



City Council Chamber  
735 Eighth Street South  
Naples, Florida 34102

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**City Council Workshop Meeting – May 3, 1999 – 8:30 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  
John Nocera  
Fred Tarrant  
Peter H. Van Arsdale

**Also Present:**

Richard L. Woodruff, City Manager  
Kenneth B. Cuyler, City Attorney  
Tara Norman, City Clerk  
Jon Staiger, Natural Resources Manager  
Ron Lee, Planning Director  
Robert Middleton, Utilities Director  
Dan Mercer, Public Works Director  
Ann Walker, Planner  
Jessica Rosenberg, Recording Specialist  
Duncan Bolhover, Admin. Specialist  
Werner Haardt  
Joseph Bonness  
David Corban  
Len Thornton  
Ted Soliday

Amy Rego  
Cheryl Coyle  
Eric West  
Chuck Drake  
Virginia Corkran  
Charles Abbott  
Philip Francoeur  
Other interested citizens and visitors

**Media:**

AnneElena Foster, Naples Daily News  
Victor Epstein, Naples Daily News

**ITEMS TO BE ADDED (8:28 a.m.).....ITEM 2**  
None. (Naples Airport Authority Chairman Len Thornton later approached Council to discuss pending airport issues.)

**BRIEFING BY CITY MANAGER (8:28 a.m.) .....ITEM 3**  
City Manager Richard Woodruff stated that staff has installed an adjustable valve onto the Naples Depot whistle, adequately reducing the decibel level. Council will determine at the May 5, 1999 Regular Meeting whether to reconsider recent Variance Petition 99-V2 (variance to permit an 11-foot rear yard setback for a screen-enclosed pool). Dr. Woodruff then expressed appreciation to Council Member Nocera for representing Council at the recent Arbor Day ceremony, and Council Member Tarrant and Council Member Herms for their participation in a ceremony commemorating George Washington's inauguration.

.....**ITEM 4**  
**REVIEW OF ITEMS ON THE 5/5/99 REGULAR MEETING AGENDA (8:35 a.m.) Added**  
**Item 12 (a request to purchase software for Police & Emergency Services) Added Item 13**  
**(request to award a bid to Better Roads for drainage and road improvements for 6<sup>th</sup>**  
**Avenue South)** – Vice Mayor MacKenzie requested a sketch of the road's proposed appearance. In reference to Council Member Herms, Dr. Woodruff explained that 12<sup>th</sup> Street would be closed to incoming traffic during the completion of the bridges this fall. **Item 5-c (authorize a budget amendment of \$53,793.00 for renovations to the existing Police & Emergency Services Building)** – Council Member Herms requested an explanation. **Item 6 (clarification on the City's ethics ordinance)** – Dr. Woodruff noted that this item would also be presented at the workshop and that City Attorney Cuyler would be present later in the meeting for discussion. **Item 7 (consider a rezone to accommodate a 43-unit residential tower with a density of 4.7 dwellings per acre)** - Dr. Woodruff noted that the Seagate Property Owners Board of Directors had submitted correspondence that morning, and that he would provide copies to Council. Mr. Herms noted receipt of separate correspondence regarding a law suit on this matter and stated that Council may receive a request to table this issue. **Item 10 (consider appointing members to the Blue Ribbon Committee)** – Mayor Barnett requested that Council members determine their prospective appointees by the Regular Meeting. It was the consensus of Council, pending research of applicable policy, to allow the appointment of members who presently serve on other committees. **Item 11 (consider a purchase order for traffic calming improvements to Central Avenue and 3<sup>rd</sup> Street South)** – Dr. Woodruff noted that if this item is approved, staff would send a letter to 3<sup>rd</sup> Street residents informing them of the proposed work schedule.

.....**ITEM 5**  
**REPORT BY THE NAPLES COMMUNITY SAILING CENTER REGARDING YOUTH SAILING IN NAPLES BAY (8:47 a.m.)** Joe Bonness, of the Naples Community Sailing Center, noted the Center's mission is to teach and promote sailing and described the existing facilities currently housed at Naples Landing as well as the various sailing programs. He added that the Center now wishes to expand its programs, and detailed the possible expansion areas including the Pulling property on Goodlette-Frank Road and Bayview Park, noting the disadvantages of each. He then explained the advantages of using the current site which is located between the Coast Guard Auxiliary building and the Chart House because of slower boat traffic, easy public access and appropriate zoning. David Corban, of Architectural Network, proposed a floating facility to minimize environmental impacts. He said that he is currently working with Jon Staiger, Natural Resources Manager, and Wilson, Miller, Barton & Peek in conducting environmental studies of the Bay. Mr. Bonness then requested Council to direct staff to prepare a use agreement to enable the Center to begin developing its plans, explaining that he would later present them to Council for final approval. He noted that Charter Club representative David Trowbridge supported these plans, as the proposed facility will not obstruct his club's view of the Bay.

City Manager Richard Woodruff stated that staff has met with the DEP, and that he believes the Center may receive approval for a portion, if not all, of its plans. He then explained that, pending Council approval, staff could prepare a use agreement in thirty days. Mayor Barnett and Council Member Tarrant voiced support for the program. Mr. Bonness proposed a minimum ten-year use agreement; he then confirmed the Center would build the facility, give it to the City, then lease it back and operate it on the public's behalf. So as not to impede the view of the bay, Vice Mayor MacKenzie suggested using an extension of the Coast Guard Auxiliary building or placing the facility very near to it. Dr. Woodruff confirmed the facility would most likely come under the supervision of David Lykins, Recreation Manager. Council Members Van Arsdale and Coyle voiced support for the program, however, Mr. Coyle noted concern regarding the size of the facility. Council Member Herms also urged support, though noted concern regarding size, location, and the potential risk of hurricane damage. Sailing Center board member Philip Francoeur stated that should the facility be built on a floating dock, it would be lower than the Coast Guard building and the Chart House, and therefore would not obstruct views. He also noted the facility would be sufficiently secured to withstand hurricanes.

***It was the consensus of Council to support the expansion of the Center to a site south of Naples Landing (between the Coast Guard Auxiliary building and the Chart House). Staff will prepare a use agreement in the next thirty days to enable the Center to develop its plans and to obtain the necessary permits.***

.....**ITEM 9**  
**DISCUSSION WITH AIRPORT AUTHORITY CHAIRMAN LEN THORNTON** (9:24 a.m.) Mr. Thornton informed Council that the Naples Airport had recently earned the Federal Aviation Agency's Award for the Safest Air Carrier Airport in the Southern Region. Mr. Thornton also stated the Authority is proceeding to secure the ban of Stage Two jet aircraft. He said that although the Airport Authority had stated in 1997 that it would not build hangars for five years, he asked to be relieved of that promise in order to build 32 T-hangars on the eastern side of the airport along Airport Road. Mr. Thornton explained that there is presently a demand for hangars for small aircraft although large corporate hangars are already designated on the Airport Master Plan and Airport Utilization Plan. Council Member Coyle asked if the Authority would then be willing to rezone the Western Quadrant to "C" Conservation. Mr. Thornton confirmed his personal willingness but explained he could not speak for other Authority members. Mayor Barnett and Vice Mayor MacKenzie expressed concerns regarding the appropriateness of a quid pro quo. Mr. Thornton said however he would continue his personal efforts to achieve the Conservation rezone regardless of the outcome of the T-hangars.

City Manager Richard Woodruff proposed that Council direct staff to file a rezone petition for the West Quadrant but also recommended against a contract. City Attorney Kenneth Cuyler agreed, noting this type of arrangement is considered contract zoning. Dr. Woodruff therefore suggested Council authorize the Mayor to write a letter to the Airport Authority informing it that Council wishes to modify the Comprehensive Plan and the Airport Master Plan in order to rezone the vast majority of the West Quadrant to "C" Conservation and to allow the construction of additional T-hangars in the East Quadrant. In this way he explained, the requests would not be tied together. Mr. Thornton however noted that the construction of the hangars did not technically require Council approval, but that he nonetheless favored Council endorsement so that both parties could work cooperatively. Council Member Coyle stressed that Council approved the Master Plan with the Airport Authority's commitment that it would not build hangars for five years, and that it is indeed appropriate for the Authority to seek Council approval for plan modification. Council Member Tarrant expressed his strong opposition to building hangars in the Western Quadrant, as he said he believed they accommodate growth and

present a potential safety hazard from low altitude. Council Member Herms noted that future Council could reverse zoning decisions. Mr. Thornton confirmed that he would not vote to proceed with hangar construction without Council endorsement. Council Members favored the proposed letter to the Airport Authority, but Vice Mayor MacKenzie supported construction of the T-hangars because it would result in reducing corporate jets at the airport.

*It was the consensus of Council (MacKenzie and Van Arsdale dissenting) to disapprove the construction of 32 T-hangars on the eastern side of the airport along Airport Road. Mayor Barnett was however authorized by Council to draft a letter to the Airport Authority stating that Council wishes to modify the Comprehensive Plan and the Airport Master Plan in order to rezone the vast majority of the West Quadrant to "C" Conservation and to allow the construction of additional T-hangars in the East Quadrant.*

Recess 10:32 a.m. to 10:47 a.m. It is noted for the record that the same members of Council were present when the meeting reconvened.

.....ITEM 7  
**DISCUSSION REGARDING A POSSIBLE BALLOT QUESTION PERTAINING TO A SUPERMAJORITY VOTE REQUIREMENT** (10:47 a.m.) City Manager Richard Woodruff read into the record proposed various versions of ballot language drafted by City Attorney Cuyler, Council Member Coyle, Council Member Tarrant, and Council Member Van Arsdale (Attachment 1). City Attorney Cuyler urged Council to determine its precise goals through this amendment. Vice Mayor MacKenzie concurred but added that the supermajority requirement was not, in her opinion, proven effective and therefore did not favor any of the proposed language. Council Member Tarrant nonetheless said it clearly indicates that the issue is a growth-slowng measure and that the supermajority requirement should be given an adequate opportunity to succeed.

*It was the consensus of Council (Coyle, Herms, and Tarrant dissenting) to not place this issue on the ballot.*

.....ITEM 8  
**DISCUSSION OF PROPOSED CLARIFICATIONS TO THE CITY ETHICS ORDINANCE (scheduled for Second Reading on 5/5/99)** (10:57 a.m.) City Attorney Kenneth Cuyler explained that appropriate language changes had been made to subsection (d)(2) of Section 2-463, Standards of Conduct for Public Officials, pursuant to Council direction. Council Member Tarrant asked Attorney Cuyler's opinion as to whether there is an ethical violation in Hole, Montes, and Associates recommending an outside law firm to handle the wastewater plant litigation since Hole, Montes provides professional services to the City. Attorney Cuyler explained that Hole, Montes personnel had simply mentioned a firm they thought was competent, and that City staff and the City Manager had made the actual selection. He stated there was neither collusion nor favoritism shown, and thus there was no violation. Mr. Tarrant maintained however, that there appeared to be a conflict of interest. Council Member Herms noted it may be prudent to speak to the parties involved to ensure there is no conflict, however, Council Member Coyle instead proposed close monitoring of the progress of the case.

Vice Mayor MacKenzie questioned the inclusion of subsection (a) of Section 2-465 dealing with the contracts for professional and construction services; Attorney Cuyler said this would be removed. Mr. Herms requested an additional change because he deemed it inappropriate for an elected officer or advisory board member to pursue a variance to any City code on behalf of a client or represent a client with or without compensation. Dr. Woodruff proposed a First Reading of this change at the May 5th Regular Meeting; Council concurred.

*City Attorney Cuyler explained that appropriate language changes had been made pursuant to Council direction, and further noted that Section 2-465*

*would be omitted from the ordinance. Council proposed a further amendment to stipulate that no public official shall represent an entity before the governmental body, with or without compensation. First Reading of this amendment will occur at the May 5, 1999 Regular Meeting with Second Reading at the May 19, 1999 Regular Meeting.*

.....ITEM 6  
**PRESENTATION OF WATER RESOURCES REPORT (Requested by Council Member Tarrant)** (11:08 a.m.) Council Member Tarrant asserted that specialists had stated at the recent Water Symposium that there is indeed adequate water resources at this time but as the County population increases, the quality of water may require additional chemicals or desalinization at an estimated construction cost of \$100 million. He therefore requested the consensus of Council to authorize the Mayor to write to South Florida Water Management District and Big Cypress Basin Board requesting present and future water inventory figures. Mr. Tarrant urged that land use decisions be linked with water resources.

Utilities Director Robert Middleton explained the roles of various regulatory agencies then detailed the City's water service area which extends eastward to Livingston Road, northward to Pine Ridge Road, southward to Thomasson Drive and westward to the Gulf. He then noted that the Coastal Ridge Wellfield has 34 wells, and that it can produce 350 gallons of water per minute per well. East Golden Gate has 24 wells, and can produce between 350 and 1,000 gallons per minute per well. (See the Water Service Areas Briefing Document contained in the file for this meeting in the City Clerk's Office.) Mr. Middleton also briefly described the water distribution system.

Chuck Drake, Vice President of Hartman & Associates, stated that both the Coastal Ridge and Golden Gate Wellfields contain adequate water with good mineral composition. He noted the main source of water recharge is rainfall. Dr. Woodruff said that it is advantageous for the City to have these wells, which are north of the County's wellfield, first receiving the sheet flow from northeast to southwest. This would be untrue if the County were to build a wellfield northeast of the City's facilities. Dr. Woodruff also noted that if the agricultural land northeast of the City were developed or if a sanitary landfill were built there, the City's water supply would be negatively affected.

Council Member Coyle questioned the rationale of imposing water restrictions when there is said to be adequate water. Mr. Drake explained that restrictions are imposed to protect water levels in the Coastal Ridge aquifer from the potential salt-water intrusion. Dr. Woodruff noted that the City currently may use up to 45 million gallons of water per day. Mr. Coyle echoed concern that continued growth will result in water shortages and Dr. Woodruff cautioned against any merger with Collier County utilities because the City has both an adequate water supply and at this time a favorable rate. Council Member Van Arsdale cited the impact of County growth on the overall water resources, including the City's system. Mr. Drake suggested the City monitor the issuance of water use permits to be aware of any potential problems. Council also discussed inviting the County staff and representatives from the regulatory agencies to a future workshop.

*It was the consensus of Council to authorize Mayor Barnett to draft letters to the Big Cypress Basin Board and South Florida Water Management District requesting present and projected water inventory figures. Staff was also directed to analyze outside factors that would potentially impact the City's water system.*

**OPEN PUBLIC INPUT (12:25 p.m.)** .....

**Virginia Corkran, 213 Ninth Avenue South**, noted concern regarding the area hydrological conditions, and stressed that water use planning be linked with land use planning as was stated in the City's Comprehensive Plan. **Charles Abbott, 1306 28<sup>th</sup> Avenue North**, a remodeling contractor, noted what he felt was overly stringent Code enforcement relative to an expired fence permit. Dr. Woodruff stated he would work with Mr. Abbott to resolve the issue.

**CORRESPONDENCE & COMMUNICATION (12:39 p.m.)** .....

It was the consensus of Council to decide on a case-by-case basis whether to express views on national issues. Council directed staff to authorize the First United Methodist Church to hold its Easter sunrise service on the fishing pier, but not a proposed sunset service the preceding evening. Dr. Woodruff stated that he and City Attorney Cuyler are presently researching the use of public property for church services. Council Member Herms noted concern regarding the improper advertisement of the rezone of the airport property west of North Road; the item in question will be re-advertised and Dr. Woodruff added that he would provide a map and additional information at the Regular Meeting. Mayor Barnett reminded Council that he had written Clerk of the Court Dwight Brock to request an investigation of the beach rock issue and that Mr. Brock had responded. It was learned that Council Members Tarrant and Nocera had written Mr. Brock directly. Mayor Barnett suggested that all such communication be referred back to him so that Council may act in concert.

**ADJOURN (11:55 a.m.)** .....

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Bill Barnett, Mayor

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Tara A. Norman, City Clerk

Prepared by:

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Jessica Rosenberg, Recording Specialist