



City Council Chamber
735 Eighth Street South
Naples, Florida 34102

City Council Workshop Meeting – August 19, 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
Clark Russell
Penny Taylor
Tamela Wiseman

Absent:

William MacIlvaine

Also Present:

Kevin Rambosk, City Manager
Robert Pritt, City Attorney
Jon Staiger, Natural Resources Manager
Tara Norman, City Clerk
Jessica Rosenberg, Recording Specialist
Karen Kateley, Administrative Specialist
Arlene Guckenberger
Fred Coyle
Gary Lytton
Brian Badgley
Kevin Confoy
Charles Huttinger

Robert Reynen
Eric West
Thomas Scholter
Judy Jones
Ann Keller
William McCune
David Gray
Richard Cobb
Other interested citizens and visitors.

Media:

Dianna Smith, Naples Daily News

Mayor MacKenzie commended staff for the improvements to the Council Chamber accomplished during the Council's summer recess.

ITEMS TO BE ADDEDITEM 2

There were no changes noted.

DISCUSSIONS WITH COLLIER COUNTY COMMISSIONER FRED COYLEITEM 3

County Commissioner Fred Coyle reported the following: 1) should the Sandpiper Street improvement project not have commenced within the fiscal year, he would request that the Board of County Commissioners (BCC) transfer those funds to the following year's budget; 2) the county is working to assume responsibility of maintaining all state roads within its boundaries; and 3) that Sheriff Don Hunter has made available inmates serving weekend terms for beach cleanup and rock removal. During discussion, Mayor MacKenzie commented on the significant amount of County taxes paid by City residents, and said she sought a higher degree of

County participation on projects that benefit residents of both jurisdictions. Council Members Russell and Herms sought a further explanation of benefits City residents receive from the taxes paid to the County; Commissioner Coyle agreed to provide this information at a future date. In response to Vice Mayor Galleberg, Commissioner Coyle explained that county staff had computed the number of dwelling units approved but unbuilt (80,000) by subtracting the number of dwelling units built from all approved PUDs, although some PUDs had been built to a lesser density than originally permitted. In response to Council Member Herms, City Manager Rambosk explained that a joint City/County report on traffic impacts at the Golden Gate Parkway/Goodlette-Frank Road intersection would be completed in 30 days. Noting that to date Livingston Road is already relieving traffic on Goodlette-Frank and Airport Roads, Commissioner Coyle noted that he is attempting to delay action on the Airport Road/Golden Gate Parkway overpass until the completion of Livingston. In response to Council Member Taylor, Commissioner Coyle explained that state funds are in fact available for the overpass although County funding would be available if not. Council Member Taylor then requested clarification regarding impact fees. Commissioner Coyle explained that while the county staff was directed to generate impact fee estimates that were justifiably the highest possible, staff had made a number of assumptions that were in fact policy decisions. These include estimated life of a road and using gas efficient automobiles only, excluding all other types of vehicles such as SUVs and trucks which resulted in a discrepancy of 15-20%. He also noted that per-lane construction calculations were based on six lanes but divided by only four. In addition, the productivity committee had found major mathematical and logic calculation errors. Mr. Coyle also said that he favored including an annual inflation index since there had not been an impact fee increase in over two years. Mayor MacKenzie suggested that Council Members provide the City Manager with a list of future projects and/or funding requests to be addressed by the City and County.

.....**ITEM 4**
UPDATE/DISCUSSION ON ROOKERY BAY NATIONAL ESTUARINE RESEARCH RESERVE

Gary Lytton, Florida Department of Environmental Protection Environmental Administrator for the Rookery Bay National Estuarine Research Reserve, delivered a brief presentation regarding some of the activities at the Reserve (a copy of which is contained in the file for this meeting in the City Clerk's Office). Mr. Lytton reported that Rookery Bay National Estuarine Research Reserve is managed by the Florida Department of Environmental Protection, Office of Coastal and Aquatic Managed Areas, in partnership with the National Oceanic and Atmospheric Administration (NOAA). Its mission is to provide a basis for informed coastal decisions through land management, restoration, research, and education, and works in partnership with local communities to promote coastal stewardship. He then delineated the boundaries of the Reserve's 110,000 acres of what he described as pristine mangrove forest, uplands, and protected waters. The Reserve serves as an international research center, works on the restoration of native plantings, operates an ongoing water quality testing program, and conducts educational programs for high school students and adults. Mr. Lytton then displayed renderings of a new 16,500 square foot learning center scheduled to open in the Spring of 2003, which will include a visitor center, classrooms, and three research labs; 20,000 visitors are anticipated the first year, with up to 50,000 visitors per year thereafter.

City Council Workshop Meeting – August 19, 2002 – 8:30 a.m.

Brian Badgley, Coastal Institute Coordinator for the Reserve described the key objectives of the training program which include assessing the training needs of targeted professionals, conducting training for selected target audiences, and evaluating the effectiveness of that training. He also noted the availability of frequent training courses and professional development workshops, as well as hosting regional meetings and conferences designed to meet local needs of decision-makers. He noted that Natural Resources Manager Jon Staiger is a participant and acknowledged that he had been very helpful with regard to beach renourishment issues. He then described other training programs and workshops which include the biannual State Of The Bays conference which brings together the science and management community, and training programs for teachers and university faculty designed to address coastal topics and to meet certification standards. Additional changes will include a more interactive website to provide access to science-based information on coastal issues, and possibly online training activities. In conclusion, Mr. Badgley said a State Of The Coast workshop for elected officials is being proposed which will address issues determined to be most critical to them. Mr. Badgley then questioned whether Council would be interested in participating in such a half-day seminar to discuss any issues, and noted that they were also considering inviting the BCC and Marco Island City Council. During discussion, Council Members Taylor and Herms spoke in support of the aforementioned seminar, and Council Member Wiseman suggested discussing ASR technology and how it impacts the environment; Mayor MacKenzie suggested discussing a comparison of ASR with a reservoir system. Council Member Taylor asked whether the Rookery Bay Reserve is planting mangroves as part of the coastal restoration process. Mr. Lytton confirmed this and noted that mangrove restoration had been ongoing since the early 1990's; also included is fresh water restoration and substituting native plants for non-native varieties.

Recess: 9:23 – 9:34 a.m. It is noted for the record that the same Council Members were present when the meeting reconvened.

.....**ITEM 5**

INTERVIEWS WITH CANDIDATES FOR VARIOUS CITY BOARDS AND COMMITTEES

9:34 a.m. Kevin Confoy (Airport Authority/Community Services Advisory Board)
9:40 a.m. Charles Huttinger (Airport Authority)
9:49 a.m. Robert Reynen (Airport Authority)
10:03 a.m. Eric West (Airport Authority)
10:11 a.m. Thomas Scholter (Board of Appeals)
10:17 a.m. Judy Jones (Community Services Advisory Board)
10:30 a.m. Ann Keller (Community Services Advisory Board/Contractors Licensing Board)
10:38 a.m. William McCune (Community Services Advisory Board)
10:45 a.m. David Gray (Fire Pension Board/Police Pension Board)
10:52 – 11:03 a.m. Richard Cobb (Airport Authority)

City Clerk Tara Norman clarified for Vice Mayor Galleberg that both the Police and Fire Pension Boards have a fifth member appointed by the other four members of the board, which are then confirmed by City Council. Mrs. Norman also noted that other vacancies for citizen members are also appointed by City Council to those two boards, and further explained that members of the three pension boards can serve on any of the three boards simultaneously since the dual office holding prohibition had previously been removed. The incumbents had indicated a willingness to continue serving, and the three pension boards had recommended that City

Council appoint the incumbents. In conclusion, Mrs. Norman explained that the interview process had been waived for pension board incumbent applicants and the incumbent applicant for the Code Enforcement Board, since that individual had been the sole applicant.

BRIEFING BY CITY MANAGER.....ITEM 6

City Manager Rambosk noted changes to executive summaries, and Vice Mayor Galleberg suggested that similar forms be adopted by the City Clerk and City Attorney's Office. Mr. Rambosk also noted that new management staff would be introduced at the Budget Workshop that evening. He further said that changes were intended to improve staff presentations and the agenda submission process; staff training sessions had also been conducted on drafting ordinances, resolutions and staff reports. Drafts of Council Workshop agendas would also be submitted in advance. Mr. Rambosk then noted renovations to Council Chamber, the hiring of a new video specialist, and improvements to the City's cable channel. He then advised that Collier County had requested replay of its informational video on mosquito control and it was the consensus of Council to do so. City Manager Rambosk then listed the following additional points: 1) the work plan for the upcoming fiscal year is to be presented at the next Workshop; 2) tracking of management directives is now automated, and eventually a workstation will be installed in the Council Office; 3) Victor Morales of Police & Emergency Services (PESD) is assisting in tracking citizen requests from Town Hall meetings as well as CIP projects; 4) a management training program for upper management personnel was held; 5) the Calusa Bay wells are 90% complete, with water quality testing currently underway and completion on schedule (March 15, 2003); and 6) ten applications were received for the City Attorney position, eight candidates met the minimum requirements, and two candidates possess local government law certification. It was the consensus of Council that although local government law certification would not be a requirement, candidates should be informed that Council will be seeking a candidate willing to acquire it. City Manager Rambosk confirmed for Council Member Herms that although Council would be approving a contract for legal services with Roetzel & Andress with the upcoming budget, there is a termination clause in the contract available to either party. In conclusion, Mr. Rambosk noted that an executive session would be scheduled in the near future to present a report on the new facility security requirements.

**.....ITEM 7-a
REQUEST BY CITY ATTORNEY FOR ATTORNEY CLIENT SESSION RELATIVE
TO HAMILTON HARBOR AND RELATED CASES**

City Attorney Robert Pritt read the following into the record. Notice is hereby given that, pursuant to Section 286.011(8)(a), Florida Statutes, the City Council of the City of Naples, Florida, I am informing the City Council that I desire the Council's advice and consequently am requesting that the City Council of the City of Naples, Florida, conduct an executive or closed (attorney/client) session to discuss settlement negotiations and strategy related to litigation expenditures in reference to pending Hamilton Harbor litigation (multiple cases, see below):

1. Collier Enterprises, Ltd. v. City of Naples; Case No. 00-1562-CA (20th Judicial Circuit) (LAWSUIT #4).
2. City of Naples v. Collier Enterprises, Ltd., et al.; (Second District Court of Appeal) Case No. 00-2632 (APPEAL #3).
3. James K. Kessler, et al. v. City of Naples; Case No. 99-1743-CA (20th Judicial Circuit) (LAWSUIT #1).
4. James K. Kessler v. City of Naples; (Second District Court of Appeal) Case No. 99-2132 (APPEAL #1).

City Council Workshop Meeting – August 19, 2002 – 8:30 a.m.

5. James K. Kessler, et al. v. City of Naples, et al.; (Second District Court of Appeal) Case No. 99-4327 (APPEAL #2).
6. James K. Kessler, et al. v. City of Naples, et al.; (Second District Court of Appeal) Case No. 02-_____ (APPEAL #4).
7. The Conservancy of S.W. Florida v. City of Naples, Case No. 99-2809-CA (20th Judicial Circuit) (LAWSUIT #2).
8. James K. Kessler, et al. v. City of Naples, Case No. 99-2812-CA (20th Judicial Circuit) (LAWSUIT #3).
9. The Conservancy of S.W. Florida v. City of Naples, et al.; (DOAH Case No. 99-2599).
10. Save The Manatee Club, et al. v. City of Naples, et al.; (DOAH Case No. 99-2600-GM).
11. Collier Enterprises-related Bert J. Harris Claims.
12. Collier Enterprises-related Vested Rights Claims.

The following persons will be present for the executive session: Mayor Bonnie R. MacKenzie, Vice Mayor Gary Galleberg; Council Members Joseph Herms, William MacIlvaine, Clark Russell, Penny Taylor, and Tamela Wiseman; City Manager Kevin Rambosk; City Attorney Roetzel & Andress, L.P.A. by Robert D. Pritt and Frederick Hardt; and Pam Arsenault of AAF Reporting or other certified court reporter. After a brief discussion it was determined that the executive session would be held during the Regular Meeting of August 21, 2002, at 1:30 p.m.; estimated duration of the attorney/client session is one-half hour to forty-five minutes.

City Manager Rambosk confirmed that a CRA Meeting will be scheduled for Wednesday, August 21, at 8:45 a.m.

..... **ITEM 7-b**
CONSIDER MEMO FROM CITY ATTORNEY CONCERNING LAND CONSERVATION TRUST ISSUES

City Attorney Robert Pritt referred to his memo dated August 19 (Attachment 1) and recommended that if a trust were created, a State Attorney General's opinion first be obtained to avoid any future land title problems. However, Mr. Pritt said, the City may also receive, own and maintain deeded property and reviewed models of conservation trusts from the City of Sanibel and Lee County contained in the backup material provided; however, he pointed out that Collier County had no such program. During discussion, Council Member Wiseman said she perceived no need to establish a trust, and agreed that an advisory panel could perform research for City Council. Council Member Russell concurred, recommending against creating which he described as an additional layer of bureaucracy. Vice Mayor Galleberg also recommended against creating a trust, noting that the Community Redevelopment Agency (CRA) is technically the same body as the Council, and state law mandates that City Council control such a trust. He recommended that this be discussed at a future date, and suggested that it be segregated from City operations rather than a trust. In response to Council Member Herms, Attorney Pritt indicated that there is no advantage to either the City directly receiving funds or land or handling the matter through a trust. Council Members Herms and Taylor concurred that a trust should not be established. Attorney Pritt agreed to, with the assistance of the Natural Resources Manager and Planning Director, draft suggested rules.

It was the consensus of Council to consider alternative models.

REVIEW OF ITEMS ON 8/21/02 REGULAR MEETING AGENDA.....ITEM 8

Item 7-g (River Park playground equipment) withdrawn; **Item 7-m** (interlocal agreement for construction of educational facilities) continued; **Item 7-r** (interlocal agreement for raw water)

continued; **Item 8** (variance for an unroofed pool) continued; **Item 14** (site plan amendment) continued; **Item 20** (electrical services) continued. (Mr. Rambosk advised that an amended agenda would be distributed in the supplement packet.) **Item 6-a** (minutes) Council Member Taylor said she would discuss various changes to the minutes with the City Clerk. Council Member Taylor requested that **Item 7-b(6)** (Christmas Eve service) be removed for separate discussion relative to amplification. **Item 7-b(7)** (Relay for Life) Vice Mayor Galleberg requested information on music plans. Vice Mayor Galleberg requested that **Item 7-d** (sand web system amendment) be removed for separate discussion and requested information distinguishing this request from the original 1999 contract. **Item 7-f** (beach end maintenance) Mayor MacKenzie requested information on maintenance for locations north of Seventh Avenue. **Item 7-h** (Public Art Advisory Committee) City Manager Rambosk recommended proceeding with this change. **Item 7-i** (landscape maintenance agreements) Vice Mayor Galleberg requested future discussion on breach of contract and integrity of bidding process. **Item 7-j** (electrical services) Council Member Taylor requested background information on Bentley Electrical Company. **Item 7-n(1)** (live entertainment permit renewal) Mayor MacKenzie requested clarification on amplification after 11 p.m. Mayor MacKenzie noted that **Item 18** (Heart of Naples landscaping plan) to be renumbered as 19-a adding Item 19-b as the funding for the plan. **Item 22** (horticultural agreement) Vice Mayor Galleberg requested background information on the company being proposed and Mayor MacKenzie requested review of proposed penalties. **Item 24** (boat storage) Mayor MacKenzie requested clarification on the need and space for additional storage.

PUBLIC COMMENT.....

None.

CORRESPONDENCE / COMMUNICATIONS

Council Member Taylor requested that Council review the service to be provided by the Municipal Code Corporation regarding review of the Code of Ordinances at the 8/21/02 Regular Meeting. She then expressed concern regarding outside table storage at Hofgarten Brauhaus. Miss Taylor then noted a request for funding from the Association for the Advancement of Haitian People; Mayor MacKenzie noted that while the City does not expend taxpayer funds to make contributions, the City is assisting in other ways such as allowing use of the River Park Community Center. Council Member Taylor also noted continued dumping of refuse on the right-of-way in front of the Naples Preserve. Council Member Herms noted the overgrown Pulling property on Goodlette-Frank Road and Central Avenue and questioned whether the property owner had been contacted in this regard. City Manager Rambosk agreed to contact Code Enforcement and report back to Council. Vice Mayor Galleberg requested details on the local 9-11 observance. He then requested a response to a prior request to the City's auditing firm regarding implementation of the GASBE 34 accounting standard. Council Member Wiseman noted correspondence from a resident complaining about drainage runoff from adjacent property, and posed the question of whether the City could mandate drainage improvements. Mayor MacKenzie noted that the recent meeting held with the various City committees would be rebroadcast. She then received confirmation from City Manager Rambosk that staff is assessing several trash container locations other than in Cambier Park for Fifth Avenue South restaurant use.

ADJOURN
12:14 p.m.

Bonnie R. MacKenzie, Mayor

Tara A. Norman, City Clerk

Minutes prepared by:

Brenda A. Blair, Recording Specialist

Minutes Approved: 9/18/02