



City Council Chamber
735 Eighth Street South
Naples, Florida 34102

City Council Workshop Meeting – August 13, 2007 – 8:29 a.m.

Mayor Barnett called the meeting to order and presided.

ROLL CALLITEM 1

Present:

Bill Barnett, Mayor
Johnny Nocera, Vice Mayor

Council Members:

William MacIlvaine
Gary Price, II
John Sorey, III
Penny Taylor (left at 2:11 p.m.)
William Willkomm, III

Also Present:

Robert Lee, City Manager
Tara Norman, City Clerk
Robert Pritt, City Attorney
Denise Perez, Human Resources Director
Robin Singer, Community Development Director
George Archibald, Traffic Engineer
Vicki Smith, Technical Writing Specialist
Colin Baenzinger
Chris Kennedy
Robert Slavin
Michael Casey
Julia Novak
Thomas Freijo
Del Borsgdorf
Richard Kobayashi
Mickie Wulf

Christine Qualmann
Everett Thayer
Michael Anderson
Frank Garbarino
Henry Kennedy
Sue Smith
Judith Chirgwin
David Ball
Falconer Jones, III
Teresa Heitmann
Dorothy Hirsch
Gregory Brisson

Media:

Jenna Buzzacco, Naples Daily News
Other interested citizens and visitors.

SET AGENDA.....ITEM 2

No changes.

PUBLIC COMMENT.....ITEM 3

(8:31 a.m.) **Christine Qualmann, 550 and 601 Starboard Drive**, stated that she supports a limitation on the amount of impervious surface allowed in new construction (see Item 5 below). **Everett Thayer, 1490 Avion Place**, informed Council of the construction of a fence and accompanying landscaping by Naples Yacht Club along the perimeter of its property abutting Avion Park and voiced disappointment with the agreement reached between the City and the

Naples Airport Authority (NAA) regarding funding of North Road improvements. **Michael Anderson, 730 First Street SW**, stated his belief that his right of due process had been violated following an arrest incident on City property. City Manager Robert Lee noted that Victor Morales, Chief of Police & Emergency Services (PESD), would be available to meet with Mr. Anderson in this regard.

INTERVIEWS WITH CITY MANAGER RECRUITMENT FIRMS.....ITEM 4
(8:46 a.m.) (It is noted for the record that all materials submitted by the recruitment firms are contained in the file for this meeting in the City Clerk's Office.) After a brief discussion candidates agreed to absent themselves from the Council Chamber during other interviews. Council Member Price asked for the status of various pending responses with regard to candidate references. Human Resources Director Denise Perez indicated that, due to time constraints, messages had been left for various listed references and that it was hoped all calls would be returned prior to that Wednesday's regular meeting. In response to Council Member Taylor, City Manager Robert Lee suggested that candidates be asked to assist in finalizing these contacts and Council agreed. Director Perez gave a brief overview of the request for proposals (RFP) process; thereafter, interviews were conducted with the following recruitment firms: Colin Baenzinger & Associates (8:54 a.m.); Arcus Group (9:32 a.m.).

Recess: 9:53 a.m. to 10:01 a.m. It is noted for the record that the same Council Members were present when the meeting reconvened except Council Member Taylor who returned at 10:04 a.m. Consideration of Item 4 continued.

Interviews continued: Slavin Management Consulting (10:01 a.m.).

Recess: 10:32 a.m. to 10:40 a.m. It is noted for the record that the same Council Members were present when the meeting reconvened and consideration of Item 4 continued.

Interviews continued: Management Partners (10:40 a.m.); Mercer Group (10:56 a.m.); Waters Consulting Group (11:22 a.m.); and Bennett Associates (11:49 a.m.).

Public Comment: (12:04 p.m.) Sue Smith, 11th Avenue South, cautioned that Council not hasten the selection of a new City Manager, that she believed this item should be considered carefully and that an assessment of the past four years be utilized in the process. She also questioned the criteria for placement of items on the Consent Agenda, pointing out a need for discussion of various issues. A brief discussion followed regarding the process and timeline for the City Manager selection process. **Judith Chirgwin, Naples**, questioned the timelines referenced throughout the above interviews and suggested that a local individual would perhaps be qualified for City Manager. Council Member Taylor pointed out that any individual may apply for the position.

Due to the fact that City Manager Lee tendered his resignation during the summer recess, Council Member Price expressed concern that information was needed on a plan to provide for management functions between the time of City Manager Lee's departure and a new City Manager commencing employment. Council Members Taylor and Willkomm supported continuing the present process and timeframe so that selection of the candidate occurs by October 15, and Council concurred. In addition, Council Member Sorey agreed with Mr. Price that some contingency measure should be in place due to the fact that the person selected may be unable to assume his or her duties until December or January.

Recess: 12:28 p.m. to 12:39 p.m. It is noted for the record that the same Council Members were present when the meeting reconvened.

.....**ITEM 6**
REQUEST FOR ATTORNEY/CLIENT SESSION PERTAINING TO JOHN A. PULLING, JR. V CITY OF NAPLES

City Attorney Robert Pritt requested that an executive (closed) attorney/client session be conducted, at 11:30 a.m. on Wednesday, August 15, during the City Council regular meeting, to discuss settlement negotiations and strategy related to litigation expenditures in reference to the following pending litigation: JOHN A. PULLING, JR., as Personal Representative of the Estate of John A. Pulling, Sr. V. CITY OF NAPLES, CIRCUIT COURT CASE NO. 07-268-CA. City Attorney Pritt estimated the duration of the session to be 15 minutes. (It is noted for the record that documentation applicable to this request is contained in the file for this meeting in the City Clerk's Office.)

.....**ITEM 5**
REVIEW OF STANDARDS FOR STORMWATER DRAINAGE AND IMPERVIOUS COVERAGE ORDINANCE

Community Development Director Robin Singer stated that during staff's previous presentation, the attempt had been made to propose new regulations for single family homes which would require: on-site detention/retention of stormwater runoff; best practices to halt this runoff onto neighboring properties; slowing the conveyance of the runoff during a storm event into the City's stormwater system; and limiting the amount of impervious surface area permitted on site. Staff's intention had been that this section would reside in each single-family zoning district requirements positioned to follow the chart that determines the buildable area, based on the overall lot coverage and added to any surplus remaining from the allowable buildable area for a site. In response to Council, she said, staff had provided examples of individual lots of varying sizes (contained in the file for this meeting in the City Clerk's Office), thereby offering a visual concept of the aforementioned calculation; also included was a depiction of the previously discussed incentive for additional percentages of impervious coverage allowed in return for detention and/or retention of additional amounts of stormwater on site. She noted that the percentages had been reflected as: buildable added to the footprint; buildable added to the buildable area; lot area added to the footprint; and lot area added to the buildable area. Following review of these diagrams, staff recommended that the percentage of lot area be added to the buildable area (Attachment 1), that this reflected a realistic, achievable requirement without penalizing homeowners with reference to the allowable structure. Director Singer then suggested modifying staff's original recommendations to reflect no coverage limitation; however, this could be addressed at a later date since realistic engineering standards are of utmost importance at that time.

Traffic Engineer George Archibald began his discussion of the above referenced engineering standards by explaining that the Code requires that adjacent single-family structures must be protected from ongoing construction, including limiting discharge of stormwater onto neighboring property. He stated that initially requirements had taken into account qualifiers that had been based upon two elements: conveyance (based upon a five-year/one hour storm event which equates to three inches of rainfall) and detention (one inch of detention based upon the site itself, in addition to the conveyance requirement). However, following review of the previously discussed modeling, he said that he recommended not changing the conveyance requirement but basing the detention requirement on the footprint of the impervious area (buildable area), thereby establishing an incentive to maintain greenspace. He also noted the 18-inch height restriction

that applies to areas outside of the building footprint which is expected to discourage extensive filling of lots, increase the use of stem-wall foundations, and reduce the overall differential in lot elevations. The Best Management Practice (BMP) provision remains, he explained, which includes the use of swales, yards and perforated materials for both pre-treatment of runoff and maximizing the potential for percolation of runoff into the ground water.

Director Singer added that the above referenced amendments to recommendations followed review of the models and input from various members of the community such as geologists, contractors, architects, engineers, planners, interested citizens, and consultant Bill Musser (TetraTech). Discussion followed during which various scenarios were discussed regarding the amount to be detained/retained on site: the basis for the percentage of additional allowable impervious surface coverage; restriction of maximum fill elevations; rain gutter installation; whether detention within the footprint of greater than one inch of detention/retention should become a requirement; and the accompanying costs of imposing these additional requirements.

Public Comment: (1:24 p.m.) **Dorothy Hirsch, 626 Regatta Road**, suggested detaining two inches on site and maintaining the same lot coverage requirements, that engineers would indeed develop ways in which to conform. **Gregory Brisson, 49 Mentor Drive**, cautioned against moving forward too quickly with sweeping changes, recommending that only stormwater management should initially be addressed; he also questioned whether the proposed ordinance applied to existing Planned Developments (PD's) such as Little Harbor or The Estuary. Mr. Archibald stated that the aforementioned PD's were under the jurisdiction of the Southwest Florida Water Management District (SFWMD). **Mickie Wulf, 640 Regatta Road**, did not respond when called. **Falconer Jones III, 1255 Cobia Court**, noted that he had worked closely with staff during the summer recess and explained that his individual research had indicated that to detain two inches of stormwater requires space equivalent to three, 7,000 gallon swimming pools. He instead voiced support for an engineering standard dealing with detention on individual sites for the purpose of water quality, raising the issue of the difference in cost to the homeowner between one and two inches retention/detention; he suggested a one-half inch requirement with the possibility of an impact fee. Instead of a site-by-site remedy, Mr. Jones said that stormwater issues should be tackled at the drainage basin level, along with the aforementioned impact fee. In response to Council Member Sorey, Mr. Jones stated that if Council is considering detaining one inch over the impervious surface coverage, maintenance of the required systems should be considered also. **Judith Chirgwin, Naples**, urged no more impervious surface coverage be allowed, that the use of pilings when constructing homes in low-lying areas should be encouraged.

Engineer Archibald clarified that different standards, especially the amount of detention/retention on site, are required for protecting the neighboring property, controlling flooding, and improving water quality; he further said that as much as three inches detained on site would be required to aid in the control of flooding in some areas. He emphasized that flooding in some of the extremely low lying areas would however not be mitigated without a pumping system. Council Member Willkomm pointed out that the Planning Advisory Board (PAB) had unanimously approved the previous draft ordinance and suggested that this draft be considered at that Wednesday's meeting; Council concurred.

Consensus for staff to present ordinance previously reviewed by Planning Advisory Board (PAB) requiring a two-inch level of detention/retention.

BRIEFING BY CITY MANAGER.....ITEM 7

(It is noted for the record that a copy of this report is contained in the file for this meeting in the City Clerk's Office.) City Manager Robert Lee addressed items of note in his report as follows: the joint City/County beach parking amendments relative to maintaining funding levels for state beach renourishment funds; the Water Fluoridation Quality Award received from the Centers for Disease Control (CDC) for level of fluoridation in City's water processing; development of a public property tracking system dealing with such issues as a reverter clause; and the information provided on US 41 scenic highway designation.

REVIEW OF ITEMS ON THE 08/15/07 REGULAR MEETING AGENDA.....ITEM 8

City Manager Robert Lee noted that the City Clerk's Office had requested the addition of Item 20 (appointment to Fifth Avenue South Action Committee / FASAC), and Council Member Price requested that Item 21 (communication from Metropolitan Planning Organization / MPO regarding US 41 scenic highway designation) also be added. The following were removed from the Consent Agenda for separate discussion: Item 7-b(5) (Outdoor Family Movie Night) regarding levels of funding and participation at the request of Council Member Taylor; Item 7-e (Gordon River dredging) by City Manager Lee; and Item 7-j (Riley Park improvement) regarding the total cost and the funding City is receiving by Council Member Taylor. Council Members Taylor, Willkomm and Price also asked that the following Consent Agenda items be discussed separately: Item 7-k (Pulling Park litigation) regarding further cost information; Item 7-m (Solana Road project) regarding unforeseen expenses, reasons that additional functions were overlooked and the extent of conformance with estimating requirements. Miss Taylor also asked for separate discussion of Item 7-n (stormwater project management and inspection) regarding cost analysis, and Item 7-p (traffic signal maintenance) regarding entity responsible for timing of lights, particularly at 14th Avenue North and Goodlette-Frank Road. City Manager Lee said that Item 7-q (Naples Airport Authority (NAA) North Road improvement contribution) should also be discussed separately, and Council Member Taylor questioned Item 7-s (expenditure of Diamond Jubilee reserve funds) regarding the timing for implementation of prior Council directive. Staff requested that Item 13 (waterways ordinance) be continued to September 5, and with regard to Item 18 (Citizens Police Review Board (CPRB), Council Member Willkomm requested the source of the proposed changes.

It is noted for the record that Council Member Taylor left the meeting at 2:11 p.m. and did not return.

Council Member Willkomm explained that while during the summer recess, he had received from the Naples Airport Authority (NAA) responses to various questions he had posed; he nevertheless indicated that he was not satisfied. In addition, Mr. Willkomm expressed a desire that Chair Ernest Linneman be removed from the Authority due to information recently obtained; therefore, Mr. Willkomm requested discussion of these issues at that week's regular meeting. Various Council Members however indicated that they did not support this request, noting lack of review of information on the aforementioned on matters involving NAA Chair Linneman. Council Member Price further recommended awaiting the final report from J. Dudley Goodlette who was conducting an investigation regarding the NAA. Nevertheless, he asked that Mr. Willkomm provide copies of the above referenced information on Mr. Linneman. Council Member Sorey suggested that copies be provided for Council's review and also to City Attorney Robert Pritt for his opinion regarding due process should discussions occur as suggested above.

PUBLIC COMMENT.....

(2:25 p.m.) **Frank Garbarino, 3415 Donoso Court**, representing a charitable foundation, reported increasing charges for the use of Fleischmann Park, noting that this serves to divert income from non-profit functions such as the annual event to raise funds for a school for children with autism. **Sue Smith, 11th Avenue South**, noted the inclusion of items representing substantial expenditures on the Consent Agenda, stating that insufficient descriptive information for the public had appeared on agendas. Mrs. Smith also addressed desirable characteristics to be considered with regard to the new City Manager.

CORRESPONDENCE/COMMUNICATIONS.....

(2:35 p.m.) Council Member Price asked that Council review the information provided regarding the US 41 scenic highway designation prior to that Wednesday's meeting. In response to Council Member Sorey, Mayor Barnett indicated the following Council meetings for rescheduling: November 19th and 21st meetings to November 12th and 14th, respectively; December 31st and January 2nd meetings to January 7th and 9th, respectively; and January 14th and 16th to January 21st and 23rd, respectively; Council concurred. (It is noted for the record that further research revealed that the January 21st date must be adjusted due to Martin Luther King Day.) Council Member Willkomm requested an update on the possible annexation of Keewaydin Island.

ADJOURN.....

2:38 p.m.

Bill Barnett, Mayor

Tara A. Norman, City Clerk

Minutes prepared by:

Vicki L. Smith, Technical Writing Specialist

Minutes Approved: _____

