



City Council Chamber  
735 Eighth Street South  
Naples, Florida 34102

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**City Council Workshop Meeting, April 18, 2005 - 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  
Clark Russell (arrived 8:32 a.m.)  
John Sorey, III  
Penny Taylor

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**Also Present:**

Robert Lee, City Manager  
Fred Coyle, Collier County Commissioner  
Michael Bauer, Natural Resources Manager  
Dan Mercer, Director of Public Works  
Vlad Ryziw, Senior Civil Engineer  
Ann Marie Ricardi, Finance Director  
Robert Pritt, City Attorney  
Robin Singer, Comm. Development Director  
Ron Wallace, Construction Management Director

Carol Frank, Recording Specialist  
Karen Kateley, Administrative Specialist  
Henry Kennedy  
Carl Kuehner  
Nick Penniman

**Media:**

Tim Wetzel, WINK News  
Other interested citizens and visitors

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

**Motion by Nocera to SET AGENDA; seconded by Sorey and carried 6-0 (MacIlvaine-yes, Nocera-yes, Russell-absent, Sorey-yes, Taylor-yes, Wiseman-yes, Barnett-yes.)**

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**It is noted for the record that Member Russell arrived at 8:32 a.m.**

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**DISCUSSION WITH COLLIER COUNTY COMMISSIONER FRED COYLE .....ITEM 4**

Collier County Commissioner Fred Coyle reported a settlement in the matter regarding removal of the Royal Poinciana Golf Club traffic light road widening.

He also noted that concerns of Seagate residents, raised at the recent beach access workshop, include their beach access, signage in the channel and beach upkeep. While a carrying capacity was not established, County staff was instructed to review usage at Vanderbilt Beach and Seagate Drive to determine possible off-site parking and busing.

Noting a recent forum on affordable housing at the Telford Center (Naples Community Hospital), Commissioner Coyle asked that the County be provided with any updated information regarding affordable housing in River Park.

Commissioner Coyle stated that Haldeman Creek dredging will commence this year.

Mr. Coyle then noted his concern that various measures before the Florida Legislature would, he asserted, cause irreparable harm to the ability of local government to control growth. He mentioned specifically an impact fee bill, as well as proposed legislation dealing with development on agricultural property, and another measure dealing with growth management. The latter bill would, he said, serve to regionalize many of the planning decisions now within the purview of local government.

In response to Member Taylor, Commissioner Coyle said that Tigertail Beach would be fenced off if visitors exceed the carrying capacity set by the State. Miss Taylor also advised Mr. Coyle regarding the question of pending assignment of lease on the George Washington Carver Apartments, and the fact that Florida Power & Light (FPL) intends to increase activity in that area.

Council Member Sorey stated that he would have the Collier Coastal Advisory Committee (CCAC) provide Commissioner Coyle with information on the eroded beach at Clam Pass.

**PUBLIC COMMENT.....ITEM 3**  
(8:48 a.m.) **Carl Kuehner, 1537 Gordon Drive,** provided photographs to illustrate that a new residence under construction at 266 15<sup>th</sup> Avenue South should be required to reduce its driveway from 30 to 18 inches in height so as to mitigate possible further flooding into the alleyway (between 15<sup>th</sup> and 18<sup>th</sup> Avenue South), which he and his neighbors use for access to their homes. (It is noted for the record that copies of the aforementioned photographs are contained in the file for this meeting in the City Clerk's Office.) He was also critical of the planned reconstruction of the alleyway by this builder, which would cause additional flooding to his and other properties.

Council Members Sorey and Taylor urged that these matters be addressed to protect property owners. Council Member MacIlvaine said that rights-of-way should not be altered to this extent without appropriate input from the public and staff. City Manager Robert Lee stated that he met on the site with Robin Singer, Director of Community Development, and George Archibald, Director of Transportation, and that they would attempt to resolve the matter, advising City Council as soon as possible.

**PRESENTATION OF NAPLES BAY WATER SAMPLING PROGRAM .....ITEM 5**  
Natural Resources Manager Michael Bauer made a presentation and explained that the major problem facing Naples Bay is attributable to freshwater and saltwater stratification from stormwater runoff into the Bay, thus causing loss of estuarine habitat. (It is noted for the record that a copy of Dr. Bauer's presentation is contained in the file for this meeting in the City Clerk's Office.) He outlined the history of these occurrences and indicated that drinking water and treated effluent are being sampled in order to make improvements. He noted a surface water improvement and management plan is being developed for Naples Bay to determine action for restoration, and that the City is taking over water sampling from the Florida Department of Environmental Protection (DEP). By addressing the water being introduced into Naples Bay, as

well as the management of City lakes, he said, fishing and swimming could again occur in the Bay within a decade.

Council Member Sorey encouraged Dr. Bauer to move forward with the water sampling program. In response to Council Member Nocera, Dr. Bauer confirmed that lake aeration would address dissolved oxygen but not pollution. In addition, pumps to perform this task are both noisy and costly. In response to Council Member Russell, Dr. Bauer said that aquifer storage and recovery (ASR) for effluent disposal is also very expensive, although it may be appropriate in some cases.

Council Member Taylor then asked Dr. Bauer to further address lake water quality and he said that removal of sludge should be done as naturally as possible using aquatic vegetation, which is both effective and inexpensive. He also said that he is addressing, with the Public Works Department, the advisability of establishing filter marshes where natural vegetation provides a purification process. In further discussion of water sampling, City Manager Lee indicated that some \$40,000 was available for The Conservancy to sample water, although Dr. Bauer indicated that this type of sampling does not meet DEP requirements. Council Member MacIlvaine, however, noted that The Conservancy has been conducting sampling in Doctors Pass.

At Council Member MacIlvaine's suggestion, Dr. Bauer indicated that dredging for lake restoration is looked upon favorably by DEP because the lakes are either privately owned or owned by the City. In response to Council Member Nocera, Dr. Bauer confirmed that genetically altered grass carp are used in Southwest Florida to clean lakes. Council Member Sorey also noted that the Big Cypress Basin Board is in the process of recommending assistance to the South Florida Water Management District.

In response to Mayor Barnett, Dr. Bauer said that vegetation planted over the years prevents access to many lakes, which is an issue that would be addressed.

.....**ITEM 6**  
**PRESENTATION ON MOORINGS SURVEY RESULTS REGARDING SETBACKS**

Community Development Director Robin Singer reported that the most recent survey conducted by the City, regarding proposed zoning changes in the Moorings, did not reflect a majority. (It is noted for the record that a copy of Mrs. Singer's presentation is contained in the file for this meeting in the City Clerk's Office.) She explained that of 486 property owners who had been contacted within the R-1-10 zoning district of the Moorings, 302 responses were received with 142 in favor and 148 opposed. She therefore asked for Council's direction as to what action should be taken regarding this proposal, which would increase side yard setbacks from 7 ½ to 10 feet.

**Public Comment:** (9:31 a.m.) **Nick Penniman, 611 Portside Drive**, said that the proposal was an opportunity to preserve the ambiance of the Moorings and the spatial separations of the houses, although a large majority of those property owners who do not declare this residence their homestead oppose it, while those who are homesteaded in Collier County favor it.

Although Council Member Russell said that government should not impose the aforementioned requirements due to the closeness of the vote, Council Members MacIlvaine and Sorey indicated a preference to continue pursuing the matter through additional public education and dialog.

Mayor Barnett noted that proponents should continue to educate property owners who may be opposed, and suggested that the Moorings Property Owners Association assist, although Council and staff should no longer be involved. Vice Mayor Wiseman said she could not support the proposal absent a majority showing; otherwise, it should be shelved. Although Council Member Nocera stressed his opposition to reducing the amount of property available for use, Council Member Taylor asked that the matter be explored further and that the property owners association become involved. Council Member MacIlvaine also distinguished residents from owners who build, sell the homes and leave. After additional discussion, it was determined that the matter would not be further considered at that time, although staff would be available to advise property owners.

**PRESENTATION ON RIGHT-OF-WAY PERMITTING ORDINANCE.....ITEM 7**

Dan Mercer, Public Works Director, explained that specific policies, procedures and enforcement rules are needed, which should also comport with State and County standards for work in rights-of-way, as well as goals and objectives. (It is noted for the record that a copy of the presentation made by staff on this topic is contained in the file for this meeting in the City Clerk's Office.)

Vlad Ryziw, Senior Civil Engineer, reviewed various recommendations made by the Planning Advisory Board (PAB) which, he said, had already been addressed and that a final ordinance and handbook would be submitted to City Council.

Member Sorey stated that the issue of making the City more appealing to pedestrians should, in some way, be related to the ordinance being considered. Public Works Director Mercer explained that the ordinance will in fact include the issue of hedges and any landscaping in the rights-of-way. Member Sorey suggested that code conformance be required, in conjunction with redevelopment or demolition. In further discussion, Mr. Mercer said that, while temporary parking in the rights-of-way had not been addressed in this particular ordinance, contractor parking regulations were included. Mr. Sorey suggested that beach end parking also be addressed in this ordinance.

In response to Member MacIlvaine, Mr. Mercer explained that reducing the speed limit from 30 miles per hour to 25 miles per hour is also not part of the ordinance, but this matter is being addressed through the City Attorney's Office.

City Manager Robert Lee noted that, since this discussion was intended as a broad overview, a separate workshop to address various specifics might be in order, prior to the ordinance being considered for final enactment.

**Public Comment:** (10:12 a.m.) **Henry Kennedy, Tarpon Road**, remarked that the parking in the rights-of-way should come under consideration by the City because of what he described as consistent abuse.

**UPDATE ON WEST NAPLES BAY DREDGING PROJECT.....ITEM 8**

Ann Marie Ricardi, Finance Director, listed the names of canals involved in the project: Anhinga, Bittern, Crane, Duck, Egret, and Jamaica. The dredging project is intended to drop each canal to a single level. (A copy of Ms. Ricardi's presentation is contained in the file for this meeting in the City Clerk's Office.) She explained that this project benefits only the property owners on these canals, not the entire City, and that \$820,815 is the estimated cost, which will be spread equally among the 353 parcels. A survey, conducted among the property owners on the canals, showed all six canals with a 55% or greater favorable vote. She said that there would be several legislative processes required before final approval, and presented a time line, submitted by Construction Management Director Ron Wallace, as follows: 1) permitting/design completion – 12/31/05; 2) bid out contracts – 1/15/06; 3) award contracts – 2/28/06; 4) begin dredging – 4/28/06; and 5) completion – 9/28/06.

In response to Member Taylor, Construction Management Director Wallace indicated that disposal of rock and other dredged material would be at the contractor's discretion, although he said he anticipated only minimal rock. The contractor would attempt either hydraulic dredging by pumping the spoils, or mechanical dredging which would involve removing the material by barge.

**.....ITEM 9  
REQUEST TO HOLD EXECUTIVE SESSION RE: COLLIER COUNTY V.  
DEPARTMENT OF COMMUNITY AFFAIRS AND THE CITY OF NAPLES, 2 DCA  
2DO5-392 (REQUESTED BY CITY ATTORNEY)**

***MOTION** by Nocera to **REQUEST** an Executive Session be held re: Collier County v. Department of Community Affairs and the City of Naples, 2 DCA 2DO5-392 at 10:00 a.m. during the Regular Meeting of April 20, 2005. This motion was 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.)*

**BRIEFING BY CITY MANAGER.....ITEM 10**

City Manager Robert Lee noted his written report (a copy of which can be found in the file for this meeting in the City Clerk's Office) and commended the Police and Emergency Services Department (PESD) for receiving a \$93,174 grant to enhance fire services this year.

He reminded Council that the Department of Environmental Protection (DEP) representative, Jon Iglehart, would be at the next workshop to answer questions on the Crayton Cove mooring field.

In response to Council Member Taylor, City Manager Lee said he would ensure that the Metropolitan Planning Organization (MPO) Citizens Advisory Committee meetings are televised. Council Member Russell advised that this group meets regularly with the Technical Advisory Committee (TAC) and is the grassroots level for all County transportation planning. Miss Taylor asked staff to gauge the interest of bicycle path and sidewalk supporters to determine their interest in serving on this committee.

**REVIEW OF ITEMS ON THE 04/20/05 REGULAR MEETING AGENDA .....ITEM 11**

City Manager Lee requested that Agenda Item 8 be withdrawn until a later date. Council Member Russell suggested that the petitioners be responsible for public notification. Council Member Taylor asked that Item 6-g be removed from the Consent Agenda for a separate vote and that she intended to abstain. Mayor Barnett reviewed the items on the Consent Agenda.

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Vice Mayor Wiseman questioned why Item 12 (election issues) had not been placed on a workshop schedule since it is a general discussion. She also pointed out that there would be a Council meeting on February 1, 2006, an election on February 7, and another meeting, required by Charter, on the day after the election. City Attorney Robert Pritt agreed to include this at the upcoming workshop.

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

Referring to the City's monthly financial report, Council Member Taylor asked for clarification of sales tax revenues which, she said, had doubled since the prior year. City Manager Lee advised that the State routinely overestimates sales tax revenue. In response to Council Member Russell, City Manager Lee said he would provide a complete report on an item regarding very large walls.

**ADJOURN .....**  
(10:41 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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Carol Frank, Recording Specialist

Minutes Approved: 5/18/05











