



City Council Chamber  
735 Eighth Street South  
Naples, Florida 34102

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**City Council Workshop Meeting – March 16, 1998 – 8:00 a.m.**

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Mayor Barnett called the meeting to order and presided.

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**ROLL CALL .....ITEM 1**

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

Council Members:  
Fred Coyle  
Joseph Herms – arrived at 8:03 a.m.  
John Nocera  
Fred Tarrant  
Peter H. Van Arsdale

**Also Present:**

Dr. Richard Woodruff, City Manager  
Kenneth Cuyler, City Attorney  
Don Wirth, Community Services Dir.  
Dan Mercer, Utilities Director  
Dr. Jon Staiger, Natural Resources Dir.  
Robert Middleton, Utilities Operations  
Supt.  
Ron Lee, Senior Planner  
Flinn Fagg, Planner  
Terry Fedelem, Parks & Parkways Supt.  
Molly Reed, Recording Specialist  
Robin Williams, Executive Secretary  
Janet Mullen, Community Services  
Analyst

Werner “Duke” Haardt  
Cheryl Coyle  
Arlene Guckenberger  
Bob McClymonds  
Brenda Marshall  
Barbara Walker  
James Dean  
Odilie Tarrant  
Virginia Corkran  
Amy Rego  
Other interested citizens and visitors

**Media:**

Dave Taylor, Media One  
Marc Caputo, Naples Daily News  
Jeff Lytle, Naples Daily News

**ITEMS TO BE ADDED ..... ITEM 2**  
None (8:00 a.m.)

**BRIEFING BY CITY MANAGER..... ITEM 3**  
City Manager Richard Woodruff reported that a digital camera and recording packet had been ordered and negotiations are underway to obtain a City-dedicated cable channel, estimated to occur in September with Media One supplying training personnel. Vice Mayor MacKenzie inquired whether the Planning Advisory Board (PAB) meetings could be televised on the current channel during the interim, and Dr. Woodruff responded that there would be a schedule conflict with the Collier County School Board. Mrs. MacKenzie and Council Member Tarrant said they preferred televising the Council meetings, workshops and PAB meetings even if doing so would entail a time delay. Council Member Van Arsdale, however, suggested that the City continue to pool its resources with the County channel in order to enhance programming over a 24-hour period. City Manager Woodruff concurred and cautioned Council to move slowly as production costs could entail substantial expense; he noted that a trial period would be required to develop programming that would reflect positively on the City. Council Member Coyle, however, expressed opposition to sharing resources and said he would supply a list of programming ideas.

City Manager Woodruff then reported that staff had been aware of the baseball scoreboard at Cambier Park which had been repaired two weeks before.

Regarding repair of the River Park Community Center roof, Dr. Woodruff estimated the cost would be between \$12,000 to \$15,000 and that the repairs would be completed by June 1998. Council Member Herms, however, suggested rebuilding the structure. Dr. Woodruff explained that the upcoming five-year plan would include a proposal for a \$1 million overhaul of the center.

City Manager Woodruff then reported that Council would be receiving a memorandum outlining new recommendations for special event street closures, including the suggestion that day-long events be limited to five per year with the final procedures determined by Council.

Dr. Woodruff said that Assistant City Manager William Harrison had met with approximately 300 members of the Port Royal Association regarding utilities undergrounding as part of a new assessment district. The Association had also requested decorative street lighting and would be conducting a straw vote among the residents to determine style preferences.

The Comprehensive Plan had been largely approved by the Department of Community Affairs (DCA), Dr. Woodruff reported, with four points requiring further explanation. He related Council Member Coyle's request to delay response pending review by the 41-10 Committee. Council learned that citizen Sewell Corkran had expressed concern that the Comprehensive Plan did not establish building height limits in mixed use areas, such as the Pulling property. Dr. Woodruff explained that specific standards had been left out of the plan in order for the private sector to best determine ratios between commercial and residential, adding that the City was prepared to argue this position with the DCA. Until the four points in question by the DCA are resolved, the former Comprehensive Plan remains in effect. Council Member Herms said that he agreed with DCA uncertainty regarding vertical evacuation.

Dr. Woodruff then addressed the problem of palm tree lethal yellowing, which was a County-wide concern. Seven hundred coconut palms were being inoculated south of 18<sup>th</sup> Avenue South and tree owners would be required to permit the inoculation. Replacement coconut palms cost between \$1,500 and \$1,800 whereas the cost of inoculation is \$2.00 per tree.

Griffin Grant Writing, he explained, is a company that receives \$85,000 for a two-year contract to write grant applications, with the condition that should they fail to obtain at least \$1 million in grants for the City, they will return the initial \$85,000. Further, Dr. Woodruff said that the performance bond the company agrees to states that they will obtain \$1 million above what the City may have received in the past year from any agency. He noted that Council will be required to approve the contract and agreed with Council Member Tarrant that the money received is public tax dollars.

Mr. Tarrant then requested consideration of requiring fencing or screening around private swimming pools. Dr. Woodruff said he would provide Council with an outline of the current City ordinances as well as regulations from elsewhere in Florida. Council Member Nocera noted that pool construction, too, presents hazards and asked Council to include this.

Vice Mayor MacKenzie requested information regarding the feasibility of a City tornado alarm system. Dr. Woodruff responded that Chief of Police and Emergency Services Kevin Rambosk was seeking current technologies and noted that the most effective is a cable connection to receive a warning signal. Mrs. MacKenzie asked staff to also research the results of County discussions regarding this problem.

.....**ITEM 3**  
**REVIEW OF ITEMS ON THE MARCH 18, 1998 REGULAR MEETING AGENDA.**  
(8:34 a.m.)

- Item 5b** (Special events) Vice Mayor MacKenzie asked whether the Mother's Day street closure request included Friday, May 8<sup>th</sup>, as indicated in the event memorandum.
- Item 5d** (Waive competitive bidding to rebuild high service pumps at the Water Treatment Plant) Council Member Coyle requested the reasons for the waiver. In response to Vice Mayor MacKenzie, City Manager Richard Woodruff said that new and rebuilt service pumps have the same life span.
- Item 5e** (Bid for submersible water pumps and motors for use at the East Golden Gate and Coastal Ridge wellfields) Vice Mayor MacKenzie inquired whether spare parts could be purchased locally.
- Item 5f** (Authorize \$1,500.00 of law enforcement trust funds for "TRIAD" crime prevention programs for senior citizens) Council Member Herms requested an itemization.
- Item 6** (Presentation of Annual Financial Report by City auditors KPMG Peat Marwick) City Manager Woodruff emphasized that this would be a general overview and urged Council Members to obtain details in private meetings with their auditing firm.
- Item 9** (Consider approving creation of a lot at 545 Central Avenue fronting a public alley) Dr. Woodruff suggested Council Members visit the site prior to the Regular Meeting, and Council Member Van Arsdale requested a graphic of the area including adjacent lots and those across the street.

**Item 11** (Consider underground utility easement and two quit-claim deeds for the previously vacated alley adjacent to the Inn on Fifth) Vice Mayor MacKenzie asked for clarification since the addition of a quit claim deed would result in two deeds. Dr. Woodruff explained that since the location entailed an alley intersection, dividing the alley became very complicated and the property owners had requested the City's quit claim so that they could resolve the problem among themselves. Council Member Herms requested drawings of the alley easements, and Vice Mayor MacKenzie requested a copy of Resolution 97-7903 and the applicable minutes.

**Item 14** (Consider reimbursing Pat Masters, Inc., \$28,143.50 for roadway improvements along the southwest corner of 5<sup>th</sup> Avenue South and 9<sup>th</sup> Street South) Council Member Herms ascertained that Director of Development Services Richard Gatti would be present at the Regular Meeting to explain the drainage portion of the roadway improvements. Council Member Van Arsdale noted that the improvements varied from those that the Staff Action Committee (SAC) had approved.

**Addition** (Consider a resolution to establish a trust fund account) Requested by City Manager Woodruff.

.....**ITEM 4**  
**OVERVIEW OF THE CITY OF NAPLES TREE PROGRAM.** (8:44 a.m.)

Director of Community Services Don Wirth explained that his department would be presenting a brief overview of the City's tree planting program. (A copy of the City Tree Program is contained in the file for this meeting in the City Clerk's Office.) In response to a prior Council directive, a master plan was being developed to provide a compilation of all the trees in the City, identified by street, and he explained that, although the map and master plan are under development, additional trees may be planted at any time. Council Member Herms stated that he was concerned some streets were either totally lacking trees or in need of additional trees; however, Council Member Nocera noted that avenues in the 41-10 area would receive additional tree planting via Tax Increment Financing (TIF) funds. City Manager Richard Woodruff noted that Council would eventually be asked to address this issue, citing, for example, \$150,000 in additional trees for 4<sup>th</sup> Avenue North between 10<sup>th</sup> Street and US41, which are slated to be funded jointly by special assessment and the City.

Mr. Wirth clarified that the master plan primarily covers residential areas whereas special assessments would be required for many of the commercial areas. He then referred to a map that had been developed to illustrate location and types of trees on each City street, pointing out that over 1,000 trees had been added during the past two years for capital improvement projects alone. He, however, emphasized that as trees are added to the City inventory, not only purchase but planting and maintenance would require budget considerations. Council Member Coyle ascertained that trees shown for planting in the City nursery were in fact committed to a specific planting schedule. Mr. Wirth noted that currently there are nearly 19,000 trees in the City. Vice Mayor MacKenzie requested a smaller version of Mr. Wirth's tree map.

Parks & Parkways Superintendent Terry Fedelem then described the City's tree donation program that had realized 1,232 trees from residences and businesses for a retail value of over \$600,000. He explained that tree size determines transplanting cost. Larger palm trees cost up

to \$350; a private company is contracted to handle large transplants. Donated trees, he explained, are important to fill in established tree areas to maintain a uniformity. Donors receive a receipt for estimated value and an acknowledgement letter from the Mayor.

Continuing his presentation, Mr. Fedelem also reviewed the tree memorial program and a tree adoption program, which allow private funding for more unique varieties in City parks. He then reviewed the 800-tree capacity and function of the tree nursery program, noting that a small, \$6.00 royal palm can become very sizable in three years. Considerations for planting trees include available irrigation as well as location; the City operates a water truck to tend recently transplanted trees. Nevertheless, Mr. Fedelem said that there is a one or two percent loss of new trees and approximately 100 established trees annually due to disease, lightening and automobiles.

On a display map showing tree distributions and recommended plantings, Mr. Wirth noted the locations recommended for planting and commented that the goal is to fill in all of them. Council Member Herms said his goal was to do this during the coming year alone.

It was determined by Council that City Attorney Cuyler's presence was not necessary during these types of discussions; therefore Mr. Cuyler left the meeting.

Although Council Member Herms proposed planting smaller, \$6.00 trees in medians, Dr. Woodruff pointed out that the small trees need greater nursery care than is possible when transplanted. Council Member Nocera added that commercial areas prefer taller trees for storefront visibility. Vice Mayor MacKenzie also pointed out that additional City nursery space would eventually yield approximately 1,000 trees.

In clarification, Dr. Woodruff said that the City refuses requests to remove a tree for a property owner wanting to install a driveway. Regarding Cambier Park, Mr. Fedelem explained that, so far, approximately a dozen sabal palms had been planted at the tennis courts and 40 shade trees will be planted in the next phase. He then reviewed the cost and maintenance program for a variety of trees.

Council Member Herms calculated that 1,000 3-gallon trees would cost approximately \$62,000 and 10-gallon trees would cost \$92,000. City Manager Woodruff stated that expanding the number of street trees could be done, but stressed that it was also important to maintain the nursery program for residential in-fill with comparable size trees. He recommended that Council consider expending the funds to acquire trees that are larger than seedlings which are vulnerable. Dr. Woodruff however cautioned that to properly plant and maintain 1,000 additional trees may be more practical over two or three years. While planting is more economical when performed by a contractor, Mr. Fedelem indicated all the planting is now done by the staff.

Council Member Herms said he believed 1,000 trees was conservative and that the City could easily plant up to 3,000 if concentrated on streets currently lacking trees. He said 4,000 to 5,000 trees would be needed for complete in-fill for every street and a contractor should follow up with watering. Mr. Herms observed that the City has a \$1,800,000 surplus that could fund 1,000 25-gallon size trees at a cost of approximately \$142,000 planted prior to the summer rains and asked for Council's support, noting that this would become Council's legacy. Council Members Tarrant and Coyle expressed their support.

Regarding contract planting, it was explained that it is first necessary to locate and stake utilities, which is a complicated task and required by State law. In addition, monitoring for proper planting, staking and watering is important. Mr. Wirth recommended a one-year warranty be required of the contractor. Mayor Barnett recommended taking time to satisfactorily complete preliminary work. It was determined that a pilot program on two separate streets would occur using 10-gallon and 25-gallon-size trees for comparison prior to a final determination. Natural Resources Manager Jon Staiger noted that larger trees are healthier; Vice Mayor MacKenzie and Council Members Coyle and Tarrant also expressed preference for larger trees.

Council Member Herms said that his proposal for this year should also be extended in order to plant 2,000 trees for a cost of \$280,000. Dr. Woodruff cautioned that neighborhood input determines tree variety, and Council Member Van Arsdale pointed out that many streets already have an existing pattern. Mr. Fedelem described the advantages of diversity to mitigate insect damage or disease susceptibility and Mrs. MacKenzie said she favored diversity and shade trees in lieu of palms.

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**Break: 10:02 a.m. to 10:13 a.m. It is noted for the record that Council Member Nocera returned to the meeting at 10:16 a.m.**

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.....**ITEM 7**  
**DISCUSSION OF A COMMUNITIES TRUST PRESERVATION 2000 GRANT APPLICATION. (10:16 a.m.)**

Senior Planner Ron Lee reported that the Florida Communities Trust (FCT) of the Department of Community Affairs had recently opened a new application cycle for distribution of grants for green space acquisition. The maximum award is \$5 million and requires local matching funds which can be composed of other grants or donations. Mayor Barnett ascertained that Griffin Grant Writing (see page 3) could pursue a grant of this nature on behalf of the City.

Mr. Lee explained that the grant required a specific site, noting nine possible locations. (Attachment 1) The Fleischmann property at US41 and Fleischmann Boulevard received the highest score. Features that contributed were size, location and proximity to neighborhoods, and environmental factors such as endangered plant species. He then reported that an organization called the Trust for Public Lands had offered land acquisition assistance at not cost to the City.

Bob McClymonds, 7900 Red Road, Miami, representing the Trust for Public Lands, a national non-profit conservation organization, said that he would coordinate the land acquisition. The steps would include a determination of potential funding sources and either acquisition or an option to gain control of the site while grant funding is being processed. Council Member Tarrant, however, said he understood that the Trust for Public Lands would receive a percentage from the seller and Mr. McClymonds responded that among the various methods for payment to the organization, one is to receive a contribution from the property owner for arranging the sale. Mr. Tarrant then expressed skepticism recalling an incident involving what he said were escalating land values in Lee County following the Trust's involvement there. He also questioned the non-profit label. Mr. McClymonds said that payment is the choice of the property owner, although if the property owner is unwilling to pay, the board of the Trust would be reluctant to proceed. City Manager Richard Woodruff clarified that the Fleischmann interests would pay the Trust for the land, which is part of an estate and would require approval by the

heirs and the courts. Vice Mayor MacKenzie ascertained that Mr. McClymonds' organization actually purchases the property or places an option on it; then, following appraisals and surveys, the property is conveyed to a public agency.

Dr. Woodruff emphasized that two independent items were under discussion; a \$5 million grant and an application which is apart from the Trust for Public Lands. He reviewed the nine sites considered for acquisition and explained that the purpose of the grant application is to remove land from potential development. Mr. Tarrant questioned the value of using the Trust instead of staff, but Dr. Woodruff explained that the Trust would be an advantage to the competitive application process, although not an essential element. Mr. Tarrant maintained that the Trust's involvement would inflate the price, but Dr. Woodruff explained that the State requires two confidential independent appraisals to determine value.

Council Member Tarrant ascertained that payments by the land owner are tax deductible since the Trust holds a 501C designation. Council Member Coyle also learned that appraisals occur following an accepted option but prior to purchase; Vice Mayor MacKenzie learned that the Trust's success rate with the FCT is 90%. Mr. Tarrant however said that he would attempt to research newspaper articles on the Trust's involvement with Lee County.

Planner Lee reported that a plan for the Fleischmann site as a park would be included with the application to the FCT, noting that staff had reviewed nine potential sites to determine which would be the best match for the grant requirements. Vice Mayor MacKenzie recalled prior discussions apropos large parks versus smaller, neighborhood parks and urged continued consideration of neighborhood parks. It was learned that the Fleischmann property of 9.5 acres is assessed at approximately \$6 million which is not the market price.

Barbara Walker, of Neapolitan Enterprises representing the Fleischmann estate, said that there is little opportunity for negotiating. The property is currently zoned highway-commercial, is 9.6 acres, and no portion of it can be donated, she said, adding that in 1993 the asking price was \$7 million. Ms. Walker also explained that the executor of the Fleischmann estate could sell only at a fair market price as approved by the probate court. Council Member Coyle suggested tax incentives and cash payments as alternatives, and Ms. Walker said she would defer to the estate's attorneys.

City Manager Woodruff reviewed a 1994 Council directive to determine properties for purchase in the event a proposed one-cent County land acquisition tax were approved, resulting in the list of sites, and pointed out that the City can prevent development only through purchase. Mr. Tarrant pointed out that the City had recently purchased seven acres from John Pulling for \$1.4 million. Council Member Van Arsdale suggested that staff consider potential sites that are not presently open space, such as Turner Marine or the Chlumsky property, expressing concern over the usefulness of large or neighborhood parks.

It was determined to include the grant process at the workshop on April 1<sup>st</sup>. Council Member Coyle requested a copy of staff's ranking procedure and questioned whether a delay would jeopardize grant filing. Vice Mayor MacKenzie suggested a presentation on site preparation, including exotic tree removal, whereas Council Member Herms asked for recommendations on acquiring matching funds once a grant is awarded.

.....ITEM 5

**DESIGN INPUT – PULLING WATERFRONT PARK (10:55 a.m.)**

City Manager Richard Woodruff indicated that the purpose of Council's discussion was to determine a vision for the property which carries a deed restriction limiting its use to waterfront activities. He reported that the City and the County were working together to develop a utilization plan because each entity would contribute funds, and Council would only be providing a vision concept for the park at this time.

Community Services Director Don Wirth described each parcel of land belonging to the City: the donated land is the easternmost parcel and is on the Gordon River; the City's \$1.4 million purchase is landlocked and westward of the donated parcel; the City's 7 acre horticultural site adjoins the river and is north of the donated parcel. Dr. Woodruff clarified that deed restrictions on the horticultural site prohibit its use as a park, but Mr. Pulling has stated that he would lift the restriction so long as a specific plan were developed for waterfront-related activities.

Council indicated its preferences on 19 items that the deed specifies as permitted uses for the park. (Attachment 2) Council Member Tarrant said that consideration should be given to a Gordon River Bridge that would span the property under consideration, and Dr. Woodruff pointed out that there is property on each side of the span which would have a high elevation permitting the two parcels to be connected.

Council discussed the inclusion of boat ramps and Council Member Coyle stated that since Naples Landing is operating at capacity, Council should not encourage more activity on Naples Bay. Messrs. Herms and Tarrant noted that a hotel with over 60 boat slips was proposed just south of the park, and Mr. Herms suggested delay pending results from the Naples Bay Project Committee. Council Members Van Arsdale and Tarrant said the need for boat ramps applied to the County rather than the City. Mr. Tarrant stated his preference to return the donated property to Mr. Pulling and expressed concern that restrooms would be located at the park. Mr. Wirth explained that the County would be offering input after which a concept design would be developed; he estimated that the issue would return to Council in approximately one month. Council Member Herms requested that staff also indicate the location of trees in the preliminary plan.

**Public Input: (11:28 a.m.)**

**Virginia Corkran, 213 9<sup>th</sup> Avenue South**, urged Council Members to tour the property which appeared to offer limited area for water access and suggested that it be staked to delineate proposed bridge access.

.....ITEM 6

**DISCUSSION PERTAINING TO THE REZONING OF BEACHFRONT PROPERTY (11:34 a.m.)**

City Manager Richard Woodruff reported that Council had requested a study concerning rezoning and development along westward Gulf Shore Boulevard between 21<sup>st</sup> Avenue South and the Naples Beach Club.

Planner Flinn Fagg explained that under City code, a parcel could be divided in half but not thirds without City approval. Subdividing, he said, was seldom practiced south of 20<sup>th</sup> Avenue South where a larger minimum lot size is designated. However, the Old Naples area along the beach is zoned R1-15 with a minimum lot size of 15,000 square feet and is generally within the



Coastal Construction Control Line (CCCL) which requires the first habitable floor to conform to Department of Environmental Protection (DEP) regulations, often resulting in the first floor built at 21 feet above sea level. He explained that the Federal Emergency Management Agency (FEMA) requires property eastward of the CCCL build the first habitable floor 11 feet above sea level. (Maps used by Mr. Fagg for his presentation are contained in the file for this meeting in the City Clerk's Office.)

Planner Fagg then presented three proposals for increasing lot size minimums in order to address the issue of property subdivision, stating that there are currently 146 properties of which 52 could be divided into two or more parcels, thereby adding 98 parcels to the total. Dr. Woodruff said a change of this magnitude would substantially alter the character of the beachfront. Mr. Fagg then proposed a new, R1-20 zoning category that would require a minimum lot size of 20,000 square feet to reduce the number of properties that could be subdivided from 52 to 43 and also reduce the number of additional lots from 98 to 63.

Dr. Woodruff sought Council's preference for continuing with the study. Council Member Herms said he approved of the study's direction, but Council Member Tarrant expressed misgivings about property rights under the Bert Harris Property Rights Act. Dr. Woodruff, however, clarified that the issue related to maintaining current beachfront density or permitting 98 additional parcels with larger homes. Mr. Tarrant asserted that while he favored lower density, he was also concerned about property owner rights. Council Member Herms suggested that a survey of the property owners be conducted regarding moving forward with rezoning. Council Member Coyle stated his approval of moving forward before property owner's attempt to subdivide, although he also favored a survey.

Council determined that the Mayor would invite beachfront property owners to an administrative hearing to discuss subdividing beachfront property.

**CORRESPONDENCE / COMMUNICATIONS** .....

(11:59 a.m.)

Mayor Barnett acknowledged Council Member Nocera's memorandum regarding street closings for the Naples Art Association. The issue was tabled until next year. Council Member Herms reviewed an underground water retention solution for Cambier Park.

**OPEN PUBLIC INPUT** .....

None (12:02 p.m.)

**ADJOURN** .....

12:02 p.m.

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Bill Barnett, Mayor

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Tara A. Norman, City Clerk

Prepared by:

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Molly Reed, Recording Specialist

Minutes Approved: 4/15/98