

MINUTES OF THE COLLIER COUNTY
DEVELOPMENT SERVICES ADVISORY COMMITTEE
MEETING

April 6, 2011
Naples, Florida

LET IT BE REMEMBERED that the Collier County Development Services Advisory Committee, having conducted business herein, met on this date at 3:00 PM in REGULAR SESSION in Conference Room #610, Collier County Growth Management Division/Planning & Regulation, 2800 N. Horseshoe Drive, Naples, Florida, with the following Members present:

CHAIRMAN: William Varian
Vice Chair: David Dunnavant
Ray Allain
James Boughton
Clay Brooker
Laura Spurgeon DeJohn
Dalas Disney
Marco Espinar
Blair Foley (Excused)
Reagan Henry
George Hermanson (Excused)
David Hurst
Reed Jarvi
Robert Mulhere
Mario Valle

ALSO PRESENT: Nick Casalanguida, Deputy Administrator, GMD Planning & Regulation
Judy Puig, Operations Analyst – Staff Liaison
Jamie French, Director – Operations & Regulatory Management
Jay Ahmad, P.E., Director – Transportation Engineering
Ed Riley, Fire Code Official – Fire Code Office
Nathan Beals, Project Manager – Public Utilities
Claudine Auclair, Manager – Business Center
Amy Patterson, Impact Fee and Economic Development Manager

I. Call to Order:

Chairman William Varian called the meeting to order at 3:05 PM and read the procedures to be observed during the meeting.

II. Approval of Agenda:

Changes:

- Under Item VI, “Old Business” – *add topic*
 - A. **Approval of Utilities/RPZ Subcommittee Minutes from January 7, 2011**
 - B. RPZ Discussion – David Dunnivant, Subcommittee Chair

Marco Espinar moved to approve the Agenda as amended. Second by Robert Mulhere. Carried unanimously, 9 – 0.

III. Approval of Minutes – February 2, 2011 Meeting:

Robert Mulhere moved to approve the Minutes for the February 2, 2011 meeting as submitted. Second by Clay Brooker. Carried unanimously, 9 – 0.

IV. Public Speakers:

(Will be heard when Item is discussed.)

V. Growth Management Division – Staff Announcements/Updates:

A. Public Utilities Division: Nathan Beals, Project Manager – Public Utilities

- No updates to announce
- There were no questions

(David Dunnivant, Laura Spurgeon De John, and Dalas Disney arrived at 3:08 PM.)

B. Fire Review: Ed Riley, Fire Code Official – Fire Code Office

- Monthly Activity Reports for January and February were submitted.
- Reviews conducted: January – 633 and February – 560

Concerning the pending move, Mr. Riley explained the Fire Code Office will make two trips per day to pick up/drop off Plans until the system becomes digital.

- Regarding computer system: will use “C-D Plus” until “City View” is ready
- Will also use a program entitled “Mobilize” to email review comments
- Anticipated move-in: early May
- Fire Code Office will have a new telephone system and new numbers

Public Speaker:

Kathy Curatolo, CBIA, asked if there will be a decrease in review fees.

Ed Riley replied an analysis for the planning side is in process and the overall fee structure will be reviewed. An analysis for the building side has not yet begun. He noted the Fee Schedule has not changed since 2003.

(Reed Jarvi arrived at 3:15 PM.)

C. Transportation Planning Division: Jay Ahmad, P.E., Director – Transportation Engineering

- The Davis/Collier Project received three (3) bids from Industry
- Bids were opened on March 30th
 - Winning bid – \$28.2M
 - Approximately 19.7% below the County’s estimate
- There is a Joint Participation Agreement (“JPA”) with the FDOT (“Florida Department of Transportation”) in the amount of \$20M
 - Collier County will be reimbursed – 10 quarterly payments – commencing in July 2012

Q. Is the low bidder the same contractor used for Vanderbilt Beach Road who was so difficult?

A. No, and this Contractor has completed three other projects for the County.

Mr. Ahmad noted the County is in litigation with the former Contractor of the Vanderbilt Beach Road project.

D. Planning and Regulation: Jamie French, Director – Operations & Regulatory Management

- With reference to the County’s interface with the Fire Code Office computer system, “City View” will incorporate “Terminal Services” to control the flow of information on the network and prevent contamination by viruses
- The Fire Code Office will be required to pay for the licensing to access “City View” as a temporary solution (\$511 per month)
- Goal: to avoid redundancy of work between the two systems, and to automate them
- “City View” went through the validation/testing period and found 100+ issues which are being reviewed/corrected
 - Will not “go live” until May 15th
 - Will run both systems (“C-D Plus” and “City View”) in parallel
- Will not add staff – may contract “outside” help, as needed

Chairman Varian mentioned problems using the AIRS system/inspection call-in. The system has been down frequently.

Mr. French noted it was converted from “Windows 95” to “Windows 98/XP” and will be converted to “Windows 7” in the near future. He was not aware anyone had been experiencing problems connecting to it and stated when “City View” goes live, AIRS will no longer function.

Jamie French stated he will appear before the Board of County Commissioners regarding a change to the Fee Schedule concerning payments and refunds.

- Proposed change: collect 50% of fees at application and the balance at the Pre-Construction Meeting (Land Development services)
- There is a provision in the Land Development Code, under Section RR of the Fee Schedule, that allows the County to issue up to a 50% refund for those

Land Development services (inspections/reviews for SDP and SDPI) that were not completed as long as an application for refund was made within thirty days of withdrawal of the project

- The County Attorney's Office suggested removing the 30-day time limit from the Fee Schedule

Mr. French requested direction from DSAC.

Dalas Disney concurred, stating if the work has not been done, the Contractor/Builder (i.e., Applicant) should receive a refund, and suggested the following language:

"Incomplete work will be refunded to the extent that funds are available."

Mr. French stated he was more comfortable tying any refund to the cost of services provided. He continued the Fee Schedule will continue to be reviewed. The subject of whether or not another Fee Schedule Study is necessary can be discussed at the next DSAC meeting.

A question was asked concerning the number of refund applications received.

Mr. French stated approximately \$130,000 had been budgeted to cover the requests which were 131-based Fees.

Objective: To draft language that will outline a pattern of practice to allow the Growth Management Division to handle refund requests administratively, rather than submit each one to the BCC via an Executive Summary.

It was suggested to compare Collier County's Fee Schedule with other Counties at the next Fee Schedule review.

VI. Old Business:

A. Approval of Utilities/RPZ Subcommittee Minutes of January 7, 2011

(Note: David Dunnivant, Melissa Ahern, Joey Hatfield, David Hurst, and Chris Mitchell attended the Subcommittee meeting. They were present at the DSAC meeting and eligible to approve the Minutes.)

Subcommittee Chairman David Dunnivant moved to approve the minutes of the Utilities/RPZ Subcommittee meeting held on January 7, 2011 as submitted. Second by David Hurst. Carried unanimously, 5 – 0.

B. RPZ Discussion – David Dunnivant, Subcommittee Chairman

Three primary issues were discussed during the Subcommittee meetings.

- The issue of a Fire-line Service charge vs. a Fire-line meter is "on hold"

David Dunnivant stated the BCC asked the Subcommittee to examine the issue of RPZ ("reduced pressure zone") back-flow device put in place by Utilities over the objections of DSAC.

He outlined the following:

- The RPZ has been presented as the safest back-flow device and its use would place Collier County in an elite realm among municipalities.
- There is a significant cost to Industry to install RPZs.
- The American Water Works Association recommends that, unless there is a known contaminate in a water supply system, there is no real need for RPZs.
- Collier County's water supply has been adequately protected for the past 30 to 40 years by the Double Detector Check Valve system.
- The Subcommittee has not been convinced that the improvement to the existing system warrants the substantial, additional cost.
- There is no current problem – no inherent danger has been substantiated.
- The Subcommittee reviewed the documentation presented by Utilities and did not reach the conclusion that RPZs are necessary.

David Hurst confirmed, as an engineer who has been dealing with the issue for the past twelve years, an RPZ would be an improvement to any system. He stated the main questions were: (1) "Does the "benefit" outweigh the cost?" and (2) "Is there truly an imminent danger to the County's water system?" He continued that, based on his observations, the benefit was not measurable while the cost to the Industry could be substantial (meter cost, increased pipe size due to pressure drop, and changes to design parameters). His conclusion was installation of RPZs as not warranted. He volunteered to assist in compiling a formal presentation.

David Dunnivant stated the claim of inherent danger to the County's existing system was not substantiated and the Subcommittee did not understand why it was necessary to pursue additional costs.

He further stated the issue of pressure was under review and tabled until the results from a one-year test (jointly conducted by Fire and Utilities) were available for review. He noted there were no statistics presented concerning problems created under the current system.

Chairman Varian asked if there was a motion to recommend to the Board of County Commissioners.

Clay Brooker asked about the direction from the Board of County Commissioners.

David Dunnivant explained DSAC was directed to return with a report on whether DSAC recommended the implementation or retaining the RPZs that Utilities put into place as a required standard.

David Hurst noted the RPZ requirement is currently "on-hold."

David Dunnivant stated that based on the discussions of the Subcommittee and on the minutes, he asked if DSAC could make a recommendation to the Board that the currently "on-hold" ("stayed") adopted RPZ requirement is not supported by Industry and we ask that it be removed from the requirement and the previous, long-standing system of Double Detector Check Assembly Valves remain.

Chairman Varian asked Mr. Dunnivant if the previous statement constituted his Motion and he agreed. Second by David Hurst.

David Dunnivant reiterated if the RPZ requirement was adopted, it would place Collier County in the top 1 to 2% of jurisdictions in the entire country.

David Hurst confirmed it (RPZs) was not the norm for the application.

Dalas Disney stated the issue was presented at one time as a Health/Safety and Welfare issue by Utilities. Because the claim was not supported, he suggested informing the BCC that *“after exhaustive investigation, it has not been presented or supported in the manner that was previously approved.”*

David Dunnivant amended his Motion to include *that the Health/Safety and Welfare issue was raised by Utilities but no instances were presented where a Double Detector Check Assembly Value created a health problem or danger to the citizens of the community. DSAC does not understand why it is logical and is part of the basis for recommending the repeal of the adoption [of the RPZ requirement].*

David Hurst stated the back-flow preventer is an enhancement to the system and the key component to be mentioned is that the lack of an RPZ does not significantly minimize health of the Collier County community. He concluded he agreed with the concept of Mr. Dunnivant’s amended motion.

Mario Valle noted Utilities stated to the Subcommittee there was an immediate and imminent threat to public safety yet the Subcommittee did not receive any information or evidence to support the claim.

Dalas Disney concurred there was a transcript provided of the BCC meeting where it was asked and answered specifically, “Yes, there is a Health/Safety problem in Collier County.”

[Excerpt from Page 222 of Minutes for BCC’s July 27th Meeting:

“Chairman Coyle: Okay. Now, our Water Department’s concern is that backflow preventers are a safety measure?”

Chairman Halas: Health, safety.

Chairman Coyle: And it’s sort of critical that we made some decisions with respect to that. And if we improperly extend that decision and something happens and somebody gets sick as a result of unintended – or backflow, then we could be liable.

So, now, what I don’t understand is, why does it take 90 days for you to develop a position on backflow preventers?”]

[Excerpt from Minutes of the August 27, 2010 Utilities/RPZ Subcommittee Meeting:

“David Hurst: ... I was at the Board’s meeting. The Board was under the impression that it was an imminent Health/Safety/Welfare issue. Where they got that information, I am not sure. But I am positive that was the impression they were under.”]

Dalas Disney suggested bringing to the Commissioners' attention that the issue was examined and investigated – the DDCA Valve is in place and has been doing its job. Installing the RPZs would enhance the system – and spend more money to do it – when it is apparently not necessary.

David Hurst agreed the Board should be advised the current Health and Safety of the system is not at risk and would not be substantially improved by the use of RPZs.

Clay Brooker asked Mr. Hurst if the Motion stated no existing threat versus enhancing, would he second it and he agreed.

David Dunnivant withdrew his Motion and Amended Motion.

David Dunnivant moved as follows:

“The Board of County Commissioners asked DSAC to review the RPZ adoption by Utilities as a back-flow prevention standard for Collier County. After exhaustive study and review, DSAC has determined that there is not an inherent danger in the current Double Detector Check Assembly Valve system. Although an enhancement would be provided by the installation of RPZs, the cost and nominal benefit of the enhancement does not warrant implementation and the additional expense to the County’s citizens.

The final recommendation is that the Board of County Commissioners repeal the currently adopted Utilities Ordinance which implements RPZs as the only accepted back-flow device and return to the original Double Detector Check Assembly Valve (“DDCA”) system that has been in place for year.”

Second by Chairman Varian. Carried unanimously, 13 – 0.

VII. New Business:

A. Request for Volunteers for Subcommittee to meet/review School Impact Fee Update Study – Amy Patterson, Impact Fee/Economic Development Manager

- The School Impact Fees, based on a recommendation by the School Board, were reduced in October 2010.
- The Impact Fee Study is required to be updated and adopted.
- The 50% reduction in fees will be in place for two years.

Robert Mulhere, Mario Valle and Reed Jarvi volunteered to serve on the Subcommittee.

B. Review of SDPI / SIPI Process – Claudine Auclair, Manager – Business Center
(A draft copy of the document entitled “Project Request: Application and Submittal Instructions” was distributed to DSAC.)

- Determine who will be the reviewer participating in the project
- Goal is to decrease review time – make process faster
- Will need some “tweaking”

Suggested format changes:

- Under Step One, “Signature of Agent” and “Date” should immediately follow signature line (it drifted over one page)
- Under Step Two, insert boxes for choices “Yes” and “No” []
- Under Step Four-A, remove the question. It is not clear.
- Under Step Five, specify the applicable Section of the LDC (Land Development Code)
- Under Engineering, the first sentence is confusing. It should be re-worded.
- Under Transportation, the entire section is difficult to follow and very confusing.
 - The last sentence (“Verify this site ...”) – remove “current” and substitute “*ADA Guidelines that were valid during construction*”
 - Additionally, if the engineer did not design it, it cannot be verified
- Under Step Six, the final paragraph should read as follows:
“If NO to any question, then an SDPA or SDPI pre-application meeting is required. You will be contacted by Staff to arrange the date and time. Please note that, at the meeting, Staff will determine if the improvements proposed may be submitted as an SDPA or if an SDPI is required.”

Members were asked to email their comments/suggestions as soon as possible.
Ms. Auclair will present a revised draft at the May 4th DSAC meeting.

C. Vehicle Replacement – Jamie French for Nick Casalanguida

- Maintenance is required for vehicles in service
- There are two vehicles for which repairs exceeded the value
- Intent: (on 113 Fund side) To replace the entire fleet, on an “as needed” basis, within the next five years
- 2000, 2002, and 2004 vehicles are subject to replacement
- The vehicles must be safe for the operators – there is no money in this year’s budget – replacement will be only when absolutely necessary
- There will be capital replacement expenditures in Fiscal Year 2012

VIII. Committee Member Comments:

- **David Hurst** asked if the website could be updated to include Bond forms in the same place as the Application forms

Next Meeting Dates: *(Meetings will commence at 3:00 PM unless noted below.)*

May 4, 2011

June 1, 2011

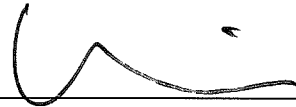
July 6, 2011

August 3, 2011

April 6, 2011

There being no further business for the good of the County, the meeting was adjourned by order of the Chairman at 5:00 PM.

**DEVELOPMENT SERVICES
ADVISORY COMMITTEE**



William Varian, Chairman

The Minutes were approved by the Board/Committee on 5/4, 2011,
“as submitted” ~~OR~~ OR “as amended” .

WSV