trends may be identified following collection of six to nine months of data; Dr. Bauer agreed that data analysis, including graphs, would be available at a later date.

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Chairman Katz noted that he had provided a report on the oyster and clam project in Moorings Bay to Dr. Bauer for distribution to the Committee. The report, he said, indicates that oysters and clams are able to thrive and reproduce in Moorings Bay. Dr. Bauer also noted that oysters and clams improve water quality through filtration, but that a challenge exists with regard to creating habitat through successful placement in bottom substrate and/or along rip-rap. In this regard, it is also important to encourage property owners to install rip-rap, he said. Chairman Katz noted that rip-rap may provide additional support to the seawall, but it may also reduce depth in the docking area. Another alternative, he said, is a gabion (*a wire mesh basket or cage filled with earth or rocks*) which is designed to withstand the conditions of seawater.

In response to Member Bozzo, Dr. Bauer indicated that the oysters are inedible, but there is likely a provision prohibiting harvesting and/or destruction.

NEXT MEETING – MARCH 17, 2009.....ITEM 12

Chairman Katz announced that the Committee’s next meeting is scheduled for March 17, 2009.

ADJOURN.....ITEM 13

9:55 a.m.

Albert Katz, Chairman

Michael Bauer, Ph.D.
Natural Resources Manager

Minutes prepared by:

Rachael McLean, Technical Writing Specialist

Minutes Approved: April 21, 2009