



City Council Chamber
735 Eighth Street South
Naples, Florida 34102

City Council Workshop Meeting – October 1, 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 (arrived 8:31 a.m.)
William Willkomm, III

Also Present:

Robert Lee, City Manager
Robert Pritt, City Attorney
Jessica Rosenberg, Deputy City Clerk
Vicki Smith, Technical Writing Specialist
David Lykins, Community Services Director
Michael Klein, Waterfront Operations Manager
Dan Mercer, Public Works Director
Michael Bauer, Natural Resources Manager
Stephen Weeks, Technology Services Director
Denise Perez, Human Resources Director
Ben Schulz, Training & Development Coordinator
Ann Marie Ricardi, Finance Director
Katie Fuhr, Environmental Specialist
Robin Singer, Planning Director
Russell Adams, CRA Executive Director

Doris Reynolds
Marlene Brackebusch
Joseph Biasella
Jim Boula
Russell Frazer
Doug Finlay
Sue Smith
Cormac Giblin
Donna Krall
Henry Kennedy
Steven Alexander
Tom Freijo
Kenneth Fields

Media:

Jenna Buzzacco, Naples Daily News

Other interested citizens and visitors.

SET AGENDA.....ITEM 2

MOTION by Nocera to SET THE AGENDA as submitted; seconded by Price and unanimously carried, all members present and voting (MacIlvaine-yes, Nocera-yes, Price-yes, Sorey-yes, Taylor-yes, Willkomm-yes, Barnett-yes).

PUBLIC COMMENT.....ITEM 3

None. (It is noted for the record that public comment was also allowed during Item 12, review of items on that week's regular meeting agenda.)

STATUS REGARDING MOORING BALL FIELDS (Crayton Cove Anchorage)ITEM 4

Community Services Director David Lykins reviewed an electronic presentation (a printed copy of which is contained in the file for this meeting in the City Clerk's Office) regarding the City Dock, mooring fields, and Consent Orders issued by the Department of Environmental Protection (DEP) concerning both. He explained that the waterway use requirements established by DEP included a sovereignty submerged lands lease for the marina and the mooring fields, the previous City Dock lease having been for a five-year period from January 1998, to January 2003, with operations currently under a temporary use agreement.

Continuing a brief historical update, Mr. Lykins said that violations cited at the City Dock by DEP had been as follows:

- Conversion of 11 slips to liveaboard capacity (noting that DEP prefers the term liveaboard as opposed to transient for visiting boaters);
- Failure to pay lease fees to the state for use of state lands, although unauthorized;
- Mooring vessels outside of lease area;
- Non-permitted dinghy dock;
- Construction/expansion of restrooms; and
- Installation of "non-water dependent" items (bait tank and cooler, ice freezer, bait freezer, fish carcass freezer, clothes washers and dryers, fish cleaning tables, bicycles, and dock boxes).

With regard to the above noted violations, the following fines/penalties levied via Consent Order 05-0061-11-DF, issued April 11, 2006, have been paid:

- \$49,111.67 – past and current use of sovereign state lands without DEP approval; and
- \$17,382.73 – lease fees in arrears for calendar years 1998 through 2006 and current lease fees for 2007.

Corrective actions taken with regard to City Dock:

- Regulatory and proprietary penalties have been paid;
- Pursuant to an approved Butler Act claim, the City now owns that portion of submerged bay bottom which was the footprint of the original City Dock prior to 1952;
- Lease boundaries were modified and/or expanded via surveys (of City Dock, the mooring fields, and for the Butler Act disclaimer) performed by Wilson Miller;
- All vessels are moored within the lease survey boundaries;
- Liveaboards have been eliminated under the current temporary use agreement;
- A marina operations and management plan has been completed;
- A self-monitoring/certification plan has been completed; and
- The application for a sovereignty submerged lands lease has been submitted to DEP.

Mr. Lykins continued the historical update of the mooring fields by noting the following significant dates:

- June 29, 1998, the City applied to DEP for authorization to install ten mooring buoys/anchors;
- March 17, 1999, the DEP denied this request for lack of information;

- March 10, 2000, the City reapplied to DEP for the above referenced authorization;
- January 1, 2001, DEP denied the second request, again for lack of information;
- January 11, 2005, DEP discovered the City had installed eight mooring anchors, buoys and connecting chains in 1998 and four more in 2000, all without a regulatory permit or proprietary authorization from the Board of Trustees of the Internal Improvement Fund (Governor and Cabinet).

The City was then cited with the following violations:

- Installation of two mooring fields in Naples Bay (Crayton Cove) without environmental resource permits or a management agreement;
- Installation of two mooring fields in Naples Bay without regulatory permits from DEP or proprietary authorization from the Board of Trustees for use of sovereignty submerged lands; and
- Permitted “liveaboard” use of unauthorized and non-permitted mooring fields.

The following fines/penalties were levied via the above referenced Consent Order:

- \$2,100 as a regulatory penalty;
- \$500 for survey processing expenses as required by DEP; and
- \$7,475 as an administrative proprietary penalty.

Mr. Lykins then enumerated the following corrective actions taken with regard to the mooring fields:

- Attorney Segundo Fernandez was retained July 15, 2005, to address the Consent Order and Temporary Use Agreement issue with the DEP and Cabinet Aides. Initially a \$5,000 fee was anticipated but an additional legal expense of \$11,758.55 was incurred;
- TetraTech, Inc., was engaged March 1, 2006, to complete the environmental resource permit for installation of two mooring fields at a cost of \$61,838.06;
- The initial environmental resource permit application was submitted to the DEP in a “substantially complete” format; and
- Attorney Fernandez was again retained by the City in November 2006, to address lingering issues involving the anchorage and the Board of Trustees of the Internal Improvement Fund with a contract amount not to exceed \$50,000. A balance of \$1,460.51 remains with legal assistance to continue through the conclusion of the Board of Trustees hearing.
- Pursuant to the temporary use agreement, the mooring field balls were reinstalled for use in the event of a named tropical storm or hurricane with the approval of DEP, Florida Fish & Wildlife Conservation Commission (FFWCC) and the US Coast Guard, but for use by tenants of the City Dock only;
- TetraTech, Inc., responded to DEP requests for additional information including water quality data, surveys, maps, management plans, etc., in order to meet the final submittal deadline of August 1, 2006, with the environmental resources permit deemed fully complete; and
- Liveaboard status has been eliminated for the mooring fields.

Mr. Lykins explained that the current status for both the mooring fields and City Dock is as follows:

- The City is no longer in arrears with regard to DEP lease payments;
- A cooperative professional relationship with the DEP has been re-established;
- All regulatory and proprietary fines and penalties have been paid to the DEP;

- The environmental resources permit is complete; and
- All corrective actions have been completed with regard to the City's compliance with DEP temporary use agreement.

Mr. Lykins further explained that the Board of Trustees of the Internal Improvement Fund still must issue the sovereignty submerged lands lease, and final dispensation of a future regulatory decision must yet occur between FFWCC and DEP relating to legislation and rule making specific to anchorage within and upon state submerged lands excluding permitted mooring fields. Furthermore, he said, future City Dock renovation and replacement options must be addressed during fiscal year 2008 to include operational considerations inclusive of boater and public participation to determine liveaboard status and/or need, and the public benefit thereof.

With regard to the definition of liveaboard, Mr. Lykins noted that statutory definition is much broader than the DEP's, and that no time limit is articulated. In response to Council, Mr. Lykins indicated that if the City should decide to accommodate liveaboards, it must address many additional conditions contained within the Consent Order. Natural Resources Manager Michael Bauer pointed out that he had found no liveaboard definition within the Administrative Code, and responding to Council Member Price, stated that it appeared DEP regulations were applied on a case-by-case basis to various governmental entities.

Citing Key West as an example, Council Member Taylor said it appeared that more stringent restrictions had in fact been applied to Naples with regard to restroom ratios for liveaboards. Waterfront Operations Manager Michael Klein cited his understanding that, with reference to restroom ratios, DEP was intending to regulate liveaboards under the campground rule, which would equate to five vessels per restroom, or two persons per vessel for a total of ten persons per restroom. City Attorney Robert Pritt noted that this function is however considered proprietary, not regulatory, for the DEP, that the time limit portion of the liveaboard regulation does not apply to privately owned submerged lands.

Noting a recent meeting, Mr. Lykins stated that the liveaboard regulations had been the primary topic of discussion by interested residents; however, it is the staff's intent to become compliant with the above mentioned requirements and obtain the submerged land lease. He also noted that staff had been informed by DEP that a request for modification or amendment could be submitted if liveaboards should be desired by the City at a later date.

Public Comment: (9:02 a.m.) **Marlene Brackebusch, 900 Broad Avenue South**, a charter boat captain whose vessel is moored at City Dock, expressed concern with regard to time limits imposed upon visitors, especially in the event of extreme weather, stressing that passenger safety is of utmost importance. In response to Council Member Taylor, Ms. Brackebusch explained as a private boater, she had never been told that her stay in various facilities would be limited, especially in inclement weather. **Joe Biasella, no address given**, thanked staff for the above referenced meeting with concerned citizens and urged that public comment be allowed following staff's responses to Council. Mayor Barnett explained that if staff is merely responding to questioning by Council, no public comment is necessary, especially if public comment had already been heard and had been closed. Mr. Biasella further noted that the term transient slips should be utilized instead of liveaboard, noting that in the past boaters had been allowed to remain up to three months in the larger slips and two weeks in the smaller. **Jim Boula, 702 Broad Avenue South**, also cited what he characterized as the ongoing confusion regarding the

liveaboard definition, adding that the FFWCC definition for liveaboard involved the intent of the persons to actually live aboard the vessel, but with no time limitation. He also asserted that the City was gaining the reputation as a community that is not welcoming to boaters, urging that once the lease is obtained, the above liveaboard accommodations, without the DEP time limitations, must be pursued. Council Member Taylor expressed concern that no amendments would be forthcoming from DEP and Council Member Sorey suggested continuing under the temporary use agreement while this issue is being resolved. **Russell Frazer, 900 Broad Avenue South**, described himself as a seasoned boater who had spent considerable time at the City Dock and said that he believed this to be a question of DEP policy, not law. He further characterized this policy as unrealistic and actually constitutes a prohibition of boating in Naples Bay. Referencing materials he provided to Council (Attachment 1), Mr. Frazer related an incident wherein an elderly woman, whose boat could not be repaired within the established four-day period, had been told that her boat would be towed from the slip it occupied and that she could seek landside lodging or be led off the dock in handcuffs. Not only will this boater not return to Naples, but will most likely report her experience to others, thereby contributing to Naples' declining reputation and resulting in loss of revenue to the area. He then noted an excursion that had extended over a four-year period during which he said he had never encountered a four-day dockage limitation. **Doug Finlay, 3430 Gulf Shore Boulevard**, agreed with prior speakers and urged Council not to sign an agreement with the DEP which he believes is wrong. He stated that while derelict vessels should not be allowed to remain in Naples Bay, the legal right for vessels to anchor must be preserved, and legitimate transient vessels must be accommodated in a safe and logical manner.

Waterfront Operations Manager Klein however pointed out that the City Dock is a small, public facility and that the four-day limitation placed upon the ten transient slips allows use by additional boaters. Beyond the four days, a vessel in need of repair is allowed to remain docked, but the boaters are required to find other accommodations. He also noted that following the issuance of the lease, the mooring fields will be open to the public in the event of a weather emergency. He further stressed that any infraction during the period of the temporary use agreement would affect final approval and therefore urged moving forward, requesting amendments regarding liveaboards at a later date if Council should deem this desirable. In this event, however, additional staff resources and funding would be necessary suggesting that any amendment regarding liveaboards be addressed in the future after consideration of all the factors involved. Council Member MacIlvaine agreed that the lease should move forward to allow public use of the mooring balls and then consider all facts prior to requesting any amending of the document. Council Member Sorey however suggested approaching the DEP regarding relaxing the liveaboard time limitation for transient boaters, but said that he wished to review the above referenced surveys and the actual document to be presented to the Governor and Cabinet before moving forward. Mr. Klein said that he would provide Council with the final documentation at that week's regular meeting.

Consensus for staff to contact Attorney Segundo Fernandez regarding the following: continuing the operation of the City Dock and the mooring fields under the temporary use agreement; questions regarding liveaboards; and whether the City should request modifications regarding liveaboards prior to or following the Board of Trustees' consideration. A copy of the final document

for presentation to the Board is to be provided to Council at that week's regular meeting.

INVESTMENT ADVISOR'S PRESENTATIONITEM 5

Steven Alexander, Managing Director of PFM Asset Management, LLC, the City's investment advisor, briefly summarized the performance review provided (a copy of which is contained in the file for this meeting in the City Clerk's Office). He explained that his firm had been retained in January of 2005 to provide treasure and investment management services and had worked closely with Finance Director Ann Marie Ricardi in such areas as internal controls and cash flow analysis.

Noting the recent credit crisis in the investment market, Mr. Alexander however explained that the effect of the sub-prime mortgage issues would most likely not adversely impact the City's high quality portfolio, reviewing its restructuring and the account summary for general cash and investments (Attachment 2).

In response to Council Member Willkomm, Mr. Alexander explained that Fannie Mae and Freddie Mac Mortgage Backed Securities (MBS) had in the recent past experienced various accounting issues and are currently under the highest degree of governmental financial scrutiny. These entities are nevertheless meeting and exceeding capital requirements and their triple-A rating had been reestablished within the industry. Mr. Alexander stressed that the City's portfolio is however not exposed to mortgage backed securities, that those acquired from these entities are directed ventures and therefore not part of mortgaged-backed pools. Mr. Willkomm however questioned the wisdom of doing any business whatsoever with an entity which had failed to submit annual reports for several years; he said he also questioned their solvency. In response to Council Member Sorey, Mr. Alexander clarified that neither Fannie Mae nor Freddie Mac are direct obligations of the United States government and agreed with Council Member Price that, combined, they amounted to 15% of the City's investment portfolio.

Recess: 10:13 a.m. to 10:22 a.m. It is noted for the record that the same Council Members were present when the meeting reconvened.

DISCUSSION OF CITY MANAGER CANDIDATESITEM 6

Mayor Barnett noted the receipt of 61 City Manager applications and Consultant Tom Freijo explained that he had narrowed the field to 16 for review with Council. He then offered additional information regarding the 16 candidates (Attachment 3) and explained that following review of this data, Council would narrow the field further to 8 or 9 for interview on October 22 and 23. The following 16 applicants were then reviewed: Kenneth Fields; Daniel Fitzpatrick; William Hinchey; Randy Knight; William Moss; Kent Myers; Sergio Purrinos; David Recor; Hector Rivera; Patrick Salerno; Timothy Smith; Susan Stanton; Bruce St. Denis; Linda Tucker; Bogdan Vitas; and Judith Zimomra.

Public Comment: (11:28 a.m.) **Sue Smith, 11th Avenue South**, asked that Council consider this choice carefully, that residents wish to maintain the character of the City and that its choice of a new City Manager should reflect the necessary skills to achieve this as well as the desire to do so.

Following additional discussion, Council determined that the following candidates would be considered for interview: Linda Tucker; Judith Zimomra; William Hinchey; Bruce St. Denis;

Daniel Fitzpatrick; Patrick Salerno; William Moss; Sam Grove; Hector Rivera; and Kent Myers. Dr. Freijo explained that he would contact these individuals, begin background investigations, and verify information provided so as to facilitate his recommendation of six finalists. He indicated that one or two applicants usually withdraw for various reasons. In further discussion it was then determined that the October 22 and 23 schedules would include individual interviews before the entire Council limited to 45 minutes. Dr. Freijo also recommended that a first and second choice be announced during the October 23 meeting in the event the first choice either declines the position or an agreement for employment cannot be reached. Council also requested that Dr. Freijo obtain current salary and benefits of the ten finalists and provide his recommendations accordingly.

Consensus as follows: 1) Dr. Freijo will recommend six applicants for interview; 2) amend master schedule to reflect 45 minute interviews with Council on October 22; and 3) selection of new City Manager and one alternate scheduled on October 23 during Special Meeting at 3:00 p.m.

Consensus for Dr. Freijo to request current salary and benefits of ten finalists, and his recommendations regarding same.

.....**ITEM 7**
DISCUSSION OF CHANGES TO PARK SHORE AND PORT ROYAL ZONING REQUIREMENTS

Planning Director Robin Singer explained that the property owner associations for the Port Royal and Park Shore neighborhoods had both approached staff regarding amendments to their respective zoning districts. (It is noted for the record that Ms. Singer's presentation was augmented by electronic images, printed copies of which are contained in the file for this meeting in the City Clerk's Office.) Each zoning is currently R1-15A for Port Royal and R1-10A for Park Shore and reflect certain deed restrictions which are actively enforced as part of their individual plan review processes although desirable design standards have not. Therefore, these groups are requesting that individual neighborhood standards be added to the Code of Ordinances thereby allowing enforcement. Ms. Singer then reviewed the process by which such amendments are considered but explained that staff recommended further development of a process, recommending the following with reference to amendments which add enforced deed restrictions, those which add un-enforced deed restrictions, and those which would add new regulations.

- Enforced deed restrictions:*
 1. Letter of support submitted by property owner association;
 2. City Council determination of whether to proceed with request;
Review and report by City Attorney;
 3. Notice to each property owner prior to scheduled review by Planning Advisory Board (PAB), said mailing to be at the expense of the association; and
 4. Notice to include copy of proposed ordinance text with explanations.
- Un-enforced deed restrictions:*
 1. Letter of support submitted by property owner association;
 2. City Council determination of whether to proceed with amendment;
Review and report by City Attorney;
 3. City Council workshop noticed to each affected property owner;

4. Notice to each property owner prior to scheduled review by PAB, said mailing to be at the expense of the association; and
 5. Notice to include copy of proposed ordinance text with explanations.
- New regulation:*
 1. Letter of support submitted by property owner association, *including list of action items*;
 2. City Council determination of whether to proceed with requested amendment; *Review and report by City Attorney*;
 3. Association proceeds with public meetings, facilitated by City staff and noticed by the City at the expense of the association;
 4. City Council *evening* workshop noticed to each property owner;
 5. Notice to each property owner prior to scheduled review by PAB, said mailing to be at the expense of the association; and
 6. Notice to include copy of proposed ordinance text with explanations.

**Italicized items added during Council discussion which appears below.*

Ms. Singer then reviewed the currently proposed amendments by the Port Royal and Park Shore property owner associations as follows:

- Park Shore (R1-10A):
 1. Increase the front yard requirement on Crayton Road and Park Shore Drive from 30 to 40 feet, with corner lots amended from 25 to 35 feet;
 2. Prohibit detached carports;
 3. Incorporate the development's restrictions on fences and hedges on waterfront lots; and
 4. Add the development's dock regulations.
- Port Royal (R1-15A):
 1. Changes to the base point of measurement to ensure equal treatment of all properties within the district;
 2. Add generators to the list of mechanical equipment excluded from side setbacks; and
 3. Limit the height of a retaining wall used at the toe of riprap.

Council Member Taylor stated that she would support the development of the aforementioned process due to the fact that the matter had been brought forward by property owners.

Public Comment: (1:40 p.m.) **Cormac Giblin, representing Park Shore Association**, further explained that his group's request was to incorporate Park Shore deed restrictions and architectural guidelines in the City's zoning code to enable their enforcement. In response to Council, Planning Director Singer cautioned that if the amendments were only contained in the architectural guidelines, the above referenced procedure for new regulations would be required. Council Member Willkomm also noted that while deed restrictions are a public document, architectural guidelines would otherwise not be readily available for those considering new construction or renovations. Although Vice Mayor Nocera expressed concern with reference to property rights implications, Mr. Giblin assured him that the association was merely at that juncture seeking guidance as to the correct procedure for consideration of amendments, not debating the issues. Council Member MacIlvaine cited metal roofs as an example of a feature not allowed under the deed restrictions, but permitted by the Code, and Council Member Taylor

commended the neighborhoods for attempting to preserve their character by attempting to ascertain the proper manner in which to address these matters. Council Member Price suggested that a list of action items be presented by associations, and if Council expressed interest in moving forward, the list should be reviewed by the City Attorney. Ms. Singer suggested the above process for new regulations be expanded as follows: list of action items presented along with the document of support from the association and, following Council determination to move forward, a review by the City Attorney. In response to Council Member Sorey, she also recommended that the indicated workshop be held in the evening hours and further indicated that review by the City Attorney of the action list should be included in all three processes described above. **Donna Krall, representing Port Royal Association,** explained that the height restriction amendment noted above had become necessary due to the new Federal Emergency Management Agency (FEMA) elevations for properties west of Gordon Drive, and further said that all of the above referenced requests did not involve deed restrictions, but merely clarification of the Code.

DISCUSSION OF FLAG LOTS AND THROUGH LOTSITEM 8

(It is noted for the record that printed copies of an electronic presentation made in conjunction with this item is contained in the file for this meeting in the City Clerk's Office.) Planning Director Robin Singer, referencing a map depicting various existing flag and through lots, explained that land-locked properties were also shown due to refute the possible perception that such lots which access the street through a private easement are also considered flag lots. She said that while a definition with regard to through lots existed in the Code of Ordinances, none was available for flag lots; therefore the following was being proposed: Lot, flag or landlocked, means a lot that does not directly and fully front a street or alley and where access is prohibited by a private drive, easement or narrow extension of the lot.

Furthermore, Ms. Singer stated that along with the aforementioned flag lot definition, prohibitions against both splitting or combining properties, and subdivision which would create flag or through lots, were also proposed among the amendments. However, an exception had been added in that a through lot, which fronts the beach, or the majority of properties in the same block are through lots, would therefore be allowed. In response to Council Member Sorey, Ms. Singer explained that staff's intent had been to insure that two lots could not be combined, back to back, a home built on one lot and a free standing garage or accessory structure built on the other. She therefore requested Council direction regarding whether staff should proceed with its presentation of the matter to the Planning Advisory Board (PAB). She also indicated that staff was also in the process of developing fence criteria for Council review.

Consensus for staff to proceed with presentation regarding flag lots and through lots to Planning Advisory Board (PAB).

CITY LANDSCAPE CERTIFICATION PROGRAM UPDATE.....ITEM 9

Environmental Specialist Katie Fuhr presented a brief update on the City's landscape certification program utilizing an electronic presentation (a printed copy of which is contained in the file for this meeting in the City Clerk's Office). She said that its inception was June of 2006. Ms. Fuhr explained that the program recognizes stormwater runoff as a major source of pollution entering Naples Bay and that standards for landscape professionals had been established for the education and outreach based program. City staff partnered with Rookery Bay National Estuarine Research Reserve in development of Project Greenscape, including a Best Management Practices (BMP's) course. (It is noted for the record that a copy of the manual is

contained in the file for this meeting in the City Clerk's Office.) In addition, standards were developed on which a demonstrated knowledge is required in such areas as environmental impacts, appropriate planting, proper use of fertilizers and irrigation technology. Ms. Fuhr said that one supervisor and ten percent of a landscape company's staff must have completed the course to obtain certification.

With regard to implementation, Ms. Fuhr explained that the outreach portion of the project involved notification by flyers, letters and the City's website. This notification included information regarding the training involved, materials utilized and the location of the classes, including application and fee data. Of the approximate 335 landscaping businesses working in the City, 110 have completed the BMP program and of those, 45 have completed the certification program, following which they were provided an identification card and bumper sticker to aid in the enforcement of the program. Ms. Fuhr added that staff had drafted letters notifying entities of requirements for compliance and that a second mailing was to occur in the near future. In response to Council, Community Services Director David Lykins pointed out that thus far the focus of the program had been the notification of required compliance and that penalties for violations had not been addressed. City Attorney Robert Pritt stated that if Council wished to enforce the requirement for certification, an ordinance would become necessary.

In response to Vice Mayor Nocera, Ms. Fuhr indicated that the use of organic fertilizers is included within the BMP manual. Vice Mayor Nocera urged the use of these principles, especially on waterfront properties, and Council Member Sorey noted that research should be done with regard to making this use mandatory.

Consensus for staff to begin drafting of an ordinance addressing enforcement of the certification program and to research the use of organic fertilizer.

DISCUSSION OF COUNCIL CHAMBER SPEAKER PODIUMITEM 10

Technology Services Director Stephen Weeks utilized an electronic presentation (a printed copy of which is contained in the file for this meeting in the City Clerk's Office) explaining that previously Council had directed staff to reduce the height of the podium but it was to remain in its present location and not moved to align with the aisle facing City Council. Nevertheless, the podium is still not ideally configured for the public to address Council, although it cannot be easily relocated due to cabling necessary in conjunction with audio/visual capabilities. Mr. Weeks recommended that the podium remain in its present location and a mobile podium with a wireless microphone be purchased for approximately \$500, thereby allowing it to be adapted for various situations; Council concurred, noting no need to acquire a new visualizer at the estimated cost of \$3,000.

Consensus for purchase of mobile speaker podium.

Public Comment: (2:30 p.m.) **Sue Smith, 11th Avenue South**, questioned whether the public had been polled as to their desired location when addressing Council. She indicated that she did not wish to speak with her back towards the audience due to her belief this would not be a proper and friendly position.

BRIEFING BY CITY MANAGERITEM 11

(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.) In addition to a brief review of his report, City Manager Robert Lee indicated that his proposed contract for temporary consulting services would be available for discussion during that week's regular meeting; Council agreed (see Item 12 below).

REVIEW OF ITEMS ON THE 10/03/07 REGULAR MEETING AGENDAITEM 12

Public Comment: (2:40 p.m.) **Henry Kennedy, Naples**, expressed confusion with regard to Item 6-f (Downtown Traffic Study) of that week's regular meeting agenda in that no diagram had been provided in that meeting packet. CRA Executive Director Russell Adams stated that a crosswalk would be under consideration during that item and staff would seek direction from Council to proceed with the proposed design and permitting process. Mr. Adams indicated that the design would be reviewed during the Community Redevelopment Agency (CRA) meeting, which is to take place following the current workshop and that a diagram of the design had been included in the CRA portion of the Council packet. Mr. Kennedy expressed concern about pedestrian safety should the design be the same as that presented during a recent Community Redevelopment Agency Advisory Board (CRAAB) meeting regarding the Four Corners intersection (US 41 and Fifth Avenue South) and involving the use of the median in the center of the intersection as an element of the crosswalk. Mayor Barnett indicated that he would request this item be removed from the Consent Agenda for separate discussion (see below). Mr. Kennedy also addressed Item 11 regarding the Pedestrian and Bicycle Master Plan saying that if the plan should be approved, existing traffic laws must be enforced with regard to bicycle traffic to ensure safety. **Joe Biasella, Naples**, agreed with the prior speaker with regard to enforcement of laws regulating bicycle traffic. He also asked that Council closely monitor the ongoing mooring field issue.

Mayor Barnett requested that Item 6-f (Downtown Traffic Study) be removed from the Consent Agenda for separate discussion (see above). Item 12 (Police Officers' Pension ordinance was to be continued to October 17, as requested by staff, and Council requested that staff provide two separate resolutions regarding Item 11 (Pedestrian and Bicycle Master Plan) so that each portion of the plan could be considered separately. Item 15 (reuse water update) and Item 16 (temporary consulting service contract with City Manager Robert Lee) were also added.

CORRESPONDENCE / COMMUNICATIONS

Council Member Sorey questioned the possibility of charging for conveyance of City-owned land, referencing Item 7 (Easement Vacation Petition 07-EV1) on that week's regular meeting agenda, noting this to be a possible source of funding for the purchase of additional greenspace. In response, City Attorney Robert Pritt indicated that this is however prohibited and promised to provide case law supporting this opinion. Council Member Taylor noted correspondence from City of Naples Historian Doris Reynolds (a copy of which is contained in the file for this meeting in the City Clerk's Office) relative to concern she had expressed that the title conveyed by the Council had been used by Ms. Reynolds for monetary gain in conjunction with a recent book she had written. In her letter of response Ms. Reynolds had asserted that her work had been profitable prior to the title of City Historian being bestowed upon her by Council and that should it be withdrawn, it would likewise not affect the profitability of her work. Mayor Barnett explained that the title had been unsolicited by Ms. Reynolds, that she had always been involved in recording of the City's history and he had no issue with her use of the title; Vice Mayor Nocera and Council Member MacIlvaine agreed. Various Council Members however indicated that they could not support the use of the title by Ms. Reynolds if it were for financial gain.

Consensus that Doris Reynolds not utilize title of City of Naples Historian for marketing purposes (MacIlvaine, Nocera and Barnett dissenting).

Following the above consensus, Ms. Reynolds indicated that she strongly took issue with comments by Council Member Taylor and would tender her resignation from the post of City of

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Naples Historian. She said that she would however continue her work providing the history of Naples to those who express an interest.

Council Member Price shared his experience on the Naples Trolley and urged others to utilize it as a means to view the City from a new and enjoyable perspective; he also commended staff for maintaining the beauty of the City. Council Member Willkomm expressed concern regarding the City's involvement in the Fannie Mae and Freddie Mac Mortgage Backed Security (MBS) (see Item 5 above). Referencing electronically obtained material (a printed copy of which is contained in the file for this meeting in the City Clerk's Office), Mr. Willkomm stated that he believed the City should review this investment; Mr. Price indicated that he had the same concerns and would provide Council with additional information at that week's regular meeting.

ADJOURN.....
3:16 p.m.

Bill Barnett, Mayor

Tara A. Norman, City Clerk

Minutes prepared by:

Vicki L. Smith, Technical Writing Specialist

Minutes Approved: 11/7/07

Seven Companies from City Dock insured list
 9/28/07 Friday 12 noon Start calls
 (to work at NCD)

#1

Cox Mobil Repair 825-6776 Two days out just to even look at the engine for a diagnose of the problem and then order parts. Many times the wrong parts are shipped, so hard to say exactly when repair could be finished. He personally was working on a sweet old lady's boat when she was told her days are up either tow broken boat out of slip, get hotel room, or go off dock in handcuffs. Needless to say this visitor will never return to Naples and is spreading the word! Cox offered for this lady to stay at his house if necessary.

#2

Gulfcoast Marine 434-0331 Could come Tuesday if it's an emergency not open on weekends (four-day stay already up at that time) Service manager upset as this City will only be full of retirees and it's very tough to run a business here!

#3

Dth dies 482-6363 Ft Myers About one week at least would rather time it so there is another customer down south as the drive is killer especially in season

#4

Pantropic Power 337-4222 Miami Could only leave message with Bill ext 317 to call me back as I need a repair at Naples City Dock 12:35pm / They did call back at 4:55 but will not be reachable till 08:00am Monday then I could schedule a visit.

5 Pierce 793-7226 Left message at
12:40 "Need mechanical repairs at Naples City Dock"

6 Matties Marine 332-2515 Ft Myers "Sure one day
now but in season try 4 weeks out!"

7 Dockside Repair 597-4575 No answer or machine

621 OSCEOLA Avenue
WINTER PARK, FL 32789
APRIL 22, 2007

To: Florida Dept of Environment Protection

I would like to ask you to reconsider and revise the DEP policy which prohibits boats from staying more than four consecutive nights at a Florida marina. This policy discourages Florida residents and tourists from enjoying our beautiful waterways and coastal cities - and in the long run, it will lead to lost revenue for marinas, surrounding restaurants, and businesses. It causes unnecessary hardships to those with mechanical or medical emergencies. And it certainly has no positive impact on environmental issues - if another boat will immediately replace each boat which is forced to move on.

Sometimes policies are put in place by well-meaning organizations which are not fully aware of the negative impact they will have. Please allow me to give you a couple of examples.

We own residences in Winter Park and in Madeira Beach, i.e. we are not live-aboards. We plan to spend seven weeks cruising the Florida West Coast and Keys in April and May. On Friday, April 20, our rudder cable broke and we were towed into City Marina, Naples - where we had previously reserved a slip. As we registered we were informed that, should we require more than four nights to repair our boat, we would need to be towed elsewhere, since we could not stay at the City Marina after Tuesday morning. I cannot discern a positive environment impact in this action, i.e. towing me out of this marina down the river to another marina.

and having another boat replace me here.... I can discern a negative economic impact on the marina and local restaurants and businesses. Given these restrictions, boaters (especially those needing weekend repairs) must focus time and attention on finding and arranging repairs in short order - instead of relaxing and spending a few more leisurely days enjoying the town and spending vacation dollars there. It also creates ill-will and tension in the boating community, with boaters who'd like to stay and marines who must turn away the additional revenue.

This weekend we also learned of the death of a close friend at home. In a situation like this, your policy forces unnatural and cruel decisions, since boaters may prefer to pay the marina in advance and head home for a few days to handle responsibilities - but instead are forced to stay with their boat and keep it moving from one marina to another.

Please reconsider and revise your policy. Or inform us what possible environmental benefits can outweigh these negatives.

Thank you. Please call me at 407-620-1389, if you have questions.

Myrna Pearce

Account Summary:							
(Excluding Cash)							
59775000 CITY OF NAPLES GENERAL CASH & INVESTMENT							
MONTH ENDED: August 31, 2007							
SECURITY TYPE	PAR VALUE	AMORTIZED COST	MARKET VALUE	MARKET % OF PORTFOLIO	YTM AT COST	YTM AT MARKET	DURATION TO WORST
CORPORATE NOTE	2,000,000.00	1,975,303.08	1,969,120.00	6.940	5.068	5.391	0.975
FED AGY BOND/NOTE	14,430,000.00	14,492,422.63	14,505,916.69	51.121	4.455	4.825	1.380
FED AGY DN	2,000,000.00	1,985,153.86	1,984,982.77	6.995	5.148	4.957	0.146
US TSY BOND/NOTE	9,850,000.00	9,865,833.29	9,915,477.65	34.944	4.530	4.116	1.398
TOTAL SECURITIES	28,280,000.00	28,318,712.86	28,375,497.11	100.000	4.572 %	4.626 %	1.272
TOTAL INVESTMENTS	28,280,000.00	28,318,712.86	28,375,497.11	100.000 %			
ACCRUED INTEREST		388,164.54	388,164.54				
TOTAL PORTFOLIO	\$28,280,000.00	\$28,706,877.40	\$28,763,661.65				

**CITY OF NAPLES – CITY MANAGER SEARCH
CANDIDATES RECOMMENDED FOR COUNCIL CONSIDERATION**

Candidate	Degrees	Employers of Note	City Size	Yrs Mgr Exp	No Emp	FL Exp	Up-Sci Exp	Bch Exp	Re-dev Exp	Cur Sal	Exp Sal	Notes
Kenneth Fields	BIE Indust Eng MS Pub Pol&Mgt	Hollywood, FL Seminole Tribe, FL	120 Thou	4 23	1500	Yes	Mod	Yes	Yes	245	Mid Rge	Good Education. A lot of DT redevelopment experience.
Daniel Fitzpatrick	BA Bus Adm MBA MPA	Peekskill, NY Oak Park, MI Augusta, ME	30 Thou	24 27	250	No	Mod	Mod	Yes	150	Upr Rge	MPA & MBA. Public & private experience.
William Hinchey	BA Pol Sci MPA	Chatham, MA Dennis, MA	18 Thou	20 27	300	No	Yes	Yes	Yes	155	Upr Rge	Excellent communicator. Experience in very up-scale, beach areas.
Randy Knight	BS Acctg	Winter Park, FL Lake Mary, FL	28 Thou	0 18	560	Yes	Yes	No	Yes	159	175	Assistant in Winter Park. Celebration modeled their DT after Park Avenue.
William Moss	BS Bus M Pub Aff	Marco Island, FL N. Myrtle Beh, SC	16 Thou	26 33	200	Yes	Yes	Yes	Yes	161	170	Excellent beach experience. Florida experience. Good tenures.
Kent Myers	BS Crim Just MPA	Hot Springs, AR Casa Grande, AZ Converse, TX	38 Thou	29 26	640	No	Mod	Min	Mod	119	150 +	Very good impression. Good tenures. Rated #5 best art town in U.S.
Sergio Purrios	B Archt M Urb/Reg Pln	Doral, FL Pinecrest, FL	35 Thou	2 9	150	Yes	Yes	No	Yes	166	185 195	Architecture/planning background.
David Recor	BS Pub Adm&Pol Sci MPA	Fort Pierce, FL Fairfax, VA Hilton Head, SC	40 Thou	0 18	350	Yes	Yes	Yes	Yes	124	Rge	Good education. Planning background. Deputy in Ft. Pierce.
Hector Rivera	BA Soc MA Soc MPA	Falls Church, VA Yonkers, NY Virginia Beh, VA	350 Thou	7 31	2700	Yes	Yes	Yes	Yes	115 143	150 160	Managed cities of note. Very personable.
Patrick Salerno	BGS Pol&Pub Affrs M Pub Adm	Sunrise, FL Cobb Co, GA	90 Thou	21 32	1000	Yes	Yes	Yes	Yes	210	Upr Rge	Managed in up-scale environments. Very successful in Sunrise. Broad perspective.
Timothy Smith	BS Philosophy MPA	Wellfleet, MA Calais, ME	5 Thou	10 10	100	No	Mod	Yes	Mod	96	150 170	Sounds impressive.
Susan Stanton	BA Pol Sci MPA	Largo, FL Berea, KY	78 Thou	21 24	850	Yes	Mod	Mod	Mod	142	150 170	Excellent tenure in Largo. High performance organization.
Bruce St. Denis	B Arch MS Mgmt	Longboat Key, FL Dunedin, FL	7 Thou	11 30	123	Yes	Yes	Yes	Yes	150	Rge	Very impressive. Excellent tenures.
Linda Tucker	BA Journalism	Isle of Palms, SC Sullivan's Island, SC	5 Thou	16 31	90	No	Yes	Yes	Yes	90	150	Manager and person of substance. Good beach experience. Very impressive. Good tenures.
Bogdan Vitas	BA Pol Sci MPA	Lewiston, ME Menasha, WI Crystal Lake, IL	36 Thou	10 24	550	No	Yes	Mod	Yes	146	Lwr Rge	Very personable. Innovative ideas.
Judith Zimomra	BA Rhetoric&Comm MPA JD	Sanibel, FL Cleveland, OH Worthington, OH	6 Thou- BIG	6 25	154	Yes	Yes	Yes	Yes	161	190 200	Very impressive. Broad experience in local government.