



City Council Chamber
735 Eighth Street South
Naples, Florida 34102

City Council Workshop Meeting – May 13, 2002 – 8:30 a.m.

Mayor MacKenzie called the meeting to order and presided.

ROLL CALLITEM 1

Present:

Bonnie R. MacKenzie, Mayor
Gary Galleberg, Vice Mayor

Council Members:

Joseph Herms
William MacIlvaine
Clark Russell
Penny Taylor
Tamela Wiseman

Also Present:

Kevin Rambosk, City Manager
Tara Norman, City Clerk
Ron Lee, Planning Director
Robert Pritt, City Attorney
Laura Spurgeon, Planner
Don Wirth, Community Services Director

Jon Staiger, Natural Resources Manager
Terry Fedelem, Parks & Parkways Supt.
Anne Middleton, Budget & Investment Mgr.
Brenda Blair, Recording Specialist
Karen Kateley, Administrative Specialist
Other interested citizens and visitors.

SET AGENDA.....ITEM 2

MOTION by MacIlvaine to ADD Item 10, scope of work for Heart of Naples ordinance; seconded by Russell and unanimously carried, all members present and voting (Galleberg-yes, Herms-yes, MacIlvaine-yes, Russell-yes, Taylor-yes, Wiseman-yes, MacKenzie-yes).

MOTION by Taylor to SET THE AGENDA with the addition of Item 10 (see above); seconded by Herms and unanimously carried, all members present and voting (Galleberg-yes, Herms-yes, MacIlvaine-yes, Russell-yes, Taylor-yes, Wiseman-yes, MacKenzie-yes).

DISCUSSION WITH COLLIER COUNTY COMMISSIONER FRED COYLEITEM 3

Commissioner Coyle did not appear at this meeting.

**.....ITEM 4
DISCUSSION REGARDING SUNSET PROVISION FOR PLANNED DEVELOPMENTS
APPROVED BY THE CITY (Requested by Vice Mayor Galleberg)**

Vice Mayor Galleberg suggested establishing a sunset provision in the Code of Ordinances for Planned Developments (PD) to ensure a course of action for PDs that had not been executed in accordance with the conditions of approval. He noted that during discussions with staff, Planning Director Ron Lee conducted a survey of comparable communities (Attachment 1) all of which

having sunset provisions; he then offered to work with staff to develop an ordinance. Council Members Wiseman, Russell, MacIlvaine, and Herms voiced their support. Planning Director Lee noted various types of provisions, such as reverting to previous zoning or requiring another hearing before City Council. He further noted that the City Attorney had suggested that the City require another public hearing instead of implementing an automatic change in zoning as well as establishing different time frames for various sizes of PDs. City Manager Rambosk noted that some of the cities surveyed had incorporated different timeframes and actions relative to the various phases of a PD. (A copy of this material is contained in the file for this meeting in the City Clerk's Office.) Council Member Herms noted that PDs are in themselves zoning districts and questioned what type of zoning the property would revert to if the PD expired without being built. Vice Mayor Galleberg recommended that the PD revert to the previous zoning; and Planning Director Lee said he found that some cities required PDs to automatically revert to the previous zoning while others chose to hold a public hearing to make the change. In response to Council Member Taylor, City Attorney Robert Pritt explained that an expired PD would not necessarily revert to previous zoning but, instead, to zoning currently in effect when the PD expired. Council Member Taylor commended Vice Mayor Galleberg for which she termed his timely proposal, which she said would not only assist the City in controlling PDs, but also make the City Council more cognizant of what is approved.

MOTION by Herms to DIRECT the City Manager and City Attorney to work with Vice Mayor Galleberg and return with recommendations for Council's consideration; seconded by MacIlvaine and unanimously carried, all members present and voting (Galleberg-yes, Herms-yes, MacIlvaine-yes, Russell-yes, Taylor-yes, Wiseman-yes, MacKenzie-yes).

DISCUSSION AND UPDATE OF FENCE AND WALL ORDINANCEITEM 5

Mayor MacKenzie noted copies of photographs she submitted of typical examples of properties with fences/walls/gates (a copy of which is contained in the file for this meeting in the City Clerk's Office). City Manager Rambosk explained that during a recent review of a fence and wall waiver, Council had requested additional information regarding potential amendment of the ordinance. Planning staff subsequently compiled the following information: code chronology, inventory of fence/wall waivers, draft Port Royal regulations, fence measurement in other communities, and a diagram of measurement (Attachment 2). Planning Director Ron Lee sought direction from Council with regard to a base measurement for fences and whether to continue to allow waivers. He then reviewed the code chronology (see Attachment 2) and reiterated staff's recommendations outlined in the staff report. In response to Vice Mayor Galleberg, Mr. Rambosk clarified that property that had been filled and considered level, or with a normal slope, (and not bermed) would be considered existing grade such as the line from the base of a house to the crown of the adjacent road. Council Member Herms noted that Council must determine whether measurement is determined from the first floor FEMA elevation requirement or fill level, since the difference can be significant. In response to Council, Planning Director Lee explained that over the past several weeks he had had discussions with several owners whose property is higher than the crown of the road and who were therefore unable to install a six-foot high fence (backyard) and three-foot high fence (front yard) under current regulations. Council Member Taylor suggested additional language to identify specifics such as properties where the crown of the road is lower than the adjacent existing grade; Council Member Herms suggested that a surveyor establish the natural existing grade of the property.

Council Member Taylor questioned whether a fence would be measured before or after fill had been introduced, particularly with regard to beachfront properties due to FEMA height regulations. Planning Director Lee advised that measurement would occur after fill was installed. Mayor MacKenzie, however, noted problems with water runoff following fill placement on renovated property adjacent to existing structures. Council Member Russell pointed out that new construction on smaller lots results in steeper inclines than on larger lots and questioned how this situation would be addressed. Planning Director Lee suggested addressing it either through the current waiver process or via different standards for dissimilar size lots, which he said could be applied to zoning citywide. Mayor MacKenzie however said she felt that current code regulations are satisfactory and recommended gathering more information before revising the Code. Vice Mayor Galleberg said he was hesitant to relax regulations, noting that most of the petitions submitted to-date have related to gates and gateposts which are easily distinguishable from walls. Council must determine whether a wall is reviewed with respect to a particular property owner or from the perspective of the public of how a particular area of the community should look, he said. He also noted that local walls and fences are more of a design decision than a need for security. He said he concurred with the Port Royal regulations of open fences with a maximum height of five feet which maintains the line of site, and suggested also promoting the use of hedges. He then recommended that the waiver process include presumptions such as lot size, and concurred with the proposed changes for Port Royal (see Attachment 2).

Council Member MacIlvaine suggested a definitive ordinance from which waivers could be obtained based on lot width, distance from the street, and line from the crown of the street to the base of a house foundation. Council Member Russell suggested Council consider waivers for fences and walls after a new home is built in order to obtain the best design to blend well with the community rather than changing the code and creating new design standards for the rest of the neighborhood. Vice Mayor Galleberg suggested a distinction be made between gates and walls, noting that most gates reviewed by Council over the past two years were made of wrought iron. Council Member Wiseman concurred with a distinction between walls and gates and the need for guidelines, but opposed the elimination of the waiver process.

In response to Council Member Herms, Planning Director Lee explained that once the Port Royal Architectural Review Committee approves the proposed changes, as noted in the meeting material (see Attachment 2), the R1-15A Zoning District will be amended. He suggested that these guidelines be modified to apply to zoning citywide. Vice Mayor Galleberg added that by the waiver process City Council has acknowledged that some of the larger properties merit more than a six-foot gate, but noted that the proposed Port Royal standards relate only to gates and gateposts, not walls; he also spoke in favor of retaining the waiver process. Council Member Herms urged a consensus as to whether maximums should be established and whether to maintain the waiver process, which he said would render the proposed Port Royal regulations unnecessary. Council Member Taylor noted however that the Port Royal Association is not interested in the waiver process but instead preferred establishing regulations so residents will be aware of what is allowed. City Manager Rambosk said he was unsure whether City Council has sufficient information to determine standardized heights, and suggested further staff research to provide more options for Council to determine whether maximums should be incorporated into the Code.

Staff to provide further information and recommendations.

ADDED ITEM.....ITEM 10
DISCUSSION OF SCOPE OF WORK FOR REVIEW OF HEART OF NAPLES ZONING ORDINANCE

City Manager Rambosk noted that City Council had reviewed the recommendations by the Heart of Naples Committee (HONC) for the "D" Downtown District at its last meeting and had directed staff to seek an urban planning specialist to provide oversight regarding these recommendations. He noted that in order to prepare the RFP (Request for Proposals), which the City Attorney had determined to be the most appropriate process, an approved scope of work is required. Although no funds had been budgeted, Mr. Rambosk said, the cost would not exceed \$25,000.

Planning Director Ron Lee then reviewed the proposed work products with Council (Attachment 3). In response to Mayor MacKenzie, City Manager Rambosk explained that the scope of work in conjunction with the citywide traffic study is being developed and includes the impacts represented by Heart of Naples redevelopment. Council Member Taylor concurred with prioritizing the scope of work and setting a budget, while Council Member Herms reiterated Council's prior concerns that the individual or firm chosen to perform this work be well qualified. City Manager Rambosk noted that several urban planning firms and/or individuals had already been identified and that the RFP would be advertised to the public. Council Member Herms cautioned that larger companies might not be interested in an RFP for just \$25,000. Vice Mayor Galleberg indicated his support for the process and that it was very critical to the overall success of the project. Council Member MacIlvaine noted that in his experience a consultant will either expand or contract the work, depending upon the scope of work for a set fee. Council Members Russell and Wiseman supported moving forward. Council Member Wiseman however questioned the role of the Community Redevelopment Agency (CRA) in this regard, noting the CRA's ability to obtain grant funding. City Manager Rambosk clarified that this information would in fact be presented to the CRA at a future meeting.

It was noted for the record that Vice Mayor Galleberg left the meeting just prior to this vote and returned at 9:33 a.m.

MOTION by MacIlvaine to PREPARE AN RFP based on draft scope of work discussed (Attachment 3); seconded by Taylor and carried 6-0 (Galleberg-absent, Herms-yes, MacIlvaine-yes, Taylor-yes, Russell-yes, Wiseman-yes, MacKenzie-yes).

BRIEFING BY CITY MANAGER.....ITEM 8

City Manager Rambosk noted that the information provided during the prior weekend, included an overview of requests from the various town hall meetings; all would be forwarded to homeowner associations for review to ensure that all requests had been received and to answer questions on how the City intends to fulfill them. In response to Council Member Taylor, Mr. Rambosk clarified that this information will be updated every two months and that he would include the subsequent Lake Park meeting where the City had agreed to pursue another location (possibly Goodlette-Frank Road) for the proposed firefighter training facility.

He then reported that the City had entered into collective bargaining with firefighters, with routine bargaining for other annual union contracts still ongoing. Mr. Rambosk also advised that local law enforcement is now providing security at the Naples Airport to be reimbursed at the federal level. The Citizens' Police Review Board was then completing training by scheduling

times to ride along with police officers. Their first meeting is scheduled for May 30. Mr. Rambosk then noted that staff is reviewing/updating hurricane preparedness information, and concluded by providing a brief overview of improvements to be made in Council Chambers.

REVIEW OF ITEMS ON THE 5/15/02 REGULAR MEETING AGENDAITEM 9

Item 6 (Hotel Escalante) Council Member Russell asked whether further information was forthcoming; City Manager Rambosk said that no agreement had been reached with the petitioner's attorney as of Friday, May 10. Vice Mayor Galleberg took issue with the lack of response from the petitioner's attorney, and suggested that the City declare the thoroughfare an alleyway if an agreement cannot be reached. **Item 9** (airport overlay zoning) Mr. Rambosk noted that a brief presentation would be made for the record. **Item 11-a** (minutes) Vice Mayor Galleberg said he would request a change to the February 20 regular meeting minutes. **Item 11-d** (tennis fees) Mayor MacKenzie noted that additional tennis programs had been added and requested information on whether the tennis enterprise fund is financially sound so that the City is not underwriting it. Vice Mayor Galleberg requested an update on the loan amortization. Council Member Wiseman requested that **Item 11-h** (banking services) and **Item 11-j** (transient lodging GDSP) be removed from the Consent Agenda for separate discussion. **Item 12** (street vacation) Vice Mayor Galleberg requested information on the title insurance issue and number of homes which could be built if the street were vacated. **Item 17** (Gateway street lighting extension) Mayor MacKenzie requested a diagram showing the location of lights and brick pavers. **Item 18** (football use agreement) It was the consensus of Council to remove this item from the agenda for the City Manager to execute. **Item 19** (Naples Preserve) Mr. Rambosk noted that a contract amendment would be added to the agenda as 19-b. **Item 20** (reconsideration of fence/wall waiver) Mayor MacKenzie requested this be added to the agenda so the architect could provide additional information.

Recess: 9:59 a.m. to 10:17 a.m. It is noted for the record that the same Council Members were present when the meeting reconvened.

Mayor MacKenzie noted two additional changes to May 15 agenda: **Item 6** (Hotel Escalante) to be withdrawn and **Item 12** (street vacation) wherein the petitioner would request a continuance.

NAPLES PRESERVE OVERVIEWITEM 7

City Manager Rambosk distributed information previously requested (Attachment 4) and explained that staff would deliver a presentation of all that had transpired since inception of the project. Natural Resources Manager Jon Staiger reported on goals to preserve the xeric oak scrub habitat and restore the ecological value of the scrub and pine palmetto forest. He added that the management plan orders the removal of exotics and debris, site restoration and installation of pathways and educational signage. The Preserve, he said, contains diverse plantings, some of which are in danger of extinction, as well as endangered wildlife such as the gopher tortoise and scrub lizard. (Mayor MacKenzie noted distribution of prior Naples Preserve Steering Committee meeting minutes, copies of which are contained in the file for this meeting in the City Clerk's Office, as are other exhibits from the presentation that follows.) Terry Fedelem, Parks & Parkways Design/CIP Superintendent, reported that prior to submitting the proposal to voters, the City Council directed three scenarios for the property (Attachment 5) and Council had subsequently selected the proposal which eliminated some of the walkways transecting sensitive areas.

City Manager Rambosk then reviewed Naples Preserve expenditures as of 5/9/02, as well as estimated expenditures to complete the project, total expenditures for the Hedges building, and a

list of priorities to complete the project (see Attachment 4). In response to Council Member Taylor, Community Services Director Don Wirth stated that the City has firm grant commitments from the Florida Department of Agriculture for boardwalks and signage and from the Naples Garden Club for landscaping and irrigation. Mayor MacKenzie requested clarification of the discrepancy between the \$80,000 approved for certified IPE wood and the approximate \$190,000 expended for wood and related labor costs. Mr. Fedelem explained that the contract approved for the wood was with Greenheart Durawoods for certified IPE wood from South America with Gulfcoast Construction performing the majority of the construction of the boardwalk (\$92,200) and Southwest Carpentry performing additional carpentry on the observation deck in partnership with project volunteers.

Staff then reviewed the list of priorities to complete the project (see Attachment 4, Page 1). With regard to landscaping and irrigation, Mr. Rambosk stated that the City had modified the original plans for the southern landscaped area in order to support the requirements outlined in the Florida Community Trust grant. Mr. Fedelem reviewed reforestation areas and indicated where additional plantings would occur with species already found in the Preserve. He then pointed out that the Garden Club grant is for landscaping and the upper deck of the Hedges Building and described the types of plantings, and location of existing trees/plants to be installed (see Attachment 4, Native Landscape Plan). He also reviewed irrigation mechanisms. In a discussion relative to signage, Mr. Fedelem reviewed photographs of City signs citywide, proposed signage options, colorization and associated costs (Attachment 4), and clarified that the overall size had been reduced in order to cut costs. Mr. Fedelem then described the west entrance hardscape, parking lot, bus drop-off sidewalk, and fencing utilizing the site plan displayed. In response to Council, he clarified that tree roots had already been pruned, and Community Services Director Wirth clarified that the demolition costs were considerably less than staff's original estimate. Mr. Rambosk suggested obtaining permission to utilize the right-of-way for bus drop-off and turnaround by installing an in-ground hard surface that would allow grass to grow; Council Member Herms suggested using concrete blocks or a plastic substance such as that being used at First Avenue South and Tenth Street. Mr. Fedelem confirmed that staff is currently researching this. Mr. Rambosk then noted that Items 1-4 of the list of priorities (Attachment 4) could be accomplished with the remaining funds available; however, Items 5 and 6 (bus-drop-off sidewalk; post and rail system) exceed authorized funding.

Mr. Fedelem then reviewed the two options for a post and rail system and fence (Attachment 4, Pgs. 6-8) for the south end of the site and/or the entire site. He clarified that the post and rail system would be of pressure-treated wood and the fence would be black vinyl clad chain link. Dr. Staiger noted that the Steering Committee had discussed installing a fence that would delineate the Preserve to prevent admission to the area other than at the entrance and boardwalks. Mayor MacKenzie noted that when the City outlined its intentions to voters it did not include a chickee hut which she said should have been approved by Council prior to expending funds. She concurred with the proposed fencing and suggested utilizing the uniform City theme for signage. Council Member MacIlvaine suggested installing the fence only at the southern end of the site and eliminating the proposed buried portion of the chain link fence which would result in a \$32,000 savings, making the shortfall only \$17,500. Vice Mayor Galleberg however recommended fencing the entire site but said he would not support chain link. He also characterized as alarming the projection of 25% over budget, although it could be argued from

the standpoint of the Steering Committee that the project is in fact not over budget since approximately \$28,000 remains.

Council Member Russell said that he believed a fence is required to control access, but urged that the Council provide clear instructions to subcommittees regarding a total scope of work and budget requirements, stating that the building and expenditures on this project were not the proper way to manage public funds. While concurring that the project move forward, Mr. Russell said he was against chain link fencing and possible expansion of the number of exhibits at this site. Council Member Herms said he never envisioned the use of fencing but native plantings along streets to deter vehicular/pedestrian traffic; however, if any fencing is installed, it should be installed adjacent to the street at the south end to prevent vehicular parking. Council Member Wiseman concurred that the project should move forward, stating her support of perimeter fencing but without chain link.

Calling the Naples Preserve project a living laboratory, Council Member Taylor cited citizen and volunteer support and also mentioned the enhancement to be offered to classroom studies, hence the installation of the chickee hut as a gathering place. She then spoke in support of perimeter fencing; and noted that the Steering Committee selected green and brown signage so as not to detract from its surroundings. She also noted that the community is excited about retaining the existing building and sought Council support to provide maintenance. In response to Mayor MacKenzie, Council Member Taylor concurred with the Steering Committee's recommendation to install chain link fencing.

Consensus: To support fence around perimeter of property without chain link and to support use of uniform City theme for signs.

.....**ITEM 6**
DISCUSSION OF THE POLICY FOR THE CITY'S TELEVISION STATION
(CHANNEL 12) PROGRAMMING *(Requested by Council Member Taylor)*

Council Member Taylor expressed the view that there had been no clear direction from City Council regarding programming the City's cable TV channel and who currently made such decisions. She also said she believed that a candidate forum presented by the Naples Women League of Voters had not been rebroadcast at the direction of the Mayor. She further reported that several League members had told her that their request for the forum had been submitted to the City in December, which provided a month in which to rectify any problems with this event. Although individuals at that forum had been informed that the meeting would be rebroadcast the following week, she said she had learned only after the election that this had not occurred.

Mayor MacKenzie clarified that the meeting had been televised live, but not rebroadcast, and noted that broadcast policy had been established by the prior City Council, although it could easily be changed. Council Member Taylor then also took issue with the Planning Advisory Board workshops not being rebroadcast, infrequent late night rebroadcast of other committee meetings in contrast to the repeated rebroadcast of City Council meetings. She therefore suggested that City Council publicly decide all future programming in order to allow citizen input. City Manager Rambosk stated that the League of Women Voters' request had been his responsibility and programming by his staff is based on the direction by the previous City Council; rebroadcast of the candidate forum did not occur because he said he was unsure whether he actually had permission to do so. Mayor MacKenzie noted that she had not been

involved in the decision process and that information on prior rebroadcast decisions was available to all Council Members. However, she said, if the choice had been hers she would have had the forum rebroadcast since the forum allowed access to the airways by the candidates she supported, who were not the incumbents. She further noted that she favored limiting the City's cable channel to Council meetings, authorized City committee meetings, and any other programming which the Council, as a body, deemed appropriate. Council Member Taylor noted however when she learned that the candidate's forum had not been rebroadcast she contacted Gina Devlin, Mr. Rambosk's assistant, who indicated that the direction not to rebroadcast had in fact come from the Mayor's Office. This discussion of programming is therefore intended to ensure this does not happen again, she said.

Council Member Wiseman suggested that if other organizations are allowed to utilize the Council Chamber and broadcasting equipment, arrangements must be made in advance to eliminate misunderstandings. She further noted that at a recent Leadership Florida Local Government Program she learned that broadcast of government meetings is the most critical element in communicating with citizens, and encouraged spending the necessary funds to upgrade the City's system. Council Member MacIlvaine suggested all taped meetings be available for rebroadcast; Council Member Herms concurred and noted substantial feedback from viewers. Mr. Herms also recommended rebroadcast of other meetings instead of continually repeating Council meetings. Mayor MacKenzie suggested adding an item to the regular meeting agenda for a formal vote to allow all committee meetings to be broadcast and rebroadcast; however, Council Member Wiseman suggested further discussions with staff regarding programming and manpower. City Manager Rambosk agreed to research the costs to upgrade the system and staffing requirements for broadcasting all meetings.

Staff to provide Council with recommendations, including staffing implications, of expanding broadcast capabilities and programming.

CORRESPONDENCE / COMMUNICATIONS

Council Member Herms noted that he had requested for Council Members copies of a series of articles published by the *In Town* newspaper regarding underground water contamination. He also acknowledged correspondence from Richard James requesting assistance with potential alley flooding following construction of a new home; City Manager Rambosk advised that staff is addressing the issue. Vice Mayor Galleberg announced the birth of a baby daughter. He also noted that the Staff Action Committee (SAC) suggested reviewing the issue of live entertainment citywide in order to submit a recommendation to City Council. It was the consensus of Council that SAC examine the business mix and long-term vision for Fifth Avenue in this regard. Council Member MacIlvaine requested background correspondence relating to the City Manager's 5/10/02 letter to Bond, Schoeneck & King. Noting recent problems with park design, Council Member Russell reiterated a request to establish a policy directing all community service work through the Community Services Advisory Board (CSAB) with all related subcommittees reporting to the CSAB to ensure the proper chain of information and consistency. It was the consensus of Council that Mr. Russell work with staff to suggest to Council such a framework.

Council Member Wiseman requested a report on plans for the 9-11 commemoration ceremony noted in a Naples Daily News article. Mayor MacKenzie requested Council Members provide photos and biographical information to include on the City's web site, and noted the County Commission District 4 Town Hall meeting May 15 at 7:00 p.m. at Gulfview Middle School.

PUBLIC COMMENT.....

None.

ADJOURN.....

12:22 p.m.

Bonnie R. MacKenzie, Mayor

Tara A. Norman, City Clerk

Minutes prepared by:

Brenda A. Blair, Recording Specialist

Minutes Approved: 8/20/02