



City Council Chamber
735 Eighth Street South
Naples, Florida 34102

City Council Regular Meeting – February 18, 1998 – 9:00 a.m.

Mayor Barnett called the meeting to order and presided.

ROLL CALLITEM 1

Present: Bill Barnett, Mayor
Bonnie R. MacKenzie, Vice Mayor

Council Members:
Fred Coyle
Joseph Herms
John Nocera
Fred Tarrant
Peter H. Van Arsdale

Also Present:

Dr. Richard Woodruff, City Manager
William Harrison, Assistant City Manager
Kenneth Cuyler, City Attorney
Missy McKim, Planning Director
Richard Gatti, Development Services Dir.
Donald Wirth, Community Services
Director
Tara Norman, City Clerk
Dan Mercer, Utilities Director
Sheldon Reed, Fire Commander
Susan Wiesing, Human Resources Dir.
Planner Flinn Fagg
William Overstreet, Building Official
Steven Moore, Police Commander
Planner Brian Pitt
Molly Reed, Recording Specialist
Duncan Bolhover, Admin. Specialist

Ted Sauter
James Dean
Werner “Duke” Haardt
Arlene Guckenberger
Joe LaRochelle
Sheryl Coyle
Peter Gerbosi
Joe Brese
Rusty Moore
Walter Gill
Amy Rego
Charles Kessler
Duke Turner
Kim Patrick Kobza
Van Miller
Other interested citizens and visitors

Media:

Denes Husty, Fort Myers News Press
Marc Caputo, Naples Daily News
David Taylor, Media One

INVOCATION AND PLEDGE OF ALLEGIANCE.....ITEM 2
Reverend Ted Sauter, North Naples United Methodist Church.

ANNOUNCEMENTSITEM 3
Fire Commander Sheldon Reed presented Command Recognition Bars for Paramedics to 12 police and fire personnel. (Attachment 1) An additional seven recipients were not present.

City Manager Richard Woodruff responded to a newspaper article citing discharge from the wastewater treatment plant into the Gordon River. He reported that the City and the Department of Environmental Protection (DEP) were aware of the problem, which is due to construction at the new wastewater treatment plant expansion project. No citations from the DEP were issued and none are anticipated.

ITEMS TO BE ADDEDITEM 4
None (9:13 a.m.)

MOTION by Van Arsdale to SET AGENDA, REMOVING ITEM 5f FOR SEPARATE DISCUSSION; seconded by Nocera and unanimously carried, all members present and voting (Coyle-yes, Herms-yes, MacKenzie-yes, Nocera-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes).

CONSENT AGENDA

APPROVAL OF MINUTES.....ITEM 5a
January 20, 1998 Workshop Meeting; January 20, 1998 Special Meeting- Impasse Hearing; January 21, 1998 Regular Meeting; January 28, 1998 Special Meeting, February 2, 1998 Workshop Meeting.

.....ITEM 5b
APPROVE THE FOLLOWING SPECIAL EVENTS:

Thursday Night Music in the Plaza-2/19, 2/26, 3/5, 3/12, 3/19, 3/26, 4/2, 4/9, 4/16, 4/23, & 4/30;
March of Dimes WalkAmerica - 4/18

.....ITEM 5c
AWARD A BID FOR A REPLACEMENT CHLORINATION SYSTEM FOR THE WATER TREATMENT PLANT \ VENDOR: BLANKENSHIP & ASSOCIATES, INC., OVIEDO, FLORIDA \ BID AMOUNT: \$25,829.00\ FUNDING CIP #97K43.

RESOLUTION 98-8181.....ITEM 5d
A RESOLUTION APPROVING AN AFTER-THE-FACT CHANGE ORDER #2 TO THE CONTRACT WITH STATE CONTRACTING AND ENGINEERING CORP. FOR CAMBIER PARK PHASE I IN THE AMOUNT OF \$11,215.00; AND PROVIDING AN EFFECTIVE DATE.

.....ITEM 5e
AWARD A BID FOR CONSTRUCTION OF A 38-FOOT FISHING PIER AT ANTHONY PARK AS PART OF THE PARK'S OVERALL MASTER PLAN \ CONTRACTOR: KELLY BROTHERS, INC., FORT MYERS, FLORIDA \ PRICE: \$22,688.00 \ FUNDING: CIP #96F02 AND #97F09.

END CONSENT AGENDA

MOTION by Van Arsdale to APPROVE the Consent Agenda as submitted; seconded by Nocera and unanimously carried, all members present and voting (Coyle-yes, Herms-yes, MacKenzie-yes, Nocera-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes).

.....ITEM 5f
CONSIDER A BUDGET AMENDMENT IN THE AMOUNT OF \$15,200.00 TO UNDERWRITE EXPENSES OF THE NAPLES PUBLIC EMPLOYEE RELATIONS COMMISSION \ FUNDING: GENERAL FUND CONTINGENCY.

Vice Mayor MacKenzie requested information regarding the per diem and travel allowance for Commission Members, which is a practice that would be unique since it is not done for any other committee. City Manager Richard Woodruff explained that this commission is a mini-PERC (Public Employee Relations Commission) which functions as a quasi judicial committee and may be required to travel within Florida in order to obtain information from labor attorneys or State agencies. The meetings, he said, are infrequent, noting that the commission was formed in 1979 and this will be the first meeting in nearly ten years. In response to Council Member Herms, Dr. Woodruff said one item currently before the commission is whether police lieutenants and sergeants can be part of the same labor bargaining unit. The other issue, he said, pertains to the State requirement that all negotiations between the City and a union must occur via a jointly established negotiating team, and the Fraternal Order of Police (FOP) had requested a face-to-face meeting with Council Members. The City viewed this as an unfair labor practice to be resolved by the PERC.

Public Input: None (9:16 a.m.)

MOTION by Nocera to APPROVE; seconded by Herms and unanimously carried, all members present and voting (Coyle-yes, Herms-yes, MacKenzie-yes, Nocera-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes).

.....ITEM 7
CONSIDER A REQUEST FROM THE BOARD OF TRUSTEES OF THE POLICE OFFICERS' RETIREMENT SYSTEM FOR A COST OF LIVING ADJUSTMENT TO ALL CURRENT POLICE DEPARTMENT RETIREES. (9:16 a.m.)

Commander Steven Moore, Chairman of the Police Pension Board, reported that under the City Code, the Police Pension Board is required to review cost of living adjustments (COLAs) for retirees every odd numbered year. Currently, he said, eight members who retired nine years ago have not received a cost of living increase in six years, and the Pension Board was asking that the City pay this adjustment. Assistant City Manager William Harrison responded that, although the City agrees that a number of retired police officers should receive additions to their pension, the issue is whether the funding source should be the City or the surplus in the pension plan. The precedent, he said, occurred when the general pension plan financed a cost of living adjustment to retirees with surplus funds and, therefore, this COLA should be similarly funded.

In response to Council Member Tarrant, Mr. Harrison explained that the pension plan documents make no reference to the source of COLA payments. Council Member Coyle inquired whether this issue should be part of the collective bargaining process, and Commander Moore said this is not a bargaining issue since a review of COLAs is mandated by City Code. City Manager Richard Woodruff noted, however, that Council had recently agreed to fund pension increases through the pension fund surplus rather than ad valorem taxes and, therefore, the same principal should apply in this case. Fire Commander Sheldon Reed then clarified that the COLA increase would be for individuals who had been retired for five years or more and would amount to .5 %

for each year of retirement. Dr. Woodruff said that a 3% surplus remains in the pension fund and, therefore, this adjustment would require only ½ of 1% leaving 2.5% of the surplus in tact. Council, said Mr. Harrison, has the decision-making authority over pension fund spending.

Public Input: None (9:44 a.m.)

MOTION by Herms to DENY THIS REQUEST AND RECOMMEND THAT THE POLICE PENSION BOARD APPROVE COLA PAYMENTS TO THE RETIREES USING EXISTING SURPLUS FUNDS; seconded by Van Arsdale and unanimously carried, all members present and voting (Coyle-yes, Herms-yes, MacKenzie-yes, Nocera-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes).

Following the vote, Dr. Woodruff stated that staff would investigate Council Member Nocera's request that a review be initiated to determine whether a retiree position on the pension board could legally be mandated. In addition, Mayor Barnett requested a chart for new Council Members outlining the City's January 20th pension agreement with the Fraternal Order of Police.

**(Continued to March 4, 1998).....ITEM 6
AWARD A BID FOR CONSTRUCTION OF THE UTILITIES OPERATION CENTER \
CONTRACTOR: LODGE CONSTRUCTION, INC., FORT MYERS, FLORIDA \ BID
AMOUNT: \$1,345,000.00 \ FUNDING: VARIOUS CAPITAL IMPROVEMENT
PROJECTS. (9:46 a.m.)**

City Manager Richard Woodruff explained that Lodge Construction was the second low bidder for the project, and Utilities Director Dan Mercer reviewed the Building Department records related to the low bidder, Highpoint General Contracting. (A copy of Mr. Mercer's memorandum regarding Item 6 is contained in the file for this meeting in the City Clerk's Office.) He noted that a majority of Highpoint's large projects were pre-engineered metal buildings and, further, that nine permitted projects were never satisfactorily closed out with the Naples Building Department. Dr. Woodruff emphasized that the major concern was the intricacy of the proposed building since Highpoint Contracting had not built a structure of similar complexity. Bids are open to all contractors, he said; the City, however, retains the right to review all of the bidders as well as their building history.

In response to Council Member Coyle, Dr. Woodruff explained that contract documents contain penalty clauses for work not completed on schedule and, although all bidders offered a performance bond, the implementation of the bond would indicate construction problems.

Public Input: (9:54 a.m.)

Darrell Bresee, 117-3 Santa Clara Drive, president of Highpoint General Contracting, explained that his company, rather than a subcontractor, would do the concrete work. Council also learned that Highpoint Contracting has eight full-time employees who are primarily carpenters. Council Member Tarrant inquired about the nine certificates of occupancy that had not been executed, and City Manager Woodruff explained that they were never requested even though the work may have been completed and therefore the City cannot issue new permits to Highpoint until they are closed. Mr. Bresee responded that he was only recently aware of this situation. **Rusty Moore, 1190 Gulf Shore Boulevard South**, also of Highpoint Contracting, reported that in one situation the owner had elected to cease construction. Regarding the other eight situations, he stated that he was not familiar with them. In response to Council Member Herms, Mr. Bresee said that his company occupies a building he constructed using poured-in-place concrete but noted that he had never built circular concrete structures. Mr. Herms

emphasized that the plans for the Utilities Operation Center included a complex circular entryway of poured concrete in addition to an overall wind-sustaining factor of 150 miles per hour for the entire building. He expressed concern that Highpoint lacked the experience to successfully construct such a project. Council Member Nocera, however, stated his preference for awarding bids to local companies, noting that Lodge Construction was located in Fort Myers and Council Member Tarrant said there should be solid reasons to disqualify a low bidder.

MOTION by Herms to CONTINUE Item 6 to March 4, 1998 in order to research qualifications of Lodge Construction, Inc.; seconded by Coyle and carried 6-1, all members present and voting (Coyle-yes, Herms-yes, MacKenzie-yes, Nocera-no, Tarrant-yes, Van Arsdale-yes, Barnett-yes).

It is noted for the record, that the titles for 8a, 8b, and 8c were read concurrently, prior to discussion.

RESOLUTION 98-8182.....ITEM 8a
A RESOLUTION RATIFYING CHANGES TO ARTICLE 30, “PENSION”, AND ARTICLE 24.05, “SUPPLEMENTS/BONUSES”, OF THE CURRENT CONTRACT BETWEEN THE CITY OF NAPLES AND THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, LOCAL 2174; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Woodruff. (10:16 a.m.)

RESOLUTION 98-8183.....ITEM 8b
A RESOLUTION RATIFYING CHANGES TO ARTICLE 30, “PENSION”, AND ARTICLE 24.05, “SUPPLEMENTS/BONUSES”, OF THE CURRENT CONTRACT BETWEEN THE CITY OF NAPLES AND THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, LOCAL 2174, LIEUTENANTS; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Woodruff. (10:16 a.m.)

ORDINANCE (First Reading).....ITEM 8c
AN ORDINANCE AMENDING SECTION 50-336 AND SUBSECTION (2) OF SECTION 50-337 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES FOR THE PURPOSE OF AMENDING THE FIREFIGHTERS’ PENSION AND RETIREMENT SYSTEM TO SET FORTH REQUIREMENTS FOR EMPLOYEES RETIRING AFTER FEBRUARY 1, 1998; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE. Title read by City Manager Woodruff. (10:17 a.m.)

City Manager Richard Woodruff explained that pensions are included in the collective bargaining process. During recent negotiations a pension reopener clause was included in the agreements between the City and two firefighters’ unions, resulting in resolutions that were acceptable to each party. Director of Human Resources Susan Wiesing reported that the contracts included pension surplus funds to be used for pensioner supplements and bonuses.

Public Input: None (10:21 a.m.)

MOTION by Van Arsdale to APPROVE Resolution 98-8182 as submitted; seconded by Nocera and unanimously carried, all members present and voting (Coyle-yes, Herms-yes, MacKenzie-yes, Nocera-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes).

MOTION by Van Arsdale to **APPROVE** Resolution 98-8183 as submitted; seconded by Herms and unanimously carried, all members present and voting (Coyle-yes, Herms-yes, MacKenzie-yes, Nocera-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes).

MOTION by Van Arsdale to **APPROVE** this Ordinance on First Reading; seconded by Nocera and unanimously carried, all members present and voting (Coyle-yes, Herms-yes, MacKenzie-yes, Nocera-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes).

ORDINANCE (First Reading) Continued to March 18, 1998.....ITEM 9
AN ORDINANCE GRANTING REZONE PETITION 97-R9, REZONING THE
PROPERTY LOCATED AT 899-911 TENTH STREET SOUTH TO “PD,” PLANNED
DEVELOPMENT, IN ORDER TO PERMIT THE DEVELOPMENT OF A 4-STORY,
114-UNIT TRANSIENT LODGING FACILITY WITH 4,800 SQUARE FEET OF
SUPPORT AREA, 3,000 SQUARE FEET OF RESTAURANT SPACE, 2,700 SQUARE
FEET OF COMMERCIAL SPACE, AND 64 BOAT SLIPS AND A FUELING STATION,
MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING A SEVERABILITY
CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE. Title not read.
(10:22 a.m.)

City Manager Richard Woodruff clarified that this Agenda Item pertains to Vice Mayor MacKenzie’s request for reconsideration of the ordinance. Council’s options were threefold he said: to approve the petition; to deny the petition; or to refer the item to the staff and the Planning Advisory Board (PAB) for review. Council Member Van Arsdale stated the he was opposed to a three-story structure in Old Naples, adding that Council should provide guidance to staff and the PAB by relaying their specific preferences. Richard Grant, attorney for the petitioner, said every effort would be made to address Council’s concerns.

Public Input: None (9:29 a.m.)

MOTION by MacKenzie to **CONTINUE** this item to March 18, 1998 pending staff and Planning Advisory Board review; seconded by Herms and unanimously carried, all members present and voting (Coyle-yes, Herms-yes, MacKenzie-yes, Nocera-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes).

RESOLUTION 98-8184.....ITEM 10a
A RESOLUTION APPOINTING ONE CITY COUNCIL MEMBER TO BOARD OF
TRUSTEES OF THE CITY OF NAPLES GENERAL RETIREMENT SYSTEM; AND
PROVIDING AN EFFECTIVE DATE. Title read by City Manager Woodruff. (10:31 a.m.)

Public Input: None (10:31 a.m.)

MOTION by Herms **APPOINTING** Council Member Nocera to the General Retirement System Board of Trustees; seconded by MacKenzie and unanimously carried, all members present and voting (Coyle-yes, Herms-yes, MacKenzie-yes, Nocera-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes).

RESOLUTION 98-8185.....ITEM 10b
A RESOLUTION APPOINTING ONE CITY COUNCIL MEMBER TO THE NAPLES
(COLLIER COUNTY) METROPOLITAN PLANNING ORGANIZATION; AND
PROVIDING AN EFFECTIVE DATE. Title read by City Manager Woodruff. (10:32 a.m.)

Public Input: None (10:32 a.m.)

MOTION by MacKenzie **APPOINTING** Council Member Herms to the Metropolitan Planning Organization; seconded by Van Arsdale and unanimously carried, all members present and voting (Coyle-yes, Herms-yes, MacKenzie-yes, Nocera-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes).

RESOLUTION 98-8186.....ITEM 10c
A RESOLUTION APPOINTING ONE CITY COUNCIL MEMBER TO THE SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manger Woodruff. (10:32 a.m.)

Public Input: None (10:32 a.m.)

MOTION by Herms **APPOINTING** Council Member Coyle to the Southwest Florida Regional Planning Council; seconded by Nocera and unanimously carried, all members present and voting (Coyle-yes, Herms-yes, MacKenzie-yes, Nocera-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes).

RESOLUTION 98-8187.....ITEM 10d(1)
A RESOLUTION APPOINTING ONE CITY COUNCIL MEMBER TO THE BEACH RENOURISHMENT/MAINTENANCE COMMITTEE; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Woodruff. (10:33 a.m.)

Public Input: None (10:33 a.m.)

MOTION by Coyle **APPOINTING** Council Member Herms to the Beach Renourishment/Maintenance Committee; seconded by Tarrant and unanimously carried, all members present and voting (Coyle-yes, Herms-yes, MacKenzie-yes, Nocera-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes).

RESOLUTION 98-8188.....ITEM 10d(2)
A RESOLUTION APPOINTING ONE CITY COUNCIL MEMBER TO THE BEACH RENOURISHMENT/MAINTENANCE COMMITTEE; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Woodruff. (10:33 a.m.)

Public Input: None (10:33 a.m.)

MOTION by Coyle **APPOINTING** Vice Mayor MacKenzie to the Beach Renourishment/Maintenance Committee; seconded by Tarrant and unanimously carried, all members present and voting (Coyle-yes, Herms-yes, MacKenzie-yes, Nocera-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes).

RESOLUTION 98-8189.....ITEM 10e
A RESOLUTION APPOINTING ONE CITY COUNCIL MEMBER TO THE BOARD OF DIRECTORS OF THE NAPLES ART ASSOCIATION; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Woodruff (10:34 a.m.)

Public Input: None (10:34 a.m.)

MOTION by MacKenzie **APPOINTING** Mayor Barnett to the Board of Directors of the Naples Art Association; seconded by Coyle and unanimously carried, all members present and voting (Coyle-yes, Herms-yes, MacKenzie-yes, Nocera-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes).

RESOLUTION 98-8190.....ITEM 10f

A RESOLUTION APPOINTING ONE MEMBER OF THE NAPLES CITY COUNCIL AS THE CITY OF NAPLES LIAISON TO THE NAPLES COMMUNITY HOSPITAL ADVISORY BOARD; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Woodruff. (10:34 a.m.)

Public Input: None (10:34 a.m.)

MOTION by Coyle APPOINTING Vice Mayor MacKenzie as City Liaison to the Naples Community Hospital Advisory Board; seconded by Van Arsdale and unanimously carried, all members present and voting (Coyle-yes, Herms-yes, MacKenzie-yes, Nocera-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes).

RESOLUTION 98-8191.....ITEM 10g

A RESOLUTION APPOINTING ONE CITY COUNCIL MEMBER TO THE STAFF ACTION COMMITTEE (SAC); AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Woodruff. (10:36 a.m.)

Public Input: None (10:36 a.m.)

MOTION by MacKenzie APPOINTING Council Member Van Arsdale to the Staff Action Committee (SAC); seconded by Herms and unanimously carried, all members present and voting (Coyle-yes, Herms-yes, MacKenzie-yes, Nocera-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes).

RESOLUTION 98-8192.....ITEM 10h

A RESOLUTION APPOINTING ONCE CITY COUNCIL MEMBER TO THE JOINT ADVISORY BOARD ON YOUTH ACTIVITIES; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Woodruff. (10:36 a.m.)

Public Input: None (10:36 a.m.)

MOTION by Herms APPOINTING Council Member Nocera to the Joint Advisory Board on Youth Activities; seconded by Coyle and unanimously carried, all members present and voting (Coyle-yes, Herms-yes, MacKenzie-yes, Nocera-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes).

City Manager Woodruff said that the following four appointments do not require a resolution inasmuch as they cover an unspecified period:

Tourist Development CouncilITEM 10i

MOTION by MacKenzie APPOINTING Mayor Barnett to the tourist Development Council; seconded by Van Arsdale and unanimously carried, all members present and voting (Coyle-yes, Herms-yes, MacKenzie-yes, Nocera-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes).

Florida League of CitiesITEM 10j

MOTION by Herms APPOINTING Vice Mayor MacKenzie as the City representative to the Florida League of Cities; seconded by Coyle and unanimously carried, all members present and voting (Coyle-yes, Herms-yes, MacKenzie-yes, Nocera-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes).

Juvenile Justice CouncilITEM 10k

MOTION by Herms APPOINTING Council Member Nocera to the Juvenile Justice Council; seconded by MacKenzie and unanimously carried, all members present and voting (Coyle-yes, Herms-yes, MacKenzie-yes, Nocera-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes).

Naples Players Board of DirectorsITEM 10l

MOTION by MacKenzie APPOINTING Council Member Van Arsdale to the Naples Players Board of Directors; seconded by Herms and unanimously carried, all members present and voting (Coyle-yes, Herms-yes, MacKenzie-yes, Nocera-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes).

OPEN PUBLIC INPUT.....

(10:42 a.m.)

Walter Giel, 225 Eighth Avenue South, requested City Attorney Kenneth Cuyler to read aloud his letter regarding one of the newly constructed shuffleboard courts at Cambier Park. Mr. Giel showed photos of standing water on the court, which he contended had not been built to specifications and was neither level nor smooth. City Manager Woodruff reported that a City investigation of the courts had concluded that the contractor had met all specifications and, further, that the president of the Shuffleboard League had agreed that an attempt to remedy one minor depression could affect the viability of the remaining four courts. Following further discussion, City Manager Woodruff announced a special workshop at 4:30 p.m. in order to examine the shuffleboard court in question. (See the minutes of this workshop as Attachment 2).

CORRESPONDENCE AND COMMUNICATIONS.....

(10:47 a.m.)

Vice Mayor MacKenzie called for a super-majority vote by Council to enact property rezones, stating that she preferred a plurality of 5 to 2. Council Member Coyle, however, expressed his preference for a 6 to 1 majority on rezones relating to height and density changes. City Attorney Kenneth Cuyler indicated that the legality of super-majority and super-super-majority votes should be researched, noting that a special act of the State Legislature had been required for Collier County to enact a 4 to 1 super-majority rule on rezone decisions. Council Member Van Arsdale pointed out that Council conducts all business based on majority rule and suggested that an historical analysis apropos rezone determinations would be useful in demonstrating the effects of such a voting requirement. Council Member Coyle, however, objected to a retroactive evaluation, which he said would not affect whether the present Council preferred a more stringent degree of voting control.

It was the consensus of Council to direct City Attorney Cuyler to research the legality of a super-majority requirement. In the interim, staff was directed to conduct an historical survey of rezone decisions since 1994 in order to determine whether a super-majority requirement would have been a factor in the outcome.

Council Member Herms requested that all correspondence to or from Council Members be filed and available at City Hall. City Attorney Cuyler explained that all correspondence received by Council Members in their capacity as governmental officials becomes public record and, as such, is available to the public. Council Member Van Arsdale expressed his preference for the Mayor's office to open his mail, place copies on his desk, and file it in the City files.

Mr. Herms then expressed concerns regarding the 4th Avenue South municipal parking garage setbacks. He also requested an analysis of ground level parking lots and parking garages in order to determine the effects of each on traffic density and development. Vice Mayor MacKenzie observed, however, that the current zoning codes already permit accessory parking garages in certain areas throughout the City. Council Member Van Arsdale urged Council to become acquainted with the writings of the experts who contrast a suburban environment with the more pedestrian-friendly urban environment. Council Member Tarrant said that the Comprehensive Plan emphasizes green space rather than parking, and Council Member Herms stated that parking garages determine development. Mr. Van Arsdale then noted that the issue was simply whether the City's environment would be motor-driven or pedestrian-driven and emphasized his opposition to a suburban environment for the City's commercial areas.

Council Member Herms proposed a workshop to discuss the zoning on Fifth Avenue, noting that building façades abut the sidewalk in the redeveloped areas and, therefore, landscaping in front of the buildings is minimal. Vice Mayor MacKenzie noted, however, that the original buildings did not have any plantings and also adjoined the sidewalk. Mr. Herms, however, relayed his preference for buildings that are set back from the sidewalk with landscaping bordering the building. Council Member Van Arsdale explained that an important component for a vital commercial area was a pedestrian walkway adjacent to the buildings, which had been the pattern on Fifth Avenue prior to redevelopment. City Manager Woodruff said a workshop would be arranged regarding Fifth Avenue zoning.

Dr. Woodruff then responded to Council's prior request for a joint meeting with the Planning Advisory Board (PAB) in order to offer guidelines regarding the 41-10 redevelopment project. Because City ordinances prohibit Council's giving direction to the PAB, the workshop would, therefore, entail a presentation from the staff only.

ADJOURN
11:16 a.m.

Bill Barnett, Mayor

Tara A. Norman, City Clerk

Prepared by:

Molly Reed, Recording Specialist

Minutes Approved: 3/18/98