



City of Naples

City Council Chamber
735 Eighth Street South
Naples, Florida 34102

City Council Workshop Meeting – April 2, 2001 – 8:34 a.m.

Mayor MacKenzie called the meeting to order and presided.

ROLL CALL ITEM 1

Present: Bonnie R. MacKenzie, Mayor
Joseph Herms, Vice Mayor

Council Members:

Gary Galleberg
William MacIlvaine
Fred Tarrant
Penny Taylor

Absent: Tamela Wiseman

Also Present:

Kevin Rambosk, City Manager
Tara Norman, City Clerk
Terry Fedelem, Parks & Parkways Supt.
Dr. Jon Staiger,
Natural Resources Manager
Don Wirth,
Community Services Director
Karen Kateley, Administrative Assistant
Gerry LaCavera, Division of Forestry
James Isaacs, Division of Forestry
Wilbur Chaney, Division of Forestry
Arlene Guckenberger
Other interested citizens and visitors

Media:

Denise Zoldan, Naples Daily News

SET AGENDA (8:37 a.m.).....**ITEM 2**
City Manager Kevin Rambosk noted there would be no added items.

.....**ITEM 3**
DISCUSSIONS RELATING TO NAPLES PRESERVE: (8:34 a.m.)

Proposed Location of the Boardwalk

City Manager Kevin Rambosk commended both City staff and the Naples Preserve Steering Committee for their work on this project. The purpose of these discussions, he explained, is to obtain Council's input as to the location of the proposed elevated boardwalk and the removal of potentially combustible plant growth. Community Services Director Don Wirth likewise recognized the contributions of Natural Resources Manager Jon Staiger and Parks & Parkways Superintendent Terry Fedelem and reviewed staff and volunteer efforts to date to clear non-native plant material and other debris from the Naples Preserve site. Mr. Wirth further advised that the proposed location and configuration of the boardwalk comports with Council's prior direction, and he noted that its construction would be similar to the Seagate Park boardwalk. Construction will be accomplished through a combination of City work forces and volunteer efforts (community build), and Mr. Wirth noted that the Steering Committee is organizing a volunteer committee in this regard. He also estimated the cost of the boardwalk at \$90,000.00. Mr. Fedelem then reviewed the configuration of the proposed 1,600-foot boardwalk, designed for visitors to observe the Preserve's sensitive natural habitat. (A copy of Mr. Fedelem's presentation is contained in the file for this meeting in the City Clerk's Office.) He also provided information as to construction materials and explained that staff is researching a plastic/wood composite (*Trex*) to be used as decking. Further, Council learned that the decking will be six feet wide and most of the boardwalk will be elevated less than 30 inches off the ground. Council also discussed how the habitat would be protected during the walkway's construction. Council Member Tarrant suggested narrowing and lowering the walkway for safety reasons; he also asked staff to consider running reuse water lines through the property for irrigation purposes during dry months and to supply onsite water in the event of a brushfire. Vice Mayor Herms expressed concern as to the strength and durability of the *Trex* material; it was also noted that the Corkscrew Sanctuary had selected *IPE'* decking to rebuild its boardwalk. Mr. Wirth promised to research the various composite materials currently on the market while Council Member MacIlvaine said Council should rely on staff's expertise for such decisions. In later discussion, however, City Manager Rambosk noted that Council would again review this issue when it considers purchase orders for the material. He also noted that American with Disabilities Act (ADA) requirements would ultimately determine the minimum deck width.

Natural Resources Manager Jon Staiger said staff had already considered reuse lines on site for fire prevention purposes, but he cautioned that regular irrigation could actually disturb the natural habitat. Dr. Staiger also noted that although a portion of the boardwalk may be elevated 30 inches, the average elevation approximates 18 inches which is a sufficient height for small wildlife to pass beneath. He also provided additional information regarding the *IPE'* and *Trex* products but said no decision had been made as to which product would be used. Mr. Fedelem then provided details regarding the proposed observation areas (open decks with railings) and noted that the higher handrails are required only when the boardwalk's height exceeds 30 inches. Mr. Wirth noted that the Steering Committee includes representatives of the Police and Emergency Services Department who will provide input regarding lighting and security. Council also learned that the boardwalk's configuration, as proposed, will require removal of only a portion of the already overabundant palmettos and will not disturb any trees on site.

Options to Reduce Plant Growth or Other Combustible Material (Fuel Load)

Mr. Wirth acknowledged both the Florida Department of Agriculture and the Division of Forestry for their assistance in determining effective ways to reduce plant growth (fuel load) and the related fire risk within the Naples Preserve. These agencies recommended the following: 1) City to lease equipment (approximate cost \$4,300.00) to clear plant growth; 2) state to provide, at no cost to the City, experienced personnel to operate the equipment; and, 3) state to assist the City in establishing an ongoing management plan for future containment and removal of the fuel load.

Gerry LaCavera, wildfire mitigation specialist with the Florida Division of Forestry, displayed a colored coded aerial photograph of the Naples Preserve and listed the most common causes for Florida brushfires. Mr. LaCavera stressed the importance of access to property in the event of fire and noted areas on the photograph designated for emergency ingress/egress. (A copy of the material referenced by Mr. LaCavera is contained in the file for this meeting in the City Clerk's Office.) He further noted that this ingress/egress could be as simple as an area of hard packed ground large enough to accommodate fire and emergency vehicles; exterior barrier plantings would be used to conceal these access points. Mr. LaCavera also pointed out a proposed six-foot wide boundary firebreak line surrounding the Preserve and areas where "mosaic mowing" would reduce unwanted interior vegetation. He then reviewed methods for reducing vegetation and described the prescribed fire and mechanical removal methods as the most effective. A prescribed fire, Mr. LaCavera explained, totally eliminates the fuel load and requires only a three to five year rotation. He added, however, that 2% of prescribed fires spread out of control. Mechanical methods eliminate approximately 60% of the fuel load but require a yearly rotation. Mr. LaCavera then provided additional information regarding the two vegetation removal methods (on file) and outlined the assistance that his agency could provide to the City. He also displayed photographs of the clearing equipment available for lease. Council Member Tarrant took issue with a state agency's involvement; however, Mayor MacKenzie said she welcomed the Division's assistance. Council Member MacIlvaine concurred but added that this site has existed in its present state for many years without being considered a fire hazard; he also questioned whether these proposals would transform an otherwise pristine wooded area to a semi-park. Vice Mayor Herms likewise questioned the need for removing palmettos noting the Police and Emergency Services' record for quick response and the Preserve's close proximity to two City fire stations. He suggested instead planting more vegetation on the south end of the Preserve. Mr. LaCavera, however, cautioned that introducing more vegetation could actually disturb the natural balance of plant life and available water thus endangering the native vegetation. Natural Resources Manager Jon Staiger explained that mosaic mowing would selectively reduce the fuel load within the existing dense palmetto areas and provide a pattern of pathways for firefighters if needed. Dr. Staiger further noted that in its natural state, the Preserve was an open pine forest with only scattered palmetto; the palmetto on site today, he added, is impenetrable. Dr. Staiger also explained that the proposed clearing would actually strengthen and improve the Preserve's natural scrub oak habitat but added that the current vegetation is too dense at this time for a controlled burn. Once the vegetation is reduced mechanically, he explained, a prescribed fire might be an option in the future. Mayor MacKenzie and Council Members Tarrant and MacIlvaine voice opposition to prescribed fire and Mr. LaCavera agreed that the Preserve's proximity to residential areas would likely preclude this method of fuel load reduction. Council Member Taylor said Council must choose whether to reduce the fire risk through yearly management or gamble that there will not be a brushfire that can quickly burn out of control. Mr. LaCavera also reminded Council that the City purchased the property in order to preserve its natural habitat and noted that dense vegetation is not beneficial to the site's wildlife

population. Vice Mayor Herms maintained that the proposed clearing would destroy the Preserve; however, Council Member Taylor said it would be good management of the property. She also suggested educating the public on this issue through the City's television channel. Council Member Tarrant, however, expressed concern that the clearing would negatively affect existing wildlife.

Mr. LaCavera then displayed photographs of undeveloped property in Lehigh Acres taken approximately nine months after selective (mechanical) clearing. He noted how the property had retained its undisturbed appearance; he also pointed out areas of re-growth. In response to Council Member Tarrant, Wilbur Chaney, Forest Area Supervisor for Collier County, explained that state law allows the use heavy equipment in suppressing a brushfire, with or without the property owner's permission. Mr. Chaney also explained that since brushfires also smolder underground, it is often necessary to uproot vegetation with heavy equipment to fully extinguish such a fire. Brushfires extinguished solely with water often re-ignite within days, Mr. Chaney added. Mr. LaCavera also provided information regarding additional trimming of dried palm fronds and vines.

Mr. Wirth then noted plans for ongoing volunteer work to clear accumulated dead vegetation, which would be in addition to the annual management plan. Dr. Staiger summarized the proposal as reducing the fire hazard in the pine/palmetto area of the Preserve and creating pathways for fire equipment in the event of a fire. He also noted that the mosaic mowing would serve as a firebreak. In further discussion, Dr. Staiger provided information regarding the prior use of chemicals at the Preserve to eliminate certain exotic vegetation, and he explained that if left alone, the palmetto would eventually overtake areas of scrub brush. Council also discussed existing wildlife within the Preserve and Mr. Wirth confirmed that the Naples Preserve Steering Committee had unanimously supported the clearing program as proposed, including the removal of some of the palmettos. Council Member MacIlvaine suggested first consulting with Police and Emergency Services on the issue while Council Member Taylor noted that the Steering Committee had always recognized the potential for a catastrophic fire at the Preserve. She also stressed that proper management is important in maintaining the property as a preserve. Vice Mayor Herms suggested a less aggressive approach such as removing only selected dried material without destroying the low-level plants; however, Council Member Taylor reminded Council that the dense palmettos represent fuel for any future fire. Mayor MacKenzie concurred and pointed out that mechanical clearing would also allow the natural scrub oak habitat to survive. Mr. Wirth estimated that the volunteers would require 30-45 days to clear remaining debris on site; the Forestry Division involvement could take place during the subsequent month with construction of the boardwalk to follow. Mayor MacKenzie asked that staff's final report on this matter specify exactly what vegetation the Division would remove. Council Member Galleberg said that although he was not overly concerned about the fuel load within the Preserve, he would support the removal of palmettos if it provides a better balance of varied natural vegetation. Council Member MacIlvaine said he would defer to the Steering Committee on this issue; however, he reiterated his position that this site should be left alone. Council Member Tarrant however said Council, not the Steering Committee, should make the final determination.

Staff to confirm the Naples Preserve Steering Committee's understanding of the clearing proposal and ask PESD to determine what would be required to suppress a brushfire on the site. Staff to make a final recommendation to Council based on the soundness of the environment and safety.

.....**ITEM 4**
REVIEW OF PROPOSED PROCEDURES FOR VESTED RIGHTS CLAIMS ARISING FROM THE CHARTER AMENDMENT LIMITING COMMERCIAL BUILDING HEIGHT (CITY ATTORNEY) (10:05 a.m.)

City Attorney Beverly Grady reviewed the proposed ordinance on this issue, a copy of which is contained in the file for this meeting in the City Clerk's Office, and referenced as Item 14 of the April 4, 2001 Regular Meeting Agenda. City Attorney Grady noted that the ordinance provides the alternative of utilizing the Special Master process in the determination of vested rights. Council Member Taylor asked for clarification regarding the requirement that the Special Master not have a conflicting engagement. City Attorney Grady explained that this provision precludes the Special Master from having an interest adverse to the position of the vested rights case. Accordingly, the Special Master could be a local hearing officer or judge, or an attorney who does not represent petitioners before the City of Naples. Council Member Tarrant recalled a prior vote by a majority of Council, which he described as dismissing any conflicts in City government; however, Council Member Galleberg objected. In further discussion, staff noted that approximately four properties had received some form of land use approval before the February 1, 2000 approval of the Charter amendment referendum. In response to Vice Mayor Herms, City Attorney Grady noted provisions within the ordinance, which limits its application to vested rights claims based on the aforementioned charter amendment. Council Member Wiseman questioned the provision, which deems Council's failure to act within 60 days of considering the Special Master's report as a rejection. City Attorney Grady explained that this is a default provision should Council not take affirmative action on the claim. Mrs. Wiseman nevertheless requested clarifying language to ensure that the report in fact comes before Council for consideration. City Attorney Grady also requested Council's direction as to whether the Planning Advisory Board should first review the ordinance and Council agreed to discuss this aspect at the April 4, 2001 Regular Meeting.

.....**ITEM 5**
DISCUSSION OF CITY COUNCIL MEETING AND WORKSHOP SCHEDULES

(10:16 a.m.) City Manager Kevin Rambosk referred to a proposed City Council Schedule for the months of April through December 2001 (Attachment 1). City Manager Rambosk noted Council's tradition of rescheduling the July Regular Meetings to August in order to accommodate summer vacations. He also noted that the Collier County School Board had recently modified the high school schedule so that classes commence in mid August. Since staff spends most of June and July preparing for the next budget cycle, it may be impossible for those employees with high school-aged children to plan a summer vacation. As such, staff is requesting that, in addition to the July Regular Meetings, Council also reschedule the August 1, 2001 Regular Meeting to the August 15, 2001 Regular Meeting date. In response to Mayor MacKenzie, City Manager Rambosk confirmed that this schedule would not interfere with state requirements and deadlines relating to the adoption of the City's budget. Council Member Galleberg, however, questioned whether this would overburden Council in August; however, City Manager Rambosk said he would direct staff to evenly distribute their agenda requests between the June, August, and September Regular Meetings.

It was the consensus of Council to approve the meeting schedule as proposed.

.....**ITEM 6**
BRIEFING BY CITY MANAGER (10:28 a.m.) City Manager Rambosk updated Council on recent court filings in the **Wilkinson House** litigation and noted the scheduled April 17, 2001 mediation. City Manager Rambosk then reported on recent meetings of the **2001 Christmas Parade Committee** regarding plans for a holiday parade using the Charles Dickens Christmas theme. The parade is tentatively scheduled for early evening of December 18th. Council

Member Tarrant thanked staff and the Christmas Parade Committee for their efforts and Council Member Wiseman agreed to approach the Naples Players about entering a float in the parade. Mr. Rambosk then reported on ongoing monthly meetings with City AFSCME representatives (American Federation of State, County, and Municipal Employees) intended to resolve labor related questions and issues in their early stages. He also provided an update on the **expansion/renovation of the Purchasing Department warehouse, Community Services Building, and the wastewater laboratory** and advised Council that he had authorized an additional employee for **Code Enforcement** and a new position, **video specialist technician**. Council will also consider these positions during the upcoming budget process.

.....**ITEM 7**
REVIEW OF ITEMS ON THE 4/4/01 REGULAR MEETING AGENDA (10:29 a.m.)

Item 6 (Comcast Cable) Council Member Taylor requested visuals of a cable bill; Item 8-e-2 (Yabba live entertainment) Council Member Galleberg requested an update on prior concerns that this restaurant was placing potted plants in the right-of-way and Vice Mayor Herms requested separate discussion; Item 8-c (fireworks) Mayor MacKenzie asked the City Manager to determine the exact date/time for the 4th of July Parade and Council Member Tarrant suggested contacting the County for funding assistance (\$15,000.00) for various 4th of July activities; Item 11 (preliminary subdivision plat) Council Member Galleberg requested a determination of whether this item could be placed on the Consent Agenda; City Manager Kevin Rambosk confirmed that staff will request a continuance of Item 15 (Water and Sewer Revenue Refunding Bonds); Item 19 (Royal Poinciana annexation) Council Member Wiseman requested determination of whether Council's March 7th action to table this issue must first be reversed before this item can be considered. Council Member MacIlvaine likewise expressed concern about discussing the issue since it is currently in litigation.

CORRESPONDENCE and COMMUNICATIONS

Council Member Tarrant requested an update on the engineering study relating to the dredging of canals in **Aqualane Shores** and City Manager Kevin Rambosk agreed to provide this information at the next Regular Meeting. City Manager Rambosk confirmed for Council Member Wiseman that there is a franchise agreement for **Comcast Cable**. Council Member Galleberg objected to Council Member Tarrant again placing the issue of **Royal Poinciana Country Club annexation** on the April 4, 2001 Regular Meeting Agenda (Item 19). He also objected to what he described as Mr. Tarrant's continued accusations that the Council majority is ethically remiss simply because they do not agree with him on this issue. Mr. Galleberg said Mr. Tarrant's allegations are baseless, as confirmed by the dismissal by the State Commission on Ethics of a related complaint against Planning Advisory Board Chairman Stanley Hole. Further, he said that while he could understand a Council Member's opposition to the Royal Poinciana annexation on its merits, continued allegations of impropriety against Council Members, Planning Advisory Board Members, and citizens of the community are both slanderous and a poor reflection on the City. Council Member Tarrant maintained that it was his duty and right as an elected official to initiate discussion of these issues, but Mr. Galleberg countered that this however cannot be done to the contradiction of facts. Mr. Tarrant, however, replied that he is speaking from a position that he believes to be true. Council Member MacIlvaine reasoned that making allegations without reason and without cause against other Council Members is in and of itself an unethical act. He also described these accusations as attempts to make the Royal Poinciana annexation a campaign issue in upcoming elections and further noted that the plaintiffs in this litigation against the City are having difficulty making their case.

In further discussion, Mayor MacKenzie commended City paramedics for their professionalism and Vice Mayor Herms relayed property owners' requests to pave the alley between First Avenue

North and Central Avenue. City Manager Rambosk noted that he had relayed the paving request to the Engineering Department and would provide an update to Council at the next meeting. In response to earlier discussions, Vice Mayor Herms urged Council to discuss the deficiencies relating to the Royal Poinciana annexation and maintained that this was not brought forward as a campaign issue.

OPEN PUBLIC COMMENT (10:47 a.m.).....

None.

ADJOURN.....

10:47 a.m.

Bonnie R. MacKenzie, Mayor

Tara A. Norman, City Clerk

Prepared by:

Virginia A. Neet, Deputy City Clerk

Minutes approved: 5/16/01

PROPOSED CITY COUNCIL SCHEDULE APRIL - DECEMBER, 2001

AUGUST

Wed - 8/1	AM	Regular Council Meeting - <i>Cancel</i>
Mon - 8/13	AM	Workshop
Mon - 8/13	PM	Budget Workshop - Phase II
Tues - 8/14	PM	Budget Workshop - Phase II (If Needed)
Wed - 8/15	AM	Regular Council Meeting
Wed - 8/15	PM	Budget Workshop - Phase II (If Needed)

SEPTEMBER

Budget Hearings - Dates to be Determined

Tues - 9/4	AM	Workshop
Wed - 9/5	AM	Regular Council Meeting
Mon - 9/17	AM	Workshop
Wed - 9/19	AM	Regular Council Meeting

OCTOBER

Mon - 10/1	AM	Workshop
Wed - 10/3	AM	Regular Council Meeting
Mon - 10/15	AM	Workshop
Wed - 10/17	AM	Regular Council Meeting

NOVEMBER

Mon - 11/5	AM	Workshop
Wed - 11/7	AM	Regular Council Meeting
Mon - 11/19	AM	Workshop
Wed - 11/21	AM	Regular Council Meeting

DECEMBER

Mon - 12/3	AM	Workshop
Wed - 12/5	AM	Regular Council Meeting
Mon - 12/17	AM	Workshop
Wed - 12/19	AM	Regular Council Meeting