



# City of Naples

City Council Chamber  
735 Eighth Street South  
Naples, Florida 34102

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## City Council Workshop Meeting – April 5, 2004, 2004 - 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  
Tamela Wiseman, Vice Mayor

**Council Members:**

William MacIlvaine  
Johnny Nocera  
John Sorey III  
Penny Taylor

**Absent:**

Clark Russell

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**City Staff:**

Robert Lee, City Manager  
Tara Norman, City Clerk  
Robert Pritt, City Attorney  
Steve Weeks, Information Services Director  
Ron Wallace, Construction Management Director  
David Lykins, Community Services Director  
Dan Mercer, Public Works Director  
Jon Staiger, Natural Resources Manager  
Pamela M. Koepke, Recording Specialist  
Karen Kateley, Administrative Specialist

**Others Present:**

Pam Mac’Kie, SFWMD  
Mike Bauer, SFWMD  
Arlene Guckenberger  
Jim Boula  
Henry Kennedy  
Jim Kramer  
Virginia Corkran  
Bill McCanna  
David Scrim  
John Leach  
Jim MacArthur  
Graham Lount  
Other interested citizens and visitors

**Board Candidates:**

Murray Hendel  
William Kroeschell  
William Willkomm

**Media:**

John Henderson, Naples Daily News

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### SET AGENDA.....ITEM 2

No Changes.

***MOTION*** by Sorey to ***SET AGENDA***; ***seconded by MacIlvaine and unanimously carried, all members present and voting (MacIlvaine-yes, Nocera-yes, Russell-yes, Sorey-yes, Taylor-yes, Wiseman-yes, Barnett-yes).***

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### .....ITEM 3 SOUTH FLORIDA WATER MANAGEMENT DISTRICT PRESENTATION OF NAPLES BAY RESTORATION PROJECTS

Pam Mac’Kie, representing Southwest Florida Water Management District (SFWMD), assured Council of her agency’s desire for a better relationship with elected officials and that Naples Bay

is extremely high on the District's list of priorities. SFWMD Representative Mike Bauer then presented an overview of the problems in Naples Bay, as well as goals, objectives and actions for restoring the Bay (a copy of which is contained in the file for this meeting in the City Clerk's Office). Mr. Bauer explained the three major problems with the Bay are: stratification, or excess fresh water entering the Bay; stormwater runoff containing excess pesticides; heavy metals from roads and other contaminates; and the loss of the internal sea grass beds, oyster shelves and mangrove habitats from over 50 years of intense development in and around the Bay.

Mr. Bauer said the goals are to lower the freshwater entering the Bay with a storage or diversion system, to decrease pollutants in the Bay by constructing filtering facilities, and to restore the habitats with intense education and the planting of mangroves, which are the base of the food chain in the Bay. He said that it is time to obtain resources and funding, develop appropriate and beneficial plans to create the necessary storage, diversion and purifying facilities and to educate the public. SFWMD is requesting approximately \$5 million from the State Legislature this year, he added.

Natural Resources Manager Jon Staiger characterized SFWMD water management initiatives as an effective umbrella program presenting an opportunity to obtain funding for Naples Bay. Dr. Staiger indicated that he would shortly present Council with City-level program recommendations for stormwater management and commended SFWMD for its initiative in considering Naples Bay a priority.

In response to Council Member Sorey, Ms. Mac'Kie said that she is optimistic that State funding will be appropriated and, upon confirmation of a funding stream, a time line would be set forth and plans put into effect.

In response to Council Member MacIlvaine, Dr. Staiger explained that golf course runoff is dependent upon proper irrigation that soaks into the ground, however, ground water and the Bay are connected and excessive use of fertilizers and pesticides ultimately does enter into the Bay. Education of property owners, landscape maintenance companies and the general public would greatly assist in the efforts, Dr. Staiger confirmed. Dr. Staiger further noted that manatees are not a factor in Bay issues, but rather are a separate matter related to vessel speeds. Mayor Barnett suggested a list of acceptable lawn chemicals for distribution to homeowners and landscape companies. Education is a key component, Mr. Bauer agreed, thereby to prevent a reoccurrence of the current problems.

Council Member Sorey suggested Council re-visit the landscape ordinance to address education as well as implementation of certain requirements to assist in Bay restoration. Council Member Nocera advised that he was awaiting information on an environmentally compatible landscape product, which, when received, he will provide to Dr. Staiger. Dr. Staiger recommended that the City's licensing process be considered a mechanism for disseminating landscaper requirements and education.

In response to Vice Mayor Wiseman, Mr. Bauer confirmed that the exact amount of funding has yet to be determined, however, upon confirmation, the Naples Bay Group will reconvene to prioritize the needs and develop a time line for plan implementation. Ms. Mac'Kie confirmed

for Council Member Taylor that allowing the County to connect to the City’s reuse water system would be beneficial to the Bay and she supported this action. Council Member Sorey added that a City reuse system for irrigation, plans to capture the first inch of rainfall, and possible inclusion of an aquifer and storage recovery (ASR) well are currently being considered. Council Member Nocera suggested the requirement for installation of a separate irrigation line in conjunction with new construction, and Mr. Sorey expressed his support. Ms. Mac’Kie said she could not stress enough the need to increase the use of non-potable water in the City and expressed disapproval for the levels of potable water wasted in the City. Mayor Barnett committed the City to being a key supporter of the initiatives discussed and in taking any action economically possible to assist in the educational process.

.....**ITEM 4**  
**INTERVIEWS WITH CANDIDATES FOR PLANNING ADVISORY BOARD AND**  
**COLLIER COUNTY COASTAL ADVISORY COMMITTEE**

(9:02 a.m.) Murray Hendel – Collier Coastal Advisory Council

(9:08 a.m.) William Kroeschell – Collier Coastal Advisory Council

(9:15 a.m.) William Willkomm - Planning Advisory Board

**PUBLIC COMMENT**.....

(9:27 a.m.) Jim Kramer, former employee of the Naples Airport Authority (NAA) read from a prepared statement (Attachment 2). **Virginia Corkran**, 213 Ninth Avenue South, noted Comprehensive Plan Policy 2-21 whereby the City committed to linking land and water use planning and that such a plan is seriously overdue. She also requested the reuse irrigation system plans include the Heart of Naples/41-10 district. Council Member MacIlvaine agreed and said as properties redevelop it would be advantageous to require the addition of a reuse water line, especially for the project to be developed on the property known as Grand Central Station, which is to contain large areas of open green space.

**BRIEFING BY CITY MANAGER**.....**ITEM 5**

Mayor Barnett commended staff for what he described as exemplary coverage of the previous evening’s music festival. City Manager Robert Lee said the Police & Emergency Services Department (PESD) had worked closely with event organizers and were well prepared. He further advised there were no arrests, no parking citations issued, no reported accidents, but one rescue call for a person who had fallen, two residential noise complaints and one merchant complaint regarding a blocked sidewalk. Council Member Sorey said City Council had challenged the organizers of the event to ensure that approving the event had been an appropriate decision and they met that challenge, he said.

Council Member MacIlvaine, however, requested a final accounting of charitable proceeds based on the fact that City residents had donated through the exclusive use of three City blocks. Mayor Barnett advised that a major sponsor of the event, Campiello’s Restaurant owner Richard Dimico, had indicated that he would provide an accounting.

City Manager Lee then referred to his written report (a copy of which, along with other pertinent documents, is contained in the file for this meeting in the City Clerk’s Office) and pointed out that the Federal Emergency Management Agency (FEMA) had confirmed in writing the delay in implementation of flood rate maps. He also advised that the Tourist Development Council (TDC) has recommended the Board of Collier County Commissioners (BCC) approve all six City grant requests, including one for beach maintenance funding for \$150,000. City Manager

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Lee reminded Council of the City/County joint workshop the next day. He added that the Comprehensive Annual Financial Report (CAFR) had been completed and the auditors are scheduled for a April 21 appearance before Council. Council Member Sorey requested the executive overview of the audit be placed on the City's website; other Council Members agreed.

City Manager Lee referenced the workshop schedule outlined in his submitted report and Mayor Barnett advised Council Members to notify the City Manager in writing of additional items they wished to add to the workshop schedule or any scheduling conflicts that they may have.

Council Member Sorey inquired as to additional items being placed on the City/County joint workshop agenda, such as reuse water connecting and a US 41A bypass. After discussion, however, it was determined that no request for alteration of the agenda would be made. City Manager Lee suggested quarterly joint meetings with the County.

Regarding the US 41A bypass, Council Member MacIlvaine said it had been discussed by the Heart of Naples Committee (HONC) frequently and suggested an overview to acquaint those Council Members who were not as familiar with the issue. Council Member Taylor suggested that she present the US 41A concept at the next Metropolitan Planning Organization (MPO) meeting.

Regarding the workshop schedule in the City Manager's report, Council Member Sorey suggested that workshops, where extensive discussion is expected, be continued to immediately follow the regular meeting. Mayor Barnett confirmed that the City Manager would schedule additional workshops as needed.

City Manager Lee concluded his briefing with a reminder that the Florida Department of Transportation (FDOT) would be conducting an informational meeting on Wednesday evening at the Naples Community Hospital regarding the US 41 resurfacing and drainage projects.

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**Recess: 9:52 a.m. – 9:59 a.m. It is noted for the record that Council Member Taylor was absent when the meeting reconvened.**

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**DISCUSSION OF INTERLOCAL AGREEMENT FOR OVERPASS.....ITEM 6**

City Manager Lee noted that the Department of Community Affairs (DCA) had recently issued a Notice of Intent to find in compliance the City's Comprehensive Plan Amendment restricting overpasses (Policy 1-10). The County has filed a petition for an administrative hearing which will occur in May, he said, although an Interlocal Agreement to then be considered would provide for withdrawal of this challenge if the City agrees not to oppose the County's proposed Golden Gate Parkway/Airport Road overpass.

City Attorney Robert Pritt said the proposed agreement, negotiated only at staff level, does not require the City to alter the aforementioned Policy 1-10, but allows the City the option of making any necessary changes. Because he assessed the City's chance to withstand the County's DCA challenge, Mr. Pritt said that settlement should be for policy reasons only. Secondly, Mr. Pritt advised Council against including agreements regarding the Comprehensive Plan in the settlement with the County.

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In response to Council Member MacIlvaine, City Attorney Pritt confirmed that the settlement agreement would negate any hearing before the DCA. Mr. Pritt further advised the Comprehensive Plan amendment will not affect this particular overpass because of the interlocal agreement; however, it could have an effect on future overpasses.

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**It is noted for the record that Council Member Taylor entered the meeting at 10:09 a.m.**

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City Attorney Pritt also confirmed that a City victory in an administrative challenge, however, does not correlate to a delay or abandonment of the overpass on the part of the County. Mr. Pritt confirmed that prior to entering into an agreement, a public hearing is required.

**Public Comment:** (10:10 a.m.) **Bill McCanna**, 2430 Indian Pipe Way, representing residents of Bear's Paw and Grey Oaks, presented findings regarding the overpass (a copy of which is contained in the file for this meeting in the City Clerk's Office) and concluded, by noting that while the County has the final authority on whether to build it, the City Council nevertheless has influence in the matter. Mayor Barnett said that the Council would discontinue its opposition in an effort to avoid lengthy and costly litigation. Mr. McCanna however confirmed that efforts would continue to sway the County, and noted the irony of a citizens' group having formulated alternatives not presented by the multiple professionals and consultants involved.

Mr. McCanna confirmed for Council Member MacIlvaine, that the group's findings indicate that additional vehicles from the new I-75 interchange on Golden Gate Parkway would not result in the impact projected by the County because of the use of alternative routes. In response to Council Member Taylor, Mr. McCanna asserted that overpass funding allocation could then be utilized for other needed transportation projects throughout the County, particularly in light of the prospect of reduced State transportation funding. Council Member Sorey expressed the hope that Mr. McCanna's report would cause City Council to reconsider opinions expressed by this group.

**DISCUSSION OF PULLING PROPERTY .....ITEM 7**

City Manager Robert Lee said that in 1997 John and Carol Pulling quitclaimed 6.9 acres to the City with certain conditions concerning uses and a reverter clause. In August 2001 the Pullings had, however, asserted rights as grantors to regain the property, which had resulted in a Memorandum of Understanding from the Pulling's (a copy of which is contained in the file for this meeting in the City Clerk's Office). This agreement precludes imposition of the reverter clause so long as the City, within 90 days, creates a plan in accordance with the Quit Claim Deed. Such a plan is to include the preservation of a right-of-way for a potential additional Gordon River Bridge, construction of a boat ramp and docking facility, and parking and access for boat trailers. Additional conditions require the City to diligently pursue all necessary permits within 90 days of adoption of the plan, and that within 90 days of receiving such permits; construction will be completed in a timely manner. City Manager Lee also said that the City is required to submit copies of its plans to the Pullings for comment.

Vice Mayor Wiseman questioned whether a park element would not, in fact, result in amenities for the adjacent hotel and whether sufficient funding would be available for improvements to the site. City Manager Lee said that this information would be presented in May, when both the Pulling property and Fleischmann Park master plans are scheduled for a Council workshop. City Manager Lee however confirmed for Council Member Nocera, that approximately \$560,000 had been set aside in park bond issue funds for the development of the Pulling property, although no

funds had been appropriated in the Capital Improvement Project (CIP) budget. In further discussion it was noted that creation of dry storage on the site could generate revenue and that Mr. Pulling had emphasized a marina for motorized vessels, although this had not been a requirement of the Memorandum of Understanding.

Mayor Barnett characterized the proposal as the City’s final opportunity to develop the land and avoid possible litigation with the Pullings. Regarding the nearby hotel, Mayor Barnett indicated that the developer had been pleased with the plans and had committed to a connecting boardwalk and other amenities.

Reiterating doubt about sufficient funding, Vice Mayor Wiseman also reported concerns from residents, and a Community Services Advisory Board (CSAB) member that the City would even indirectly construct an amenity for private property interests. She also said that a member of the Naples Rowing Club was fearful of possible displacement by motorized vessels and had expressed interest in moving the club’s operation to the adjacent horticulture landfill site.

Mayor Barnett, however, pointed out that all facilities installed on the Pulling site would be the City’s. Council Member Sorey also urged the Council to remember that the Pullings had graciously donated the property, but that the City had not kept its part of the bargain; therefore, the City must move forward without delay. Council Members Taylor and MacIlvaine thanked Mayor Barnett and the City Manager for achieving a proposed agreement in such a short time. Mayor Barnett confirmed that the Council could accept the agreement at its April 7 regular meeting.

**DISCUSSION OF ANNEXATION POLICY.....ITEM 8**

City Manager Lee said that while the State Legislature is contemplating improvement in the annexation laws, there are nevertheless certain infrastructure and geographic concerns that impact annexation on the local level. He said he recommended therefore that area municipalities and Collier County jointly adopt a proactive annexation policy. He enumerated the following points: 1) Comply with State Statutes governing municipal annexations; 2) Provide an orderly process to address fixed services and infrastructure concerns; 3) Encourage interlocal agreements and a consolidation of services; and 4) Require a transition plan for budget and service delivery. He further said such a policy could ensure service transition and budgeting to address possible shortfalls experienced from annexation.

In response to Council Member Nocera, City Manager Lee explained that he was, at that time, seeking Council’s concurrence to develop a policy and further confirmed that staff had responded to Pelican Bay residents with information regarding annexation.

Stating that any policy should apply to all potentially annexed areas, regardless of size or population, Council Member MacIlvaine inquired as to the methodology to be used in the policy. City Manager Lee listed inclusion of various jurisdictions, including special taxing districts and noted that talks could be informal; research data is also available from the Florida League of Cities, Florida City and County Management Association, and the Florida Association of Counties. He stressed that Naples could be the prototype for a comprehensive policy whereby prior agreements are made regarding the process of annexations.

Regarding the City’s annexation policy, Mayor Barnett said that he understood it to have been that the City would not solicit annexation, but would provide information when approached. City Attorney Pritt said he was unsure of an existing policy but that Council could amend any policy that had been established. Council Member Wiseman however, read from the Comprehensive Plan Goal #11, (Attachment 2) dealing with annexation.

Council Member Sorey said it appears that the City is therefore not prohibited from inviting areas to annex and suggested that the City consider whether to be more proactive in pursuing certain areas. Council Member MacIlvaine, however, said he believes the City should not be soliciting annexation. Council Members concurred that the City Manager should review the annexation policy.

City Attorney Pritt said that even if the proposed annexation Statute is adopted, it still will not address all questions such as the methodology to be utilized regarding annexation of Community Redevelopment Areas (CRA’s). Therefore, Mr. Pritt requested authorization to pursue an Attorney General Opinion (AGO) regarding the Ruffina annexation that effects both a County redevelopment district and Tourist Development Council (TDC) funds. Mayor Barnett stressed that time was of the essence. Another positive, Mr. Pritt said, is an opinion’s usefulness as future annexation needs arise, especially if the State annexation legislation is not adopted. Council concurred with seeking an Attorney General Opinion regarding annexation.

**REVIEW OF ITEMS ON 04/07/04 REGULAR MEETING AGENDA.....ITEM 9**

**Added items requested by City Manager:** **Item 17** (Linda Hamilton Party outdoor entertainment request), **Item 18** (Pulling Property Memorandum of Understanding), **Item 19** (Overpass Interlocal Agreement); and **Added Item 20** (Executive Session – Walburn v. Naples) requested by City Attorney Pritt. **Item 6** (Parking Credit Petition – 791-795 Tenth Street South) Council Member Taylor requested clarification on drainage requirements and right-of-way parking; **Item 7** (Conditional Use Petition-358 Mooring Line Drive) Council Member Taylor requested clarification on conflict between staff report and analysis; **Item 9** (Fire Station #2 renovations) Council Member Taylor requested clarification on methodology used for ranking of firms; **Item 10** (Noise Waiver-US 41 Drainage and Resurface Project) Council Member Sorey requested clarification between conflict in the whereas clause compared to the resolution body; and **Item 13** (Naples Preserve Hedges Family Visitor Center Library) Council Member Wiseman inquired as to whether family members would be present at the meeting.

**CORRESPONDENCE/COMMUNICATION .....**

Council Member Sorey inquired as to the schedule for receipt of the Andres Duany’s report on Fifth Avenue South. He also requested a management response to purchasing policy recommendations in the annual audit, and gave an explanation of parking garages in Charleston, South Carolina. Council Member Taylor presented material regarding the Naples Art Association and its board members possible resignation due to concerns regarding abandonment of the Von Liebig Center (a copy of which is contained in the file for this meeting in the City Clerk’s Office). Council Member MacIlvaine requested clarification regarding a neighbor complaint against Paddy Murphy’s Irish Pub and Mayor Barnett requested review regarding provision of machines to make change or other alternative near City parking meters.

**ADJOURN** .....  
11:18 a.m.

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Bill Barnett, Mayor

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Tara A. Norman, City Clerk

Minutes prepared by:

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Pamela M. Koepke, Recording Specialist

Minutes Approved: 5/5/04