



City Council Chamber
735 Eighth Street South
Naples, Florida 34102

City Council Workshop Meeting – February 22, 2000 – 8:30 a.m.

Mayor MacKenzie called the meeting to order and presided.

ROLL CALLITEM 1

Present: Bonnie R. MacKenzie, Mayor
Joseph Herms, Vice Mayor
Council Members:
Gary Galleberg
William MacIlvaine
Fred Tarrant
Penny Taylor
Tamela Wiseman

Also Present:

Kevin Rambosk, City Manager
Kenneth B. Cuyler, City Attorney
Ron Lee, Planning Director
Richard Gatti, Development Svs. Director
Tara Norman, City Clerk
Jon Staiger, Natural Resources Manager
William Harrison, Assistant City Manager
Dan Mercer, Utilities Director
Robert Middleton, Operations Supt./Util.
William Overstreet, Building Official
Steven Moore, Police Commander
Lori Burke, Sr. Human Resources Analyst
Virginia Neet, Deputy City Clerk
James Slapp, Police Lieutenant
Bruce Davidson, Police Lieutenant

Sheldon Reed, Fire Commander
Anthony Vastola, Communications Mgr.
Molly Reed, Planning Technician
Jessica Rosenberg, Recording Specialist
Brenda Blair, Recording Specialist
Bill Boggess
Other interested citizens and visitors

ITEMS TO BE ADDEDITEM 2

None. (8:35 a.m.)

.....ITEM 3

DISCUSSION OF CITY COUNCIL PREFERENCES TO INCLUDE: POLICIES, PROCEDURES, AND TOPICS FOR FUTURE WORKSHOPS (CONTINUED FROM 2/16/00 REGULAR MEETING) (8:35 a.m.) Council Member Taylor suggested that Council first discuss the Great Floridians 2000 program due to an upcoming deadline and proposed that Council direct staff to contact the Collier County Historical Society in order to determine appropriate nominations. Council also suggested contacting several residents as well as the local archaeological society for input. Mayor MacKenzie recommended that Council review the list of applicants at the next Workshop and render a final decision at the March 1st Regular Meeting.

Vice Mayor Herms advocated beginning discussions regarding Planned Development zoning and proposed enacting standards to regulate units per acre, lot coverage, floor area ratio, landscaping, and parking. Council Member MacIlvaine agreed, suggesting standards for buffering between commercial and residential. Council Member Tarrant recommended eliminating Planned Developments altogether; however, Mayor MacKenzie proposed retaining them with tightened standards. Council Member Taylor suggested placing commercial zoning standards on a referendum. Mr. Herms agreed, and added that in the last several years, past Councils have authorized Planned Developments without utilizing standards, which he said has resulted in massive projects that are out of character with the community and strained infrastructure. Council Member Galleberg disagreed, and requested that staff analyze Planned Developments over ten years to determine whether they did not conform to underlying zoning. Council Members Tarrant and MacIlvaine concurred. However, Council Members Wiseman and Galleberg recommended retaining Planned Development zoning with more stringent standards.

Additionally, Mr. Herms urged that Council enact overall standards for all commercial development, but recommended that each Council Member cite the five best commercial buildings in the City so staff could analyze each for floor area ratio, lot coverage, parking requirements, landscaping, and other factors. This, he said, would enable Council to formulate a referendum question. City Manager Kevin Rambosk suggested that Council Members submit lists of structures for staff to photograph. Council Member Tarrant proposed a referendum to eliminate multi-level parking garages. Planning Director Ron Lee proposed that Council enact a provision allowing modification to existing Planned Developments, but Vice Mayor Herms suggested that property owners could also rezone their properties to existing zoning and request variances as appropriate. Council briefly discussed the applicability of the height charter amendment to the First Presbyterian Church Planned Development.

Council Member Tarrant expressed appreciation to City Manager Rambosk for informing Council of a meeting later that day with South Florida Water Management District, the Calusa Bay developer, and consultants regarding potential resolution of the lakes issue.

Public Input: 10:20 a.m. **Bill Boggess, 1100 Eighth Avenue South**, urged referenda on Planned Developments, density, and parking garages. He also noted several City buildings in disrepair.

The first Workshop discussion item will be a comprehensive review of the Code of Ordinances. Staff will contact the Collier County Historical Society and other entities to determine appropriate nominations for the Great Floridians 2000 program; Council will then review nominations at the 2/28/00 Workshop and render a final decision at the 3/1/00 Regular Meeting. Council Members will individually select for staff to photograph

the ten best-designed commercial buildings in the City. Council also directed staff to perform an analysis of Planned Developments in the last ten years.

.....**ITEM 4**
ORIENTATION PROGRAM FOR NEW COUNCIL MEMBERS (CONTINUED FROM 2/14/00 WORKSHOP MEETING) (10:24 a.m.) City Attorney Kenneth Cuyler stated that Chapter 286.011 of the Florida Statutes (the Sunshine Law) requires meetings to be open to the public, with reasonable notice given, and with minutes taken. He cautioned that two or more members of a board or committee communicating directly or by telephone, electronic mail etc., is considered a meeting, and therefore a violation because of the lack of appropriate notice. Mr. Cuyler clarified that although a Council Member may write memoranda to the entire Council, a response and ensuing dialogue should not occur. Council Member Tarrant noted the right of free expression, and suggested sending copies of all memos to various news agencies to alleviate concern. Mr. Cuyler stated that the media already has access to these documents through the Mayor's office. Council briefly discussed contacting the First Amendment Foundation for input. Mr. Cuyler also recommended that Council Members not converse regarding a past vote as it might later reconsider an issue, and added that Council must also be cautious of even a public perception of a violation. He further explained that although two or more Council Members may appear together on a news program, they may not enter a debate. Exceptions to the Sunshine Law include collective bargaining strategy sessions and pending litigation meetings, he said. Mr. Cuyler then described public records as defined by Florida Statutes, and confirmed that any record produced or received in connection to government business must be retained. City Clerk Tara Norman however explained that certain records such as phone messages have minimal retention depending on content, and that the State mandates the required minimum retention of documents and grants the approval for disposal. In closing, Mr. Cuyler urged that Council exercise appropriate caution as courts generally construe the Sunshine Law very conservatively, and noted he would further research the memo concern as well as possible speakers to address the First Amendment issue.

Presentations were made by the following City departments: (11:20 a.m.)
(Copies of the materials used in this orientation are contained in the file for this meeting in the City Clerk's office.)

Clerk's Office – Tara Norman, City Clerk
Management - Kevin Rambosk, City Manager
Community Services – Don Wirth, Community Services Director
Development Services – Richard Gatti, Dev. Services Director
Building Department – William Overstreet, Building Official
Management – William Harrison, Asst. City Manager & Director of Finance
Human Resources – Lori Burke, Senior Human Resources Analyst
Planning – Ron Lee, Planning Director

During Mr. Lee's presentation, Vice Mayor Herms asked how the Planning Department confers recommendations on Planned Developments and 41-10 District projects. Mr. Lee stated that, for a rezone, staff refers to applicable zoning standards and the specific development standards for that zoning district. Regarding the Grand Central Station (Naples Community Hospital Healthcare System) project, Mr. Herms asked staff to enumerate under what conditions it would deem a project as too intense to recommend approval. Mr. Lee stated that staff determines whether the project is compatible with surrounding land uses and added that if the Grand Central Station project had exceeded the Bayfront Marketplace Development across the street, staff would not have supported it. Mr. Herms however expressed dismay that staff would base

comparisons on such an intense development. Mr. Lee clarified that staff considers projects on a case-by-case basis.

(Presentations continued)

Police & Emergency Services – Steven Moore, Acting Chief

James Slapp, Police Lieutenant

Sheldon Reed, Fire Commander

Bruce Davidson, Police Lieutenant

Anthony Vastola, Communications Manager

Utilities – Dan Mercer, Utilities Director

Robert Middleton, Operations Supt./Utilities

CORRESPONDENCE & COMMUNICATIONS (2:37 p.m.).....

None.

ADJOURN

2:37 p.m.

Bonnie R. MacKenzie, Mayor

Tara A. Norman, City Clerk

Prepared by:

Jessica R. Rosenberg, Recording Specialist

Minutes approved: 4/5/00