



City Council Chamber
735 Eighth Street South
Naples, Florida 34102

City Council Regular Meeting – January 18, 2006 – 9:00 a.m.

Mayor Barnett called the meeting to order and presided.

ROLL CALLITEM 1

Present:

Bill Barnett, Mayor
Tamela Wiseman, Vice Mayor (arrived 9:07 a.m.)

Council Members:

William MacIlvaine
Johnny Nocera
Gary Price
John Sorey III
Penny Taylor

Also Present:

Robert Lee, City Manager
Robert Pritt, City Attorney
Denise Perez, Human Resources Director
Robin Singer, Community Development Director
Dan Mercer, Public Works Director
Steven Weeks, Technology Services Director
Jessica Rosenberg, Deputy City Clerk
David Lykins, Community Services Director
Steven Moore, Chief of PESD
Stephen Olmsted, Planning Administrator
Vikki Bollenback, Administrative Specialist
Victor Morales, Assistant to the City Manager

Neal Schaefer, Police Sergeant
John Passidomo
Don Stevenson
Arlene Guckenberger
Sue Smith
Hal Randelman

Media:

Denise Zoldan, Naples Daily News

Other interested citizens and visitors

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

Council Member William MacIlvaine

ANNOUNCEMENTSITEM 3

Employee Recognition Awards

(It is noted for the record that a listing of employees recognized is contained in the file for this meeting in the City Clerk's Office.)

American Red Cross Donation

International Holocaust Remembrance Day Proclamation

Hazardous Materials Awareness Week Proclamation

Purple Martin Week Proclamation

SET AGENDA (add or remove items).....ITEM 4

MOTION by Nocera to SET THE AGENDA removing Items 8-b(2) and 8-e from the Consent Agenda for separate discussion, and withdrawing Item 8-b(3) from consideration; seconded by MacIlvaine and unanimously carried, all members present and voting (MacIlvaine-yes, Nocera-yes, Price-yes, Sorey-yes, Taylor-yes, Wiseman-yes, Barnett-yes).

PUBLIC COMMENT.....ITEM 5

None.

SPECIAL EVENTITEM 8-b (2)

Car Show – Naples Ferrari Club – Third Street South Shopping District – 2/11/06

Steven Moore, Chief of the Police & Emergency Services Department (PESD) stated that the petitioner had requested the closing of Broad Avenue South from Third Street to 11th Avenue South. Staff had however recommended that it remain open due to increased activity attributable both to it being the winter tourist season and a weekend event. Should Council however approve the closure, it would necessitate assignment of one additional police officer at a cost of several hundred dollars, Chief Moore explained. In addition, he expressed concern that the petitioner's request for an alternate rain date could set a precedent which would also result in additional cost.

Police Sergeant Neal Schaefer also stressed the advisability of Broad Avenue remaining open to traffic during the event, it being a major east/west roadway. In response to Council Member Price, Officer Schaefer reported that the petitioner nevertheless planned to proceed without a street closure, merely positioning the display cars more closely together. Council Member Taylor suggested that the petitioner seek permission to use private parking lots in the vicinity. Chief Moore further noted that the Third Street South Association had expressed support for the event. Council Member Nocera proffered a motion to close Broad Avenue as requested from 10 a.m. to 3 p.m.; however, this motion did not receive a second. In further discussion, Chief Moore also pointed out that a street closure and approval of a rain date would have impact on surrounding businesses.

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

MOTION by Price to APPROVE ITEM 8-b(2) WITH THE STAFF RECOMMENDATION OF NO STREET CLOSURES AND NO RAIN DATE; seconded by Wiseman and carried 5-2, all members present and voting (Taylor-no, Nocera-no, MacIlvaine-yes, Price-yes, Sorey-yes, Wiseman-yes, Barnett-yes).

During the vote, Council Member Taylor said she believed a rain date was advisable.

RESOLUTION 06-11091.....ITEM 8-e

A RESOLUTION APPROVING SUBMITTAL OF A COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT LIST TO COLLIER COUNTY FOR POTENTIAL U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) FUNDING IN 2006-2007; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Priitt (9:35 a.m.). City Manager Robert Lee explained that this project list would confirm the City's priorities for community development block grant funding. In response to Council Member Price, City Manager Lee indicated that the \$137,000 allocation would not fund all seven proposed projects but that staff would later present more specific information after costs were refined. Council Member Sorey pointed out that Council could also designate other resources to supplement project funding.

Public Comment: None. (9:37 a.m.)

MOTION by Sorey to APPROVE RESOLUTION 06-11091 AS SUBMITTED;
seconded by Price and unanimously carried, all members present and voting
(MacIlvaine-yes, Nocera-yes, Price-yes, Sorey-yes, Taylor-yes, Wiseman-yes,
Barnett-yes).

CONSENT AGENDA

APPROVAL OF MINUTESITEM 8-a
December 5, 2005 Workshop, December 7, 2005 Regular Meeting, December 19, 2005 Workshop, and December 21, 2005 Regular Meeting, as submitted.

COMMUNITY SERVICESITEM 8-b(1)
Regatta – Naples/Marco Island Hospice Regatta, Inc. – Bayfront – 2/4/06.

WITHDRAWN (See Item 4)ITEM 8-b(3)
Dogs Night Out – Fifth Avenue South Association – Sugden Plaza – 2/27/06

RESOLUTION 06-11092.....ITEM 8-c
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF NAPLES AND CORE SERVICES, LLC, TO PROVIDE CITYWIDE TREE REMOVAL SERVICES; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 06-11093..... ITEM 8-d
A RESOLUTION APPROVING AN AGREEMENT WITH SWS ENVIRONMENTAL FIRST RESPONSE TO PROVIDE CLEANUP AND DISPOSAL SERVICES FOR HAZARDOUS MATERIAL DISCHARGES INTO THE CITY’S WATERWAYS; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 06-11094..... ITEM 8-f
A RESOLUTION AMENDING THE 2005-06 BUDGET ADOPTED BY ORDINANCE 05-10962 TO APPROPRIATE FORFEITURE FUNDS; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 06-11095.....ITEM 8-g(1)
A RESOLUTION APPROVING A JOINT PROJECT AGREEMENT WITH FAITH LUTHERAN CHURCH, INC., FOR IMPROVEMENTS TO A PLANNED PUBLIC STREET BETWEEN BURNING TREE DRIVE AND MOORINGS PARK ALONG THE WEST SIDE OF THE CITY’S SOLANA ROAD WATER TANK SITE; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 06-11096.....ITEM 8-g(2)
A RESOLUTION APPROVING A JOINT PROJECT AGREEMENT WITH MOORINGS PARK, INC., FOR IMPROVEMENTS TO A PLANNED PUBLIC STREET BETWEEN BURNING TREE DRIVE AND MOORINGS PARK ALONG THE WEST SIDE OF THE CITY’S SOLANA ROAD WATER TANK SITE; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 06-11097..... ITEM 8-h
A RESOLUTION APPROVING RENEWAL OF EASYTECH CONTRACTS WITH TELIMAGINE, INC., FOR A PERIOD OF 12 MONTHS FOR THE RENTAL OF THE CITY’S TELEPHONE SYSTEM AT RIVERSIDE CIRCLE AND CITY HALL;

AUTHORIZING THE CITY MANAGER TO EXECUTE THE RENEWALS; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 06-11098..... ITEM 8-i
A RESOLUTION APPROVING A CONSULTANT SERVICES AGREEMENT WITH URBAN LEAGUE OF GREATER MIAMI, INC., TO CONDUCT A THOROUGH NEIGHBORHOOD NEEDS ASSESSMENT IN THE HISTORICALLY BLACK RESIDENTIAL NEIGHBORHOOD OF RIVER PARK; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE. Title not read.

MOTION by Wiseman to APPROVE CONSENT AGENDA except Items 8-b(2), 8-b(3), and 8-e; seconded by Taylor and unanimously carried, all members present and voting (MacIlvaine-yes, Nocera-yes, Price-yes, Sorey-yes, Taylor-yes, Wiseman-yes, Barnett-yes).

END CONSENT AGENDA

ORDINANCE 06-11099..... ITEM 9
AN ORDINANCE AMENDING SECTION 94-142 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES FOR THE PURPOSE OF ADOPTING A RIGHT-OF-WAY CONSTRUCTION STANDARDS HANDBOOK; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER PROVISION; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (9:37 a.m.).

Public Comment: None. (9:37 a.m.)

MOTION by Sorey to ADOPT ORDINANCE 06-11099 AS SUBMITTED; seconded by MacIlvaine and unanimously carried, all members present and voting (MacIlvaine-yes, Nocera-yes, Price-yes, Sorey-yes, Taylor-yes, Wiseman-yes, Barnett-yes).

ORDINANCE 06-11100..... ITEM 10
AN ORDINANCE OF THE CITY OF NAPLES, FLORIDA, AMENDING THE CITY OF NAPLES CODE OF ORDINANCES; CHAPTER 50; ARTICLE VI POLICE OFFICERS' PENSION AND RETIREMENT SYSTEM, REPEALING SECTION 50-432(9) AS OBSOLETE; AMENDING AND CLARIFYING SECTION 50-434(a)(2) TO LIMIT AMOUNT PAYABLE TO SURVIVOR ONLY UPON DEATH OF POLICE OFFICER; AMENDING AND CLARIFYING SECTION 50-434(c) BY INCORPORATING BY REFERENCE THE PROVISIONS OF SECTION 415(b) OF THE INTERNAL REVENUE CODE; PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY AND APPLICABILITY; PROVIDING AN EFFECTIVE DATE AND FOR ADOPTION. Title read by City Attorney Robert Pritt (9:38 a.m.).

Public Comment: None. (9:38 a.m.)

MOTION by MacIlvaine to ADOPT ORDINANCE 06-11100 AS SUBMITTED; seconded by Taylor and unanimously carried, all members present and voting (MacIlvaine-yes, Nocera-yes, Price-yes, Sorey-yes, Taylor-yes, Wiseman-yes, Barnett-yes).

ORDINANCE (First Reading)..... ITEM 11
AN ORDINANCE AMENDING SECTION 98-70, STREET NUMBERS AND NAMES FOR THE PURPOSE OF PROVIDING A PROCESS OF NAMING OR RENAMING RIGHTS-OF- WAY; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (9:38 a.m.). Community

Development Director Robin Singer stated that staff had been requested to develop a process for the naming of streets after the City had applied a name to Shell Alley. She explained that she had modeled the ordinance after others she had found in communities throughout the State. Ms. Singer further said there would be several ways of applying names to streets such as through the platting process or by a separate petition which could be brought by the Council or the developer owners along the street, and that Council would grant final approval.

Public Comment: None. (9:40 a.m.)

MOTION by Taylor to APPROVE ITEM 11 AT FIRST READING AS SUBMITTED; seconded by Sorey and unanimously carried, all members present and voting (MacIlvaine-yes, Nocera-yes, Price-yes, Sorey-yes, Taylor-yes, Wiseman-yes, Barnett-yes).

ORDINANCE (First Reading)ITEM 12
AN ORDINANCE AMENDING SECTION 110-54, YARDS, FOR THE PURPOSE OF ADDRESSING ALLOWABLE ENCROACHMENTS INTO SIDE SETBACKS; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (9:40 a.m.). Community Development Director Robin Singer explained that this would clarify the interpretation of allowable encroachments into the side yard as it bends at a 45 degree angle (perpendicular to the ground), also known as the spatial perception area. The amendment would allow chimneys and open balcony railings to encroach vertically, she added, and pointed out that the Planning Advisory Board's (PAB's) recommendation for approval included allowing a balcony railing to encroach 50% rather than 30% into the setback; this had been incorporated into the draft ordinance. In response to Council Member MacIlvaine, Ms. Singer clarified that the PAB deemed 30% too limiting. Council Member Sorey pointed out that PAB Chairman Falconer Jones had also identified this increased percentage as being consistent with the Code for multifamily zoning districts.

Public Comment: (9:49 a.m.) **Don Stevenson, 5688 Strand Court**, stated that he was speaking as a member of the architectural design community in the City. He explained the amendment would create undue hardships for the designers of numerous projects, pointing out that for a number of years City officials had supported the concept of allowing roof overhangs to encroach into the side yard setback. He therefore questioned the advisability of allowing only the overhangs on the lower portion of a structure to encroach. He also requested pictorial representations of allowable designs to better clarify the text and suggested the possible grandfathering of any projects currently underway. Mr. Stevenson also expressed the belief that the PAB had been the only body involved in dealing with this issue.

Community Development Director Singer offered to reword the ordinance to allow horizontal overhangs in the setback, but City Attorney Pritt recommended in that case either scheduling another first reading or continuing the item. In response to Council Member Taylor, Ms. Singer said the Design Review Board (DRB) had not reviewed this amendment, but City Attorney Pritt pointed out that this type of assignment should not be referred to a board or committee that does not have jurisdiction. Council Member MacIlvaine recommended that in any further consideration of this matter, the opacity of a roof overhang should be distinguished from a balcony that is 50% transparent and extends just half the width of the façade. Mayor Barnett recommended continuing the item and directing staff to prepare a presentation for Council and

the public. Council Member Price asked that Mr. Stevenson itemize his concerns, and said that he would also solicit the opinions of other architects on this matter.

MOTION by Barnett to CONTINUE ITEM 12 TO THE FEBRUARY 15, 2006 REGULAR MEETING; seconded by MacIlvaine and unanimously carried, all members present and voting (MacIlvaine-yes, Nocera-yes, Price-yes, Sorey-yes, Taylor-yes, Wiseman-yes, Barnett-yes).

RESOLUTION 06-11101.....ITEM 13
A RESOLUTION PROVIDING AN INTERPRETATION OF SECTION 110-95, SPLITTING OF SINGLE-FAMILY RESIDENTIAL LOTS, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (9:49 a.m.) who explained that since the Council is being asked to interpret law, he recommended treatment as a quasi judicial matter. Notary Public Jessica Rosenberg administered an oath to those intending to offer testimony; all responded affirmatively. Council then disclosed the following ex parte communications: Wiseman/conversation with Attorney John Passidomo from whom she had also received information via electronic mail and fax; Price and Sorey/conversation with Attorney Passidomo; Barnett/conversation with Attorney Passidomo and email; Nocera/no contact; Taylor/received but unable to return a telephone call from Passidomo; and MacIlvaine/returned a telephone call from Mr. Passidomo and left a message.

Community Development Director Robin Singer explained that while staff had been applying the 2004 lot splitting ordinance, a conflict had arisen between the intent and interpretation. Apart from dealing with division of larger lots, Ms. Singer said she believed that the intent was also to allow smaller lots which did not conform to current Code standards to be reinstated and developed as platted or combined into larger lots which would follow the existing lot lines of an underlying plat. However it is prohibited to combine smaller lots when the line of the plat is not followed.

Using an electronic presentation (a printed copy of which is contained in the file for this meeting in the City Clerk's Office) Ms. Singer explained that the parcel under consideration consists of two lots which do not follow the existing platted lot lines but which the petitioner is proposing to re-divide into three lots which still do not follow the platted lot lines. The individual lots do however meet the Code requirements for minimum lot area and width, she added. The current Code requirements, she said, would therefore effectively preclude re-subdivision of lots in newer subdivisions which had been platted to meet current Code requirements. The text would still however contain language addressing lots that do not meet the dimensional requirements of the underlying zoning such as in Old Naples where there are smaller lots platted much earlier. Ms. Singer also noted that staff inserted a sentence addressing the R1-15A District, noting it had very specific standards for defining a platted lot, and said that additional language had been inserted indicating that newly created property lines should be straight and parallel to or similar in orientation to existing property lines. The latter point is to address instances where properties were very oddly configured in order to specifically comport with minimum width standards. Lastly, Ms. Singer noted that to memorialize approval of lawful lot split, verbiage had been included stipulating that newly created lots must be acknowledged and approved by the Community Development Director or designee prior to the issuance of building permits or other development orders.

Attorney John Passidomo, representing Foresite Development, LLC and Foresite 20th, LLC, expressed appreciation to staff and said that while there is no question that his clients can create two lots on the two tax parcels which comprise the six platted lots they purchased last October on 20th Avenue South, there is ample precedent for the City to interpret its own laws, noting for example, the effect of the 2000 commercial building height limitation. He explained that the staff report of November 5, 2003, indicates that in August of that year, the Council had directed staff to review the current subdivision procedures and minimum lot size standards and to establish new regulations and procedures, as well as to prepare necessary text amendments on a citywide basis to create a minimum lot size of one platted lot. He said he believed that the ordinance was considered for amendment due to a situation in the Moorings subdivision where a property owner with two platted lots sought to create three buildable parcels. Mr. Passidomo said that while this principle clearly applied in the Moorings and in traditional neighborhoods where one platted lot equaled one building lot, it did not however apply to areas such as Old Naples where the plan of Naples approved in 1888 required the assembly of several different lots in order to create one buildable parcel. Therefore, he explained, when language was created for Section 110-95, a distinction was made between neighborhoods. He reiterated that the two existing tax parcels owned by his clients comprise all or parts of six platted lots and a vacated alley.

Mr. Passidomo related his suggestion to Community Development Director Singer that while Council considered amendments to its text as it addressed the question of interpretation, the resolution could be simply annotated in such a way that would achieve both his client's and the City's objectives. The change, he said, would be made to Section 2 as indicated below. (See motion below.)

In response to Mayor Barnett, Ms. Singer said she agreed with the suggested modification. Vice Mayor Wiseman noted that Mr. Passidomo had worked closely with staff when this concept had been initiated, and that she believed his interpretation of the ordinance to be correct. City Attorney Pritt recommended that Council not specify the exact wording to be used, and instead instruct staff to perform the clarification in order to avoid any unintended consequences. Council Member Sorey said the advantage of staff's recommendations would be that they provide a process and memorialize the actions of the Community Development Director. He also recommended the immediate clarification so that Mr. Passidomo's client can move forward. Vice Mayor Wiseman suggested directing the City Manager rather than staff.

MOTION by Sorey to APPROVE RESOLUTION 06-11101 AMENDING SECTION 2 AS FOLLOWS: "THE CITY MANAGER IS HEREBY DIRECTED TO PROCESS A TEXT AMENDMENT THAT CLEARLY EXPRESSES THE INTENT OF THIS GOVERNING BODY AS STATED ABOVE AND IN THE PUBLIC HEARING AND TO INTERPRET THE CODE AS STATED ABOVE PENDING ADOPTION OF THE TEXT AMENDMENT." *This motion was seconded by MacIlvaine and unanimously carried, all members present and voting (MacIlvaine-yes, Nocera-yes, Price-yes, Sorey-yes, Taylor-yes, Wiseman-yes, Barnett-yes).*

City Attorney Pritt said this was a rare situation, and that he recommended determining whether there should be a formalized interpretation process.

It is noted for the record that Items 14-a and 14-b were considered concurrently.

RESOLUTION 06-11102.....ITEM 14-a
A RESOLUTION OF THE CITY OF NAPLES, FLORIDA, CREATING AN AUDIT COMMITTEE; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (10:13 a.m.).

RESOLUTION (Continued) ITEM 14-b
A RESOLUTION APPOINTING 5 MEMBERS TO AN AUDIT COMMITTEE RELATING TO THE SELECTION OF AN AUDIT FIRM FOR THE FISCAL YEAR ENDING SEPTEMBER 2006; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (10:13 a.m.). City Manager Robert Lee said that it is prudent to seek proposals from auditing firms every few years. Pursuant to state statute, he recommended the committee consist of a City Council Member, the Finance Director, Comptroller, a member of the banking community, and an interested resident. Council Member Sorey recommended the City resident have audit committee experience; however, Council Member MacIlvaine suggested the individual have public accounting experience. Council Member Price concurred with Mr. MacIlvaine, saying it would not exclude an auditor without selection committee experience. City Attorney Pritt suggested also a slight amendment Section 2, number 3 as indicated below.

Public Comment: None. (10:16 a.m.)

MOTION by Taylor to APPROVE RESOLUTION 06-11102 AMENDING SECTION 2 #5 AS FOLLOWS: “CITY RESIDENT, WITH PUBLIC ACCOUNTING EXPERIENCE, TO BE APPOINTED BY THE CITY COUNCIL.” AND AMENDING SECTION 2 #3 TO OMIT “...TO BE APPOINTED BY THE CITY COUNCIL.” This motion was seconded by Nocera and unanimously carried, all members present and voting (MacIlvaine-yes, Nocera-yes, Price-yes, Sorey-yes, Taylor-yes, Wiseman-yes, Barnett-yes).

Mayor Barnett proffered a motion to select Council Member MacIlvaine as the Council Member on the committee. City Manager Lee however suggested continuing Item 14-b to develop a list of potential candidates for the City resident seat.

MOTION by Barnett to CONTINUE ITEM 14-b TO THE FEBRUARY 8, 2006, COUNCIL MEETING; seconded by Price and unanimously carried, all members present and voting (MacIlvaine-yes, Nocera-yes, Price-yes, Sorey-yes, Taylor-yes, Wiseman-yes, Barnett-yes).

It is noted for the record that Items 15-a and 15-b were considered concurrently.

CONSIDER A PAY INCREASE FOR THE CITY CLERK.....ITEM 15-a
CONSIDER A PAY INCREASE FOR THE CITY MANAGER..... ITEM 15-b

Mayor Barnett stated that the reason the proposed increase for the City Clerk is higher than that of the City Manager is to bring her into the appropriate range for this position.

Public Comment: None. (10:20 a.m.)

MOTION by Wiseman to APPROVE ITEM 15-a WITH A 7.215% INCREASE; seconded by Taylor and unanimously carried, all members present and voting (MacIlvaine-yes, Nocera-yes, Price-yes, Sorey-yes, Taylor-yes, Wiseman-yes, Barnett-yes).

Mayor Barnett said he had discussed the proposed increase with the City Manager which he had offered to make it retroactive, but that City Manager Lee had been satisfied with the raise as proposed. Council Member Price said that he believed that Council should establish a salary range for the City Clerk and City Manager positions. Council Member Sorey agreed and suggested including them in the salary analysis currently underway; Council concurred. Council

Member Taylor said she agreed with the proposal to conduct evaluations at the end of the fiscal year.

MOTION by MacIlvaine to APPROVE ITEM 15-b WITH A 5% INCREASE; seconded by Sorey and unanimously carried, all members present and voting (MacIlvaine-yes, Nocera-yes, Price-yes, Sorey-yes, Taylor-yes, Wiseman-yes, Barnett-yes).

Council Member Taylor suggested these employees use the current self-evaluation form rather than the summary report provided. Council Member MacIlvaine concurred, calling it an important management tool. City Manager Robert Lee however suggested exploring this issue at a future meeting.

CORRESPONDENCE AND COMMUNICATION (10:28 a.m.)

Council Member Sorey recommended that a Council Member attend an affordable/workforce housing forum sponsored by the National League of Cities.

Noting recent contact with representatives from the Crayton Road Association, Council Member Taylor recommended that the City install traffic calming devices on Crayton Road as soon as possible due to the construction slated for that area. City Manager Robert Lee said the City had received \$25,000 in funding for that purpose and that a proposal had been developed in conjunction with the homeowner associations. He added that he would provide details at a future Council Meeting. Council Member MacIlvaine said he had met with the City Manager on this matter, calling it one of the most critical issues in the City.

Council Member Nocera noted correspondence from a citizen addressing Naples Bay vessel speeds, a copy of which is contained in the file for this meeting in the City Clerk's Office. He added that he had made some notes on the subject which he said he would submit to the City Manager.

Council Member Price stated that traffic speeds appear to have increased since the loss of banyan trees gone on Crayton Road due to Hurricane Wilma and recommended appropriate action to slow speeds in order to ensure safety for pedestrians and bicyclists. Mr. Price also said he believed that one of the Crayton Road banyans recently removed appeared to be in good condition and therefore asked for assessment of potential salvage prior to removal.

Council Member Wiseman recommended that the new Council consider creating a sustainability blue ribbon panel in order to explore strategies used throughout the United States to address employee vacancies.

Council Member Taylor requested an update on the street tree plan assessment. City Manager Lee explained that staff is scheduling bus tours in February with all the homeowner associations. A professional arborist will take part in the tours and provide recommendations on individual streets; a citywide plan will be presented to Council in March with funding options. Council Member Price said that homeowner associations are requesting assistance in design and that he believed a vision of the area is integral to this process. Council Member Sorey suggested moving forward with the proposed course but also asking staff to add a component for the design of the major thoroughfares. City Manager Lee offered to develop a scope of work to identify the specific responsibilities which he said would help to determine costs and time demands. Mayor

Barnett said there are many good landscape architects in the community and suggested asking for volunteers noting that a landscape architect association may also be able to provide assistance in that regard. Council Member Price recommended conveying this information to the Presidents Council, and Mayor Barnett suggested using the City's web site.

Mayor Barnett requested an update on the Pulling property and the new traffic light systems.

Recess: 10:52 a.m. to 11:07 a.m. It is noted for the record that the same Council Members were present when the meeting reconvened.

EXECUTIVE SESSION TO DISCUSS DOMESTIC SECURITY ISSUESITEM 6

Mayor Barnett announced that Council would conduct an executive session.

Executive Session: 11:08 a.m. to 11:21 a.m. It is noted for the record that the same Council Members were present when the meeting reconvened.

MOTION by Taylor to APPROVE SECURITY DEVICES AS PRESENTED BY STAFF; seconded by MacIlvaine and unanimously carried, all members present and voting (MacIlvaine-yes, Nocera-yes, Price-yes, Sorey-yes, Taylor-yes, Wiseman-yes, Barnett-yes).

Recess: 11:21 a.m. to 1:30 p.m. It is noted for the record that the same Council Members were present when the meeting reconvened.

**.....ITEM 7
HURRICANE WILMA RIGHT-OF-WAY RESTORATION GRANT PROGRAM) 1:30**

p.m.) City Manager Robert Lee stated that this item pertains to the responsibility of the City and the private property owner pursuant to right-of-way restoration due to Hurricane Wilma resulting from fallen trees and tree-removal activities. He said that the City had taken the initiative to clear the roadways, cut City trees on public rights-of-way, and secure right of entry forms to clear private properties. Council had subsequently suggested exploring whether to replace the sod on public rights-of-way where the restoration effort had occurred. Staff then met with a Federal Emergency Management Agency (FEMA) coordinator to identify the specific properties affected by the fallen trees as well as the amount of sod required for the public and private properties. The Council discussed this information at the last Council Meeting and subsequently directed staff to create a grant program, a copy of which is contained in the file for this meeting in the City Clerk's Office. This program identifies specific criteria for eligibility and City responsibilities such as removal of the trees, backfilling, and grading of properties. He added that the recommended maximum reimbursement would be \$500 per property which he said had been determined by dividing the estimated cost of replacing the sod by the number of properties involved.

He then said that the Presidents Council discussed, but ultimately recommended against, this proposal indicating that the property owners should maintain their rights-of-way and the City should concentrate on repairing public infrastructure. The Presidents Council however added that the City should grade the rights-of-way affected by any City tree removal efforts in a manner that satisfies City stormwater contours thus enabling private property owners to lay sod as needed on the public rights-of-way. Additionally, the City would be responsible for notifying each property owner as soon as it had completed the public infrastructure work needed so each property owner could then perform individual restoration work.

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Vice Mayor Wiseman said the City should not enact the program against the will of the homeowner representatives; Council concurred and agreed to support the will of the Presidents Council. Council Member Price also suggested that the City lay the groundwork for the swales.

City Manager Lee then updated the Council to the effect that 390 trees had been lost, 61 properties were at that time ready for sod, 6 trees still must be removed, 197 properties require backfill material, 48 stumps are yet to be removed, and 78 properties had have backfill delivered to the site but not yet graded according to the contour. He added that staff would notify all affected property owners and provide an anticipated date of completion. Council Member Price suggested asking the President Council to assist each neighborhood with the coordination of the re-sodding effort. He also noted that the City may have the funding ability to combine several different neighborhoods which it can extend to the homeowner associations. City Attorney Robert Pritt said this would be lawful if the work being done benefits the City as well as the property owner. Mayor Barnett suggested that the City Manager provide a staff liaison to address questions or concerns, and City Manager Lee affirmed that he would apprise all the homeowner association presidents of Council's decision.

Public Comment: (1:48 p.m.) **Hal Randelman, 2515 Crayton Road**, said that he had heard of the City Attorney's ruling that the City is not responsible for the damages caused by the fallen trees. He said that after banyan trees fell on his property, which caused damage on his circular driveway, the water main on Crayton Road had burst. Heavy equipment was subsequently brought onto his property while he was not at home which ultimately destroyed his sprinkler systems some 20 feet away from the site of the fallen trees. He asserted that he was not responsible for the damages sustained which he estimated at \$8,000 and asked for Council consideration in this matter. City Manager Lee said he was not familiar with this particular property but that he would research this case to ensure fair treatment of this resident. Mr. Randelman said that City Safety Inspector Bob Martzloff had in fact already filed a damage report. City Attorney Pritt said that staff would refer this matter to the Risk Management Department which would process this as a claim.

PUBLIC COMMENT.....
None.

ADJOURN.....
1:56 p.m.

Bill Barnett, Mayor

Tara A. Norman, City Clerk

Minutes prepared by:

Jessica R. Rosenberg, Deputy City Clerk

Minutes Approved: 2/15/06