



MEMO

City of Venice Engineering Department

To: Edward Lavalley, City Manager

Thru: Kathleen J. Weeden, PE, City Engineer *KJW*

From: James R. Clinch, PE, Stormwater Engineering Manager *JRC*

Date: March 31, 2014

Subject: Dunn-Rankin v. City of Venice and SWFWMD Settlement Agreement
April 08, 2014 Agenda

Background: Petitioner, David Dunn-Rankin, challenged the issuance of an environmental resource permit to the City of Venice by the Southwest Florida Water Management District (SWFWMD) for the project known as "Modification to Outfalls 1 & 2." In order to address the specific concerns of the Petitioner and to encourage a mutually beneficial resolution to the permit challenge, City Engineering staff developed a revised design concept which would greatly reduce the length of the open swale area by piping the portion from Granada Ave. to Ocala St. and decrease the footprint of the swale from Ocala St. to Alhambra Rd. This hybrid design, will allow for all small rain events to be contained underground, without losing the benefits of the open portion of the swale such as UV disinfection, lower maintenance costs and reduced construction cost. Most importantly, the proposed hybrid design appears to be permissible through SWFWMD and FDEP Beaches, and will still satisfy our project grant conditions.

The Petitioner has signed the attached settlement agreement which includes provisions for completing the design modification and obtaining all necessary permits. Once this is completed, the Petitioner is required to voluntarily dismiss the permit challenge.

In order to proceed with the permitting and plan revisions for the modified design, the existing Work Assignment No. 12-01 with Coastal Technology Corp. will need to be increased by \$15,628.00 (attached). These funds are available from the Stormwater Enterprise Fund current fiscal year budget.

It is staff's opinion that proceeding with this hybrid design will result in a better product which is more aesthetically pleasing to the adjacent residents, yet still accomplishes the primary goal of water quality treatment within our budget.

Engineering is planning to hold a Public Meeting on April 30, to explain the modified design details and to dispel the large amount of misinformation of which we had previously been unable to respond.

Requested City staff respectfully requests Council approve and execute the Settlement
Action: Agreement.

City Attorney Reviewed and approved.
Review: