



City Council Chamber  
735 Eighth Street South  
Naples, Florida 34102

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**City Council Workshop Meeting – August 30, 2004 - 8:31 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 (arrived 8:33 a.m.)

**Council Members:**

Johnny Nocera  
John Sorey III  
Penny Taylor

**Absent:**

William MacIlvaine  
Clark Russell

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**Also Present:**

Robert Lee, City Manager  
Robert Pritt, City Attorney  
Dan Mercer, Public Works Director  
George Archibald, Traffic Engineer  
Steven Moore, Chief PESD  
Pamela M. Koepke, Recording Specialist

Elizabeth Rogers, Recording Specialist  
Karen Kateley, Administrative Specialist

**Media:**

Tom Rosse, NBC2

Other interested citizens and visitors.

**SET AGENDA..... ITEM 2**

City Manager Lee requested Item 8 (Waterside Shops Expansion) and Item 9 (Conservation Collier Land Trust purchase) be added to the agenda, and Item 5 (Purchase Ordinance) be continued to the September 13 workshop. Council concurred.

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**It is noted for the record that Vice Mayor Wiseman entered the meeting at 8:33 a.m.**

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**PUBLIC COMMENT..... ITEM 3**

(8:38 a.m.) **Kathy Granoff, 2400 Lantern Lane**, urged Council to consider Citywide utility undergrounding to ensure faster restoration of service after storm events, and prevention of danger from downed power lines. She expressed concern with reference to Florida Power & Light's (FPL's) requirement for a separate easement in some areas of the City, and suggested instead that a cooperative effort be pursued. She mentioned FPL's indication that the cost could be applied to monthly bills over an extended period of time. In conclusion, Ms. Granoff expressed appreciation for the City's post-storm clean-up efforts.

Regarding the variation in power restoration among various areas of the City, City Manager Robert Lee said that FPL had been asked to provide an overview of the power restoration process

to the President's Council, and that the request would be extended for a City Council workshop as well. It was also noted that undergrounding power would involve special assessments for those neighborhoods desiring it, and charges would appear on utility bills. Council Member Taylor pointed out that it was yet undetermined whether undergrounding would improve power restoration during storm events. Ms. Granoff, however, indicated that new technology may alleviate standing water problems, which had heretofore been associated with underground power restoration. Council Member Nocera expressed the view that undergrounding would be appropriate, however, a definitive answer from FPL would be needed.

**Sharon Patti, 1045 8<sup>th</sup> Avenue North**, submitted a petition from property owners requesting speed bumps on 13<sup>th</sup> Street North to slow vehicles. (A copy of this and other documentation is contained in the file for this meeting in the City Clerk's Office.) She explained that many vehicles use 13th as an alternate to the busier Goodlette-Frank Road, endangering children and creating an extremely unsafe situation due to the speed at which vehicles travel. She then related how a speeding vehicle on 13th had killed a neighbor's pet dog, even though the animal was on a leash. **Anthony Fentress, 1273 12<sup>th</sup> Avenue North**, explained that his family had owned the dog just mentioned, and urged Council to take steps to slow cars in the Lake Park neighborhood, where there are many children, especially on the street leading to the elementary school. He also urged Council to install speed bumps immediately, noting that the next incident could very well involve a child instead of a family pet.

Mayor Barnett requested that this issue be placed on the next available agenda for discussion. Stating that there is ample evidence to support the neighborhood's request, Council Member Taylor also explained that the process requires studies to determine the traffic situation, although issues like this had been addressed by special signage and additional enforcement previously. She suggested immediate action and for speed tables like those installed on Estey Avenue be considered. City Manager Lee said that extra enforcement would be initiated immediately and that staff would work closely with the neighborhood.

**Sharon Kenny, 411 17<sup>th</sup> Avenue South**, urged Council to consider Citywide undergrounding of utilities because if implemented neighborhood-by-neighborhood, undergrounding would not eliminate power losses occurring in surrounding areas. She urged Council to move quickly. **Doug Nelson, 581 Whispering Pine Lane**, expressed concern for the traffic impact that would result from the proposed Waterside Shop expansion, and pointed out that the shopping center occupies an area not included in the Pelican Bay Planned Urban Development (PUD) locales previously approved for expansion. He suggested that the developer's traffic studies are conservative in terms of the actual impact, and urged Council to communicate the seriousness of the situation to the Board of County Commissioners (BCC) in the interest of the safety and wellbeing of the area. He added that, during a recent meeting on the issue, the County Planning Commission did not appear to understand the issues. Mayor Barnett stressed, that although the City has no control over any County decision in this matter, it, too, is concerned with the impacts to the City streets adjacent to Waterside. Mr. Nelson stressed the importance of ensuring that the County also understands the seriousness as well. **Cal Pratt, 4850 Whispering Pine Way**, expressed like concern, stating that traffic impacts from the Waterside Shops expansion would negatively affect his neighborhood's quality of life. He advised that the Pelican Bay developer had initially committed not to create a thoroughfare on West Boulevard, but this had changed.

He also expressed concern for the safety of school children with the additional traffic. **Gary Lind, 4851 West Boulevard**, said that in 1975 the Pelican Bay PUD was approved for 610,000 square feet of commercial uses divided equally between the north, central, and southern portions of the development; however, with the addition of the proposed Waterside expansion, coupled with the square footage of the Philharmonic Center, there would be over 900,000 square feet, or 50% more commercial space than originally approved. This, he said, would increase the number of trips on Seagate Drive, West Boulevard, and Crayton Road. Mr. Lind also expressed concern for diminishing property values, which had already decreased by 30% attributable to the level of traffic on West Boulevard. **Karen Champion, 4217 Crayton Road**, expressed her opposition to the Waterside Shops expansion. She then advised that a need for Crayton Road traffic calming is a continuing topic of discussion at Park Shore Homeowner Association meetings, and indicated that there is also grave concern for the economic impact upon property values on Crayton Road. She urged residents and elected officials to band together to prevent further deterioration of the quality of life that drew residents to Naples. Ms. Champion then offered various suggestions to alleviate traffic concerns on Crayton Road.

.....**ITEM 4**  
**HURRICANE CHARLEY DISASTER PREPAREDNESS OVERVIEW AND RECOMMENDATION**

Mayor Barnett said that he had been shocked by the devastation he had observed the day before, when he had visited Big Pine Island and Bookelia, with the American Red Cross. He also said that power had still not been restored to nearly all of the residents. Mayor Barnett said that the City Manager of Punta Gorda had expressed his gratitude to Naples for the immediate response with generators and water provided.

Having volunteered in Arcadia the day before, Council Member Taylor said that Naples had been blessed to have been spared, and that more volunteers are needed to assist recovery efforts and food distribution in rural areas. She said there were 25 counties affected by Hurricane Charley, 12 seriously, with 125,000 people left homeless.

City Manager Lee expressed his appreciation to all those employees who worked before, during and after the storm. He advised that an overview of the storm preparedness and recovery process would be presented by PESD Chief Steven Moore, who coordinated these activities through the City's Emergency Operations Center. City Manager Lee commended Chief Moore for his management of the situation. Chief Moore then made his presentation (Attachment #1).

In response to Council Member Nocera, Chief Moore advised that an information line (phone number 213-4900) had been staffed before, during, and after the storm, and that hundreds of phone calls had been received. Mr. Nocera recommended that the City contact a local radio station for emergency announcements during future occurrences of this nature. Chief Moore also confirmed that the PESD, Utilities, and Development Services buildings were designed to withstand storms and winds up to 150 mph and provide a location to continue governmental functions. Chief Moore added that some staff members had been housed in these buildings during this latest event and this contingency would remain in the emergency plan for the future.

Council Member Sorey concurred with the need for a radio station for the City to activate during emergency situations. Also, he recommended newsletters for residents on hurricane

preparedness, evacuation, emergency services, and other hurricane related issues. He said that curfews, beach restrictions, and the re-entry processes should also be discussed.

Commenting on his initial memo following Hurricane Charley, Mayor Barnett identified the following issues to be addressed: mandatory evacuations, restricting beach use, and emergency use of a local radio station. (Copies of this, and other related memos, are contained in the file for this meeting in the City Clerk's Office.) He requested Council's guidance to staff regarding suggestions proffered by City Attorney Robert Pritt.

City Attorney Pritt reiterated his previous suggestion to the effect that the City could adopt advisory levels to depict progressively more stringent requirements up to a mandatory evacuation, stressing that emergency services would be unavailable to those who choose to stay. Other items discussed in a memo Mr. Pritt had generated on the subject include curfews and prohibition of alcohol sales during storm events. Mr. Pritt said these regulations could be adopted by ordinance that would further allow a level 5 advisory to be enforced, although the Governor can suspend any local ordinance. Therefore, he suggested that a pre-clearance process with State emergency management be undertaken.

Vice Mayor Wiseman said that, due to the fact that hurricane prediction is an inexact science, she could not support the advisory level approach depicted by the City Attorney. She also expressed concern that local elected officials, declaring a particular level of advisory, could instill a false sense of security among residents when, in fact, a higher level should have been implemented. She said that the City was only in a position to follow the County's lead regarding state of emergencies and mandatory evacuations.

Mayor Barnett, however, said that his intent was to address the fact that mandatory evacuations are not enforceable and, therefore, create confusion. Vice Mayor Wiseman pointed out that there is insufficient capacity to enforce mandatory evacuations, although many people presume the evacuation as being obligatory and do, in fact, leave. Council Member Taylor said that she was doubtful that government is in a position to save people from themselves. Mayor Barnett, nevertheless, maintained that terminology should better impart the message that evacuations are suggested, but not required, and that emergency services will not respond to those areas that have been ordered to leave.

Council Member Sorey suggested researching this matter with other municipalities, and Mayor Barnett suggested that the City Attorney obtain information on State evacuation processes. City Attorney Pritt said that the Executive Order of the Governor does not utilize the term mandatory evacuation, but rather gives the State Emergency Coordinator the power to order evacuations. He added that it might be beneficial to request the language be changed, at the emergency coordinator level, to ensure consistency. He added that there are many coastal communities that address emergency management processes, such as curfews, alcohol prohibitions, and beach access restrictions.

**Public Comment** (10:00 a.m.) **Sharon Kenny, 411 17<sup>th</sup> Avenue South**, suggested the City implement a vehicular public announcement system, or possibly, a siren system, to alert residents of approaching storms, considering how quickly a storm can change direction. She supported

stressing hurricane preparedness and evacuation planning. She then presented pictures taken during Tropical Storm Gabrielle, which depicted several areas of Aqualane Shores that sustained flooding from storm surge, and stressed the importance of education for the residents regarding storm events. (Copies of these photographs are contained in the file for this meeting in the City Clerk's Office).

Mayor Barnett said that the City was on alert two days prior to the last storm and were advising residents immediately. However, government can only go so far, he said. Council Member Taylor added that, because of the unpredictability of Hurricane Charley, many people evacuated into the storm's path, noting that inland is not always the safest place. Council Member Sorey suggested that the City's building codes be re-examined, as well as other hurricane protection devices that could be implemented in construction.

**PURCHASING ORDINANCE AMENDMENTS.....ITEM 5**

(Continued to September 13, 2004; See Item 3.)

**(Added Item)**

**DISCUSSION REGARDING WATERSIDE SHOPS EXPANSION .....ITEM 8**

City Manager Lee noted a memorandum from the Public Works Director regarding the proposed Waterside Shops expansion, and advised that the Board of County Commissioners (BCC) would be considering this matter prior to the next City Council meeting. (It is noted that a copy of this memorandum is appended to the City Manager's Report and contained in the file for this meeting in the City Clerk's Office.)

Public Works Director Dan Mercer said that staff is concerned that neither the developer, the County Planning Commission, nor the BCC, are taking a global approach to traffic impacts to adjacent streets and neighborhoods represented by the Waterside expansion. Sufficient studies have not been conducted, he said, and a large portion of the adjacent neighborhood consists of young families with children, an elementary school, and a City park. Mr. Mercer advised that Crayton Road is already at peak-hour capacity and will exceed its level of service with the increased trips generated.

Mr. Mercer recommended discussions with developer WCI to determine a willingness to participate financially in a traffic impact study, as well as participation in any traffic calming strategies thus recommended. Additionally, he recommended that the Council convey its concern via letter to the BCC, and possibly in the form of a resolution.

City Manager Lee said that such a resolution would request that, upon approval of the proposed expansion, the BCC stipulate that the developer participate and financially assist with a traffic study for the southern portion of the project and adjacent impacted streets, and that if traffic calming is recommended by the study, the developer financially assist with the installation. Council Member Taylor recommended that Mayor Barnett and City Manager Lee meet with the Chair of the BCC and the County Manager to express concerns and to present the aforementioned resolution. Council concurred.

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**Recess: 10:20 a.m. – 11:40 a.m. It is noted for the record that the same members were present when the meeting reconvened.**

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**BRIEFING BY CITY MANAGER.....ITEM 6**

City Manager Robert Lee submitted 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).

He then advised that, due to its location within the City limits, the County is requesting the City take a position regarding the purchase of land by the Conservation Collier Program (Attachment #2). Dr. Lee advised the property in question is not developable and the purchase price has yet to be determined. Dr. Lee requested placement of this issue on the next Council agenda to establish a formal position. He said that staff has recommended this parcel be utilized as part of the adjacent City-owned site known as the Pulling property.

Council Member Sorey advised that this proposed purchase is part of the Hamilton Harbor settlement and that after discussions with Conservation Collier, he believes the organization will be receptive to incorporating the parcel into the proposed park on the Pulling site, which could be accomplished through an interlocal agreement.

City Manager Lee requested Council input and approval of a proposed workshop schedule (Attachment 3), contained in his report, and Mayor Barnett requested any additions, changes, or deletions be submitted in writing. City Manager Lee noted that Council Member input differs on whether some of the items should be included.

In further discussion, City Manager Lee explained that the Tourist Development Council (TDC) wished to present an overview, and Council Member Sorey requested the parking meter revenue collection system be moved to October 4. It was confirmed by Council that the US 41A bypass proposal/concept was no longer being considered. Vice Mayor Wiseman requested that the special election process be moved to November 1.

In response to Vice Mayor Wiseman, City Manager Lee explained that a hurricane preparedness video, being prepared for the City's TV channel, would also be presented to Council for approval. He also explained to Council Member Taylor that a discussion regarding large capital improvement projects contributing a small percentage to public art would be held, and Miss Taylor said she would seek Council concurrence to require developers to incorporate some form of public art. Council agreed to consider this item during a future workshop.

Council Member Taylor characterized as time sensitive a need to incorporate mechanical equipment into the noise ordinance. Council concurred to discuss this item on November 1. Council Member Sorey requested a discussion on November 29 regarding the Total Maximum Daily Load (TMDL) analysis, as it relates to other Naples Bay items scheduled at that time. He also requested an overview of the quasi-judicial process for the December 13 workshop, and Council Member Nocera agreed. Council Member Taylor suggested a review on January 17 of licensing requirements for rental properties.

City Manager Lee then confirmed for Council Member Sorey that a presentation regarding acquisition of the Fleischmann property (Caribbean Gardens) would be held on October 18.

Discussion ensued regarding attorney fees in conjunction with the upcoming budget process. Vice Mayor Wiseman suggested that, for the same legal services budgeted, the City could engage in-house legal counsel, as well as an assistant attorney. She, however, stressed that this suggestion did not reflect upon the capabilities of the City's current legal advisor, but rather raised a question regarding the level of fees. Due to the time constraints, it was determined that this item would be placed on the workshop schedule as soon as possible.

Regarding utility line undergrounding, Mayor Barnett said that this item is in process and that there is continuing dialogue with Florida Power & Light (FP&L), therefore, this item would be discussed when all necessary information had been obtained.

**REVIEW OF 09/01/04 REGULAR MEETING AGENDA .....ITEM 7**

**Continued Items:** **Item 6-b** (Norris Center design services), **Item 11** (Bice Ristorante conditional use), and **Item 12** (Bice Ristorante live entertainment). City Manager Lee advised that these items would be rescheduled for the regular meeting of September 15. **Added Item:** **Item 22** (Golden Gate Parkway/Airport Road overpass sanctions) Vice Mayor Wiseman requested that this item be added. **Item 6-c** (artificial reef payment) Council Member Sorey inquired as to the payment being made from Tourist Development Council (TDC) funds. **Item 7** (Building Division fees) Council Member Sorey requested that lot coverage calculations be revisited to ensure consistency. **Item 10** (300 Goodlette Road re-zone) Council Member Taylor inquired as to the reasoning behind the setback changes, a status of the Development of Regional Impact (DRI) requirements, and information regarding the Florida Gulf Coast University (FGCU) proposed cultural center and museum; Council Member Sorey requested information as to the reasoning behind the number of units and square footage increases. **Item 19** (budget amendments) Council Member Sorey inquired as to monies being budgeted for Naples Bay water sampling, and also for a conceptual study on the Gordon River Greenway.

**CORRESPONDENCE/COMMUNICATION .....ITEM 8**

Vice Mayor Wiseman inquired as to the possibility of committing to ordinance form dock construction standards, including a riprap requirement. Council Member Taylor inquired as to whether the City would implement large cardboard recycling. Council Member Sorey suggested oversized rollout bins for recycling, and inquired as to the reason alley horticultural debris pick up had not been occurring since Hurricane Charley.

**(Added Item)**

**DISCUSSION REGARDING CONSERVATION COLLIER PROPOSED PURCHASE OF WETLANDS ADJACENT CITY'S FORMER HORTICULTURE SITE .....ITEM 9**

This item was discussed during the City Manager's Briefing; see Item 6 above.

**ADJOURN.....ITEM 10**

12:17 p.m.

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Bill Barnett, Mayor

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Tara A. Norman, City Clerk

Minutes prepared by:

Minutes Approved: 10/6/04

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Pamela M. Koepke, Recording Specialist