



City Council Chamber
735 Eighth Street South
Naples, Florida 34102

City Council Regular Meeting – December 1, 2004 – 9:00 a.m.

Mayor Barnett called the meeting to order and presided.

ROLL CALLITEM 1

Present:

Bill Barnett, Mayor
Tamela Wiseman, Vice Mayor

Council Members:

William MacIlvaine
Johnny Nocera
Clark Russell
John Sorey, III
Penny Taylor

Also Present:

Robert Lee, City Manager
Robert Pritt, City Attorney
Tara Norman, City Clerk
Robin Singer, Community Development Director
David Lykins, Community Services Director
Denise Perez, Human Resources Director
Dan Mercer, Public Works Director
Cheryl Boutot, Information Services
Jon Staiger, Natural Resources Manager
Pamela Koepke, Recording Specialist
Karen Kateley, Administrative Specialist

Frank Perrucci
Gary Davis
Henry Kennedy
Jack Bowles
Erika Hinson
Sue Smith
Joe Whitehead

Media:

Megan Barbary, Naples Sun Times
Ilene Stackel, Naples Daily News
Other interested citizens and visitors

INVOCATION AND PLEDGE OF ALLEGIANCE.....ITEM 2

Revered Jay Kowalski, First United Methodist Church.

ANNOUNCEMENTSITEM 3

None.

SET AGENDA.....ITEM 4

***MOTION** by Nocera to **SET AGENDA**, continuing Items 6-a and Item 6-h to December 15, 2004; continuing Item 7 to January 5, 2005; and adding Items 12, 13 and 14. This motion was seconded by Taylor and unanimously carried, all members present and voting (MacIlvaine-yes, Nocera-yes, Russell-yes, Sorey-yes, Taylor-yes, Wiseman-yes, Barnett-yes). (It is noted for the record that Consent Agenda Item 6-c was considered and voted on separately.)*

PUBLIC COMMENT.....ITEM 5

Frank Perrucci, 1848 Harbor Place, announced the schedule for the annual Christmas boat parade in Naples Bay and indicated that the proceeds were to be donated to the Ricky King

Foundation. **Jack Bowles, 561 92nd Avenue North**, urged Council to deny a request to implement a fee schedule for storage of boats on the beach, citing economic hardship. He also questioned the level of staff resources that would be expended to operate the program. He said boats on the beach add character to the community.

CONSENT AGENDA

APPROVAL OF MINUTESITEM 6-a

Continued to 12/15/04; see Item 4.

SPECIAL EVENTS ITEM 6-b

1. Special Music Presentation – Irish American Club of Naples – Grand Central Station – March 12, 2005
2. Pet Fair – Humane Society of Collier County, Inc. – Cambier Park – March 12, 2005
3. Relay For Life – American Cancer Society – Gulfview Middle School – April 22, 2005
4. 22nd Annual Taste of Collier County – Collier County Chapter of the Florida Restaurant Association – Third Street Shopping District – May 1, 2005
5. Beach Party Fundraiser – Naples Art Association – Coastland Center north parking deck – March 12, 2005

RESOLUTION 04-10665..... ITEM 6-d

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF NAPLES AND ECOSCAPE, INC., TO PROVIDE PALM TREE TRIMMING; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 04-10666.....ITEM 6-e

A RESOLUTION SUPPORTING THE ONGOING COLLIER COUNTY BEACH RENOURISHMENT PROJECT; ENDORSING THE BEACH RENOURISHMENT PROJECT AS A PART OF THE COLLIER COUNTY COMPREHENSIVE BEACH RESTORATION PROGRAM; REQUESTING THE DEPARTMENT OF ENVIRONMENTAL PROTECTION INCLUDE THE FUNDING REQUEST FOR THE PROJECT IN THE DEPARTMENT'S FISCAL YEAR 2005/2006 FIXED CAPITAL OUTLAY LEGISLATIVE BUDGET REQUEST; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 04-10667..... ITEM 6-f

A RESOLUTION APPROVING A 2004/2005 TOURISM AGREEMENT BETWEEN COLLIER COUNTY AND THE CITY OF NAPLES FOR THE NAPLES PRESERVE ECO-EDUCATIONAL CENTER; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 04-10668.....ITEM 6-g

A RESOLUTION OF THE CITY OF NAPLES, FLORIDA ESTABLISHING ITS INTENT TO REIMBURSE CERTAIN CAPITAL EXPENDITURES INCURRED WITH PROCEEDS OF ONE OR MORE FUTURE DEBT FINANCINGS; PROVIDING CERTAIN OTHER MATTERS IN CONNECTION THEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE. Title not read.

RESOLUTION (Continued to 12/15/04; see Item 4) ITEM 6-h

A RESOLUTION APPROVING AN INTERLOCAL AGREEMENT BETWEEN STEPHEN B. RUSSELL, AS STATE ATTORNEY FOR THE TWENTIETH JUDICIAL CIRCUIT OF FLORIDA AND THE CITY OF NAPLES AUTHORIZING THE STATE ATTORNEY TO SERVE AS MUNICIPAL PROSECUTOR ON BEHALF OF THE CITY

FOR MUNICIPAL ORDINANCE VIOLATIONS UNDER THE AUTHORITY OF THE STATE OF FLORIDA; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 04-10669..... ITEM 6-i

A RESOLUTION APPROVING THE SETTLEMENT OF A WORKERS' COMPENSATION CLAIM PRESENTED AGAINST THE CITY BY JAMES HIATT; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 04-10670.....ITEM 6-j(1)

A RESOLUTION APPROVING THE ANNUAL RENEWAL OF AN AGREEMENT BETWEEN THE CITY AND FLORIDA 1ST SERVICE ADMINISTRATORS, INC.; APPROVING THE PROPOSED RATE INCREASE; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 04-10671.....ITEM 6-j(2)

A RESOLUTION APPROVING A ONE-YEAR RENEWAL BETWEEN THE CITY OF NAPLES AND METLIFE, TO PROVIDE A DENTAL INSURANCE PROGRAM FOR THE CITY OF NAPLES EMPLOYEES; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 04-10672.....ITEM 6-j(3)

A RESOLUTION CONTINUING THE LIFE INSURANCE, LONG-TERM DISABILITY (LTD), AND ACCIDENTAL DEATH AND DISMEMBERMENT (AD&D) INSURANCE PROGRAMS WITH HARTFORD LIFE FOR ALL ELIGIBLE EMPLOYEES FOR THE PLAN YEAR 2005; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 04-10673.....ITEM 6-j(4)

A RESOLUTION APPROVING A TWO-YEAR RENEWAL BETWEEN THE CITY OF NAPLES AND VISION CARE, INC., TO PROVIDE VISION CARE INSURANCE TO CITY OF NAPLES EMPLOYEES; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 04-10674.....ITEM 6-j(5)

A RESOLUTION AMENDING RESOLUTION 03-9929 TO CORRECT THE CONTRACT PERIOD WITH EXPRESS SCRIPTS, INC., FOR PRESCRIPTION DRUG SERVICES; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 04-10675.....ITEM 6-k(1)

A RESOLUTION RATIFYING AND CONFIRMING THE CONTRACT BETWEEN THE CITY OF NAPLES AND FLORIDA STATE LODGE FRATERNAL ORDER OF POLICE, COLLIER COUNTY LODGE NO. 38; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 04-10676.....ITEM 6-k(2)

A RESOLUTION RATIFYING AND CONFIRMING THE CONTRACT BETWEEN THE CITY OF NAPLES AND FLORIDA STATE LODGE FRATERNAL ORDER OF POLICE, SUPERVISOR'S BARGAINING UNIT; AND PROVIDING AN EFFECTIVE DATE. Title not read.

MOTION by Nocera to APPROVE CONSENT AGENDA; except Items 6-a, 6-c and 6-h; seconded by Russell and unanimously carried, all members present and voting (MacIlvaine-yes, Nocera-yes, Russell-yes, Sorey-yes, Taylor-yes, Wiseman-yes, Barnett-yes).

END CONSENT AGENDA

RESOLUTION 04-10681.....ITEM 6-c

A RESOLUTION APPROVING THE NAPLES URBAN FORESTRY PLAN FOR THE YEAR 2005 AS REQUIRED IN SECTION 70-1 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES; AND PROVIDING AN EFFECTIVE DATE. Title not read.

Community Services Director David Lykins explained that a number of trees had been lost during the recent hurricanes because root systems had expanded into roadways, utilities, and driveways; in addition, inconsistent watering, maintenance, and thinning were also cited as contributing factors. Mr. Lykins, however, noted that staff is, nevertheless, working with the vendor to ensure that replacement trees are of high quality, and will be properly maintained. Mr. Lykins then said that hardwoods such as live oaks and laurel oaks would be frequently used as replacements for lost trees, and new installations, because these varieties enjoy a higher survival rate. He, however, pointed out that Jamaican Tall Coconut Palms would be retained throughout the City as long as they are disease free (lethal yellowing), and reported that approximately 6,000 palms are inoculated annually by the City.

In response to Council Member Sorey, Director Lykins affirmed that the lethal yellowing inoculation program would cost approximately \$90,000 per year for the foreseeable future. He also noted that while staff responds to residents' questions, no educational materials had been produced. Mr. Lykins further expressed doubt that the Federal Emergency Management Agency (FEMA) would reimburse the City for the 350 trees of various varieties lost during the 2005 hurricane season, although cost recovery would be obtained from the City's insurance program.

Public Comment: None. (9:19 a.m.)

MOTION by Sorey to ***APPROVE RESOLUTION 04-10681*** as submitted; seconded by Russell and unanimously carried, all members present and voting (MacIlvaine-yes, Nocera-yes, Russell-yes, Sorey-yes, Taylor-yes, Wiseman-yes, Barnett-yes).

RESOLUTION (Continued to 01/05/05; see Item 4)ITEM 7

A RESOLUTION APPROVING SUBDIVISION PLAT PETITION 04-SD2 FOR PRELIMINARY AND FINAL PLAT APPROVAL TO SUBDIVIDE PROPERTY KNOWN AS TRACT "A" AT THE ESTUARY AT GREY OAKS, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Title not read.

RESOLUTION 04-10677.....ITEM 8

A RESOLUTION DETERMINING PETITION 04-EV4 FOR VACATION AND THE RELOCATION OF A DRAINAGE EASEMENT BETWEEN 1376 AND 1380 GREAT EGRET TRAIL (LOTS 10 AND 11) IN ORDER TO CREATE TWO HOME SITES FROM THE THREE ADJOINING LOTS (LOTS 10, 11, AND 12) MORE PARTICULARLY DESCRIBED HEREIN; ACCEPTING A NEW DRAINAGE EASEMENT; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney

Robert Pritt. (9:20 a.m.) Notary Public Pamela Koepke administered an oath to those intending to offer testimony; all responded in the affirmative. This being a quasi-judicial proceeding, Council Members offered ex parte disclosures, each indicating no contact.

Public Comment: None. (9:21 a.m.)

MOTION by *Russell* to **APPROVE RESOLUTION 04-10677**; as submitted; seconded by *Wiseman* and unanimously carried, all members present and voting (*MacIlvaine*-yes, *Nocera*-yes, *Russell*-yes, *Sorey*-yes, *Taylor*-yes, *Wiseman*-yes, *Barnett*-yes).

City Manager Robert Lee noted the presence of two Fraternal Order of Police (FOP) representatives, and expressed appreciation for the professionalism displayed during the recent contract negotiations. Police Detective Joe Whitehead, FOP Lodge #38 President, also expressed appreciation to City Manager Lee, noting overall satisfaction with the contract.

ORDINANCE 04-10678.....ITEM 9

AN ORDINANCE AMENDING SUBSECTION (5) OF SECTION 62-37 SPEED RESTRICTIONS OF THE CITY OF NAPLES CODE OF ORDINANCES FOR THE PURPOSE OF PROVIDING AN EXCEPTION FOR SNOOK DRIVE; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.

Title read by City Attorney Robert Pritt. (9:22 a.m.)

Public Comment: None. (9:22 a.m.)

MOTION by *MacIlvaine* to **ADOPT ORDINANCE 04-10678**; as submitted; seconded by *Wiseman* and unanimously carried, all members present and voting (*MacIlvaine*-yes, *Nocera*-yes, *Russell*-yes, *Sorey*-yes, *Taylor*-yes, *Wiseman*-yes, *Barnett*-yes).

RESOLUTION 04-10679.....ITEM 10

A RESOLUTION RANKING THE TOP THREE (3) ENGINEERING FIRMS TO PROVIDE PROFESSIONAL ENGINEERING DESIGN AND CONTRACT ADMINISTRATION SERVICES FOR EXPANDING THE CITY'S RECLAIMED WATER DISTRIBUTION SYSTEM; AUTHORIZING THE CITY MANAGER TO NEGOTIATE WITH THE TOP RANKED FIRM; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Robert Pritt who noted the top three firms, in the order of ranking: Tetra Tech. / Hartman & Associates, Hole Montes, Inc. and Boyle Engineering Corporation. (9:23 a.m.)

Public Comment: None. (9:23 a.m.)

MOTION by *Taylor* to **APPROVE RESOLUTION 04-10679**; as submitted; 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).

ORDINANCE (First Reading).....ITEM 11

AN ORDINANCE AMENDING SECTION 110-34 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES TO PROVIDE FOR IMPROVED EFFICIENCIES AND MANAGEMENT OF THE BOATS ON THE BEACH PROGRAM AND TO ADD REGULATIONS FOR USE OF CITY-OWNED DINGHY STORAGE PAVILIONS; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.

Title read by City Attorney Robert Pritt. (9:24 a.m.) Community Services Director David Lykins clarified that while the vessels of a few residents from outside the City limits remain on City beaches, the program is currently available only to City residents. He also reported that most of the feedback regarding the program had been positive. Mr. Lykins then expressed the view that, in light of administrative costs involved, a \$20 per month charge is

not excessive, noting that inquiries had indicated that Delray Beach is, nevertheless, the only other city charging for this service, with an annual fee of \$212.

Council Member Russell also confirmed that users with whom he had spoken had been receptive to the fee, noting their positive comments on the service staff was providing. He, however, questioned how the fee was determined. Director Lykins said that he had used Delray Beach as a guideline and proposed only a small increase to account for additional staff time. Council Member MacIlvaine recommended staff determine the actual cost incurred by the City for use of its property, but, nevertheless, expressed approval for the program.

Public Comment: None. (9:29 a.m.)

MOTION by MacIlvaine to APPROVE THIS ORDINANCE AT FIRST READING; as submitted; seconded by Russell and unanimously carried, all members present and voting (MacIlvaine-yes, Nocera-yes, Russell-yes, Sorey-yes, Taylor-yes, Wiseman-yes, Barnett-yes).

In response to Council Member Nocera, Director Lykins said he was unaware of any grants for persons who could not afford the fee. Council Member Russell recommended that fees would be better justified, however, by a cost analysis. Director Lykins further pointed out that the fee program was also intended to prevent derelict vessels from being stored on the beach. Noting remarks made under Public Comment, Council Member Taylor said that the boats on the beach do add character.

RESOLUTION 04-10680.....ITEM 12

A RESOLUTION APPROVING A SECOND AMENDMENT TO AN AGREEMENT BETWEEN THE CITY OF NAPLES AND COASTAL PLANNING AND ENGINEERING, INC., FOR ADDITIONAL INFORMATION REQUESTED IN RESPONSE TO THE JOINT COASTAL PERMIT APPLICATION TO CONTINUE MAINTENANCE DREDGING OF DOCTORS PASS AND ITS APPROACHES; AUTHORIZING THE CITY MANAGER TO EXECUTE THE SECOND AMENDMENT; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (9:32 a.m.). City Manager Robert Lee said that Coastal Planning and Engineering is ready to begin work, and that staff recommends approval. Council Member Sorey noted that the Coastal Advisory Committee (CAC), the Tourist Development Council (TDC), and the Board of County Commissioners (BCC) had already considered this item, which he characterized as routine.

Public Comment: None. (9:33 a.m.)

MOTION by Sorey to APPROVE RESOLUTION 04-10680; as submitted; 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).

ADDED (See Item 4).....ITEM 13

DISCUSSION REGARDING APPLICATION OF SURPLUS DIAMOND JUBILEE FUNDS TO THE NAPLES DEPOT. (9:33 a.m.) City Manager Robert Lee explained that he had added this item to the agenda due to timeliness and noted the request by Southwest Heritage Inc. President Lodge McKee (a copy of which is contained in the file for this meeting in the City Clerk's Office.) Citing a proposed lease agreement to incorporate the Naples Depot into the Collier County museum system, City Manager Lee said that Southwest Heritage had requested that the City contribute a portion of the remaining Diamond Jubilee funds for this purpose and also to participate in landscape improvements and maintenance, as well. He also explained that

City residents, however, underwrite a considerable portion of any expenditure derived from the Collier County general fund, despite their representing a small portion of the population. He, nevertheless, recommended Council's concurrence with the funding as proposed.

Indicating support for the proposal, Council Member Taylor, however, questioned whether the City could use Diamond Jubilee funds for this purpose. Mayor Barnett said that he, too, believed the funds were to be used only for the perpetual maintenance of historical markers and memorials. Council Member MacIlvaine, however, added his recommendation to designate the funding, pointing out that the focus of the Diamond Jubilee had, in fact, been to preserve the City's history and heritage, and that the Naples Depot is an important historical attraction. Vice Mayor Wiseman concurred, pointing out that the funds had remained in the account for several years and that there did not appear to be an interest in placing additional markers. Council Member Russell, while suggesting that the Mayor convey to the County support for the request, also requested an accounting of the use of the Jubilee funds, as well as greater clarification on the extent of the landscaping contribution being sought.

Council Member Sorey said he believed staff was to research placement of additional historical markers, noting a letter from former Mayor Bonnie MacKenzie to Council Member MacIlvaine (a copy of which is contained in the file for this meeting in the City Clerk's Office). Mayor Barnett confirmed that there is, in fact, one marker remaining to be installed. Mr. Sorey requested that this cost, therefore, be determined, although he said he would support marker maintenance. Mayor Barnett requested Community Services Director David Lykins provide cost estimates regarding maintenance and the placement of an additional marker. Vice Mayor Wiseman requested Southwest Heritage President Lodge McKee attend a Council meeting to clarify landscaping needs at the Depot. City Manager Lee advised that landscaping maintenance costs are approximately \$4,300 annually, however, he stressed the need for consensus due to Mr. McKee's scheduled presentation of the Depot museum plan to the Board of County Commissioners (BCC) later in the month.

In addition to conveying to the County the City's support for the Depot initiative, Council Member Russell also suggested that the staff communicate with Southwest Heritage to determine the scope of work and associated costs for both historical displays and landscaping. Council concurred.

RESOLUTION (ADDED; see Item 4).....ITEM 14
A RESOLUTION PROVIDING SUPPORT FOR A PETITION, CP-2004-04, TO AMEND THE COLLIER COUNTY COMPREHENSIVE PLAN, WHICH WOULD INCREASE INCENTIVES TO SEVER DEVELOPMENT RIGHTS ON CERTAIN ENVIRONMENTALLY SENSITIVE LANDS AND THEREBY FACILITATE FUTURE USE OF GOLDEN GATE MAIN CANAL WATER IN RESTORING THESE WETLANDS AND BENEFIT THE RESTORATION OF NAPLES BAY; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt. (9:46 a.m.) Council Member Sorey offered a motion to approve and Council Member Nocera seconded, however, Mayor Barnett called for public comment prior to Council taking action.

Public Comment: (9:47 a.m.) **Gary Davis, representing the Conservancy of Southwest Florida,** expressed his organization's opposition to the proposed Collier County Comprehensive

Plan Amendment, which he characterized as developer-initiated and which he predicted would triple density in Rural Fringe receiving areas. Mr. Davis further explained that bonus credits would not benefit Naples Bay because they would not be tied to a rural village form of development, or to any water flow plans. He, however, requested Council not take a position until the impact of the proposal could be better determined.

City Manager Lee suggested that, despite the lateness of the County's request, Council allow staff additional time to achieve a complete understanding of the potential impacts. Motion and second were, therefore, withdrawn.

CORRESPONDENCE AND COMMUNICATIONS.....

Council Member MacIlvaine called attention to his proposal to establish a speed zone in Gordon Pass, adjacent to the site of the former fueling station (a copy of which is contained in the file for this meeting in the City Clerk's Office). The aforementioned area is currently designated "no wake" although it had never been so established by any regulatory agency as a manatee protection area. Therefore, Mr. MacIlvaine said he is suggesting Council establish a "slow speed/minimum wake" zone which would provide safer steerage for boaters in the fast-moving currents.

Council Members Sorey and Taylor offered their support, but Mr. Sorey also cautioned that this separate proposal not cause a delay in implementing the boat speed ordinance recently adopted.

While also indicating support for the proposal, Council Member Russell, nevertheless, expressed uncertainty regarding the City's level of authority to alter boat speeds in that area, and also whether or not the previously adopted boat speed ordinance would require regulatory processing for both safety reasons and manatee protection. Mr. Russell said he believed that the City should approach the regulatory agency with one, not two separate plans, and suggested waiting to submit the application for the initial ordinance to allow staff sufficient time to gather the necessary data.

Council Member MacIlvaine, however, said that he considered his proposal as having no bearing on the prior enactment and reiterated his concern for public safety in the area of the former fuelling station. While acknowledging a concern for public safety, Vice Mayor Wiseman also expressed concern that Council Member MacIlvaine's proposal could be, nevertheless, included in the potential administrative challenges with regard to the previously adopted boat speed ordinance.

In response to Council Member Nocera, Council Member MacIlvaine explained his proposal addresses boat speeds from Marker 5, at the mouth of Gordon Pass, to Marker 10 in Gordon Pass. Mr. Nocera, however, stressed that "No wake/Idle speed" is more appropriate for both manatee protection and boater and public safety as development on Keewaydin continues to intensify.

In response to Council Member inquiries, City Attorney Robert Pritt explained that the two reasons stated as justification of the ordinance; boater and public safety and manatee protection, which will be referred to both safety review and impaired species review sections of the Florida Fish and Wildlife Commission (FWC).

Public Comment: (10:10 a.m.) **Gary Davis, representing the Conservancy of Southwest Florida**, offered support for amending the boat speed regulations from idle speed to slow speed between Markers 10 and 5. He also clarified that the FWC approval process will consist of two separate section reviews, a collaboration of the two, and a final recommendation. **Henry Kennedy, Tarpon Road**, opposed the newly proposed boat speed regulation due to what he characterized as a necessity for the unsafe and dramatic left turn in the aforementioned area, with limited view of approaching vessels. He then questioned a recent corroboration by a Naples Police Marine Officer that charter boat captains are exempt from speed violation citations.

City Manager Lee explained that the original staff proposal had included an amendment similar to the one now proposed by Council Member MacIlvaine, but due to inconsistent information from FWC, staff had determined that it would not be possible to amend speeds in that zone because of a perceived manatee protection designation. He also pointed out that FWC review of the adopted ordinance would not be as time consuming, or as difficult, as originally expected, and that the review process would be a collaboration between the two sections of FWC. Staff is currently preparing the application for the adopted ordinance, he added. City Manager Lee also assured Council Member Taylor of his belief that future FWC communications would be clear and consistent.

At this juncture, City Attorney Pritt suggested that, since this item had not been placed on that day's agenda, Council concur in directing staff to create a vessel speed ordinance amending "no wake/idle-to-slow speed/minimum" from Marker 5 to Marker 10 for discussion at a future workshop. Council concurred 6-1 with this recommendation; Council Member Nocera dissenting.

In continuance of correspondence and communications, Council Member MacIlvaine inquired as to the status of a residential lot in Park Shore which had been allowed to sub-divide, prior to the Council adoption of the lot subdivision regulations. He also said that he understood that there may be a requirement for a variance. Community Development Director Robin Singer said that the property owner had advised that former Community Development Director Ron Lee had indicated that the lot could legally be split and had, therefore, recorded the split in the public records of Collier County. She also confirmed that the property owner did, in fact, express concern regarding the need for a variance and, at City Manager Lee's suggestion, will place the request in writing to deal with minimum lot width requirements not being met. This property is under contract for sale and will require an expeditious review and decision, she added.

Council Member Sorey offered copies of an Aquifer Storage Recovery (ASR) presentation that had been given to the Board of County Commissioners (BCC) the previous day (a copy of which is contained in the file for this meeting in the City Clerk's Office).

Council Member Taylor, referred to her memo of November 30 regarding an offer by the Naples Women's Club to sell its parking lot to the City (a copy of which is contained in the file for this meeting in the City Clerk's Office). She sought Council concurrence to direct staff to study this matter. Mayor Barnett advised that both the City Manager and Chet Hunt, Community

Redevelopment Agency Manager, have been informed. Council Member MacIlvaine said that he had been provided with an overview of the current issues being considered by both the Community Redevelopment Agency (CRA) and the Community Redevelopment Agency Advisory Board (CRAAB), such as a proposed parking garage at Fourth Street and Fourth Avenue South, and a plaza on Park Street.

City Manager Lee advised that Mr. Hunt was currently performing a parking needs analysis for the district. Potential sites are being identified, as well as property owners who may have an interest in selling or leasing property to the City for parking facilities. He confirmed that staff is being cooperative with CRAAB regarding this. Council Member Sorey offered his support for an intense review of the parking needs for the district, commenting that several entities along Fifth Avenue South have indicated a need for additional parking.

In response to Council Member Taylor, City Manager Lee advised that a schedule for presenting the parking needs analysis has not been set, however, he confirmed it as a priority issue. Council Member Taylor stressed that revenue from the sale of its parking lot would be of great assistance to the Women's Club's planned renovations. Miss Taylor suggested expediency, and City Manager Lee suggested placing the matter before the CRA for discussion. Council Member Nocera offered his support for the proposal and pointed out that the Little League consistently faces parking shortages at the nearby Cambier Park ball field.

Citing the departure of long-term staff members and the arrival of new department directors, Vice Mayor Wiseman suggested that the Staff Action Committee (SAC) no longer contain staff members due to conflicts with the Sunshine Law (Chapter 286, Fla. Stat.). Mrs. Wiseman suggested the CRA Manager Hunt, instead, act as a liaison for the Board, and urged improved coordination between Fifth Avenue South Overlay District plans and code enforcement, citing various recently witnessed violations.

Vice Mayor Wiseman then inquired as to a newly painted business just north of Dairy Queen on US 41, asking whether this was an allowed primary color. Council Member Nocera advised that, upon inquiry, he had been told that staff had approved the color.

In light of the length of time that funds had languished in the Diamond Jubilee account, Vice Mayor Wiseman inquired as to whether an analysis had been conducted to ensure that there are no other stagnant accounts. City Manager Lee advised that such an analysis had, in fact, been conducted and that approximately 30 non-active accounts had been identified and closed. A report to Council will be forthcoming.

Council Member Taylor reported having observed that a majority of retail shops on Fifth Avenue South were closed in the evening, without interior illumination, and inquired as to Council concurrence to consider such an ordinance. Council Member Russell said he could not support consideration of an ordinance governing an after hours illumination requirement and Mayor Barnett agreed. No concurrence obtained.

PUBLIC COMMENT.....

(10:46 a.m.) Erika Hinson, 347 Central Avenue, stated that the permit fee for storage of a boat on the beach was excessive and expressed concern for lack of notice to the boat owners

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regarding the proposed fee schedule. City Manager Lee explained that Community Services Director David Lykins had sent notices to the boat owners on August 30 and October 15, 2004. **Sue Smith, 15-11th Avenue South**, commented on the brevity of recent City Council meetings and suggested that a liaison be established with beachfront property owners regarding beach re-nourishment plans. Mrs. Smith also said that she opposed expansion of the program allowing boats to be stored on the beach, and commented on what she characterized as a lack of consideration for beachfront property owners affected, thereby, including noise caused by the wind causing the rigging to bang against the mast.

ADJOURN.....
10:55 a.m.

Bill Barnett, Mayor

Tara A. Norman, City Clerk

Minutes prepared by:

Pamela M. Koepke, Recording Specialist

Jessica Rosenberg, Deputy City Clerk

Minutes Approved: 1/5/05