



City Council Chamber
735 Eighth Street South
Naples, Florida 34102

City Council Workshop Meeting – April 4, 2005 - 8:30 a.m.

Mayor Barnett called the meeting to order and presided.

ROLL CALL ITEM 1

Present:

Bill Barnett, Mayor
Tamela Wiseman, Vice Mayor (arrived 8:34 a.m.)

Council Members:

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

Also Present:

Robert Lee, City Manager
Robert Pritt, City Attorney
Victor Morales, Asst. to the City Manager
David Lykins, Community Services Director
Robin Singer, Community Development Director
Michael Bauer, Natural Resources Manager
Steven Moore, Chief Police & Emergency Services

Steve Weeks, Technology Services Director
Pamela Koepke, Recording Specialist
Karen Kateley, Administrative Specialist
James Boula
Henry Kennedy
Arlene Guckenberger

Other interested citizens and visitors.

SET AGENDA..... ITEM 2

None. (Item 11 was added later in the meeting – See Page 4.)

PUBLIC COMMENT..... ITEM 3

None.

LAND PRESERVATION TRUST ORDINANCE ITEM 4

Community Services Director David Lykins presented an overview of the Land Preservation Trust Ordinance, explaining that the proposed ordinance was modeled after the Conservation Collier Acquisition Program and that Council Members would act as trustees. Currently \$47,000 has been donated to the program, he said. (A copy of the proposed ordinance and other related documentation is contained in the file for this meeting in the City Clerk's Office.)

Director Lykins said that the Trust Fund provides a vehicle for the receipt and disbursement of donations and establishes eligibility for acquisition, including the criteria for evaluating and listing properties, a procedure for nominating properties, and requirements for post-acquisition management and use. An informational brochure has been created to educate and inform the public, he said.

Director Lykins said that staff has identified nine potential sites merely to provide examples of those that would meet the criteria of the proposed ordinance.

It is noted for the record that Vice Mayor Wiseman entered the meeting at 8:34 a.m.

Director Lykins recommended proceeding with enactment at the next regular meeting.

Mayor Barnett said that the challenge is however obtaining sufficient donations, but Council Member Nocera stressed the importance of identifying a site as a means of engendering support, citing the public acceptance of the Caribbean Gardens/Fleischmann property acquisition. Director Lykins also explained that it is difficult to acquire grant funding unless a specific site has been identified. Council Member Nocera urged Council consensus to proceed.

Council Member Sorey encouraged Council to budget funds for this program. He made the following suggestions: conduct multiple public meetings, one during the budget process; accompany the ordinance with a management plan; and broaden the passive park element of the ordinance. Council Member Russell, while stressing the importance of identifying parcels, nevertheless urged presenting the plan to the voters who may then choose to tax themselves. He said he was concerned about allocating funds in advance that could possibly be re-directed to other purposes. Citing acquisition of the Naples Preserve, Council Member Taylor however offered her support for identifying parcels to voters and expressed concern that remaining conservation lands within the City are few. Council Member MacIlvaine said that, although he had previously opposed identifying lands prior to acquiring funding, he now supports that process. He also suggested encouraging the public in a joint venture with the City.

Consensus to proceed with the plan as presented.

Council Member Taylor also urged caution regarding amendments to the ordinance that might dissuade donations. Council Member Sorey said that without a funding mechanism in place, and in light of the rapidity of real estate transactions, the City could stand to lose purchase opportunities. Mayor Barnett suggested that, if properly advised, property owners would allow the governmental process to proceed. Council Member Nocera offered his support for adding a budget element and Council Member Sorey suggested the proposal be presented the President's Council of property owner associations.

TREE CANOPY ORDINANCE/TREE ORDINANCE AMENDMENTS.....ITEM 5

Community Services Director David Lykins presented an overview of the proposed Tree Canopy Ordinance, saying that the intent is to designate, preserve, promote and protect canopy streets in the City and encourage property owners to maintain trees. (A copy of this and all other related documentation is contained in the file for this meeting in the City Clerk's Office.)

He further said that the proposed ordinance clarifies permitting, designation of canopy streets, lists special exemptions, as well as protection, replacement or removal prohibitions and penalties. There are also criteria for placement of appropriate signage that would consist of small markers that could be attached to street signs so as to avoid additional signage. He also cited local resident support for safeguarding trees located in City rights-of-way with canopies that extend onto adjacent private property, including alleyways. Director Lykins further explained that the Community Services Advisory Board (CSAB) would function as the ex officio City Tree Board.

He then presented pictures of City streets that currently contain substantial tree canopies and which serve as models for implementation of the proposed ordinance. Director Lykins therefore recommended finalizing the ordinance for Council action in May.

In response to Council Member Sorey, Director Lykins explained that both improper tree trimming and overly dense canopies affect tree stability in high winds. He added that current tree trimming practices are being reviewed and cooperative efforts to reduce over-trimming by Florida Power & Light (FPL) are being pursued.

Consensus to proceed with plan as presented.

HURRICANE PREPARATION – ASSESSMENT OF CITY READINESS.....ITEM 6

Council viewed a video dealing with hurricane preparedness created and produced by Emmanuel Espinal of Technology Services. Steven Moore, Chief of Police & Emergency Services, advised this would be periodically replayed on the City's television channel in the event of an approaching storm. He then provided an overview of both the 2004 hurricane season and preparation plans for 2005. Chief Moore then related statistics relative to Hurricane Charley.

In the State of Florida:

- 95 storm-related fatalities
- 1.5 million in insurance claims totaling \$42 billion
- 22 million people affected

In the City of Naples:

- No immediate reports of injury or death
- No major building damage
- Damage limited primarily to trees
- Widespread power outages
- Major roadways remained passable with limited blockage on secondary streets
- Minor flooding in Park Shore

He said the post-storm efforts were well coordinated and the City maintained adequate levels of service.

Chief Moore reported that during Hurricane Charley the City was better prepared and acted more quickly than in previous events. Traffic and pedestrian control was maintained; frequently asked questions (FAQ's) were provided to the public via telephone and Channel 12. In addition, tree trimming practices had been reviewed to prevent future high-wind losses, shoreline buoys will be removed, and street drains cleared prior to a future storm event. Chief Moore explained that the City did not lose communication abilities during Hurricane Charley, however, more advanced technology will be used locally as well as potentially state-wide communications during catastrophic events.

Chief Moore said plans for the next hurricane season include purchasing additional generators and chain saws as well as additional barricades and stop signs. Additionally, on-site sleeping areas for certain City employees will be designated so as to facilitate immediate post-storm response and a Comprehensive Emergency Management Plan, fashioned after the Collier County version, is being developed to enhance coordination. Chief Moore then reported that the City had recently obtained emergency service radios through a state grant. Mayor Barnett noted the possibility of designating one local radio station to provide periodic updates to City residents. Chief Moore also discussed

mandatory evacuations and re-entry, beach closings, and curfews. City Manager Lee commended Chief Moore for his efforts during the past hurricane season.

.....**ITEM 7**
REQUEST TO HOLD EXECUTIVE SESSION RE: COLLIER COUNTY V. DEPARTMENT OF COMMUNITY AFFAIRS AND THE CITY OF NAPLES, DOAH CASE NO. 04-1048GM.

City Attorney Robert Pritt made the following request: Pursuant to Section 286.011(8)(a), Florida Statutes, Council was being asked to conduct an executive or closed (attorney/client) session at 11:00 a.m. during the Regular Meeting of April 6, 2005, to discuss settlement negotiations and strategy related to litigation expenditures in reference to the following pending litigation case: Collier County v. Department of Community Affairs and the City of Naples, 2nd District Court of Appeal, 2D05-392 The following persons will be present for the executive session: Mayor Bill Barnett; Vice Mayor Tamela Wiseman; Council Members Clark Russell, Penny Taylor, Johnny Nocera, John Sorey, and William MacIlvaine; City Manager Robert Lee; City Attorney Robert Pritt; Attorney Robert Menzies of Roetzel & Andress; and Pam Arsenault of AAF Reporting or other certified court reporter. Estimated duration of the attorney/client session is 15 minutes.

.....**ITEM 8**
REQUEST TO HOLD EXECUTIVE SESSION RE: ALLEN WALBURN v. CITY OF NAPLES, MIDDLE DISTRICT OF FLORIDA, CASE NO. 2:04-CV-00194-VMC-DNF.

City Attorney Robert Pritt made the following request: Pursuant to Section 286.011(8)(a), Florida Statutes, Council was being asked to conduct an executive or closed (attorney/client) session at 11:15 a.m. during the Regular Meeting of April 6, 2005, to discuss settlement negotiations and strategy related to litigation expenditures in reference to the following pending litigation case: Allen Walburn v. City of Naples, U.S. District Court, Middle District of Florida, Case No. 2:04-CV-00194-FTM-DNF. The following persons will be present for the executive session: Mayor Bill Barnett; Vice Mayor Tamela Wiseman; Council Members Clark Russell, Penny Taylor, Johnny Nocera, John Sorey and William MacIlvaine; City Manager Robert Lee; City Attorney Robert Pritt; Attorney Clay Crevasse of Roetzel & Andress; and Pam Arsenault of AAF Reporting or other certified court reporter. Estimated duration of the attorney/client session is 15 minutes.

ADDED ITEM.....ITEM 11
REQUEST TO HOLD AN EXECUTIVE SESSION RE: NICHOLAS MARSIT V. CITY OF NAPLES, COLLIER COUNTY CIRCUIT COURT, CASE NO. 03-1232-CA. At this point in the meeting, City Attorney Robert Pritt asked that Council add this item to the agenda.

MOTION by Taylor to ADD ITEM 11 TO THE 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).

City Attorney Pritt made the following request: Pursuant to Section 286.011(8)(a), Florida Statutes, Council was being asked to conduct an executive or closed (attorney/client) session at 10:45 a.m. during the Regular Meeting of April 6, 2005, to discuss settlement negotiations and strategy relating to litigation expenditures in reference to the following pending litigation case: Nicholas Marsit v. City of Naples, Collier County Circuit Court Case No. 03-1232-CA. The following persons will be present for the executive session: Mayor Bill Barnett; Vice Mayor Tamela Wiseman; Council Members Clark Russell, Penny Taylor, Johnny Nocera, John Sorey, and William MacIlvaine; City Manager Robert Lee; City Attorney Robert Pritt; Attorney John

Clapper of Roetzel & Andress; and Pam Arsenault of AAF Reporting or other certified court reporter. Estimated duration of the attorney/client session is 15 minutes.

BRIEFING BY CITY MANAGERITEM 9

City Manager Robert Lee submitted his written report. (A copy of this and related material is contained in the file for this meeting in the City Clerk's Office.) He stated that Construction Management Director Ron Wallace had developed a revised park layout for the Pulling property which addresses improved vehicular turning movements, traffic flow, and egress. He added that staff would present this plan to the Community Services Advisory Board and then to Council for final approval. City Manager Lee then noted that the Florida Department of Environmental Protection (DEP) has agreed to provide the City with a one-year extension of the reclaimed water consent order.

REVIEW OF ITEMS ON THE 04/06/05 REGULAR MEETING AGENDAITEM 10

Mayor Barnett noted that Council would add **Item 16** (Executive Session). **Item 15** (Referral to the Planning Advisory Board of an inquiry regarding extension of Third Avenue North) City Manager Robert Lee reported that the petitioner's attorney had expressed support for the direction proposed by Council. **Item 9-f** (construction management agreement) Council Member Taylor requested clarification of the project boundaries. **Item 10** (Rezone petition at the residences at City Center) Council Member Taylor questioned the repeated presentations to the Design Review Board, and requested the minutes from the Council Meeting wherein the petition was initially presented.

CORRESPONDENCE/COMMUNICATIONITEM 11

Mayor Barnett noted the joint Community Redevelopment Agency/Community Redevelopment Agency Advisory Board meeting scheduled for 1:30 p.m. In response to Council Member Nocera, City Manager Robert Lee stated that staff is providing all requested information to the Department of Environmental Protection (DEP) with regard to the Crayton Cove mooring field. Mayor Barnett directed the City Manager to correspond with the DEP regarding possible installation of a temporary mooring field for the upcoming hurricane season.

ADJOURNITEM 12

10:06 a.m.

Bill Barnett, Mayor

Tara A. Norman, City Clerk

Minutes prepared by:

Pamela M. Koepke, Recording Specialist

Minutes Approved: 5/4/05