



City Council Chamber
735 Eighth Street South
Naples, Florida 34102

City Council Workshop Meeting – March 3, 2008 – 8:28 a.m.

Mayor Barnett called the meeting to order and presided.

ROLL CALLITEM 1

Present:

Bill Barnett, Mayor
Penny Taylor, Vice Mayor (arrived 8:32 a.m.)

Council Members:

Teresa Heitmann
Gary Price, II
John Sorey, III
Margaret Sulick
William Willkomm, III

Also Present:

William Moss, City Manager
Robert Pritt, City Attorney
Tara Norman, City Clerk
Vicki Smith, Technical Writing Specialist
Stephen Weeks, Technology Services Director
David Lykins, Community Services Director
Joe Boscaglia, Parks & Parkways Superintendent
Robert Middleton, Utilities Director
Michael Bauer, Natural Resources Manager
Katie Laakonen, Environmental Specialist
Gregg Strakaluse, Engineering Manager
Robin Singer, Planning Director
Russell Adams, CRA Executive Director

Murray Hendel
Nicole Ryan
Franklin Starks
Jim Boula
Linda Penniman
Gary McAlpin
Sue Smith
Tom Trettis
Venkat Vattikuti

Media:

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

SET AGENDA.....ITEM 2

MOTION by Price to SET THE AGENDA as presented; seconded by Willkomm and unanimously carried (Price-yes, Heitmann-yes, Taylor-absent, Willkomm-yes, Sorey-yes, Sulick-yes, Barnett-yes)

It is noted for the record that Vice Mayor Taylor arrived at 8:32 a.m. during public comment below.

PUBLIC COMMENT.....ITEM 3

(8:29 a.m.) **Franklin F. Starks, Jr., 1717 Gulf Shore Boulevard North**, referencing his letter to Mayor Barnett dated March 2 (Attachment 1), questioned the equity of the proposed stormwater rates especially with regard to condominiums and smaller single-family homes.

PAVEMENT MANAGEMENT PROGRAMITEM 4

Consultant Venkat Vattikuti, Florida Transportation Engineering, Inc. (FTE), utilized an electronic presentation in conjunction with this subject matter (a printed copy of which is contained in the file for this meeting in the City Clerk's Office, as well as the Draft Technical Report). He explained that a pavement management program (PMP) is implemented to determine and analyze the most appropriate time for the rehabilitation of pavement and to aid in determining the most cost-effective method for maintaining a roadway system at a desirable level. The PMP also offers a standardized process of maintaining a comprehensive database of information relating to pavement conditions around the City, he said, while offering an efficient management method and saving on maintenance costs. Mr. Vattikuti reviewed the methodology for the following:

- Selecting the data variables: PSI (Pavement Serviceability Index) is obtained by utilizing the following components: PCR5 (existing five point pavement surface condition rating), TLW (total width of travel lanes), CI (crack intensity index), ADDT (annual average daily traffic, CURB (presence of curb) and XPW (width of shoulder on on-street parking);
- Performing visual surveys for assessing pavement condition which would reveal the presence of any primary (alligator or longitudinal cracking) and/or secondary (block cracking, distortions, patching and utility cuts) cracking;
- Setting up the network map in the City's GIS (Geographic Information System);
- Creating the database;
- Evaluating the data;
- Recommending maintenance techniques;
- Providing findings; and
- Providing an implementation schedule.

Also included within the report were recommended maintenance options:

- RRR (restoration, rehabilitation and resurfacing) – work undertaken to rebuild an existing roadway and enhance safety through a combination of techniques which includes crack filling, crack sealing and/or cape seal;
- Overlaying – the process of adding a layer of new asphalt 1.5 to 2.5 inches thick over the existing roadway which is cost effective, strong and durable, and engineered to flex with changes in seasonal temperatures;
- Micro-resurfacing – the application of 0.5 to 1.5 inches of an asphalt emulsion over an existing pavement to provide a rejuvenated, stable surface, which is resistant to destabilization; and
- Crack filling (cleaning of existing cracks and placing of specified materials into the crack thereby substantially reducing infiltration of water and reinforcing the adjacent pavement); crack sealing (similar to crack filling except prior to placement of specified material, the desired reservoir shape is cut into the crack); and cape seal (a layer of chip seal underneath a layer of micro-surface).

Consultant Vattikuti noted that 106 centerline miles of streets had been inventoried to date of which 79% (or 84 miles) are in good condition and currently require only monitoring; 11% (or 12 miles) are in need of minor maintenance such as crack filling, slurry seal or patch repair; and the remaining 10% (10 miles) require moderate to extensive maintenance methods such as those indicated in the above referenced RRR, overlay, cape seal and micro-resurfacing methods. He

pointed out that when compared to other roadway systems studied in cities around the country, the streets in Naples are in very good overall condition, explaining that the Tampa Bay system had revealed approximately 50% of the roads in very poor condition. In response to Vice Mayor Taylor, Engineering Manager Gregg Strakaluse stated that for aesthetic purposes, slurry sealing would be utilized for minor cracking for a more uniform appearance, especially along Fifth Avenue South, Gulf Shore Boulevard, and Gordon Drive. Council Member Sorey added that the noise factor should also be a consideration when reviewing Fifth Avenue since this is an issue with the use of larger particle asphalt, even though a courser aggregate may be less expensive.

Mr. Vattikuti reviewed the 2007-08 implementation schedule (Attachment 2) and Engineering Manager Strakaluse noted that of the \$500,000 budgeted for this timeframe, approximately \$100,000 had been earmarked for pavement striping and raising of manholes and valves where necessary. Mr. Strakaluse also pointed out that a request for proposals (RFP) is now being circulated for paving work although more than one contractor may be needed due to the scope of maintenance methods to be utilized under this proposed PMP. He stressed that the costs contained in the aforementioned budget had been based on the current contractor's pricing but may be less than previously anticipated with the possible use of numerous contractors, therefore affording the opportunity for additional roadway maintenance to be added to the 2007-08 schedule. Mr. Vattikuti also reviewed the 2008-09 implementation schedule (Attachment 3) and provided sample videos of the City's roadway conditions. In response to Council Member Sulick, Mr. Strakaluse explained that other infrastructure installation and maintenance schedules (such as stormwater, reclaimed water and sewer system) are taken into account with the implementation schedule for the PMP.

During discussion of financing and in response to Vice Mayor Taylor, Mr. Strakaluse explained that a portion of funding is realized from fuel tax; however, due to the decline of this revenue source, the remainder would be withdrawn from the general fund. Council Member Price also observed that revenue from fuel tax would continue to decrease according to the Florida Department of Transportation (FDOT).

In response to Council Member Heitmann, Mr. Strakaluse clarified that, historically, milling and overlay had been the method of choice with regard to road maintenance in the City. During the past year a micro-surfacing pilot program had been utilized with much success; therefore, staff wished to consider all appropriate road maintenance technologies. He explained that with the database developed by FTE, staff would be able to maintain records and add collected data into the PMP. Mr. Vattikuti also noted that the graphs of data provided for Council included merely 10 to 12 of the 68 columns of data available on the PMP, thereby allowing the automatic modification of the plan as new data are entered. Also inclusive in the data is pathways information such as remarking of bicycle lanes and installation of new sidewalks and/or bicycle/pedestrian pathways, Mr. Strakaluse said, noting that the system is interactive and available to all departments for entry of data. Council Member Sorey asked that the data regarding Gulf Shore Boulevard, from Seventh Avenue North to Banyan Road, be provided, explaining that he had been unable to locate it in the review provided. Vice Mayor Taylor expressed concern that roadway maintenance would possibly be delayed should sidewalk and/or pathway installation be projected, especially with the infrastructure challenges facing the City. Council Member Price pointed out that he believed the PMP, as presented, would not affect such

projects but if re-striping were to be done, this should be coordinated to follow any roadway maintenance. City Manager William Moss confirmed for Mr. Price that \$500,000 per year, for the next three years, would be needed with regard to funding this \$1.3-million PMP. Mr. Price noted that this figure is down from the original proposal of \$1-million per year for the same three years.

Public Comment: (9:12 a.m.) **Sue Smith, 11th Avenue South**, questioned why manholes needed to be raised; she also questioned the use of pavers in crosswalks due to maintenance costs, and advisability of using the pedestrian pathways along Gulf Shore Boulevard as bicycle paths. Mayor Barnett requested staff to provide Mrs. Smith with a written response to these issues.

Vice Mayor Taylor reiterated her concern that in the future no roadway maintenance be delayed due to possible pathway projects awaiting funding. Council Member Sulick stated that while she agreed with Vice Mayor Taylor's concern, she had understood that the pathways program was to come before Council each year to determine priorities. On the other hand, she said, the PMP is maintenance of existing roadways, commending staff for its proactive approach.

Discussion followed regarding the use of pavers versus thermal plastic marking for crosswalks such as that recently applied to the roadway in front of City Hall. Consultant Vattikuti pointed out that using pavers for this purpose entails expensive maintenance, which should be coordinated with roadway programs. Council Member Sulick however pointed out that while more costly, pavers increase pedestrian awareness and possibly slow traffic as well. Council Member Sorey agreed, but also cautioned that maintenance costs must be budgeted if pavers are utilized.

.....**ITEM 5**
POLICY REGARDING BEACH MAINTENANCE TECHNIQUES DISCUSSION

City Manager William Moss cited what he termed changing community expectations with regard to beach maintenance. Katie Laakonen, City Environmental Specialist, utilized an electronic presentation (a printed copy of which is contained in the file for this meeting in the City Clerk's Office) and explained that recent public inquiries had revealed the need for the establishment of a uniform beach maintenance policy. She however stressed that the importance of the beach and dune system must be kept in the forefront due to the following issues:

- Protection of upland property;
- Recreation for residents and tourists;
- Importance for economics of tourism;
- Provision of vital site for nesting habitat of sea turtles and shore birds;
- Provision of foraging for wading birds, crabs, etc. and
- Requirements contained in the Code of Ordinances (Attachment 4).

Ms. Laakonen further stated that current practice includes daily manual removal of non-naturally occurring materials as well as use of mechanical methods which the State allows following storm events only. Referring to a photographic depiction of the stages of a beach renourishment project (Attachment 5), Council Member Sorey reminded Council that this work had been funded by TDC (Tourist Development Council) tax dollars.

During further discussion, Ms. Laakonen explained that the wrack line, an accumulation of shells, vegetation, and other debris, marks the upper reach of tidal waters. However, this is

temporary in nature and it becomes re-suspended after multiple tidal cycles. Ecological functions of the wrack line are as follows:

- Initiates primary dunes, catches sand and provides a site for seeds to germinate and grow;
- Provides essential feeding opportunities for various species of birds;
- Provides refuge for small shoreline animals such as crabs and snowy plovers (*considered an endangered bird species in many states*);
- Provides vital nutrients to dune plants and animals and is the base for the food chain for many animals;
- Serves as important nursery habitats for fish upon its re-suspension; and
- Provides a vital food source for fish which consume amphipods (*small, shrimp-like crustaceans*) accumulating in the surf zone among detached macro-algae.

Ms. Laakonen also explained that mechanical beach maintenance, such as raking, hastens the need for beach renourishment because it removes sand and shell as well as reducing compaction, resulting in the suspension of sand during high tides and therefore loss of sand due to wind. Raking removes seed sources, seedlings, and nutrients necessary for dune vegetation; it also lessens the integrity of the dunes and its root system, she added. Should increased compaction occur from the weight of the equipment pulling the rakes, it could compromise sea turtle nests, expose eggs and/or destroy nesting evidence prior to documentation; compaction can also damage, or totally remove from the beach environment, other burrowing animals, Ms. Laakonen said. Additionally, the raking destroys nesting and potential nesting sites for shore birds, crushing their nests, eggs and chicks; it also destroys the above noted wrack line and its benefits, and may cause bacteria to proliferate in the sand by turning it and exposing it to sunlight.

Parks & Parkways Superintendent Joe Boscaglia however, advised Council that staff had modified the equipment currently utilized during extreme algae events, such as red drift tide outbreaks, to preclude the grooming bar from causing the furrowing effect which inhibits sea turtle hatchlings from reaching the water. The City maintains approximately seven miles of beach, he added, and this activity is fully funded by the TDC. He also noted complaints from beachgoers regarding the disruption caused when the equipment is in use. Superintendent Boscaglia then provided the following recommendations:

- At all times avoid removal of any natural debris accumulated within the wrack line;
- Limit grooming to those occasions when leveling of beach contour is required due to holes and depressions caused by such activities as children digging excessively in the sand;
- Remove red algae drifts by mechanical beach rake 48 hours after its deposit, between the wrack line and dune system provided there are six or more inches of depth and the tidal drift has not already removed it in that time frame;
- Avoid the removal of shells and other naturally occurring marine life such as crab shells, parchment tube worms, coquinas and minor patches of dried, non-odorous red drift algae; and
- Avoid areas of dune vegetation and the wrack line by a minimum of ten feet.

In response to Council Member Price, Mr. Boscaglia confirmed that the presentation had been prompted by public requests that the beaches be mechanically groomed daily.

Public Comment: (9:37 a.m.) **Nicole Ryan, representing the Conservancy of Southwest Florida**, stated that her organization supports the City's policy as stated above as being

ecologically accommodating. She suggested that additional educational materials be provided to the public in this regard. **Murray Hendel, no address given**, stated that the Park Shore area property owners were requesting occasional, not daily, raking and questioned the priority granted to the environment over the interests of residents. He noted the odor caused when debris washes up high on the shoreline and said that other materials also wash ashore such as a crab trap which, he said, had remained on the beach for four days. He asked that the City beaches be maintained on the same schedule as that utilized by Collier County, saying that he merely wishes to enjoy a clean beach while respecting the environment. **Gary McAlpin, Collier County Coastal Projects Manager**, responded to Council explaining that the County's beach maintenance policy requires that algae remain on the wrack line for two tidal cycles, which is 24 hours, but if excessive, it would be mechanically or manually removed. Excessive is considered an accumulation of six inches or the existence of pockets of materials, the final determination being made by the beach crew, he said.

Recess: 9:45 a.m. to 9:55 a.m. It is noted for the record that the same Council Members were present when the meeting reconvened.

Public Comment (cont.): (9:55 a.m.) Franklin Starks, Jr., 1717 Gulf Shore Boulevard North, noted that in the past complaints had also been made that too much raking had occurred and said that he supported the present schedule maintained by City staff. Vice Mayor Taylor requested that staff be directed by the Council through consensus, but Council Member Price pointed out that staff must respond appropriately to areas which are more impacted by debris, or if complaints should be received Mayor Barnett also suggested that staff be available should affected area property owner groups request additional information regarding this topic.

Consensus to support current beach maintenance procedures.

PROPOSED SMOKING BAN ON CITY BEACHES AND AT CITY PARKS.....ITEM 6

City Attorney Robert Pritt reported on his research to the effect that he believed adoption of an ordinance to ban smoking on beaches and parks would be allowable due to the fact that indoor smoking (per Florida Clean Indoor Act) is governed and therefore preempted by state law, but this is not the case with outdoor smoking which does not, in his opinion, appear to be so governed. He pointed out that the draft ordinance had been provided (a copy of which is contained in the file for this meeting in the City Clerk's Office) and had been based upon Sarasota County's model. Staff however required further guidance as to locations for applicability and whether exceptions, such as designated smoking areas, should be included. He cautioned that the ordinance, as presented, bans the use of all tobacco products, not merely cigarettes.

In response to Council Member Sorey, Mr. Pritt further noted that should the Fishing Pier be specifically added to the language, the City Dock must be likewise addressed. Council Member Heitmann questioned enforcement and Council Member Price stated that to be effective, designated smoking areas should be provided; Mr. Price also questioned applicable penalties should violations occur. Council Member Sulick however expressed concern that non-smokers could be exposed to dense second hand smoke should designated smoking areas be provided; she therefore said that she supported a complete ban; Mayor Barnett agreed. Council Member Willkomm however voiced what he characterized as his complete disagreement with the proposed ordinance, explaining that tobacco is a legal product and should be allowed.

City Attorney Pritt requested that with regard to penalties, a list of facilities which are considered City parks be included and explained that while no specific section is contained in the draft ordinance, application of penalties defaults to Section 1-15 which is the penalty section of the Code of Ordinances. Furthermore, he said, such penalties could include action by Code Enforcement, criminal violations, fines of up to \$500, and imprisonment for up to 60 days. Council Member Price stated that he would not support application of such penalties, which he said he felt, in this instance, to be vague, that his intent was to provide a healthier and cleaner environment for beachgoers. Council Member Sorey agreed, suggesting that violators be penalized similarly to traffic offenders with a specific fine structure. Mr. Sorey also suggested that the ban be enlarged to include all City-owned facilities and properties. Council Member Sulick pointed out that this issue had in fact arisen in response to the need for a cleaner beach, not second hand smoke, thus her stated opposition to designated smoking areas. Council Member Willkomm suggested that littering laws be enforced rather than adopting additional legislation; Mrs. Sulick said that she believed smokers do not however view cigarette butts as litter and wrongly perceive them to be biodegradable. Council Member Price reiterated his support of designated areas, pointing out that these locations need not be located at beach ends where heavy pedestrian traffic occur, but could in fact be away from heavily utilized areas; Vice Mayor Taylor agreed. Mayor Barnett stated that his concern with regard to the designated smoking areas involves the Fishing Pier and the beach ends becoming littered both with cigarette debris and second hand smoke.

City Attorney Pritt then noted inclusion of a provision for designated smoking areas to be determined by Council, but recommended that no areas be approved at that juncture; Council could also delegate this authority to the City Manager, he added, but also cautioned that no ordinance may be arbitrary, capricious or unreasonable, and designation of smoking areas offers the opportunity for challenge.

During discussion regarding the use of other tobacco products such as chewing tobacco, City Attorney Pritt questioned whether Council wished to include these in the regulations. Council Member Sulick reiterated her desire to address littering of the beach and parks with cigarette butts; Council agreed and Vice Mayor Taylor agreed with the above referenced provision regarding designated smoking areas remaining in the ordinance. City Attorney Pritt also noted that he would review the penalty section in the Code of Ordinances and if Council wished to include penalties applicable to the subsection under discussion, he would pattern such penalties after the state litter law, which mandates \$100 fines per incident and is currently enforceable within the City.

Public Comment: (10:30 a.m.) **Linda Penniman, 611 Portside Drive**, urged approval and noted that this would aid in the enforcement of such a ban within the Moorings neighborhood's beachfront park.

In response to Council, City Attorney Pritt noted that he would provide the ordinance with the revisions discussed above at the April 2 regular meeting.

AGENDA MEMORANDUM AND SUPPORTING DOCUMENTS.....ITEM 7

City Manager William Moss presented his memorandum regarding options that in his opinion may improve the efficiency of agenda preparation, decision-making and policy development (Attachment 6). Suggested changes offered for discussion were as follows:

1. Ordinances, resolutions, and motions. City Manager Moss explained that he believed many routine business actions currently contained in resolutions could be satisfactorily handled by motions, these being award of contracts, appointments to boards and committees, additional insurance premium payments, interlocal agreements, settlement of claims, etc.

Expressing concern about the use of the term etcetera, Council Member Willkomm stated that he could not support any suggestion which did not contain specifically denoted items. He then questioned the ability to track and maintain a record readily accessible to the public should motions rather than resolutions be employed. City Attorney Robert Pritt explained that the City's Charter does not specifically indicate the necessity for an ordinance and/or resolution for every action taken by Council, although some municipal charters do impose this requirement. Per state statute and contained within some sections of the Code of Ordinances, resolutions are however required, Mr. Pritt said, noting that he had no opinion with regard to the aforementioned tracking issue. Mr. Willkomm stated that he could not support the use of motions as a replacement for resolutions due to the fact that he believed issues must be clearly defined prior to action being taken and therefore should be in written form. City Manager Moss, using the awarding of a contract as an example, pointed out that complete information would be provided prior to decision-making and that a motion could be as detailed as desired and contained in the minutes as a permanent record. Council Member Sorey noted that a suggested motion could be contained within the agenda item memorandum and City Manager Moss agreed.

Council Member Price explained that although an advocate for smaller government, he agreed with Council Member Willkomm in this matter, indicating his additional concern that the public would not be well served with the proposed change and pointing out that public awareness and input is at times key to Council's decision. City Manager Moss clarified that his suggestion however applied to only basic, routine functions and that information would still be provided within the meeting packet when necessary.

Council Member Sorey supported City Manager Moss's suggestions, noting impending budgetary challenges. He also cited the need to provide information electronically to the public, which would be facilitated by the proposed change and at the same time, would lessen the amount of paper for retention. In response to Council Member Sulick, City Attorney Pritt said that usually resolutions and motions are not differentiated, although in some areas of state law, requirements exist that call for an ordinance or resolution, such as budget matters or the borrowing of funds.

Council Member Heitmann questioned whether the City Clerk had been given the opportunity to offer her opinion regarding the suggested action, and Vice Mayor Taylor stated that her understanding is that the City Clerk had not been involved with the memorandum whatsoever. City Clerk Tara Norman questioned whether the text of motions, should they replace resolutions, would require legal review as is currently the case. Mrs. Norman further said that motions proffered during Council meetings would require careful crafting so as to enable her staff to convey the proper intent of the action taken, the minutes then becoming the only written record of the action. She also explained that ordinance and resolution numbers are used in tracking and filing various associated legal documents, noting that the current City archives contains over 5,000 documents with either long retention or permanent retention, the records beginning in

1925. If Council should decide to support the proposed change, she stressed, some sort of numbering system would nevertheless be necessary for continued record keeping. In response to Council Member Price, she agreed that some sort of action number could be assigned to motions, but that when filed, the contents would merely be a page from the minutes indicating that motion. She said she did not believe that the public would be well served by such a system. In the past, she further explained, if someone were in the process of obtaining a building permit, a resolution could be provided and hasten the process for the resident. She also cautioned that with regard to board and committee appointments, resolutions are necessary, in her opinion, because whereas clauses are used to establish that appropriate steps had, in fact, been taken in the recruitment and interview of a candidate. While these and similar actions do appear in boilerplate form, they contain vital information which should be provided to Council and the public, Mrs. Norman said, therefore she opposed this change. In conclusion, she pointed out that she and Legal Coordinator Patricia Rambosk had often discussed that a well-crafted resolution lessened the amount of information necessary in the staff report regarding a particular item.

Consensus to not pursue recommendation to eliminate certain resolutions and ordinances (6-1 / Sorey dissenting).

2. Agenda memorandum and back-up material; and
3. Agenda Memorandum and attachments for matters considered by ordinance on Second Reading. City Manager Moss, referencing the proposed agenda item memorandum/cover sheet for each item, explained that the proposal would limit each item to two pages of information but would continue to undergo legal review and financial review if indicated. He said that it had appeared to him that quite often duplication of information occurred.

Council Member Price expressed concern with regard to this change in light of the need for Council to be kept abreast when making its decisions, cautioning that it was currently difficult to keep the public up to date on such issues. City Manager Moss noted the current procedure allows a mere five-day turnaround for Council packet preparation and his suggestion would allow latitude for him to amend the memorandums when needed. Council Member Sorey stated that any new information provided to Council should automatically be provided online for the public.

Vice Mayor Taylor questioned the need for the changes and voiced support of the current memorandum format. City Manager Moss however pointed out that many times it appears the packet memorandum originates with him when in fact it had been authored by a department director. The new format would indicate the department director who composed the memorandum, the review by the City Manager and the finance director, as well as an additional review by various staff members; however, only one memorandum would be provided. In response to Vice Mayor Taylor, City Manager Moss agreed that the current graphics could remain on the proposed memorandum. Council Member Price cautioned that he utilizes the background and staff analysis provided on the current document; City Manager Moss indicated that this could be added.

Also in response to Vice Mayor Taylor, City Manager Moss explained that the smaller size of recent meeting packets had been due to the omission of what he termed duplicate information which had been previously provided in past packets, that he had then provided this prior information in his agenda memorandum. Vice Mayor Taylor stated that she had found it quite helpful to consider staff's input on items, not just a summary, noting that the information

provided for the stormwater rate increase (Item 7 of that week's regular meeting) had contained the City Manager's summary and the ordinance. A subject of such controversy, she said, demanded that all information be provided for Council and public review. She asked that the packet return to its prior form. City Manager Moss clarified that the new format would not preclude additional information being provided but would not repeat the same information on the same item, meeting after meeting.

Consensus to not support modification of the agenda memorandum or back-up materials (4-3 / Price, Sorey and Barnett dissenting).

Following additional discussion the consensus below was forthcoming.

Consensus to allow new format for agenda memorandum, with existing graphics and no limitation as to length; back-up materials are to revert to as previously provided (7-0).

City Attorney Pritt noted that in quasi-judicial proceedings, all back-up material is legally needed as evidence for consideration and for the record of the hearing(s). Vice Mayor Taylor reiterated her dependence upon the packet for decision making, stating that it should not be minimized or condensed for any reason; Council Member Willkomm agreed adding that it is also a service to the public. City Clerk Norman further explained that the packet is considered the official record of a meeting and if an item referenced is not provided in that packet, it is not considered part of the record. She added that the City retains the Council packet for each meeting as a permanent record, which had proven invaluable over the years for research. She questioned how items of record from a past meeting could be notated as part of the record of a subsequent meeting if, in fact, it is not provided for that subsequent meeting and therefore, not provided for Council's decision-making. Vice Mayor Taylor supported Mrs. Norman's comments.

4. Monthly reports. City Manager Moss reviewed his proposal for monthly financial reports and quarterly departmental reports to be provided either as part of the meeting packet or directly to Council Members.

Council Member Sorey noted that he now believed that a monthly memorandum containing a summary of new information by individual department directors and then a quarterly detailed report would be preferred. As an example, he explained his need for ongoing updates regarding the chloride level of the reclaimed water system. Council agreed with this suggestion.

Consensus for staff to provide one memorandum containing updates from each department director and a quarterly detailed report.

5. Award of contracts. City Manager Moss reviewed his proposed changes explaining that scoring of the individual bidders would be reviewed by the City Manager but individual score cards would not be duplicated in the packet, nor would standard form contracts; however, the line item bid submittal of the successful bidder would be provided.

Council Member Price requested the inclusion of all bids and scorecards for the bidders, that he finds it to be valuable information; Council concurred.

Consensus that individual scorecards should be provided on bids awarded.

6. (a) Community Redevelopment Agency (CRA). City Manager Moss explained that his proposal would include Code amendments to provide greater authority to the CRA (City Council seated as the CRA) in that all items except the CRA budget, including capital improvements and the redevelopment plan, would be approved by the CRA, not separately by City Council.

(b) CRA packet material. City Manager Moss continued by pointing out that if the above recommendation were denied, when an item is considered by CRA and Council, the

materials would no longer be duplicated for each individual meeting and only an agenda memorandum would be provided to Council.

Council Member Sorey said that he agreed with this proposal, indicating that he had never understood the need for the CRA to consider certain items and then the same body consider it when seated as the City Council. Council Member Price agreed, pointing out that he believed it confusing to the public. In response to Council Member Heitmann, Vice Mayor Taylor explained that originally it was considered very important that the CRA be made up of the Council Members, not a separate group. She also noted that, at times, the CRA may meet on a Monday and when Council convened on that Wednesday, additional information had come to light and Council actually reversed prior decisions reached when seated as the CRA. Council Member Price stated that if additional information is forthcoming, then the CRA could, if necessary, reconsider its action at its next meeting; this change could actually better serve the public with advance notice that a CRA decision may be altered, he added. In response to Council Member Sulick, Mayor Barnett explained that, at times, issues are time-sensitive and cannot wait until a Council meeting several weeks away to be addressed, therefore supporting this option. City Attorney Pritt stated that he believed that the CRA, as an entirely separate legal entity from City Council, could indeed become the decision maker, although traditionally Council had done so. He said that he had found no provision in the CRA statute to preclude this change. In response to Council Member Sulick, City Attorney Pritt confirmed that the CRA membership could only be altered via a Council decision.

Consensus to accept changes contained in 6(a) and not 6(b) (5-2 / Taylor and Heitmann dissenting).

Recess: 11:42 a.m. to 11:52 a.m. It is noted for the record that the same Council Members were present when the meeting reconvened except Vice Mayor Taylor who returned at 11:53 a.m. Consideration of Item 7 continued.

7. Land use issues.

(a) Live entertainment permits would initially be heard by Council but subsequent renewals would be an administrative decision by the City Manager, said City Manager Moss. He also noted that renewals currently appear on the Consent Agenda unless complaints had been received regarding the subject establishment, this would however be considered by staff prior to approving renewals.

Mayor Barnett stated that he believed that consideration of these items does not necessitate a lengthy deliberation in most instances and therefore he could not support this change; City Manager Moss agreed. Council Member Sorey expressed interest in utilizing a motion for this item rather than a resolution; Council Member Heitmann and Vice Mayor Taylor disagreed, stressing that live entertainment permits are perhaps one of the most controversial issues in the City and the following consensus was forthcoming.

Consensus that no changes in consideration of live entertainment permits be forthcoming.

(b) Residential Impact Statement (RIS) suggested changes included broadening of the analysis rather than requiring separate petitions and resolutions, Planning Director Robin Singer explained. Criteria would be refined to clearly identify undesirable impacts and a separate petition process, reviewed by the Planning Advisory Board (PAB), would address commercial establishments with extended hours.

Council Member Sorey questioned whether the same process would apply for PAB review; Ms. Singer confirmed this and Mr. Sorey said that the process and the RIS would be improved by the above suggestions; Council agreed.

Consensus to support the above proposed changes to Residential Impact Statement (RIS) consideration.

(c) Quasi-judicial matters are currently heard by Council, City Manager Moss said, but some decisions may be delegated to others, such as the Planning Advisory Board (PAB), which could consider such things as fence and wall waivers, alcoholic beverage distance waivers, outdoor dining permits on public property, and variances; the right to appeal such decisions to City Council would be maintained.

Mayor Barnett stated that he believed quasi-judicial matters to be the purview and responsibility of Council and therefore he could not support this proposal; Council concurred.

Consensus to not support changes to consideration of quasi-judicial matters.

8. Special event permits: Changes would involve Council consideration of new permit applications and renewals seeking additional City funds that were not previously budgeted, however, other renewals would be considered for approval by the City Manager with the right to appeal to Council should the permit be denied, City Manager Moss explained. A budgetary summary of special events would be provided in the above referenced quarterly report although the calendar of events would be provided monthly within the City Manager's report.

Council Member Sulick stated that she believed that more information regarding Special Events is needed. She further asserted that assets, such as Fifth Avenue South, are being utilized by private entities during street fairs and profits are being realized which are not shared by City residents. She requested that a financial history be provided regarding such events to ascertain whether, in some cases, the events are actually costing the City for services such as security and cleanup. Council Member Price agreed, adding that he would also prefer to see parking plans for large events prior to approval, noting a recent art festival and the numerous trucks with trailers parked in a Fifth Avenue parking lot: Council Member Heitmann and Vice Mayor Taylor agreed. Council Member Sorey noted that groups pay for security and cleanup, that this is not paid for by the City, and that with regard to the incident referenced by Mr. Price, the sponsors for the art festival had made arrangements for parking in the empty lot located at US 41 and Goodlette Frank Road (commonly known as Renaissance Village) but had not followed through with a plan for conveying the artists and their wares to and from Fifth Avenue.

Consensus to not accept above recommendations, additionally, detailed documentation of cost to the City for events is to be provided, as well as expanding requirements for larger events, especially street fairs, to include a parking plan.

9. Supplemental agenda material and additions to the agenda after publication: Policies would change in that if an oral report would be sufficient, a supplemental written report would not be provided and additions to the agenda would be limited to time-sensitive issues beneficial to the public welfare; otherwise, such items would be added to future agendas, City Manager Moss explained.

This item was withdrawn from consideration due to above discussion.

10. Summary agenda recommendations: City Attorney Pritt explained their use by many local governments when two or more ordinances and resolutions can be adopted by one motion, assuming they meet pre-established criteria, such as currently utilized for the

Consent Agenda items. If an item has received no objection, it would be placed on the summary agenda, with no hearing forthcoming, much the same as a court of law would approve a summary judgment. He also noted that if approval by the Planning Advisory Board (PAB) had been received, then the item would be placed on the summary agenda with the provision that if Council wished discussion, the item could indeed be removed for separate discussion in the same manner as the Consent Agenda, although proper notice would have to be addressed. City Attorney Pritt stated that this procedure would lessen the time involved for items meeting no challenge.

Council Member Sorey suggested this recommendation be accepted on a trial basis and Mayor Barnett agreed. Council Member Heitmann noted that as a newly elected Council Member, she would prefer to wait until a later date before a trial of this item takes place. Vice Mayor Taylor expressed concern with the lack of public hearings regarding an item if approved through the suggested summary agenda procedure. She predicted that merely a prior hearing by the PAB would not be well received by the public as the only hearing and therefore limiting public input, which she could not support, she said. City Attorney Pritt reiterated that the purpose of a hearing is to advise Council as to the pros and cons of certain items. If the item had been sufficiently vetted at the PAB hearing level, such an item would be a candidate for the summary agenda, he said, reiterating that the criteria must have been met prior to inclusion on such an agenda. Council Member Sorey added that he believed if properly advertised, the PAB hearing could become a much greater contributing entity with such a change, citizens would attend its meetings providing input at that time prior to a PAB recommendation being rendered. In response to Mr. Sorey, City Attorney Pritt said that if someone noted objection the day of Council's consideration regarding an item on the summary agenda, it would be removed for discussion. Agreeing with Vice Mayor Taylor's prior comments, Mr. Sorey concluded that if Council wished to proceed with such a change, additional information would be needed as to the procedure utilized by the Collier County Board of Commissioners (BCC) who currently use a summary agenda for certain items. Council Member Sulick noted that she could not support conveying this additional authority to the PAB; Council Members Price and Willkomm agreed.

Consensus to not accept recommendation of a summary agenda.

Public Comment: (12:17 p.m.) **Sue Smith, 11th Avenue South,** said that she believed items such as those under discussion should not be presented in a workshop setting due to the complexity of the recommendations involved. With regard to the CRA discussion above, she cautioned that a check and balance system had been in place which allowed the Council Members to view items on a CRA and citywide basis prior to Council's final decision, disagreeing with the consensus on this recommendation.

In response to Vice Mayor Taylor, City Manager Moss explained that the current presentation had been an attempt to bring forward suggestions for Council's consideration, which he deemed appropriate at that time. He said that he had noted much duplication of paper work and processes, which he said he believes to be inefficient and time consuming. Vice Mayor Taylor referenced a 2004 memorandum from City Attorney Pritt which had contained many of the above noted suggestions, that she believed that staff time spent on an item of such sweeping change should have been approved prior to its presentation. City Manager Moss stated that major changes which had been approved would indeed return to Council in the form of ordinances and/or resolutions prior to their implementation. Council Member Price indicated

that he supported City Manager Moss as having properly presented ideas to Council in a public forum, that he was merely doing his job; Council Member Sorey agreed.

Public Comment (cont.): (12:31 p.m.) **Tom Trettis, Naples**, who indicated that it he is a former City Attorney, contended that the Mayor had had involvement with reference to formulation of this item, and that it had therefore been contrary to the City's form of government. He also related an incident at City Hall wherein he said he believed his conversation with the City Manager had been unduly interrupted by the Mayor. In response to Mr. Trettis, Mayor Barnett stated that he had had no part in the drafting of these recommendations, that he had indeed spoken with City Manager Moss following receipt of his meeting packet containing the information, as had other Council Members, which is a common practice. City Manager Moss agreed with this statement.

PLANNED DEVELOPMENTS DISCUSSIONITEM 8

Planning Director Robin Singer referenced her memorandum dated February 20 (Attachment 7) and utilized an electronic presentation (a printed copy of which is contained in the file for this meeting in the City Clerk's Office) dealing with this topic. She explained that past perceptions and issues had led to staff recommending a zoning in progress, which had subsequently been denied June 6, 2007, regarding amendment of provisions dealing with Planned Developments (PD's) of fewer than five acres. Ms. Singer noted that recent Council discussions had however persuaded staff that this presentation be offered and related the following issues:

- The frequency of PD's being pursued (total of 59 currently);
- The small size of subject sites and their location throughout the City;
- The perception that PD's are viewed as a way to circumvent the Code of Ordinances and increase density; and
- The perception that the PD process provides a greater level of review in that each new PD, and any amendments to an existing PD, must be reviewed by the Planning Advisory Board (PAB) and Council. Staff believes that the process is cumbersome and that PD's on smaller properties may constitute spot zoning.

Ms. Singer explained that she had begun reviewing the code with regard to PD's and was in the process of developing recommendations seen as necessary by staff, but had desired additional Council and public input prior to the actual drafting of amendments. She pointed out that staff's intent had been:

- Limiting any departures from the Code without clearly stated public benefit;
- Limiting any increased density;
- Insuring that any departures from the Code are reviewed by Council and the public;
- Providing for a contribution of public benefit, or some form of recompense, whenever waivers are granted or density is increased;
- Avoiding spot zoning;
- Insuring consistency with the Comprehensive Plan and community vision; and
- Reducing and avoiding conflicts with the character of surrounding neighborhoods.

Possible solutions being considered by staff were listed as:

- Limit any deviations from the Code without clearly stated public benefit, whether a PD or some other review process;
- Limit any increases in density;
- Insure that any deviations from the Code are always reviewed by the Council and public;

- Provide for a contribution of public benefit, or some sort of recompense, whenever deviations are granted or density is increased;
- Increase minimum site area from one acre to two acres or one-half of a platted block (which on average equates to 2.7 acres in the City);
- Insure consistency with the Comprehensive Plan and community vision; and
- Reduce and avoid conflicts with the character of the surrounding neighborhoods.

Director Singer listed staff recommendations as follows:

- Broaden the General Development Site Plan (GDSP) review process by requiring all plans to be reviewed by the Design Review Board (DRB), utilizing the same thresholds, and also to require review on an administrative level;
- Provide an alternate process for minor deviations from the Code which had been found acceptable in the administrative review, but would require some type of minor deviation or waiver be granted in return for the public benefit provision noted above;
- Clarify the amendment process as to that which can be approved administratively, or design changes that do not increase square footage or intensity of a project which could be approved by the DRB without applying the PD process;
- Increase the minimum size of new PD's and other rezoning petitions to, at least, the above noted one-half block or two acre parcel; and
- Limit the density to that of the underlying district designation or consider density as a numerical requirement which could be waived through a deviation process as an alternative to the PD process.

Council Member Sorey voiced agreement with the majority of the above recommendations, pointing out that a balance must be maintained between departures from the Code and public benefit. He cited the proposed project at Fourth Street and Fourth Avenue South saying that although a PD had been granted, the approved structure is actually smaller in size than that which could have been built according to the underlying district regulations. In response to Council Member Willkomm, Ms. Singer clarified that the above referenced administratively approved requests included could be floor changes of less than ten percent of the approved square footage, or an alternate approval process that would still be heard by Council but would not necessitate a PD or other rezoning process. Mr. Willkomm referred to prior information citing a list of 13 cities in which the average minimum area for a PD equated to 8.9 acres and noted his support of a 5-acre minimum in the City.

Council Member Sulick agreed, saying that she believed a PD should be used as a tool in a planning department, not as a method of circumventing underlying zoning as had been the case many times in the recent past, in her opinion. It is the City's responsibility to insure that the Code is not misused, she said, stressing that items such as increased density are not a right but a privilege, and agreeing with the five-acre minimum. She said she also supported the remaining recommendations brought forth by Ms. Singer. Council Member Price stated that while he supported most of the recommendations, public benefit should be at the forefront and should be included within all staff reviews of projects. He also pointed out his belief that the Code does not reflect the Comprehensive Plan in many instances. He further suggested that a charrette be held regarding the process under discussion, including review by a professional and attendance by the public. If certain types of development are desired, Mr. Price said, then appropriate incentives should be provided and stressed that the time had come to address these issues.

Vice Mayor Taylor agreed, requesting a list of PD's approved over the past ten years, including their acreage, for review when staff returns with the amendments under discussion. Mayor Barnett echoed Vice Mayor Taylor's comments, requesting a staff analysis of the impact of the aforementioned list of PD's with regard to public benefit also be provided; Council Member Heitmann agreed. In response to Mrs. Heitmann, Ms. Singer also explained that public benefit could entail increased greenscape or landscaping over what is required by Code, building at less than the maximum density or intensity requirements, or increased buffering for adjacent residential areas. Mr. Price noted that the proposed use of the property could also sometimes be considered a public benefit.

Council Member Sulick, stating that she was strongly in support of a five-acre minimum, noted that most PD developments would then be limited to commercial areas in that a developer would be hard pressed to purchase five acres for one development in the remaining residential areas of the City. Council Member Sorey questioned the existence of parcels of five acres or greater remaining in the City and asked staff to provide information on their locations.

City Attorney Pritt explained that the next step in continuing the process under discussion would be to gather information and draft amendments, which would then be presented to the PAB, questioning whether Council wished to review the amendments prior to the PAB submittal. Council Member Sorey pointed out that PAB input would be vital with regard to the above referenced correlation with the Comprehensive Plan and the Code of Ordinances. In response to Council Member Price's questioning of the minimum acreage of five, Council Member Sulick stressed her belief that property owners make their purchases with certain expectations of that which can be constructed on adjacent sites, that if PD's are allowable at the current 48,000 feet, the character of a neighborhood would always be fluid. She also noted that in her PAB experience, public benefit had never been represented as the driving force for a PD application and asked whether Council would entertain a zoning in progress publication with regard to PD's for a six-month timeframe; Council Member Willkomm agreed with this suggestion. Discussion followed during which a consensus for a zoning in progress was not forthcoming.

Consensus for staff to provide draft amendments to Council for further discussion prior to submission to the Planning Advisory Board (PAB).

RECOMMENDATIONS FOR THE SAM NOE AWARD.....ITEM 9

City Clerk Tara Norman noted that two recommendations had been received, James Black and Sharon Kenny, and requested direction as to which candidate should be bestowed the award. Discussion followed during which Council Member Willkomm voiced his support of Ms. Kenny and Council Member Sorey explained his position that Ms. Kenny, while an excellent candidate, would certainly be serving the community in the future and had not served the community the number of years served by Mr. Black, who had been nominated the prior year. Council Member Price agreed, characterizing Mr. Black as an unselfish servant to the community who had actually served with Sam Noe, adding that he believed Ms. Kenny also to be a worthy candidate. Council Member Willkomm withdrew his nomination of Ms. Kenny at that time and the following consensus was unanimous.

Consensus that James Black be the recipient of the 2008 Sam Noe Award.

BRIEFING BY CITY MANAGER.....ITEM 10

(It is noted for the record that a copy of the City Manager's report is contained in the file for this meeting in the City Clerk's Office.) City Manager William Moss reviewed his memorandum

dated February 27 (Attachment 8), noting that staff had provided an additional memorandum dated February 21 detailing proposed vegetation maintenance for the Naples Preserve (Attachment 9); Council agreed with the proposal contained therein. With regard to the Aqualane Shores dredging concerns involving removal of rocks creating navigational hazards, Council Member Heitmann asked the following: when the project begin, the projected completion date, and details of any delays of the project to date. Although not provided within his report, City Manager Moss gave a brief update regarding the City Dock and Crayton Cove mooring field submerged land leases. He explained that following contact with the Florida Department of Environmental Protection's (FDEP's) general counsel, who had discussed the matter with the Deputy Director of the Board of Trustees of the Internal Improvement Trust Fund (TIITF), it had been indicated that the granting of the City Dock lease could be approved administratively rather than through a hearing before the Governor and Cabinet. The mooring field lease, on the other hand, could not be attained administratively and therefore the suggestion had been forthcoming that a November hearing date for this item be scheduled and a Temporary Use Agreement (TUA) be utilized until that time. In response to Council Member Sorey, he clarified that the local FDEP office in Fort Myers would be providing a letter agreeing that latitude should be allowed as to whether a vessel may remain docked following mechanical or some other unforeseen problem at the Dock Master's discretion. Council Member Sulick noted her past request for the number of slips designated for transient use and the number of permanent mooring slips, including the occupancy rate for each, in the tourist season and out. She also noted the downward trend of revenue from the City Dock facility. In response to Council Member Price, City Manager Moss stated that it had been conveyed to him that controversy from outside sources had been expected if the March hearing for the mooring field lease had gone forward and the possibility existed that no decision would have been rendered. It is expected, he said, that with the mooring field operating under the aforementioned TUA without issue, approval of the actual lease would be granted in November by the Governor and Cabinet. Council Member Sulick then requested the schedule for sewage discharge from vessels and monitoring of water quality for the mooring field area.

REVIEW OF ITEMS ON THE 03/05/08 REGULAR AGENDAITEM 11

With regard to the Consent Agenda, Council Member Sulick asked whether the event listed under Item 6-b(2) (Downtown Naples Annual Art Festival and Sidewalk Sale) would necessitate the closure of Fifth Avenue South. Council Member Heitmann questioned the amount of City funding for security. Council Member Sorey requested that the City Clerk provide a memorandum supporting the purchase requested in Item 6-e (amending budget for purchase of microfiche reader in the City Clerk's Office). Council Member Price requested that Item 6-c (grant applications to Collier County Tourist Development Council/TDC) be removed from the Consent Agenda for separate discussion and Vice Mayor Taylor requested additional information regarding the inclusion of Keewaydin Island beach monitoring. Council Member Sorey also asked whether a consensus had previously been given regarding Item 12 (Noise Ordinance amendment regarding limitation of landscape maintenance hours of operation of mechanical equipment) for the inclusion of a provision requiring the measurement of noise level of the aforementioned equipment. Item 16 (expanded trolley service extension of time discussion) was added at the request of City Manager William Moss.

CORRESPONDENCE / COMMUNICATIONS

Council Member Heitmann referred to a white paper regarding past Council discussions of the chloride level of the City's reuse system (a copy of which is contained in the file for the meeting

City Council Workshop Meeting – March 3, 2008 – 8:28 a.m.

of February 20 in the City Clerk's Office) and questioned whether additional funding should be designated for the reclaimed water project prior to a complete review by Council of past spending in this regard. Council Member Sorey clarified that the 2003 documentation had been provided by staff and stressed that a detailed review was needed of how and when chloride levels are to be reduced to the 250mg/l target. Mrs. Heitmann reiterated her concern with the continued spending. Council Member Price stated that he did not wish the City to provide any further funding until the chloride level issues had been addressed. Mayor Barnett and Council Member Willkomm noted that each had arranged individual meetings with Rookery Bay National Estuarine Research Reserve with regard to the proposed annexation of Keewaydin Island. Council Member Price noted that the crosswalks and curbing along Fifth Avenue South was in need of repainting. He also questioned the anticipated date of the next Comprehensive Plan amendment and asked for an update of pending state legislation concerning same, questioning whether this proposal would be included on the November ballot for voter opinion. Council Member Sulick requested an accounting of parking spaces allotted by the City along Fifth Avenue South, as well as identification of the entity utilizing the spaces. Council Member Willkomm, as a member of the Fifth Avenue South Action Committee (FASAC), which assigns these parking spaces, said that 100% of the spaces had been assigned; Mrs. Sulick reiterated that she wished to ascertain the location of parking assigned to establishments along Fifth Avenue. Council Member Willkomm, noting excerpts from the existing contract with Andrea Clark Brown & David Poorman Architects for design of the Eighth Street and Sixth Avenue South parking garage (Attachment 10), stated that he believed that the \$25,000 recently approved for construction monitoring by a third party on the site should have been the responsibility of the aforementioned architecture firm. He requested that the City Attorney review this contract and Council concurred.

ADJOURN
1:43 p.m.

Bill Barnett, Mayor

Tara A. Norman, City Clerk

Minutes prepared by:

Vicki L. Smith, Technical Writing Specialist

Minutes Approved: 04/02/08

e-mail

March 2, 2008

Dear Bill:

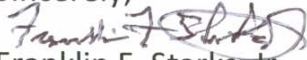
I have seen a copy of the letter you received from Doug Findlay this morning. I am in full agreement with it as far as it goes. However, as a matter of minimal equity I believe consideration should be given to owners of the smallest homes and condos since they are likely to be the ones least able to afford the large proposed increase. It is difficult enough to come up with a truly equitable plan, so it is necessary that this be done as these owners would be affected the most.

Accordingly I believe that owners of the smallest homes (e.g. those in Tier 1 of the consultant's proposal) should be given the same break as Doug has proposed for condo owners, viz. .675 of the regular home rate.

It is likely that owners of very small condominiums (maybe 0 – 1100 sq. ft.) should be given similar consideration and so I propose that their rate would be .675 of the rate charged to the other condominium owners.

The attached sheet provides a simple explanation of the proposed rate structure.

Sincerely,


Franklin F. Starks, Jr.

President, Gulf Shore Property Owners Association

2007-08 Implementation Schedule

BACK

STCL_AL L_I	ROAD NAME	FROM	TO	Length (miles)	Exist. PCR	Exist. PSI Value	Final Pvmt Treatment	Cost per Seg.	Final Program Year
657	2ND AVE S	4TH ST S	5TH ST S	0.09	2.5	0.28	CAPE SEAL	\$ 7,603	2007-08
655	2ND AVE S	5TH ST S	6TH ST S	0.08	2.5	0.28	CAPE SEAL	\$ 6,758	2007-08
653	2ND AVE S	6TH ST S	6TH ST S	0.01	2.5	0.28	CAPE SEAL	\$ 845	2007-08
693	3RD AVE S	GULF SHORE BLVD N	Dead End	0.08	2.5	0.36	CAPE SEAL	\$ 6,758	2007-08
658	4TH ST S	2ND AVE S	1ST AVE S	0.08	2.5	0.56	CAPE SEAL	\$ 6,758	2007-08
679	4TH ST S	3RD AVE S	2ND AVE S	0.08	2.5	0.56	CAPE SEAL	\$ 6,758	2007-08
702	4TH ST S	4TH AVE S	3RD AVE S	0.08	2.5	0.56	CAPE SEAL	\$ 6,758	2007-08
736	4TH ST S	5TH AVE S	4TH AVE S	0.08	2.5	0.56	CAPE SEAL	\$ 6,758	2007-08
816	4TH ST S	9TH AVE S	8TH AVE S	0.08	2.5	0.56	CAPE SEAL	\$ 6,758	2007-08
833	6TH ST S	10TH AVE S	9TH AVE S	0.08	2.5	0.28	CAPE SEAL	\$ 6,758	2007-08
852	6TH ST S	11TH AVE S	10TH AVE S	0.08	2.5	0.28	CAPE SEAL	\$ 6,758	2007-08
869	6TH ST S	BROAD AVE S	11TH AVE S	0.08	2.5	1.13	MICRO RS	\$ 4,224	2007-08
889	6TH ST S	12TH AVE S	BROAD AVE S	0.09	2.5	0.28	CAPE SEAL	\$ 7,603	2007-08
907	6TH ST S	13TH AVE S	12TH AVE S	0.08	2.5	0.28	CAPE SEAL	\$ 6,758	2007-08
922	6TH ST S	14TH AVE S	13TH AVE S	0.08	2.5	0.28	CAPE SEAL	\$ 6,758	2007-08
773	7TH AVE S	PARK ST	EAST LAKE DR	0.07	2.5	0.71	MICRO RS	\$ 3,285	2007-08
980	18TH AVE S	GULF SHORE BLVD S	GORDON DR	0.09	3.0	0.38	MICRO RS	\$ 6,336	2007-08
978	18TH AVE S	GORDON DR	GORDON DR E	0.01	2.5	0.68	CAPE SEAL	\$ 1,126	2007-08
977	18TH AVE S	GORDON DR E	3RD ST S	0.07	2.5	0.68	CAPE SEAL	\$ 7,885	2007-08
976	18TH AVE S	3RD ST S	4TH ST S	0.09	2.5	0.68	CAPE SEAL	\$ 10,138	2007-08
973	18TH AVE S	5TH ST S	4TH ST S	0.11	2.5	0.68	CAPE SEAL	\$ 12,390	2007-08
972	18TH AVE S	5TH ST S	6TH ST S	0.09	2.5	0.68	CAPE SEAL	\$ 10,138	2007-08
971	18TH AVE S	6TH ST S	7TH ST S	0.09	2.5	0.68	CAPE SEAL	\$ 10,138	2007-08
1566	18TH AVE S	7TH ST S	8TH ST S	0.09	2.5	0.68	CAPE SEAL	\$ 10,138	2007-08
969	18TH AVE S	18TH AVE S	18TH AVE S	0.07	2.5	0.68	CAPE SEAL	\$ 7,885	2007-08
4035	AQUA CIR	4TH ST S	Dead End	0.03	2.5	0.44	CAPE SEAL	\$ 1,971	2007-08
109	BAHIA PT	CRAYTON RD	Dead End	0.15	2.5	0.63	CAPE SEAL	\$ 14,080	2007-08
1076	CRAYTON RD	CRAYTON CT	WHISPERING PINE LN	0.03	2.0	0.30	MILL-OVERLAY	\$ 6,160	2007-08

2007-08 Implementation Schedule

FY 07/08 Budget: \$500,000

BACK

STCL_AL L_I	ROAD NAME	FROM	TO	Length (miles)	Exist. PCR	Exist. PSI Value	Final Pvmt Treatment	Cost per Seg.	Final Program Year
1076	CRAYTON RD	CRAYTON CT	DEVILS LN	0.03	2.0	0.30	MILL-OVERLAY	\$ 6,160	2007-08
1076	CRAYTON RD	CRAYTON PL S	Dead End	0.03	2.0	0.30	MILL-OVERLAY	\$ 6,160	2007-08
1076	CRAYTON RD	DEVILS LN	PARKWOOD LN	0.03	2.0	0.30	MILL-OVERLAY	\$ 6,160	2007-08
102	CRAYTON RD	MERMAIDS BIGHT	BINNACLE DR	0.09	2.5	0.75	CAPE SEAL	\$ 9,715	2007-08
30	CRAYTON RD	NEAPOLITAN WAY	PARKWOOD LN	0.06	2.0	0.30	MILL-OVERLAY	\$ 12,320	2007-08
35	CRAYTON RD	NEAPOLITAN WAY	PINEGROVE LN	0.13	2.5	0.75	CAPE SEAL	\$ 15,253	2007-08
1086	CRAYTON RD	PARK SHORE DR	NEPTUNES BIGHT	0.10	2.5	0.75	CAPE SEAL	\$ 10,795	2007-08
1084	CRAYTON RD	PARK SHORE DR	TURTLE HATCH RD	0.08	2.5	0.75	CAPE SEAL	\$ 9,387	2007-08
36	CRAYTON RD	PINEGROVE LN	TURTLE HATCH LN	0.06	2.5	0.75	CAPE SEAL	\$ 7,040	2007-08
41	CRAYTON RD	TURTLE HATCH LN	TURTLE HATCH RD	0.06	3.5	1.05	CAPE SEAL	\$ 5,350	2007-08
1076	CRAYTON RD	WHISPERING PINE LN	CRAYTON PL S	0.03	2.0	0.30	MILL-OVERLAY	\$ 6,160	2007-08
1072	DEVILS LN	CRAYTON RD	PARKWOOD LN	0.15	2.0	2.20	MILL-OVERLAY	\$ 24,640	2007-08
25	DEVILS LN	PARKWOOD LN	NEAPOLITAN WAY	0.06	2.0	2.20	MILL-OVERLAY	\$ 9,856	2007-08
1149	FAIRWAY TER	HARBOUR DR	BINNACLE DR	0.07	2.5	0.63	CAPE SEAL	\$ 6,571	2007-08
78	PARKVIEW LN	FOUNTAINHEAD LN	CRAYTON RD	0.06	2.0	0.55	MILL-OVERLAY	\$ 9,856	2007-08
80	PARKVIEW LN	FOUNTAINHEAD LN	PARK SHORE CT	0.07	2.0	0.55	MILL-OVERLAY	\$ 11,499	2007-08
81	PARKVIEW LN	PARK SHORE CT	PARKVIEW WAY	0.05	2.0	0.55	MILL-OVERLAY	\$ 8,213	2007-08
77	PARKVIEW LN	PARK SHORE DR	PARKVIEW WAY	0.13	2.0	0.55	MILL-OVERLAY	\$ 21,355	2007-08
Total for the Year 2007-08				3.43				\$ 382,777	

**Pavement Maintenance:
\$382,777+/-**

**Pavement Striping, Raising
Manholes & Valves, Etc.:
\$100,000+/-**

2008-09 Implementation Schedule

BACK

STCL_AL L_I	ROAD NAME	FROM	TO	Length (miles)	Exist. PCR	Exist. PSI Value	Final Pvmt Treatment	Cost per Seg.	Final Program Year
504	4TH AVE N	4TH ST N	PALM CIR W	0.07	3.0	0.80	CRACK FILL	\$ 2,957	2008-09
722	4TH AVE S	GULF SHORE BLVD N	Dead End	0.07	3.0	0.29	MICRO RS	\$ 3,696	2008-09
709	4TH AVE S	4TH ST S	3RD ST S	0.09	3.0	0.24	MICRO RS	\$ 4,752	2008-09
701	4TH AVE S	4TH ST S	5TH ST S	0.09	3.0	0.24	MICRO RS	\$ 4,752	2008-09
700	4TH AVE S	5TH ST S	6TH ST S	0.08	3.0	0.24	MICRO RS	\$ 4,224	2008-09
685	4TH AVE S	10TH ST S	9TH ST S	0.08	3.0	0.66	MICRO RS	\$ 8,917	2008-09
839	4TH ST S	10TH AVE S	9TH AVE S	0.08	3.0	0.68	MICRO RS	\$ 4,224	2008-09
848	4TH ST S	11TH AVE S	10TH AVE S	0.08	3.0	0.68	MICRO RS	\$ 4,224	2008-09
896	4TH ST S	12TH AVE S	BROAD AVE S	0.08	3.0	0.68	MICRO RS	\$ 4,224	2008-09
912	4TH ST S	13TH AVE S	12TH AVE S	0.08	3.0	0.68	MICRO RS	\$ 4,224	2008-09
926	4TH ST S	14TH AVE S	13TH AVE S	0.08	3.0	0.68	MICRO RS	\$ 4,224	2008-09
751	5TH AVE S	2ND ST S	GULF SHORE BLVD S	0.09	2.5	1.04	MICRO RS	\$ 10,032	2008-09
753	5TH AVE S	GULF SHORE BLVD N	Dead End	0.07	2.5	0.26	CAPE SEAL	\$ 12,484	2008-09
746	5TH AVE S	2ND ST S	3RD ST S	0.09	2.5	0.26	CAPE SEAL	\$ 16,051	2008-09
738	5TH AVE S	4TH ST S	3RD ST S	0.09	3.0	0.31	MICRO RS	\$ 10,032	2008-09
729	5TH AVE S	6TH ST S	6TH ST S	0.01	3.0	0.31	MICRO RS	\$ 1,115	2008-09
389	7TH AVE N	9TH ST N	9TH ST N	0.01	3.0	0.36	CRACK FILL	\$ 352	2008-09
387	7TH AVE N	9TH ST N	10TH ST N	0.08	3.0	0.36	CRACK FILL	\$ 2,816	2008-09
783	7TH AVE S	2ND ST S	GULF SHORE BLVD S	0.09	3.0	0.68	MICRO RS	\$ 5,016	2008-09
780	7TH AVE S	2ND ST S	3RD ST S	0.09	3.0	0.68	MICRO RS	\$ 5,016	2008-09
769	7TH AVE S	8TH ST S	CRAYTON RD	0.09	3.0	0.68	MICRO RS	\$ 5,016	2008-09
766	7TH AVE S	9TH ST S	10TH ST S	0.09	3.0	0.68	MICRO RS	\$ 5,016	2008-09
808	8TH AVE S	GULF SHORE BLVD N	Dead End	0.06	3.0	0.37	MICRO RS	\$ 3,168	2008-09
805	8TH AVE S	2ND ST S	GULF SHORE BLVD S	0.09	3.5	0.43	MICRO RS	\$ 4,752	2008-09
801	8TH AVE S	2ND ST S	3RD ST S	0.09	3.0	0.43	MICRO RS	\$ 5,544	2008-09
1286	8TH ST N	2ND AVE N	4TH AVE N	0.08	2.5	1.30	MICRO RS	\$ 7,744	2008-09
488	8TH ST N	4TH AVE N	5TH AVE N	0.08	2.5	1.30	MICRO RS	\$ 7,744	2008-09
470	8TH ST N	5TH AVE N	6TH AVE N	0.08	2.5	1.60	MICRO RS	\$ 7,744	2008-09

City Code recognizes importance of beach system.....

Sec. 58-865. Definitions and general standards.

*Habitats of special concern.

a. High-quality special vegetation area means an area characterized by the dominance, as determined by the city manager, of any of the following habitats: coastal strand, sand pine scrub community, coastal hammock, or **beach and dune system**. Clearing is generally not permitted.

Sec. 44-8. Definitions.

Vital areas* is a land use designation which includes marine grass beds, tidal swamps and marsh areas, fresh water swamps and marsh areas, **gulf beaches and dunes, and class II waters.

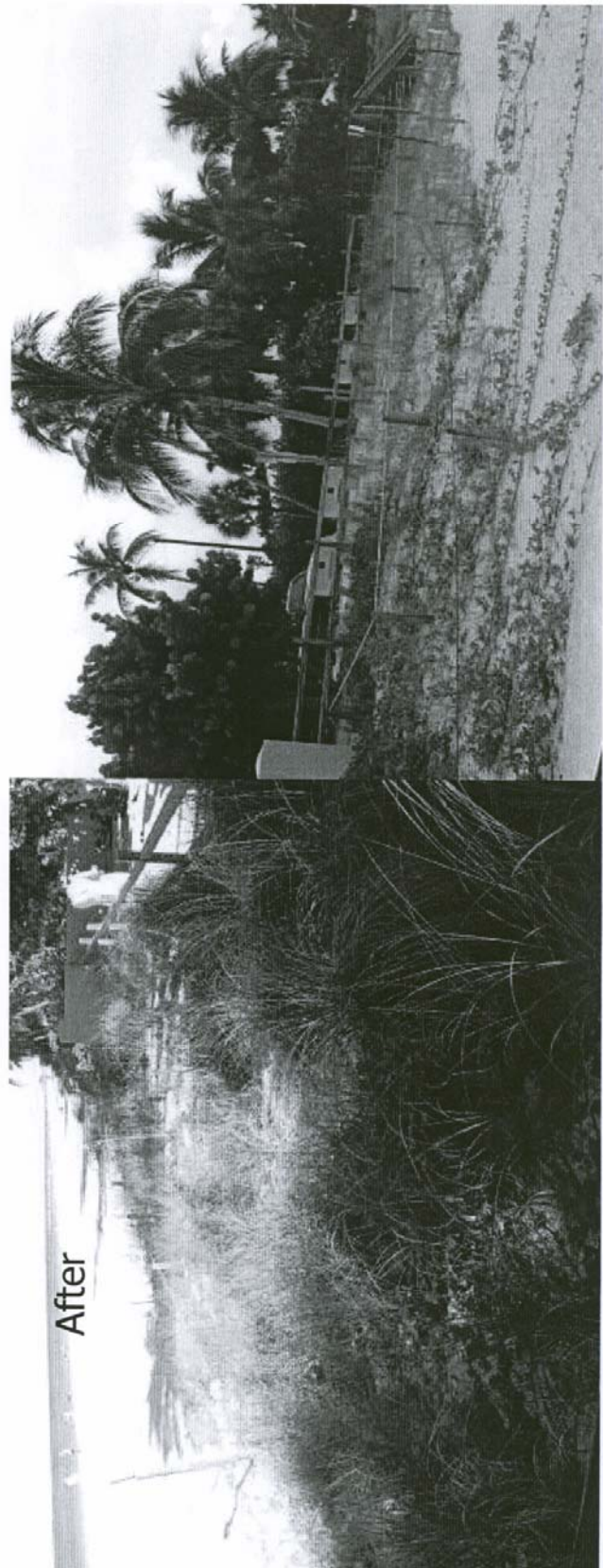
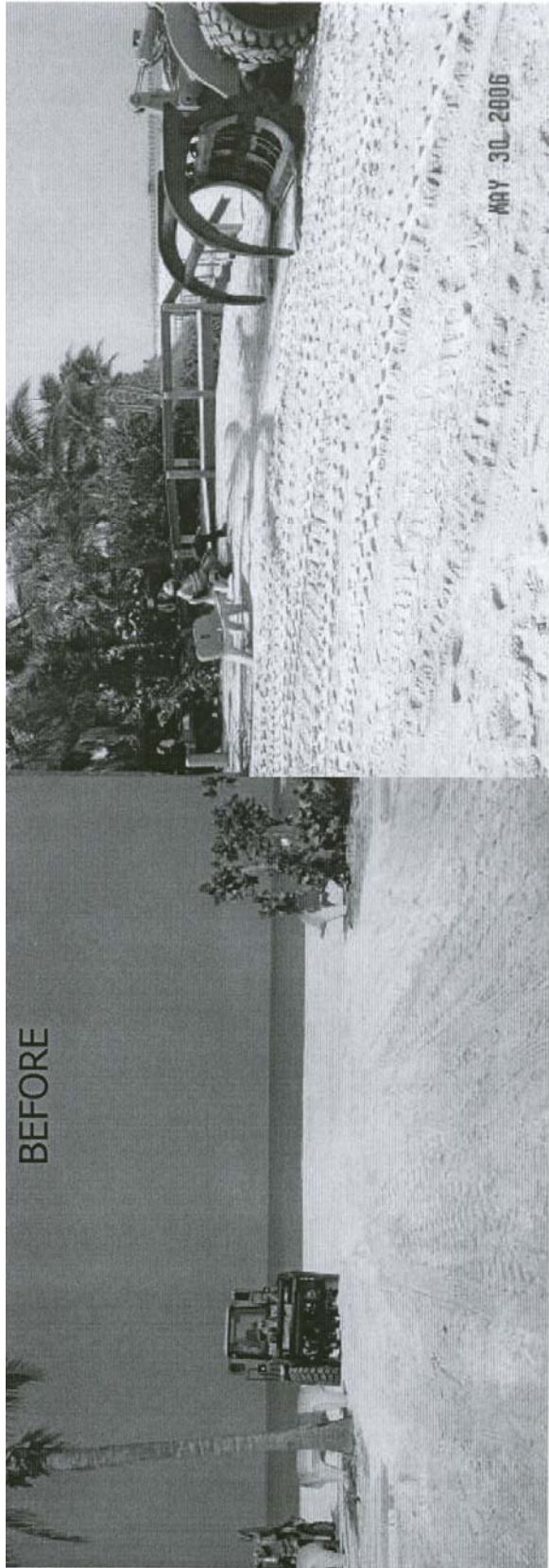
City Code recognizes importance of beach system.....

Sec. 52-33. Coastal construction setback line.

*(g) *Landscaping*. Landscaping and **beach/dune revegetation** projects must utilize native **beach-stabilizing** vegetation and native species of salt-tolerant trees and shrubs.

Sec. 16-152. Construction standards in Zone VE.

*Prohibit man-made alteration of **sand dunes** and mangrove stands that would increase potential flood damage



of Naples



NAPLES CITY COUNCIL AGENDA MEMORANDUM

CONSIDER OPTIONS THAT MAY IMPROVE THE EFFICIENCY OF THE PREPARATION OF THE CITY COUNCIL AGENDA, THE QUALITY OF INFORMATION IN THE AGENDA PACKETS, AND OPTIONS TO DELEGATE AUTHORITY

WORKSHOP MEETING OF MARCH 5, 2008 - AGENDA ITEM 7

SUBMITTED BY CITY MANAGER A. WILLIAM MOSS 7

RECOMMENDATION:

Consider options that may improve efficiency of agenda preparation, decision-making, and policy development.

BACKGROUND:

With the recent installation of two new Council Members, and recognizing that some time may have elapsed since this topic may have been considered by City Council, the City Manager, City Attorney, and staff respectfully suggest policies and procedures for City Council agenda preparation, agenda supporting documents, and Council meetings that may deviate from past practices. The purpose of this discussion is to: improve efficiency; improve quality of agenda supporting materials; reduce redundant paperwork or information that does not add value to the decision-making process; ensure agenda background materials prepared for City Council are immediately available to the public through the City web site; and to provide sufficient information for appropriate policy and decision-making responsibilities by City Council.

Suggested changes offered for discussion are as follows:

1. Ordinances, Resolutions, and Motions. Ordinances are policies of Council adopted into the City Code as laws of the City. An ordinance is an official legislative action of a governing body, which action is a regulation of a general and permanent nature and enforceable as local law. They are the highest level of Council action. Ordinances are adopted as legislative actions for matters such as establishments of governmental functions, initial adoption or amendment of procedures for fee-based services, adoption of the annual budget and ad valorem millage rate, establishment of taxing districts, zoning, and matters of health, safety, and welfare.

Resolutions are an expression of a governing body concerning matters of administration, an expression that may be of a temporary character, or a provision for the disposition of a particular item of the administrative business of the governing body. They should be used when clear documentation of policy is desirable. These may include matters such as the issuance of bonds, concise policy likely to endure for a long duration, extraordinary declaration of Council's collective desire for support or disapproval of matters considered by other agencies, and extraordinary recognition of an individual or organization.

Motions are acts of Council for general business matters. They clearly state Council's direction, approval/disapproval, and collective opinion on policy matters. As with ordinances and resolutions, they provide a public record of lasting duration.

There is an extraordinary amount of resolutions adopted by City Council. For instance, for the year 2007 there were 360 resolutions adopted. Many of the issues considered could have been approved by a motion. Hence, composing, preparing, legal review, duplicating, reading, and permanent recording of separate resolutions in the public record could be avoided.

Recommendation: Council action by motion rather than resolution for subject matters that include: award of contracts, appointments to boards and committees, additional insurance premium payments, Interlocal agreements, settlement of claims, etc.

2. Agenda Memorandum and Back-up Material.

Attached is a suggested Agenda Memorandum used for staff's presentation of issues to City Council. Also attached is a draft explanation and guidelines for its preparation. Generally, the Agenda Memorandum will be limited to two pages that summarize the issue before Council, provides historical background information (when considered previously and what action was taken), explains how the subject matter originated, the intent and purpose, recommendations of boards and committees, and funding sources for matters requiring expenditure of funds. If a subject matter cannot be thoroughly presented in two pages, the Memorandum will refer to an attached memorandum which will provide additional (but not necessarily duplicate) information. A memorandum attached to the Agenda Memorandum will be eliminated unless the information exceeds the two-page Agenda Memorandum limit.

The Department Director preparing the initial Memorandum is identified, as is the date of preparation. It should be recognized that the final Memorandum published for City Council may be edited by others prior to distribution, although the Director will have reviewed all substantive changes.

Rather than attach a separate memorandum from the Finance Director for subjects with budgetary implications, the Finance Director will review and initial the "Agenda Memorandum" if procedures (purchasing, contracts, etc.) and funding are appropriate and available. (However, for financially complex matters, a memorandum may be attached).

Recommendation: Accept revised Agenda Memorandum and reduction of referenced supplemental attachments.

3. Agenda Memorandum and Attachments for Matters Considered by Ordinance on Second Reading.

On many occasions, City Council discusses proposed legislation by ordinance during Workshop sessions. These discussions may or may not include a draft ordinance. Or, ordinances may be proposed for consideration on first reading with discussion at a prior Workshop meeting. In each instance, sufficient back-up information will be provided to City Council for their deliberations. On second reading, the Agenda Memorandum may

provide any additional information (such as changes from the first reading) and an abbreviated summary of the subject. Attachments provided for the first reading may not be duplicated and attached to the Agenda Memorandum for the second reading. The second reading of an ordinance includes an advertised public hearing. The Agenda Memorandum will clearly indicate that a public hearing on the proposed ordinance is scheduled.

Recommendation: Accept modified procedure for a trial period to determine its acceptability.

4. Monthly Reports.

Departmental monthly reports are provided to City Council for the second meeting of each month. Recommended is a monthly financial report and quarterly departmental reports. Also suggested is the distribution of quarterly reports separate from the Council Agenda Packets.

Recommendation: Monthly financial reports and quarterly departmental reports.

5. Award of Contracts.

The authority to award contracts for the purchase of services, materials, and supplies is designated by City Code (Purchasing Ordinance). The City Manager has the authority to award contracts up to specified limits. Thereafter, City Council is the awarding authority.

As a part of the agenda packet for award of contracts, City Council generally receives a copy of the standard contract (which is almost always the same document), and the bid schedule submitted by the lowest bidder. All bid openings are opened by staff in public, and all bid submittals are a public record.

Procedures for selection of engineering and architectural services are regulated by State Statute. Requests for Qualifications (not bids, since dollar proposals cannot be considered) are publicly advertised. A staff evaluation committee meets in a duly advertised public meeting to consider and rank the proposals and develop a recommended ranking of the top three firms. Minutes of the meetings are prepared for public record. A tabulation of the ranking score sheets of each committee member (public record) is currently included with the Agenda Memorandum. City Council is asked to authorize negotiation for a contract with the top-ranked firm. Following negotiations, the contract is presented to City Council for award.

Recommendation: Include in the Agenda Memorandum an explanation of the service, material, or supplies, a summary of the competitive selection process, the name of each bidder and the total bid submitted, a recommendation for the award of contract (with justification as may be appropriate), and authorize the City Manager to execute the contract. Exclude copies of standard contracts and the line item bid submittal of the successful bidder. City Manager or designee will review scoring tabulation of engineering/architectural selection committee, but individual score cards will not be duplicated with the Agenda Memorandum.

6. CRA.

A) The CRA Board may have authority as vested by City Council. City Council serves as the CRA's Board of Directors. Matters determined by the CRA Board are again presented to City Council for duplicate consideration of the same subject matter.

Recommendation: Consider Code amendments to provide greater authority to the CRA Board so long as City Council serves as the Board of Directors. The City Council would approve the CRA budget, including the capital improvement program, and the CRA plan as required by statute. Thereafter, all business of the CRA would be approved by the CRA Board of Directors only.

B) (If "A" above is not acceptable). Agenda back-up materials considered by the CRA Board (City Council) during a Workshop or Regular meeting are duplicated when City Council considers the same subject matter. When the CRA and City Council consider an issue during the same week, the subject matter may be considered by City Council through an Agenda Memorandum without duplicating the back-up material presented to the CRA. The CRA is permitted, by law, to enter into and award contracts.

Recommendation: When feasible, provide back-up documentation to the CRA with Agenda Memorandum. When considered again by City Council, provide the Agenda Memorandum only for most issues.

7. Land Use Issues.

A) Live Entertainment permits are frequently considered by City Council. Renewals of permits are authorized by City Council through the "Consent Agenda" and are rarely denied. If one complaint has been received during the year, the request for renewal is placed on the Regular Agenda for consideration by City Council.

Recommendation: City Council consider the initial Live Entertainment permit application. Thereafter, renewals will be handled administratively at the discretion of the City Manager with the right to appeal (by any party) to the City Council.

B) Residential Impact Statements are a part of a formal petition that involves the establishment or expansion of a non-residential use in proximity to residential uses or zoning. This requires a separate petition presented to the Planning Board, followed by submittal of the petition documents and a resolution to the City Council.

Recommendation: Broaden the analysis but change it to residential impact criteria rather than separate petition and resolution. Refine criteria to clearly identify undesirable impacts. A separate petition process, reviewed by the Planning Advisory Board, could address commercial establishments with extended hours.

C) Quasi-judicial matters are considered by City Council, although that authority can be delegated, in whole or in part to a separate board or the Planning Advisory Board. When previously considered, City Council has elected to retain its authority for appeals, conditional uses, variances, etc. Many of these matters are considered by the Planning Advisory Board prior to consideration by City Council.

Recommendation: Consider delegating authority for specific issues to the PAB. Should City Council wish to retain authority for most major issues, consider delegating certain matters to the Planning Advisory Board, such as fence and wall waivers, alcoholic beverage distance waivers, outdoor dining permits on public property, and variances, with the right to appeal the PAB decision to the City Council.

8. Special Events Permits.

These permits are considered through the Consent Agenda. Special Event permits are required for any event which necessitates street closing, off-site parking, amplified entertainment, City financial assistance, and crowd attendance of 1,500 or more. A list of new and renewal permit requests are provided on the Agenda Memorandum. A separate memorandum summarizes each event. A budget summary of special events funded through the budget is provided for each of the prior three fiscal years and for the current fiscal year, and a multi-month Calendar of Events is attached.

Recommendation: City Council considers new permit applications and renewals seeking additional funds that were not appropriated through adoption of the budget. Renewal of Special Events permits may be granted by the City Manager with right to appeal to City Council if permit is denied. Provide Special Events budget summary as a part of the quarterly departmental monthly report. Provide Calendar of Events monthly through the City Manager's Report.

9. Supplemental Agenda Material and Additions to the Agenda After Publication.

Distribution of supplemental written information after publication of the Agenda occurs on a regular basis. Agenda items are added following publication of the Agenda.

Recommendation: Judicious requests for supplemental written information when an oral report may suffice. Limit additions to the Agenda for those subject matters which are "time-sensitive" due to the particular benefit to the public welfare. Otherwise, schedule the item for a future agenda.

10. Summary Agenda.

Summary agendas are used by many local governments. They are used when two or more ordinances and resolutions can be adopted by one motion assuming they meet pre-established criteria (similar to the Consent Agenda). The criteria may, for instance, include subjects that are: approved by the Planning Advisory Board; have a favorable staff recommendation; and have limited written or oral objections prior to the commencement of the City Council meeting. If discussion is desired by a member of Council, and if Council concurs, the subject may be removed from the summary agenda and considered by separate action.

Administrative Memorandum
Agenda Preparation

February, 2008

The purpose of this Administrative Memorandum is to provide for a uniform method of preparing and distributing information to City Council for Regular, Special-Called, and Workshop Meetings.

City Council generally schedules a Workshop Meeting on the Monday prior to the first and third Wednesday of each month. The Regular Meetings are scheduled on the first and third Wednesday, and Special-Called Meetings may be scheduled from time to time for the purpose of considering specific subjects listed on the Special-Called Meeting agenda.

The City Manager is responsible for preparing the agenda. Whenever a Department Director anticipates that a subject matter will be scheduled for consideration by City Council, the Executive Assistant in the City Manager's office shall be notified in order that she may update a draft agenda. Notification may be informal, such as an email. The Department Director shall also inform the City Manager of future agenda items during the staff meeting held on each Thursday.

For the regularly scheduled Workshop and Regular City Council meetings, all agenda materials must be written, assembled, reviewed, and finalized for duplication by no later than 12:00 noon on the Wednesday preceding the regularly scheduled City Council meeting. In order to meet the deadline, Department Directors must schedule sufficient time to prepare the agenda material for the City Manager and City Attorney, and they should anticipate that additional information, clarification, and editing may be required for distribution of the agenda.

Unless granted an exception by the City Manager, the City Council Agenda Memorandum and all attachments shall be submitted to the City Manager's office by no later than 12:00 noon on the Monday preceding the regularly scheduled Workshop meeting. Ordinance preparation shall be reviewed and finalized by the City Attorney prior to submittal to the City Manager's office.

Beginning at noon on the Wednesday prior to the City Council meeting, the Executive Assistant, and others who may be required to assist, shall begin duplicating the agenda materials and shall target to have the agenda packet for City Council completed by 5:00 p.m. The Executive Assistant shall make arrangements for the delivery of the agenda packets to each City Council Member. Additional agenda packets shall be prepared for distribution to the City Manager, City Clerk, and City Attorney, as well as news media, the library, and other agencies as directed by the City Manager.

For Regular, Workshop, and Special-Called Meetings, information is conveyed to City Council through the use of a **Naples City Council Agenda Memorandum** (attached). This form is located on the "p" drive. The agenda memorandum should be prepared in a uniform manner as follows:

- Prepare on the network so that others can amend if the writer is not available and because the agenda memorandum and backup information will be available in an electronic format.

- The font shall be "Arial" and the pitch shall be "10" in the top portion of the agenda memorandum and "12" in the body of the document. Bold print or italics should generally be avoided, and underline may be used to bring special attention to a word or sentence.
- **Meeting Date:** Insert the appropriate meeting date. If the meeting is a Workshop or Special-Called Meeting, delete the word "Regular" and insert "Workshop" or "Special-Called Meeting".
- **Agenda Section:** For Regular City Council Meetings, indicate Consent or Regular.
- **Prepared By:** Indicate the individual preparing the Agenda Memorandum.
- **Date:** Indicate the date the Memorandum was prepared or amended.
- **Department:** Indicate the name of the department.
- **Agenda Item:** Leave blank. The Executive Assistant will type the agenda item number so that the agenda memorandum item number corresponds with the published agenda.
- **Legislative/Quasi-Judicial:** Indicate whether this is a matter to be considered by City Council as a legislative body or quasi-judicial body.
- **Subject:** Indicate the subject so that the reader may clearly understand the agenda item. Examples are as follows:
 - A resolution authorizing the submittal of four category (a) grant avocations to the Tourist Development Council of Collier County for Doctor's Pass dredging, beach maintenance, Naples Pier maintenance, and Keewaydin Island monitoring.
 - A resolution designating BB&T as the depository institution for the City and identifying the position of Finance Director as the designated individual to open and manage an account.
 - A resolution to consider live entertainment petition 08-LE03 and residential impact statement petition 08-RIS03 for indoor and outdoor live entertainment for Villa Maria Café, located at 489 Fifth Avenue South.
 - Ordinance first reading. An ordinance related to lawn and landscape maintenance and the outdoor application of fertilizers to lawns and landscaped areas.
 - Ordinance second reading and public hearing. An ordinance to adopt a revised impact fee for police, fire, and parks.
- **Summary:** The summary should briefly describe the issue before City Council. A reader should be able to read the summary and understand the subject to be addressed by City Council.
- **Background:** The Agenda Memorandum is intended to provide sufficient historical and current information so that City Council may have an understanding of the issue in order to reach a collective decision. The agenda memorandum should provide enough information to summarize the pertinent facts to the issue. The background provided on the agenda memorandum should not exceed two pages. If the background information will exceed two pages, then the background should be summarized with reference to an attached memorandum that provides additional information. It is not necessary to provide an attached memorandum if the background information can be adequately described in a two-page Agenda Memorandum. Additional materials and supporting documents may be attached to the agenda memorandum so that the reader will have a more in-depth understanding of the particular issue, including previous committee reports, correspondence, engineering evaluations, petitions, site plans, etc.

The background should provide a summary of events that may have occurred prior to the development of the agenda item. This may include the date the subject was initiated by City Council or a board or committee. If City Council has previously considered or acted

upon the matter within recent years, the date of those actions and a summary of decisions made should be included. It may be necessary to research records to summarize previous actions by City Council that may have been taken on the subject or a similar subject matter. If the matter has been discussed at a previous Workshop meeting, state the date of the meetings.

Describe the subject matter clearly and concisely. Avoid "bureaucratizing" and acronyms that may not be clearly understood by the reader. Do not use "I", "we", or "our". When referring to the writer, state the title such as "the Community Services Director recommends...", or "staff suggests consideration be given...."

- **Funding Source:** Indicate the source of funds as provided in the annual budget. This information should allow a reviewer to identify the funding source in the budget when funding is required for the subject matter.
- **Recommended Action:** The recommended action should be stated in one or two sentences and should clearly state the action requested. Examples include:
 - Conduct a public hearing and adopt ordinance on second reading.
 - Award of a contract to A through Z Construction Company for the construction of a lift station in the amount of \$175,000 and authorize the City Manager to execute the contract.
 - Consider Resolution to approve the Live Entertainment Petition 08-LE03.
- **Reviewed by Department Director:** To be signed by the Department Director. The signature block should be at the bottom of the page or at the end of the second page if more than one page is used.
- **Reviewed by Finance:** The signature of the Finance Director is required to verify the funding source when the subject matter requires the use of funds. When competitive bidding or requests for quotations are used, the signature of the Finance Director shall indicate compliance with appropriate purchasing codes and contractual requirements.
- **Reviewed by City Manager:** To be signed by the City Manager prior to duplication of agenda.

It is important that the person (s) preparing the Agenda Memorandum use "spell check" to help identify any errors. The person (s) preparing the agenda item should thoroughly read the Agenda Memorandum and attachments to be sure that pertinent information is included and that there are no factual or typographical errors. The Department Director must also perform a critical review to ensure that the information is accurate and subject for City Council to make a decision. While it is unrealistic to assume that all information will be available, it is important that the best information be provided to allow an informed decision. At least one other staff member should proofread for content, spelling, grammar and sentence structure prior to submittal to the City Manager.

Attachments should provide sufficient information to make an informed decision. Project location maps and site plans should be attached when necessary to supplement written reports, and they should clearly depict the matter under consideration by City Council.

Consent Agenda

Matters considered routine with probability that there will be no Council discussion or debate may be listed on the Consent Agenda. If discussion is desired by a Member of Council, that item (s) will be pulled from the Consent Agenda and considered separately.

Summary Agenda

Summary Agendas are used when two or more ordinances and resolutions can be adopted by one motion assuming they meet pre-established criteria (similar to the Consent Agenda). The criteria may, for instance, include subjects that are: approved by the Planning Advisory Board; have a favorable staff recommendation; and have limited written or oral objections prior to the commencement of the City Council meeting. If discussion is desired by a member of Council, and if Council concurs, the subject may be removed from the summary agenda and considered by separate action.

A. Wilton Moss

Regular Meeting Date: _____

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Roll call votes by Council Members are recorded in random order, pursuant to City Council policy.

TO: A. William Moss, City Manager
FROM: Robin Singer, Planning Director
DATE: February 20, 2008
SUBJECT: Planned Developments – Workshop Agenda Item #8

There have been recent discussions at City Council regarding the shortcomings and merits of Planned Developments (PD's). At the City Council Workshop on March 3, 2008, it would be helpful to clearly identify the problems and the expected outcome of any changes to the existing ordinance governing PD's. The general perception seems to be that there are too many PD's on small lots and they are being used to circumvent the development standards of the underlying zoning and increase density. Conversely, there is also a perception that the PD process provides a greater level of review in that each new PD and any amendments to existing PD's must be reviewed at PAB and City Council public hearings. Staff contends that the process is cumbersome and that PD's on smaller properties may constitute spot zoning. Despite several public discussions on the topic it is not clear if the intent of any text amendment should be to: prohibit or limit PD's in order to prevent departures from the current development regulations and density limits; insure that any departures from the code are clearly stated as part of the process and considered as waivers or variances; balance the departures from the code with public benefits from the PD's; avoid spot zoning; insure consistency with the comprehensive plan and vision; and/or reduce conflicts with neighboring properties.


Staff is recommending that the City Council consider an alternative to PDs which would still provide for the public review of projects that depart from the code and would clearly describe any deviations from the code without changing the underlying district designation or increasing the allowable density. This process could be an extension of a site plan review process. By not changing the zoning, this process would insure consistency with the land use designation and comprehensive plan. The review criteria for deviations would be less onerous than the variance criteria but aimed at achieving a design that is more compatible with adjacent properties and the community's vision.

As part of this amendment, staff is proposing to replace the existing general development and site plan process, which currently applies to larger properties and lots in the PD and Highway Commercial districts, with a process that applies to all projects that currently require review by the DRB and similar projects in the Fifth Avenue South Special Overlay District. This would be an administrative process unless the proposed plan deviates from the numeric requirements of the code. Staff has observed a need for this broader review process to coordinate and respond to the comments and recommendations of the various departments. However, unlike the current GDSP process, a higher level of review by the PAB or City Council would not be required unless the project deviates from the numeric requirements of the code. The projects

Page 2

that require either conditional use permits or that deviate from the numerical requirements would require the review of the PAB and City Council.

The amendment would also increase the minimum site area to two acres or at least one half a platted block. On average platted city blocks measure approximately 2.7 acres. The intent is to encourage developers to build to the existing zoning and land use and, where they are considering a planned development, to provide separation from adjacent properties by a road or alley and avoid spot zoning.

TO: Honorable Mayor and Members of City Council
FROM: A. William Moss, City Manager 
DATE: February 27, 2008
SUBJECT: City Manager's Report – Item 10

Naples Preserve Vegetation Maintenance

City Council requested that Natural Resources assess the saw palmetto in Naples Preserve and provide a plan for removal of this vegetation. In response is the attached memo from Environmental Specialist Katie Laakkonen.

Aqualane Shores Dredging

An update on the dredging project in Aqualane Shores is provided in the attached memo from Construction Management Director Ron Wallace.

Letter to Recently Annexed Collier Park of Commerce

Attached is a draft copy of a letter which will be sent out to property and business owners in the recently annexed Collier Park of Commerce.

TO: A. William Moss, City Manager
THROUGH: Mr. Dave Lykins, Community Services Director
FROM: Katie Laakkonen, Environmental Specialist
DATE: February 21, 2008
SUBJECT: Naples Preserve Vegetation Maintenance

This is a follow-up to a previous request for Natural Resources to initiate an assessment and formulate a plan for the mechanical removal of saw palmetto in the Naples Preserve. The expanding saw palmetto causes the fuel load to increase and periodically needs to be thinned out. The saw palmetto also needs to be reduced in order to provide optimal gopher tortoise habitat for the 9 that will be relocated to the Preserve in the near future.

Refugio Lecea, Collier County's Forest Area Supervisor, is in charge of all fire management activities within the county. He met with Mike Bauer, Natural Resources Manager, and me onsite at the Preserve on 2/19/08. He indicated that the Division of Forestry recently acquired a roller chopping machine that is smaller in size (5'-6') than the typical machine, and could likely maneuver between the existing pine trees. He also discussed the possibility of the Division of Forestry providing their services for free under a mitigation grant.

The roller chopping machine may be available for work in the Preserve within a couple of weeks and Refugio will notify us closer to the time. Refugio said there was no limit on how much could be roller chopped and staff agrees that the more we can do the first time around before the gopher tortoises get relocated, the better off the Preserve will be.

Several biologists, Tom Trettis with Wilson Miller, and Ed Carlson, director of the Corkscrew Regional Ecosystem Watershed, who are knowledgeable about gopher tortoises and land management, were consulted, and they both indicated that the more area we can roller chop, the better. The map below shows proposed areas for roller chopping. The total acreage of these areas is 1.6 acres and comprises only 18% of the total Preserve area. These areas are general in nature and would need to be modified once the machinery is onsite due to there being numerous scrub oaks in some areas that would not allow for roller chopping.

The construction of a low-level dark green vinyl-coated fence around the perimeter of the site to prevent the relocated tortoises from crossing U.S 41, Fleischmann Boulevard or any other nearby streets, is currently proceeding. The tortoises will soon follow and it is extremely important to reduce the saw palmetto in the Preserve before the relocation of the tortoises occurs. City Council requested a plan for the Preserve; however, we have gone a step further and are ready to implement this plan. Therefore, we recommend the support of your office and that of City Council for saw palmetto removal as soon as the Division of Forestry is available to do the work.

Map of potential areas for thinning of saw palmetto



**EXHIBIT A
SCOPE OF SERVICES**

Scope of Services

Andrea Clark Brown + David Poorman Architects PA and our team of consulting professionals will provide Concept Design (Scope Definition), Schematic Design, Design Development, Construction Documents, Construction Bid, and Construction Contract Administration services for the design of the Public Parking Garage. Please refer to Attachment A. "Project Work Plan" for an itemization of the anticipated tasks.

END OF EXHIBIT A

City of Naples
Parking Garage at 6th Street S. and 6th. Avenue South

Project Work Plan- Attachment A

Fee Recap Sheet							
firm	Concept Design	Schematic Design	Design Development	Construction Documents	Const. Bldg Services	Contract Admin.	Firm Totals
Andrea Clark Brown + David Poorman Architects	\$41,790	\$48,170	\$84,335	\$114,350	\$16,570	\$123,880	\$428,395
Timothy Haas & Associates	\$16,310	\$16,410	\$38,760	\$64,110	\$3,400	\$57,500	\$179,910
TLC Engineering for Architecture							\$45,000
Johnson Engineering Inc.							\$60,000
JRL Design							\$20,000
	\$61,100	\$64,580	\$123,116	\$175,460	\$20,570	\$161,760	
	Fee Totals per Phase						
						Fee Grand Total	\$741,306

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NPPF-2_07Mjy29-Projected Fec Table-ACB+DPAxis