



City Council Chamber
735 Eighth Street South
Naples, Florida 34102

City Council Regular Meeting – September 3, 2008 – 8:27 a.m.

Mayor Barnett called the meeting to order and presided.

ROLL CALLITEM 1

Present:

Bill Barnett, Mayor
Penny Taylor, Vice Mayor

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
Roger Reinke, Assistant City Manager
Vicki Smith, Technical Writing Specialist
Russell Adams, CRA Executive Director
Robin Singer, Planning Director
David Lykins, Community Services Director
Michael Moose, Executive Assistant
Michael Bauer, Natural Resources Manager
Denise Perez, Human Resources Director
Adam Benigni, Planner
Jessica Rosenberg, Deputy City Clerk
Albert Katz
Peter Roeser
Brett Moore
Chris Sereno
Richard Yovanovich
Gary McAlpin

Gene Scott
Dorothy Hirsch
Sue Black
Ned Renfroe
Rick Kraska
Doug Finlay
Michele Safron
Michael Sullivan
Sarah Wu
Meredith Dee
Robert Rogers
Peter Gisselbeck
Peter Sereno
Jeff Ebner
Robert Menzies
Tammy Nemecek

Media:

Jenna Buzzacco, Naples Daily News
Other interested citizens and visitors

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

Pastor Gene Scott, Celebration Church.

ANNOUNCEMENTSITEM 3

Mayor Barnett read proclamations regarding:

- Industry Week – September 15 through September 20, 2008; and
- Leukemia, Lymphoma & Myeloma Awareness Month.

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

MOTION by Price to ***SET THE AGENDA*** adding ***Item 22*** (acceptance of irrigation grant from Big Cypress Basin Board) and renumbering current ***Item 22*** as ***Item 23*** (executive session). This motion was seconded by Willkomm and unanimously carried, all members present and voting (Heitmann-yes, Price-yes, Sorey-yes, Sulick-yes, Taylor-yes, Willkomm-yes, Barnett-yes). (It is noted for the record that due to the continuation of the August 20 Regular Meeting, various agreements (contained in Items 17 and 18) were withdrawn and acted upon under Item 20 below involving ratification of actions taken while Council was not in session during Tropical Storm Fay.)

PUBLIC COMMENT.....ITEM 5

(8:35 a.m.) **Dorothy Hirsch, 626 Regatta Road**, reiterated prior communications regarding the need for a workshop discussion of the possible adverse affects of excessive exterior nighttime lighting on the incidence of cancer; she also provided additional written material (a copy of which is contained in the file for this meeting in the City Clerk's Office).

CONSENT AGENDA

APPROVAL OF MINUTESITEM 8-a

June 2, 2008, Workshop, amending Page 17 as follows: "...whether the City can assume liability for public art displayed by private artists on public property." (requested by Vice Mayor Taylor who then commended Technical Writing Specialist Vicki Smith, regarding the quality of minutes routinely provided); June 4, 2008, Regular Meeting; June 16, 2008, Workshop; and June 18, 2008, Regular Meeting, as submitted. (See Item 8-r below, approval of August 18, 2008 Workshop minutes, as submitted.)

SPECIAL EVENTS ITEM 8-b

- 1) Naples on the Run – 20k – Gulf Coast Runners – Mooringline Drive – 09/28/08.
- 2) Village Nights – The Village on Venetian Bay – Common Area – 10/02/08 and 11/06/08.
- 3) Naples High School Homecoming Day Parade – Naples High School – Third Street South-Fifth Avenue South-Eighth Street South – 10/10/08.
- 4) Oktoberfest – The Village on Venetian Bay – 10/23/08.
- 5) Collier County Heart Walk – American Heart Association – Cambier Park – 11/01/08.
- 6) Farmers Market – Third Street South Association – Third Street South Shopping District parking lot – 11/01/08, 11/08/08, 11/15/08, 11/22/08, 11/29/08, 12/06/08, 12/13/08, 12/20/08, and 12/27/08.
- 7) Thursdays on Third – Third Street South Association – Third Street South Shopping District – 11/06/08, 11/13/08, 11/20/08, 12/04/08, 12/11/08, 12/18/08, and 12/25/08.
- 8) "Gobble-Gobble" 4k Walk/Run and 1k Fun Run – Gulf Coast Runners – The Village on Venetian Bay – Thanksgiving Day – 11/27/08.
- 9) Grand Illuminations / Village Night – The Village on Venetian Bay – 12/03/08.
- 10) The 22nd Annual Boat Parade – The Village on Venetian Bay – within Venetian Bay – 12/11/08.
- 11) Holiday Entertainment – The Village on Venetian Bay – Common Area – 12/18/08.

12) *Amended – date change* 2008 Derby Duck Race – The Village on Venetian Bay – 01/17/09 – originally approved on 06/18/08 to be held 11/22/08.

RESOLUTION 08-12135.....ITEM 8-c
A RESOLUTION APPROVING A THREE-YEAR AGREEMENT WITH RUSSELL’S CLAMBAKES AND COOKOUTS, INC. TO PROVIDE CONCESSION SERVICES FOR LOWDERMILK PARK; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 08-12136..... ITEM 8-d
A RESOLUTION GRANTING A LIVE ENTERTAINMENT PERMIT RENEWAL FOR THE GRILL CLUB CHURRASCARIA, LOCATED AT 492 BAYFRONT PLACE, MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 08-12137.....ITEM 8-e
A RESOLUTION GRANTING A LIVE ENTERTAINMENT PERMIT RENEWAL FOR BAMBUSA BAR AND GRILL LOCATED AT 600 GOODLETTE ROAD NORTH, SUITE #112, MORE FULLY DESCRIBED HEREIN, SUBJECT TO THE CONDITIONS LISTED HEREIN; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 08-12138..... ITEM 8-f
A RESOLUTION GRANTING A LIVE ENTERTAINMENT PERMIT RENEWAL FOR THE CAFE, LOCATED AT 821 5TH AVENUE SOUTH, MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 08-12139..... ITEM 8-h
A RESOLUTION APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH BORAN, CRAIG, BARBER, ENGLE CONSTRUCTION CO., INC., TO PROVIDE CONSTRUCTION SERVICES FOR THE ADDITION, FIRE ALARM SYSTEM, AND EXTERIOR IMPROVEMENTS TO THE FLEISCHMANN PARK COMMUNITY CENTER; AUTHORIZING THE CITY MANAGER TO EXECUTE THE PROFESSIONAL SERVICES AGREEMENT; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 08-12140..... ITEM 8-k
A RESOLUTION AMENDING THE FINANCIAL POLICY FOR THE CITY AS ADOPTED BY RESOLUTION 06-11308, TO AMEND THE DOLLAR LIMIT FOR CAPITAL AND TO INCLUDE A SECTION FOR IMPACT FEE UPDATE; ADOPTING THE AMENDED POLICY; REPEALING AND SUPERSEDING RESOLUTION 06-11308; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 08-12141..... ITEM 8-l
A RESOLUTION APPROVING A FIRST AMENDMENT TO THE AGREEMENT WITH MITCHELL & STARK CONSTRUCTION CO., INC., EXTENDING THE COMPLETION DATE FOR THE CONSTRUCTION AND INSTALLATION OF TWO NEW RAW WATER PRODUCTION WELLS AND THE ABANDONMENT OF TWO EXISTING FAILED WELLS IN THE EAST GOLDEN GATE WELLFIELD; AUTHORIZING THE CITY MANAGER TO EXECUTE THE FIRST AMENDMENT TO AGREEMENT; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 08-12142..... ITEM 8-m
A RESOLUTION APPROVING A FIRST AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF NAPLES AND OLYMPIC COMPACTOR RENTALS, INC., TO PROVIDE RENTAL OF AN ADDITIONAL RECONDITIONED SELF-CONTAINED ROLL-OFF COMPACTOR AT CAMBIER PARK; AUTHORIZING THE CITY MANAGER TO EXECUTE THE FIRST AMENDMENT TO THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 08-12143..... ITEM 8-n
A RESOLUTION APPROVING A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF NAPLES AND WELLMASTERS, INC., TO PROVIDE REHABILITATION SERVICES FOR 10 PRODUCTION WELLS THAT PROVIDE RAW WATER TO THE WATER TREATMENT PLANT; AUTHORIZING THE CITY MANAGER TO EXECUTE THE PROFESSIONAL SERVICES AGREEMENT; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 08-12144..... ITEM 8-o
A RESOLUTION APPROVING A COLLIER COUNTY FIRE CHIEFS ASSOCIATION LOCAL MUTUAL AID AGREEMENT FOR THE PURPOSE OF SECURING TO EACH PARTY THE BENEFITS OF ASSISTANCE IN CASE OF EMERGENCIES TOO EXTENSIVE TO BE DEALT WITH UNASSISTED; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY OF NAPLES; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 08-12145..... ITEM 8-p
A RESOLUTION AMENDING THE MEMBERSHIP OF THE EAST NAPLES BAY CITIZENS ADVISORY COMMITTEE; PROVIDING FOR APPOINTMENT OF SEVEN MEMBERS; PROVIDING FOR TERMS; PROVIDING FOR DUTIES AND RESPONSIBILITIES; ESTABLISHING LEVELS OF SERVICE FOR THE DEPTH OF EAST NAPLES BAY WATERWAYS; REPEALING AND SUPERSEDING RESOLUTION 08-12067; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 08-12146..... ITEM 8-q
A RESOLUTION APPROVING AN AMENDMENT TO THE LEASE AGREEMENT BETWEEN THE CITY OF NAPLES AND WR DEVELOPMENT II, LLC, TO EXTEND THE TERM OF THE LEASE AGREEMENT ONE MONTH TO SEPTEMBER 30, 2008, FOR THE PARKING LOT AT 300 EIGHTH STREET SOUTH; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AMENDMENT TO LEASE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE. Title not read.

APPROVAL OF MINUTES (see also Item 8-a above) ITEM 8-r
August 18, 2008, Workshop minutes, as submitted.

SPECIAL EVENTS (see also Item 8-b above) ITEM 8-s

- 1) Open Mic and Band Concert – City of Naples – Cambier Park Bandshell – 10/16/08 and 12/18/08.
- 2) USO Show Celebrating Veteran’s Day - Collier County government – Naples Depot Museum – 11/11/08.
- 3) Christmas Concert – Barron Collier High School Band – Cambier Park Bandshell – 12/12/08.
- 4) Annual Chanukah Celebration – Downtown Naples Association and the Jewish Federation – Sugden Plaza – 12/22/08.

RESOLUTION 08-12147.....ITEM 8-t
A RESOLUTION APPROVING PAYMENT TO SUNGARD PUBLIC SECTOR FOR REQUIRED SOFTWARE MAINTENANCE SERVICES AND SUPPORT FOR THE FISCAL YEAR 2008-2009; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 08-12148.....ITEM 8-u
A RESOLUTION APPROVING PAYMENT TO VISIONAIR FOR REQUIRED SOFTWARE MAINTENANCE AND SUPPORT SERVICES FOR THE POLICE AND FIRE DEPARTMENT FOR FISCAL YEAR 2008-2009; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 08-12149.....ITEM 8-v
A RESOLUTION GRANTING A LIVE ENTERTAINMENT PERMIT RENEWAL FOR RIDGWAY BAR & GRILL, LOCATED AT 1300 THIRD STREET SOUTH, MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 08-12150.....ITEM 8-w
A RESOLUTION GRANTING A LIVE ENTERTAINMENT PERMIT RENEWAL FOR BICE RISTORANTE LOCATED AT 300 FIFTH AVENUE SOUTH, MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 08-12151.....ITEM 8-x
A RESOLUTION GRANTING A LIVE ENTERTAINMENT PERMIT RENEWAL FOR TOMMY BAHAMA CAFE EMPORIUM, LOCATED AT 1220 THIRD STREET SOUTH, MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 08-12152.....ITEM 8-y
A RESOLUTION GRANTING A LIVE ENTERTAINMENT PERMIT RENEWAL FOR ZIZI'S RESTAURANT AT BELLASERA HOTEL, LOCATED AT 221 NINTH STREET SOUTH, MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 08-12153.....ITEM 8-z
A RESOLUTION GRANTING A CONSERVATION EASEMENT TO COLLIER COUNTY AS A PERMIT REQUIREMENT FOR THE CONSTRUCTION OF A RAW WATER PRODUCTION WELL IN THE CITY'S GOLDEN GATE WELLFIELD; AUTHORIZING THE MAYOR TO EXECUTE THE CONSERVATION EASEMENT; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 08-12154.....ITEM 8-aa
A RESOLUTION APPROVING A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF NAPLES AND MACTEC ENGINEERING AND CONSULTING, INC., FOR PROFESSIONAL ENGINEERING SERVICES FOR THE DESIGN, PERMITTING, ENGINEERING AND CONSTRUCTION MANAGEMENT OF THE RIVERSIDE FILTER MARSH; AMENDING THE 2007-08 BUDGET ADOPTED BY ORDINANCE 07-11782 FOR THE PURPOSE OF AMENDING CIP 08F19; AUTHORIZING THE CITY MANAGER TO EXECUTE THE PROFESSIONAL SERVICES AGREEMENT; AND PROVIDING AN EFFECTIVE DATE. Title not read.

MOTION by Sorey to APPROVE CONSENT AGENDA; except Item 8-b(13), 8-g, 8-i, 8-j, and 8-ab, and amending June 2, 2008, Workshop minutes (Item 8-a) as reflected above; seconded by Willkomm and unanimously carried, all members present and voting (Heitmann-yes, Price-yes, Sorey-yes, Sulick-yes, Taylor-yes, Willkomm-yes, Barnett-yes).

END CONSENT AGENDA

**SPECIAL EVENTITEM 8-b(13)
NAPLES PATHWAYS COALITION – PROVISION OF FREE BIKE VALET SERVICE DURING DOWNTOWN NAPLES ASSOCIATION SPECIAL EVENTS – FALL ART FESTIVAL 10/18/08 – NEW YEARS ART FEST 12/27/08 AND 12/28/08 – DOWNTOWN NAPLES SPRING ART FESTIVAL 03/28/09 AND 03/29/09.** Council Member Sulick explained that she had requested separate discussion due to concern both with regard to exacerbating congestion during the events proposed as well as the frequency of dates proposed. She suggested that the parking area be moved from the proposed location in Cambier Park near the bandshell and recommended that approval then be conveyed only on a trial basis, allowing further review. City Manager William Moss further explained that the intent was to reduce congestion by facilitating the use of bicycles rather than motor vehicles. Community Services Director David Lykins also pointed out that since the actual events are to be held on Fifth Avenue South, the proposed bicycle valet parking location had been selected due to its proximity both to Fifth Avenue and public restrooms in the park. Council Member Heitmann echoed Mrs. Sulick's concerns, noting her belief that greenspace should not be utilized for this purpose; however, she said that she could support the concept at an alternate location. City Manager Moss said that he had suggested the plaza in front of City Hall. Vice Mayor Taylor also questioned whether bicycles could be parked on greenspace, stating her belief that bicycles are also considered vehicles. Council Member Sorey suggested that the legal definition of vehicles be verified by the Police Department.

In response to Vice Mayor Taylor, Community Services Director Lykins stated that he believed that special event applicants pay a processing fee for each event date requested even though a list of dates for like events may appear on one application form. The exception to this may however be the brief patriotic ceremonies which are regularly held in the Fifth Avenue Plaza area.

Public Comment: (8:47 a.m.) None.

MOTION by Sorey to APPROVE THIS SPECIAL EVENT as submitted; seconded by Barnett and **FAILED 3-4, all members present and voting (Willkomm-no, Heitmann-no, Price-yes, Sorey-yes, Sulick-no, Taylor-no, Barnett-yes).**

Discussion followed wherein Council Member Willkomm noted that while he supported the concept, he could not support using the proposed grassy location; he therefore proffered the motion below.

MOTION by Willkomm to APPROVE THIS SPECIAL EVENT amending location of bicycle parking to non-greenspace area; seconded by Heitmann and unanimously carried, all members present and voting (Heitmann-yes, Price-yes, Sorey-yes, Sulick-yes, Taylor-yes, Willkomm-yes, Barnett-yes).

RESOLUTION 08-12155.....ITEM 8-g
A RESOLUTION GRANTING A LIVE ENTERTAINMENT PERMIT RENEWAL FOR PADDY MURPHY’S IRISH PUB, LOCATED AT 457 FIFTH AVENUE SOUTH, MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (8:48 a.m.) who then explained that once removed from the Consent Agenda, a live entertainment permit must be considered as a quasi-judicial matter. Therefore, Notary Public Vicki Smith administered an oath to those intending to offer testimony; all responded in the affirmative. City Council Members then made the following ex parte disclosures: Willkomm, Price and Heitmann/no contact; Sulick, Taylor and Sorey/familiar with the site but no contact; and Barnett/received an email from a resident inquiring as to the reason this item had been removed from the Consent Agenda for separate discussion.

Vice Mayor Taylor noted that prior issues regarding this establishment had arisen in the past but, once brought before Council, management had addressed them and should be commended. Council Member Sorey said that he had requested removal of this item from the Consent Agenda for separate discussion because it is the only live entertainment permit allowing performers to continue until 1:30 a.m. He however said that he also agreed with Vice Mayor Taylor’s comments above. Council Member Sulick expressed reservations stemming from the fact that this particular permit had repeatedly been noted as an exception numerous times when other applicants had been considered for new permits. Council Member Price agreed, urging that this aspect be discussed. Council Member Willkomm, however, moved approval, pointing out that Paddy Murphy’s had earned additional live entertainment time because owners had taken the risk of being the first to open in this area; Mayor Barnett agreed. In response to Mrs. Sulick, City Manager William Moss further clarified that the numerous calls logged for police at that address were attributable to its use as a landmark in the Computer Aided Dispatch (CAD) system.

Public Comment: (8:55 a.m.) None.

MOTION by Willkomm to APPROVE RESOLUTION 08-12155 as submitted; seconded by Taylor and carried 5-2, all members present and voting (Heitmann-yes, Price-no, Sorey-yes, Sulick-no, Taylor-yes, Willkomm-yes, Barnett-yes)

RESOLUTION 08-12156..... ITEM 8-i
A RESOLUTION ADOPTING AN ANNUAL SPECIAL ASSESSMENT ROLL FOR FISCAL YEAR 2008-09 FOR THE THIRD STREET AND THE AVENUES LIGHTING DISTRICT; PROVIDING THAT ASSESSMENTS CONSTITUTE A LIEN ON ASSESSED PROPERTY UPON ADOPTION OF THE ASSESSMENT ROLL; PROVIDING FOR RECORDING; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (8:56 a.m.). Council Member Heitmann indicated that her previous questions regarding this item had been answered.

Public Comment: (8:57 a.m.) None.

MOTION by Heitmann to APPROVE RESOLUTION 08-12156 as submitted; seconded by Willkomm and unanimously carried, all members present and voting (Heitmann-yes, Price-yes, Sorey-yes, Sulick-yes, Taylor-yes, Willkomm-yes, Barnett-yes).

RESOLUTION 08-12157..... ITEM 8-j
A RESOLUTION AMENDING THE 2007-08 BUDGET ADOPTED BY ORDINANCE 07-11782 FOR THE PURPOSE OF APPROPRIATING FUNDS FROM GENERAL FUND CONTINGENCY TO FINANCE/CUSTOMER SERVICE FOR AN UNANTICIPATED RETIREMENT; AMENDING THE DESCRIPTION OF CIP 08K05 (METER READER VEHICLE REPLACEMENTS); APPROPRIATING FUNDS FROM THE LAND CONTRIBUTION TRUST FUND FOR THE PURCHASE OF LAND AS APPROVED BY RESOLUTION 08-11932; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (8:57 a.m.). In response to Council Member Price, City Manager William Moss explained that vehicles to be replaced had been in service since 1999, thus the recommendation to move forward.

Public Comment: (8:58 a.m.) None.

MOTION by Sorey to APPROVE RESOLUTION 08-12157 as submitted; seconded by Taylor and unanimously carried, all members present and voting (Heitmann-yes, Price-yes, Sorey-yes, Sulick-yes, Taylor-yes, Willkomm-yes, Barnett-yes).

RESOLUTION 08-12158..... ITEM 8-ab
A RESOLUTION ADOPTING THE COLLIER COUNTY COMPREHENSIVE EMERGENCY MANAGEMENT PLAN TO PROVIDE EFFECTIVE AND ORDERLY GOVERNMENTAL CONTROL FOR THE PURPOSE OF PREPARING FOR, RESPONDING TO, RECOVERING FROM AND MITIGATING THE EFFECTS OF ALL POTENTIAL NATURAL OR TECHNOLOGICAL DISASTERS; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (8:58 a.m.). Council Member Willkomm explained that he had been concerned with Collier County possibly usurping the City's authority with regard to emergency decision-making. City Attorney Pritt said that mandates during emergencies come from the federal, state, and then local jurisdictions, that the State works closely with counties and that deviation from the established emergency management plan are is allowed. City Manager William Moss agreed, pointing out that he works closely with Collier County during times of emergency and that within the city limits, Council is the decision-maker; he therefore recommended approval of this proposal.

Public Comment: (9:03 a.m.) None.

MOTION by Price to APPROVE RESOLUTION 08-12158 as submitted; seconded by Willkomm and unanimously carried, all members present and voting (Heitmann-yes, Price-yes, Sorey-yes, Sulick-yes, Taylor-yes, Willkomm-yes, Barnett-yes).

Recess: 9:05 a.m. to 9:35 a.m. It is noted for the record that the same Council Members were present when the meeting reconvened.

RESOLUTION 08-12159..... ITEM 9
A RESOLUTION DETERMINING CONDITIONAL USE PETITION 08-CU04 PURSUANT TO THE REQUIREMENTS OF THE PARK SHORE PLANNED DEVELOPMENT IN ORDER TO ALLOW A DRIVE-THROUGH FACILITY AT AN EXISTING BANK BUILDING LOCATED AT 4099 NINTH STREET NORTH, MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EXPIRATION DATE AND AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (9:35 a.m.). This being a quasi-judicial proceeding, Notary Public Vicki Smith administered an oath to those intending to offer testimony who had not already been sworn for an earlier item; all responded in the affirmative.

City Council Members then made the following ex parte disclosures: Taylor and Heitmann/familiar with the site but no contact; Sulick, Price, Barnett and Sorey/visited the site but no contact; and Willkomm/no contact. Planner Adam Benigni provided a brief introduction, noting that staff and the Planning Advisory Board (PAB) recommended approval with the three conditions outlined in Section 2 of the resolution. Brooke Gabrielson, agent for the petitioner, agreed with the aforementioned conditions.

In response to Council Member Price, Planner Benigni explained that there were no residential structures contained within 300 feet to have triggered a Residential Impact Statement (RIS) requirement. Petitioner Peter Gisselbeck further confirmed for Mr. Price that the sign to the west of the subject building along Old Trail Drive had sustained storm damage and would be replaced in a manner consistent with that located on the northeast corner.

Public Comment: (9:39 a.m.) None.

MOTION by Willkomm to APPROVE RESOLUTION 08-12159 as submitted; seconded by Sulick and unanimously carried, all members present and voting (Heitmann-yes, Price-yes, Sorey-yes, Sulick-yes, Taylor-yes, Willkomm-yes, Barnett-yes).

RESOLUTION 08-12160.....ITEM 10
A RESOLUTION DETERMINING CONDITIONAL USE PETITION 08-CU05 TO ALLOW FOR THE CONSTRUCTION OF A GUEST HOUSE LOCATED AT 655 BOUGAINVILLEA ROAD IN THE R1-10 ZONING DISTRICT, MORE FULLY DESCRIBED HEREIN; PROVIDING AN EXPIRATION DATE; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (9:39 a.m.). This being a quasi-judicial proceeding, it was noted that all those intending to offer testimony had been previously sworn. City Council Members then made the following ex parte disclosures: Sulick, Price and Sorey/visited the site but no contact; Barnett, Taylor and Heitmann/familiar with the site but no contact; and Willkomm/no contact. Planning Director Robin Singer provided a brief introduction, noted staff's recommendation for approval, and clarified for Council Member Sulick that onsite water retention/detention is reviewed through the site development plan. In response to Council Member Price, Ms. Singer also explained that a lack of public notification signage in the site was most likely attributable to removal during recent storm events. Mr. Price recommended however that petitioners be responsible for notifying the City so notification signage could be replaced as necessary.

Council Member Sorey expressed concern that the resolution lacked a condition regarding the prohibition of leasing or renting the guest house; Council agreed and the motion reflected below was proffered which also included an amended expiration date as recommended by City Attorney Pritt.

Public Comment: (9:48 a.m.) None.

MOTION by Sorey to APPROVE RESOLUTION 08-12160 amending Section 2 as follows: "...shall expire on ~~May 18,~~ September 3, 2009..." and adding: "Guest house shall not be leased or rented." This motion was seconded by Sulick and unanimously carried, all members present and voting (Heitmann-yes, Price-yes, Sorey-yes, Sulick-yes, Taylor-yes, Willkomm-yes, Barnett-yes).

Council Member Price questioned Attachment "B" (56-91(c)(2)) of the resolution which mentioned a January 1995 review of the rental permit program. City Attorney Pritt

recommended that it be ascertained whether this had indeed taken place and said that a review of transient rentals would be brought before Council in the near future.

RESOLUTION 08-12162.....ITEM 11
A RESOLUTION DETERMINING PETITION 08-SDP02 FOR PRELIMINARY AND FINAL PLAT APPROVAL FOR WALGREEN HARBOR ESTATES TO MODIFY 0.73 ACRES OF VACANT LAND TO RE-ALIGN THREE EXISTING PLATTED RESIDENTIAL LOTS FROM A NORTH-SOUTH ORIENTATION TO AN EAST-WEST ORIENTATION TO FRONT TENTH STREET NORTH IN THE 2200 BLOCK FOR PROPERTY LOCATED IN THE R1-7.5 ZONING DISTRICT, MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (9:49 a.m.). This being a quasi-judicial proceeding, Notary Public Vicki Smith administered an oath to those intending to offer testimony and who had not already been sworn for an earlier item; all responded in the affirmative. City Council Members then made the following ex parte disclosures: Willkomm/no contact; Sulick/visited the site but no contact; Price/reviewed the June 11 Planning Advisory Board (PAB) discussion regarding this item, but no contact; Barnett, Taylor and Heitmann/familiar with the site but no contact; and Sorey/visited the site and received information from staff regarding the alley to the north of the subject property and its vacation, although a public utilities easement had been retained. Planning Director Robin Singer provided a brief introduction, noting staff's recommendation of approval and PAB's 4-1 favorable vote. Attorney Richard Yovanovich, agent for the petitioner, referenced an aerial view depicting the present north-south orientation (Attachment 1) and explained the need for the east-west orientation proposed as to allow ingress/egress to the lots due to the vacation of the aforementioned alley. In response to Council Member Sulick, Mr. Yovanovich pointed out that the vacation of the alley had taken place prior to initiation of the Walgreens PD Planned Development rezone request (which is located to the west of the subject property) and subsequent approval in 2007 and that no via exists by which Walgreens could access Tenth Street from its PD property.

Public Comment: (9:56 a.m.) None.

MOTION by Price to APPROVE RESOLUTION 08-12162 as submitted; seconded by Barnett and unanimously carried, all members present and voting (Heitmann-yes, Price-yes, Sorey-yes, Sulick-yes, Taylor-yes, Willkomm-yes, Barnett-yes).

RESOLUTION 08-12161.....ITEM 12
A RESOLUTION SETTING THE PUBLIC HEARINGS REGARDING THE REZONING OF COLLIER PARK OF COMMERCE, LOCATED ADJACENT TO HORSESHOE DRIVE, ON THE WEST SIDE OF AIRPORT-PULLING ROAD, NORTH OF NAPLES MUNICIPAL AIRPORT, AS PART OF REGULAR CITY COUNCIL MEETINGS BEFORE 5:00 P.M.; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (9:56 a.m.). In response to Vice Mayor Taylor, Planning Director Robin Singer clarified that this item pertains only to the time at which a public hearing is to be scheduled for consideration of the rezone of the subject property. This action is necessary in order to amend the designation of Industrial, under the former Collier County regulations in place prior to the recent annexation. Furthermore, she said, the new Business Park zone and land use designation for the City would be considered at second reading of their respective ordinances in the near future. Council Member Willkomm requested that when considered, staff provide a

complete definition of the above referenced Industrial (County) and Business Park (City) zoning for comparison by Council.

Public Comment: (9:59 a.m.) None.

MOTION by Taylor to APPROVE RESOLUTION 08-12161 as submitted; seconded by Sorey and carried 6-1, all members present and voting (Heitmann-yes, Price-yes, Sorey-yes, Sulick-no, Taylor-yes, Willkomm-yes, Barnett-yes).

Council Member Sulick attributed her negative vote to the fact that she believes that the hearing should be conducted after 5:00 p.m. for the convenience of citizens who may work during the day.

**RESOLUTION 08-12163.....ITEM 13
A RESOLUTION DETERMINING LIVE ENTERTAINMENT PETITION 08-LE05 AND
RESIDENTIAL IMPACT STATEMENT PETITION 08-RIS07 FOR LIVE
ENTERTAINMENT AT M WATERFRONT GRILL LOCATED AT 4300 GULF SHORE
BOULEVARD NORTH, UNIT 104, MORE FULLY DESCRIBED HEREIN; SUBJECT
TO THE CONDITIONS LISTED HEREIN; AND PROVIDING AN EFFECTIVE DATE.**

Title read by City Attorney Robert Pritt (10:00 a.m.). This being a quasi-judicial proceeding, Notary Public Vicki Smith administered an oath to those intending to offer testimony who had not already been sworn for an earlier item; all responded in the affirmative. City Council Members then made the following ex parte disclosures: Willkomm/no contact; Sulick, Price, Barnett, Taylor and Heitmann/familiar with the site but no contact; and Sorey/visited the site and received telephone calls from neighbors as well as one pertinent document (a copy of which is contained in the file for this meeting in the City Clerk's Office). Planning Director Robin Singer provided a brief introduction and noted receipt of letters of opposition from three nearby residents. She also explained that staff recommended a 10:00 p.m. cessation of entertainment as opposed to the midnight closure requested by the petitioner. Petitioners Peter and Chris Sereno pointed out that the proposed entertainment would however be quiet in nature and completely contained within the establishment.

Public Comment: (10:04 a.m.) None.

MOTION by Barnett to APPROVE RESOLUTION 08-12163 amending Section 3(1) as follows: "...8:00 p.m. to midnight 11:00 p.m. on Thursdays,..."; seconded by Price and unanimously carried, all members present and voting (Heitmann-yes, Price-yes, Sorey-yes, Sulick-yes, Taylor-yes, Willkomm-yes, Barnett-yes).

**RESOLUTION 08-12164.....ITEM 14
A RESOLUTION DETERMINING A COASTAL CONSTRUCTION SETBACK LINE
VARIANCE TO CONSTRUCT A SINGLE-FAMILY RESIDENCE, SWIMMING POOL,
SPA, DRIVEWAY, CHICKEE HUT, LANDSCAPING, AND EXTERIOR LIGHTING
SEAWARD OF THE COASTAL CONSTRUCTION SETBACK LINE AT 25 16TH
AVENUE SOUTH; PROVIDING FINDINGS; AND PROVIDING AN EFFECTIVE
DATE.**

Title read by City Attorney Robert Pritt (10:05 a.m.). This being a quasi-judicial proceeding, Notary Public Vicki Smith administered an oath to those intending to offer testimony and who had not already been sworn for an earlier item; all responded in the affirmative. City Council Members then made the following ex parte disclosures: Willkomm and Barnett/no contact; Taylor and Heitmann/familiar with the site but no contact; and Sulick, Price and Sorey/visited the site but no contact. In response to Vice Mayor Taylor, Natural Resources Manager Michael Bauer noted that the numerous coastal construction setback line

(CCSL) variance petitions recently considered had been intended to align new construction with existing construction; he also characterized it as unfortunate that any development had been allowed west of Gordon Drive. Discussion ensued as to whether to continue this item to allow the attendance of Brett Moore, agent for the petitioner; Council Member Sorey however moved approval due to the lack of opposition to the petition.

Public Comment: (10:07 a.m.) None.

MOTION by Sorey to ***APPROVE RESOLUTION 08-12164*** as submitted; seconded by Willkomm and unanimously carried, all members present and voting (Heitmann-yes, Price-yes, Sorey-yes, Sulick-yes, Taylor-yes, Willkomm-yes, Barnett-yes).

(It is noted for the record that Engineer Moore arrived during the above vote; he waived comment at that time.)

ORDINANCE (First Reading).....ITEM 15
AN ORDINANCE RELATING TO THE COMMUNITY REDEVELOPMENT AGENCY ADVISORY BOARD PURSUANT TO RESOLUTION 03-10109; AMENDING SUBSECTION (b) OF SECTION 2-475, APPLICABILITY OF DESIGN REVIEW, PROHIBITIONS; AMENDING DIVISION 8, FIFTH AVENUE SOUTH ACTION COMMITTEE, OF ARTICLE V, BOARDS, COMMISSIONS AND COMMITTEES, OF CHAPTER 2, ADMINISTRATION, CREATING THE COMMUNITY REDEVELOPMENT AGENCY ADVISORY BOARD; PROVIDING FOR COMPOSITION, TERM OF OFFICE, QUORUM; PROVIDING FOR DUTIES; PROVIDING FOR STAFF ASSISTANCE AND ALLOCATION OF EXPENSES; AMENDING SUBSECTION (e)(2) OF SECTION 46-42, PUBLIC ART; AMENDING SUBSECTION (c)(3)(d) OF SECTION 56-127, OUTDOOR DINING ON PUBLIC PROPERTY; AMENDING SUBSECTION (d)(2)(e) OF SECTION 56-127, OUTDOOR DINING ON PUBLIC PROPERTY; AMENDING SECTION 58-919, IMPROVEMENT AND REDEVELOPMENT REVIEW; AND AMENDING DIVISION 6, FIFTH AVENUE SOUTH SPECIAL OVERLAY DISTRICT OF ARTICLE III, SPECIAL OVERLAY DISTRICTS, OF CHAPTER 58, CHANGING OR DELETING ALL REFERENCES PERTAINING TO THE STAFF ACTION COMMITTEE OR FIFTH AVENUE SOUTH ACTION COMMITTEE; REPEALING ORDINANCE 04-10654; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (10:07 a.m.), who then noted scrivener's errors as reflected in the motion below. In response to Vice Mayor Taylor, Planning Director Robin Singer explained that City Manager, as opposed to CRA Executive Director, jurisdiction was due to the Manager's citywide responsibilities.

Council Member Sorey referenced the June 2 Council discussion wherein interest had been expressed that the requirement regarding off-site parking of 1.5 spaces per residential unit (Section 58-1134(d)(1)) be increased to 2 spaces; Council agreed but suggested that this discussion be continued to the September 29 Workshop thereby allowing staff the opportunity to research the effects and possible unintended consequences of such an amendment. Any necessary action item could then be included on the October 1 Regular Meeting agenda.

Mayor Barnett summarized upcoming meeting agenda items as follows:

- September 17 / CRA meeting to be scheduled to outline visioning of CRA District; and

- September 29 / workshop discussion of 1.5 versus 2 parking spaces per residential unit as noted above, following which Planning Advisory Board (PAB) review would be necessary.

Public Comment: (10:30 a.m.) None.

MOTION by Sorey **APPROVE THIS ORDINANCE** on First Reading amending scrivener's errors as follows: Section 58-1133(c)(2): "...The SAC Council may grant ~~an exemption~~ deviation from ~~to~~ the minimum..."; Section 58-1134(f)(9)(e)(7): "The SAC City Manager retains the right to revoke..."; and Section 58-1134(f)(10): "...The SAC City Manager may approve a directional sign...". This motion was seconded by Taylor and carried 6-1, all members present and voting (Heitmann-no, Price-yes, Sorey-yes, Sulick-yes, Taylor-yes, Willkomm-yes, Barnett-yes).

In response to Vice Mayor Taylor, Director Singer confirmed that the above PAB review could indeed be advertised for its October meeting; if this step is found to be unwarranted, it could be withdrawn from the PAB agenda. Council agreed to this action.

ORDINANCE 08-12165.....ITEM 16
AN ORDINANCE AMENDING SECTION 58-907(b)(3) COMPUTATION OF THE OPEN SPACE FEE AMOUNT IN THE "D" DOWNTOWN DISTRICT OF THE CODE OF ORDINANCES, CITY OF NAPLES FOR THE PURPOSE OF INCREASING FEES; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (10:31 a.m.). CRA Executive Director Russell Adams provided a brief review of his memorandum dated August 7, 2008 (Attachment 2). Council Member Heitmann indicated that she would abstain due to a perceived conflict of interest in light of her ownership of a building in the "D" Downtown District.

Public Comment: (10:32 a.m.) None.

MOTION by Willkomm to **ADOPT ORDINANCE 08-12165** as submitted; seconded by Price and carried 6-0-1 (Heitmann-abstain, Price-yes, Sorey-yes, Sulick-yes, Taylor-yes, Willkomm-yes, Barnett-yes). (See Attachment 3, Form 8-B Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers.)

RESOLUTION (Withdrawn – see Item 4 above)ITEM 17
A RESOLUTION APPROVING A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF NAPLES AND APPLIED DRILLING ENGINEERING, INC., FOR THE CONSTRUCTION OF AN AQUIFER STORAGE AND RECOVERY (ASR) TEST WELL; AUTHORIZING THE CITY MANAGER TO EXECUTE THE PROFESSIONAL SERVICES AGREEMENT; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION (Withdrawn - see Item 4 above)ITEM 18-a
A RESOLUTION APPROVING AN AGREEMENT FOR PURCHASE AND SALE OF GOODS BETWEEN THE CITY OF NAPLES AND ASTOR CHEMICAL COMPANY, INC., FOR THE PURCHASE OF CARBON DIOXIDE; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT FOR PURCHASE AND SALE OF GOODS; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION (Withdrawn – see Item 4 above) ITEM 18-b
A RESOLUTION APPROVING AN AGREEMENT FOR THE PURCHASE AND SALE
OF GOODS BETWEEN THE CITY OF NAPLES AND ASHLAND, INC., FOR THE
PURCHASE OF CATIONIC POLYMER; AUTHORIZING THE CITY MANAGER TO
EXECUTE THE AGREEMENT FOR PURCHASE AND SALE OF GOODS; AND
PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION (Withdrawn – see Item 4 above)ITEM 18-c
A RESOLUTION APPROVING AN AGREEMENT FOR PURCHASE AND SALE OF
GOODS BETWEEN THE CITY OF NAPLES AND ALLIED UNIVERSAL
CORPORATION FOR THE PURCHASE OF CHLORINE; AUTHORIZING THE CITY
MANAGER TO EXECUTE THE AGREEMENT FOR PURCHASE AND SALE OF
GOODS; AND PROVIDING AN EFFECTIE DATE. Title not read.

RESOLUTION (Withdrawn – see Item 4 above) ITEM 18-d
A RESOLUTION APPROVING AN AGREEMENT FOR PURCHASE AND SALE OF
GOODS BETWEEN THE CITY OF NAPLES AND POLYDYNE, INC., FOR THE
PURCHASE OF EMULSION POLYMER; AUTHORIZING THE CITY MANAGER TO
EXECUTE THE AGREEMENT FOR PURCHASE AND SALE OF GOODS; AND
PROVIDING AN EFFECTIE DATE. Title not read.

RESOLUTION (Withdrawn – see Item 4 above)ITEM 18-e
A RESOLUTION APPROVING AN AGREEMENT FOR PURCHASE AND SALE OF
GOODS BETWEEN THE CITY OF NAPLES AND SHANNON CHEMICAL
CORPORATION, FOR THE PURCHASE OF ORTHOPHOSPHATE /
POLYPHOSPHATE; AUTHORIZING THE CITY MANAGER TO EXECUTE THE
AGREEMENT FOR PURCHASE AND SALE OF GOODS; AND PROVIDING AN
EFFECTIVE DATE. Title not read.

RESOLUTION (Withdrawn – see Item 4 above) ITEM 18-f
A RESOLUTION APPROVING AN AGREEMENT FOR PURCHASE AND SALE OF
GOODS BETWEEN THE CITY OF NAPLES AND ALLIED UNIVERSAL
CORPORATION FOR THE PURCHASE OF SODIUM HYDROXIDE; AUTHORIZING
THE CITY MANAGER TO EXECUTE THE AGREEMENT FOR PURCHASE AND
SALE OF GOODS; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION (Withdrawn – see Item 4 above)ITEM 18-g
A RESOLUTION APPROVING AN AGREEMENT FOR PURCHASE AND SALE OF
GOODS BETWEEN THE CITY OF NAPLES AND CHEMICAL LIME COMPANY OF
ALABAMA, INC., FOR THE PURCHASE OF QUICKLIME; AUTHORIZING THE
CITY MANAGER TO EXECUTE THE AGREEMENT FOR PURCHASE AND SALE
OF GOODS; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 08-12166.....ITEM 19-a
A RESOLUTION APPOINTING A CITIZEN (WHO IS ACTIVELY ENGAGED AS A
NOT-FOR-PROFIT PROVIDER OF AFFORDABLE HOUSING) TO THE COLLIER
COUNTY AFFORDABLE HOUSING ADVISORY COMMITTEE, FORMERLY
KNOWN AS THE AFFORDABLE HOUSING COMMISSION, FOR A THREE-YEAR
TERM COMMENCING SEPTEMBER 3, 2008, AND EXPIRING SEPTEMBER 2, 2011;
AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (10:33
a.m.).

Public Comment: (10:34 a.m.) None.

MOTION by Willkomm to **APPROVE RESOLUTION 08-12166 nominating John Cowan.** *This motion was unanimously carried, all members present and voting (Heitmann-yes, Price-yes, Sorey-yes, Sulick-yes, Taylor-yes, Willkomm-yes, Barnett-yes).*

RESOLUTION 08-12167.....ITEM 19-b

A RESOLUTION APPOINTING ONE MEMBER TO THE EAST NAPLES BAY CITIZENS ADVISORY COMMITTEE FOR A THREE-YEAR TERM COMMENCING SEPTEMBER 3, 2008, AND EXPIRING SEPTEMBER 2, 2011; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (10:34 a.m.).

Public Comment: (10:34 a.m.) None.

MOTION by Taylor to **APPROVE RESOLUTION 08-12167 nominating Bonnie Mattiello.** *This motion was unanimously carried, all members present and voting (Heitmann-yes, Price-yes, Sorey-yes, Sulick-yes, Taylor-yes, Willkomm-yes, Barnett-yes).*

RESOLUTION 08-12168.....ITEM 19-c

A RESOLUTION APPOINTING ONE MEMBER TO THE DESIGN REVIEW BOARD FOR THE BALANCE OF A THREE-YEAR TERM EXPIRING MAY 31, 2011; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (10:35 a.m.).

Public Comment: (10:35 a.m.) None.

MOTION by Barnett to **APPROVE RESOLUTION 08-12168 nominating Michael Kluck.** *This motion was unanimously carried, all members present and voting (Heitmann-yes, Price-yes, Sorey-yes, Sulick-yes, Taylor-yes, Willkomm-yes, Barnett-yes).*

RESOLUTION 08-12169.....ITEM 19-d

A RESOLUTION APPOINTING A REPRESENTATIVE DESIGNATED BY THE UNITED ARTS COUNCIL TO THE PUBLIC ART ADVISORY COMMITTEE FOR A FOUR-YEAR TERM COMMENCING SEPTEMBER 3, 2008, AND EXPIRING SEPTEMBER 2, 2012; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (10:35 a.m.).

Public Comment: (10:35 a.m.) None.

MOTION by Taylor to **APPROVE RESOLUTION 08-12169 nominating Merlin Lickhalter.** *This motion was unanimously carried, all members present and voting (Heitmann-yes, Price-yes, Sorey-yes, Sulick-yes, Taylor-yes, Willkomm-yes, Barnett-yes).*

RESOLUTION 08-12170.....ITEM 19-e

A RESOLUTION APPOINTING ONE MEMBER TO THE COMMUNITY SERVICES ADVISORY BOARD FOR A THREE-YEAR TERM COMMENCING ON SEPTEMBER 3, 2008, AND EXPIRING SEPTEMBER 2, 2011; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (10:36 a.m.).

Public Comment: (10:36 a.m.) None.

MOTION by Taylor to **APPROVE RESOLUTION 08-12170 nominating Jenah Victor-Smith.** *This motion was unanimously carried, all members present and voting (Heitmann-yes, Price-yes, Sorey-yes, Sulick-yes, Taylor-yes, Willkomm-yes, Barnett-yes).*

RESOLUTION 08-12171.....ITEM 20
A RESOLUTION RATIFYING, CONFIRMING AND APPROVING THE ACTIONS OF THE MAYOR, CITY MANAGER AND CITY STAFF PURSUANT TO PROCLAMATION/RESOLUTION 08-12134 WHICH DECLARED A STATE OF EMERGENCY FOR ALL TERRITORY WITHIN THE LEGAL INCORPORATED BOUNDARIES OF THE CITY OF NAPLES DUE TO TROPICAL STORM/HURRICANE FAY'S POTENTIAL FOR CAUSING EXTENSIVE DAMAGE; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (10:36 a.m.).

Public Comment: (1037 a.m.) None.

MOTION by Sorey to APPROVE RESOLUTION 08-12171 as submitted; seconded by Willkomm and unanimously carried, all members present and voting (Heitmann-yes, Price-yes, Sorey-yes, Sulick-yes, Taylor-yes, Willkomm-yes, Barnett-yes).

(It is noted for the record that approval of agreements contained in Items 17 and 18 above were ratified by approval of the above resolution.)

RESOLUTION 08-12172.....ITEM 21
A RESOLUTION DETERMINING A LIVE ENTERTAINMENT PERMIT RENEWAL FOR STONEY'S STEAKHOUSE, LOCATED AT 403 BAYFRONT PLACE, UNIT #301, MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (10:37 a.m.). This being a quasi-judicial proceeding, Notary Public Vicki Smith administered an oath to those intending to offer testimony and who had not been sworn during an earlier item; all responded in the affirmative. City Council Members then made the following ex parte disclosures: Willkomm/no contact; Price/visited the site and spoke with the petitioner; and Sulick, Barnett, Taylor, Heitmann and Sorey/familiar with the site but no contact. Planning Director Robin Singer noted that staff recommended approval, explaining that although two complaints had been lodged against the subject establishment, one had been resolved prior to the arrival of a police officer and the other resulted in no further complaints due to actions taken in response to recommendations by the responding officer. Bayfront resident Al Pell expressed support for the renewal and its superintendent Jeff Ebner, pointed out that soundproof doors and windows had been installed.

Public Comment: (10:39 a.m.) None.

MOTION by Willkomm to APPROVE RESOLUTION 08-12172 as submitted; seconded by Price and unanimously carried, all members present and voting (Heitmann-yes, Price-yes, Sorey-yes, Sulick-yes, Taylor-yes, Willkomm-yes, Barnett-yes).

RESOLUTION 08-12173 (Added item – see Item 4 above).....ITEM 22
A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A GRANT FROM THE BIG CYPRESS BASIN IN THE AMOUNT OF \$24,992.96 TO FUND IMPROVEMENTS TO THE CITY'S IRRIGATION SYSTEM; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager William Moss (10:40 a.m.) who then reviewed his memorandum dated August 29, 2008 (Attachment 4) and recommended approval. Council Member Sorey commended both Mr. Moss and Big Cypress Basin Board Director Clarence Tears for the timely manner in which this project was developed.

Public Comment: (10:42 a.m.) None.

MOTION by Barnett to **APPROVE RESOLUTION 08-12173** as submitted; seconded by Sorey and unanimously carried, all members present and voting (Heitmann-yes, Price-yes, Sorey-yes, Sulick-yes, Taylor-yes, Willkomm-yes, Barnett-yes).

Recess: 10:43 a.m. to 10:53 a.m. It is noted for the record that the same Council Members were present when the meeting reconvened.

EXECUTIVE SESSION (formerly Item 22 – see Item 4 above).....ITEM 23 (10:53 a.m.) Mayor Barnett advised that Council would enter into an executive session pertaining to labor relations matters regarding the Professional Firefighters of Naples, IAFF Local 2174.

Executive Session: 10:53 a.m. to 11:57 a.m. It is noted for the record that the same Council Members were present when the meeting reconvened.

(11:57 a.m.) No action was announced.

EXECUTIVE SESSION.....ITEM 6 (11:58 a.m.) Mayor Barnett advised that Council would enter into an executive session pertaining to the BOARD OF TRUSTEES NORTH NAPLES FIRE CONTROL DISTRICT v BOARD OF TRUSTEES CITY OF NAPLES FIREFIGHTERS PENSION FUND and CITY OF NAPLES, Collier County Circuit Court Case No. 03-491-CA.

Executive Session: 11:59 a.m. to 12:27 p.m. It is noted for the record that the same Council Members were present when the meeting reconvened except Council Member Heitmann who left during the executive session (12:25 p.m.) and returned at 12:31 p.m.

(12:27 p.m.) The following motion was proffered:

MOTION by Price to **APPROVE MEDIATED SETTLEMENT AGREEMENT DATED AUGUST 12, 2008 AND AUTHORIZE PAYMENT IN ACCORDANCE WITH SAID SETTLEMENT AGREEMENT.** This motion was seconded by Willkomm and carried 6-0 (Heitmann-absent, Price-yes, Sorey-yes, Sulick-yes, Taylor-yes, Willkomm-yes, Barnett-yes)

It is noted for the record that Council Member Heitmann returned to the meeting at 12:31 p.m. during consideration of Item 7 below.

.....ITEM 7
PRESENTATION BY COLLIER COUNTY COASTAL ZONE MANAGEMENT DIRECTOR GARY MCALPIN AND CITY OF NAPLES NATURAL RESOURCES MANAGER MICHAEL BAUER REGARDING ISSUES PERTAINING TO THE MANAGEMENT OF CLAM PASS. (12:29 p.m.) Collier County Coastal Zone Management Director Gary McAlpin, provided a brief overview regarding the proposed Collier County ordinance (a copy of which is contained in the file for this meeting in the City Clerk's Office) establishing the Clam Bay Advisory Committee. He said that this was done in an effort to reverse alarming trends in water quality degradation in the estuary. This ordinance would automatically sunset on December 31, 2009, unless the written report, required by October 20, 2009, recommends the Committee continue. The Committee would be comprised of seven members: one from the Pelican Bay Services Division, one from the Pelican Bay Foundation, one resident of Naples Cay Condominium, one resident from Seagate, one resident from each of Collier County Commission Districts 1, 3 and 5, with an initial term limit of one year. (See Collier County District map (Attachment 5)).

Director McAlpin urged Council to support the ordinance due to the fact that the lower portion of Outer Clam Bay lies within the city limits. Natural Resources Manager Michael Bauer added that his concerns lie with the fact that the seagrass beds within the City's portion appear to be most viable and prolific, but that the City is also most likely the largest contributor of pollutants from stormwater runoff. Furthermore, he said, Naples Cay and Seagate, as City neighborhoods, have navigable rights which must be maintained.

Public Comment: (12:36 p.m.) The following expressed support of the establishment of the Clam Bay Advisory Committee by the Collier County Board of County Commissioners, thereby improving water quality with good stewardship and addressing the placement of much needed channel markers: **Albert Katz, representing Save the Bays; Sue Black, representing Seagate; Ned Renfro, 5088 Seashell Avenue; Rick Kraska, representing Naples Cay; Michele Safron, 5239 Starfish Avenue; Michael Sullivan, 5150 Seahorse Avenue; Sarah Wu, 5052 Seashell Avenue; Meredith Dee, 5138 Starfish Avenue; Robert Rogers, 5164 Seahorse Avenue**, who read into the record an excerpt from the adopted Management Restoration Plan for Clam Bay regarding placement of channel markers (Attachment 6). **Peter Roeser, 626 Fountainhead Lane; and Doug Finlay, 3430 Gulf Shore Boulevard**, did not respond when called. Also noted during the above comments were the following: greater representation from the City on the Committee; maintenance of the Seagate canal system; improving safety with installation of the aforementioned channel navigation markers (mandated by the United States Coast Guard (USCG) and the Army Corps of Engineers (ACOE) (see Attachment 6); and management of Clam Bay as a community-wide resource. Council Member Sorey read into the record a letter from **Martha Dykman, Seagate**, (Attachment 7), pointing out what was described as unnecessary political influences being applied to this matter.

Mr. McAlpin then clarified that navigational markers were a requirement of the management permit and that the issue remaining as to their number and placement would be addressed by the Committee. Council Member Sorey then provided further review of the membership for the Committee, noting that Seagate and Naples Cay residents were representative of County Commission District 4, and Pelican Bay of District 2 (see Attachment 5). He then proffered the motion reflected below; however, additional discussion occurred.

In response to Council Member Sulick, Mr. McAlpin explained that expiration of the ten year maintenance permit for Clam Pass would necessitate application through the Coastal Advisory Committee (CAC) as well as the Committee under discussion. He also noted that the CAC membership includes Council Member Sorey and three other City of Naples residents, three City of Marco Island residents and three Collier County residents; Mr. Sorey noted his intent to attend the Committee meetings as they are to be open to the general public.

Council Member Heitmann expressed appreciation to that day's public speakers for their involvement in this issue. Dr. Bauer also clarified for her that water quality testing for Clam Bay, which would meet State requirements, would be done and that a hydrology study of Clam Bay, along with Moorings Bay, must also be done to address the lack of water circulation. This would determine whether dredging and/or the installation of filter marshes would be necessary to address environmental issues. He also confirmed for Council Member Sulick that the establishment of a special taxing district to fund the aforementioned endeavors had not as yet been ruled out; Mr. McAlpin stated that the Committee would additionally address funding.

Vice Mayor Taylor pointed out that should additional taxing be a consideration by the Committee, she strongly believed that an additional District 1 representative be appointed; Council Member Sorey noted that any funding decisions would come before the CAC and the Board of County Commissioners for final approvals.

MOTION by Taylor to DIRECT MAYOR TO SEND LETTER OF UNANIMOUS SUPPORT TO COLLIER COUNTY BOARD OF COMMISSIOERS REGARDING ESTABLISHMENT OF CLAM BAY ADVISORY COMMITTEE. *This motion was seconded by Sorey and unanimously carried, all members present and voting (Heitmann-yes, Price-yes, Sorey-yes, Sulick-yes, Taylor-yes, Willkomm-yes, Barnett-yes).*

(It is noted for the record that the above referenced letter of support is contained in the file for this meeting in the City Clerk's Office, having been provided by staff later in the meeting.)

Following the above presentation, Director McAlpin gave a brief update regarding damage to area beaches resulting from Tropical Storm Fay, noting City beaches which were especially impacted as those located at Park Shore and Clam Pass; total erosion realized, per the Federal Emergency Management Agency (FEMA) review, was 160,000 cubic yards of sand. Following a survey, beach renourishment is to be 75% reimbursed through Category G, FEMA funding, he added. Council Member Sorey noted that this process would take approximately six months, although a beach renourishment permit is already in place but one would be needed for the removal of sand from an existing State of Florida sand source. In response to Council Member Willkomm, Mr. McAlpin explained that sand would be transported from Sanibel Island via boat, that no trucking would be utilized.

PUBLIC COMMENT.....
(1:08 p.m.) None.

CORRESPONDENCE AND COMMUNICATIONS.....
(1:09 p.m.) Council Member Sorey referred to ongoing discussions regarding the possible purchase by the City of the Renaissance Village property (formerly Grand Central Station at Goodlette-Frank Road and US 41), noting that a determination as to the cost is currently underway and that the public would be kept abreast of developments. He also requested that workshop discussions be scheduled of the following: review of pension costs; development of projects for rehabilitating City lakes with the possibility that the Big Cypress Basin Board (BCB) would consider 50% funding in its five-year plan; and environmental issues relating to both residential and commercial waterfront facilities on Naples Bay and the Gordon River. Mr. Sorey then pointed out that he had been researching the cost of the removal of beach outfall drainage pipes, as mandated by the Department of Environmental Protection (DEP), as well as the possibility of this being subsidized by federal beach renourishment reimbursement and/or Tourist Development Council (TDC) funding. He also noted approval by the BCB of several million dollars of funding for City projects, as requested. With regard to the "D" Downtown visioning discussion referenced above (see Item 15), Mr. Sorey reiterated the need that a review of live entertainment timeframes be undertaken.

Council Member Heitmann indicated that she shared Council Member Sorey's concerns regarding the removal of beach outfall pipes. She also requested that the approval of the City's integrated water plan option, which had previously received only consensus, be brought forward to Council for formal action (see consensus below), adding her belief that numerous unanswered

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questions remained as evidenced by the discussion reflected in the June 2, 2008, Workshop minutes (a copy of which is contained in the file for this meeting in the City Clerk's Office). Mrs. Heitmann then requested workshop discussion of the annexation policy/process and asked that Council discuss its meeting schedule for the coming year. In addition, further remarks by Council Member Heitmann initiated discussion regarding the August 27 Design Review Board (DRB) meeting and the conduct of its members (see consensus below).

Vice Mayor Taylor questioned whether a Florida Power & Light (FPL) energy audit of City facilities had been scheduled. City Manager William Moss indicated that this was to be done in-house. She also expressed the need to address varying staff interpretations of the right-of-way ordinance with regard to what is allowed to be placed in rights-of-way, absent a permit. Council Member Price pointed out that a recently installed traffic calming device (concrete wall which he said had been painted in bright yellow) and roadway resurfacing, both involving Crayton Road, had not met with his approval. He also noted the need for elevations to be provided to Council, thereby aiding in its decision-making process with regard to design of projects reviewed. Council Member Sulick commended staff for its actions during Tropical Storm Fay and suggested that following hurricane season, FPL be approached to perform an audit of its electrical installations citywide. Council Member Willkomm expressed appreciation of the recently established email service for Council Members and also commended staff during the aforementioned storm event, as did Mayor Barnett.

City Clerk Tara Norman provided a brief update regarding the selection process and schedule regarding the artwork for the City parking facility located at Eighth Avenue and Sixth Street South.

Consensus that resolution be brought forward regarding approval of integrated water plan.

Consensus that City Attorney review above referenced DRB meeting with regard to conduct of its members.

ADJOURN
2:08 p.m.

Bill Barnett, Mayor

Tara A. Norman, City Clerk

Minutes prepared by:

Vicki L. Smith, Technical Writing Specialist

Minutes Approved: 09/17/08

**Subject
Property**

Agenda Section:	Prepared By: Russ Adams, CRA Executive Director	
Regular	Date: August 7, 2008	Department: Community Redevelopment Agency
Agenda Item:	Legislative <input checked="" type="checkbox"/>	Quasi-Judicial <input type="checkbox"/>
16		
SUBJECT:		
Second Reading of an Ordinance to Increase the D-Downtown Open Space Fee		
SUMMARY:		
City Council is asked to consider an ordinance on Second Reading to amend Section 58-907 (b) (3) Computation of the Open Space fee amount in the "D" Downtown District of the Code of Ordinances, City of Naples, for the purpose of increasing fees.		
BACKGROUND:		
In September 2002, Civic Design Associates published a consultant report that established the basis for the current D-Downtown zoning overlay district. This report also established an open space fee of \$20,000 per dwelling unit above the allowable number of 12 dwelling units per acre and be increased by 5% each year, beginning on October 1 st of 2004 and every year thereafter by 5% on October 1 st .		
The fee was based on the cost of acquiring land and demolishing existing buildings. The report established this cost, in 2002 dollars, as \$40/square foot. Multiplying \$40/square foot times 500 square feet of open space equals the \$20,000 open space fee that was adopted in the D-Downtown zoning code.		
Applying 5% per year since adoption provides a fee of \$25,526 as of October 1, 2008. This represents a \$51/square foot land cost which is lower than the \$60-\$80 range recently established by Carroll & Carroll Appraisers. This does not include the cost for the City to develop open space which is estimated to be \$15/square foot.		
First reading of the proposed ordinance to adopt a new fee was approved on June 18, 2008. The following options were discussed.		
1. Leave the current fee in place		\$25,526/Unit
2. Add open space development cost (\$15/SF) to current fee (\$25,526 + \$7,500)		\$33,026/Unit
3. Use lower end of land cost range with improvement cost (\$60/SF + \$15/SF)		\$37,500/Unit
4. Use mid-range land cost range with improvement cost (\$70/SF + \$15/SF)		\$42,500/Unit
CRAAB had recommended option #2 and the CRA Executive Director recommended option #3. Council chose option #4, setting the new fee at \$42,500/unit. The fee will be increased by 5% each year, beginning on October 1, 2009 and every year thereafter on October 1 st		
RECOMMENDED ACTION:		
Public Hearing and adopt on Second Reading the Ordinance to increase the D-Downtown Open Space fee..		
Reviewed by Department Director	Reviewed by Finance	Reviewed by City Manager
Russ Adams	N/A	A. William Moss
Council Action:		

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS	
LAST NAME—FIRST NAME—MIDDLE NAME <i>Heitmann Terress Lee</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>City Council of Naples</i>
MAILING ADDRESS <i>2350 Forrest Lane</i>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY <i>Naples</i> COUNTY <i>F1</i>	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED <i>Sept. 3 2008</i>	MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; and

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

I, Praveen Le Wathan, hereby disclose that on _____, 20____:

☒ insured to my special private gain or loss; *personal*

☐ insured to the special gain or loss of my business associate, _____;

☐ insured to the special gain or loss of my relative, _____;

☐ insured to the special gain or loss of _____, by whom I am retained; or

☐ insured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

Date Filed September 3 2008 Signature [Signature]

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Agenda Section: Regular	Prepared By: David M. Lykins, Community Services Director Date: August 29, 2008 Department: Community Services
Agenda Item: To Be Added	Legislative <input checked="" type="checkbox"/> Quasi-Judicial <input type="checkbox"/>
SUBJECT: Acceptance of a grant from the Big Cypress Basin for the funding of improvements to the City's irrigation system.	
SUMMARY: City Council is asked to consider a resolution authorizing the City Manager to accept a grant from the Big Cypress Basin in the amount of \$24,992.96 to fund improvements to the City's irrigation system.	
BACKGROUND: A significant amount of funding has been expended during the previous 10-15 years in Citywide landscaping requiring extensive irrigation systems to sustain. As a result, periodic upgrades are necessary to address irrigation system operation and maintenance. The City of Naples has approximately 492,356 linear feet of irrigation lines for City medians, rights-of-way, parks, and open space. Of the 224 sites maintained by the City, 20 sites could initially be operated through a centralized computer database. These sites, which are currently operated manually, require additional components, site to satellite controllers and phone lines. Programming occurs in the field and requires staff to visit each site multiple times to adjust for weather conditions. A computer database will allow for strict monitoring of the water usage and will have the capability to shut down the system in the event of a line or head breakage. A weather station will be installed to allow the system to link real time weather events to the database and eliminate the need to irrigate during and after rain events. A benefit from these improvements will be a reduction in the use of potable and reclaimed water. A grant request was made to the Big Cypress Basin for funding consideration supplemental to the City's capital funding for 2008-09. Clarence Tears, Executive Director, Big Cypress Basin informed the City funding was not available next fiscal year but was available now. The total estimated cost for upgrades to the 20 sites is \$49,985.92, of which 50% will be funded by the Big Cypress Basin. In order accommodate an accelerated timeline for funding the following elements must occur. A) An administrative waiver of competitive bidding; Section 2-665, (2) When the nature of the supplies, materials, equipment or improvements makes it impracticable to request bids on purchases greater than the bid threshold established in section 2-354, as determined by the City Manager, or in excess of \$50,000.00, as determined by a majority vote of the City Council. The City Manager shall keep and provide to the City Council on a regular basis a report of administrative bid waivers for bids exceeding a threshold of \$10,000.00. B) City Manager authorization for issuance of a purchase order to Kilpatrick, 7700 High Ridge Road, Boynton Beach, FL, 33426 in the amount of \$49,985.92.	

Agenda Item:

To Be Added

BACKGROUND (cont.):

- C) The forwarding of the attached Statement of Work with the background of the project, cost-sharing and benefits to the Big Cypress Basin by September 5, 2008. This portion of the request is to be considered an acceptance of a grant from the Big Cypress Basin.
- D) Commitment by the City to expend the entire \$49,985.92 up front and receipt by the City of ordered components with invoicing from Kilpatrick to be forwarded to the Big Cypress Basin as confirmation. The City is to then invoice and request from the Big Cypress Basin a 50% reimbursement of the expenditure totaling \$24,992.96.

A component order was placed by Community Services on September 2nd as a lag time for parts shipment existed of 10-14 days from the vendor. The vendor, Kilpatrick, is a distributor of Rainbird parts required for this project, consistent with existing equipment and was selected for their ability to expedite, secure and ship all required components. This was essential in order to receive parts in advance of the designated timeline for completion and grant acceptance established by Big Cypress Basin of September 22, 2008. Funding exists in the Parks and Parkways current fiscal year general fund budget, account #001.0913.572.3000. All labor will be provided internally by the Parks and Parkways Division Irrigation Technicians.

Utility Tax funding requested during next year's Capital Improvement Program will continue to provide the foundation for addressing a conversion of various TBOIS (battery operated) systems to solar components that will ultimately eliminate a future need for batteries and extensive staff maintenance time. This will be a phased approach as the \$38,000.00 as requested for 2008-09 will fund approximately 75% of the battery operated system conversions. Future funding will be requested the following fiscal year in order to complete this effort. In addition to the savings related to the maintenance of the system, the solar systems, when complete will allow for the installation of rain sensors which will then contribute to further decreased utilization of potable and reclaimed water. Staff estimates that upon conversion of all TBOIS systems, water consumption will be reduced by approximately 25% of current use, or 23 million gallons annually.

FUNDING SOURCE:

General Fund, Parks and Parkways, Account #001.0913.572.3000, \$49,985.92. A total of 50% (\$24,992.96) is to be reimbursed to the City by the Big Cypress Basin.

RECOMMENDED ACTION:

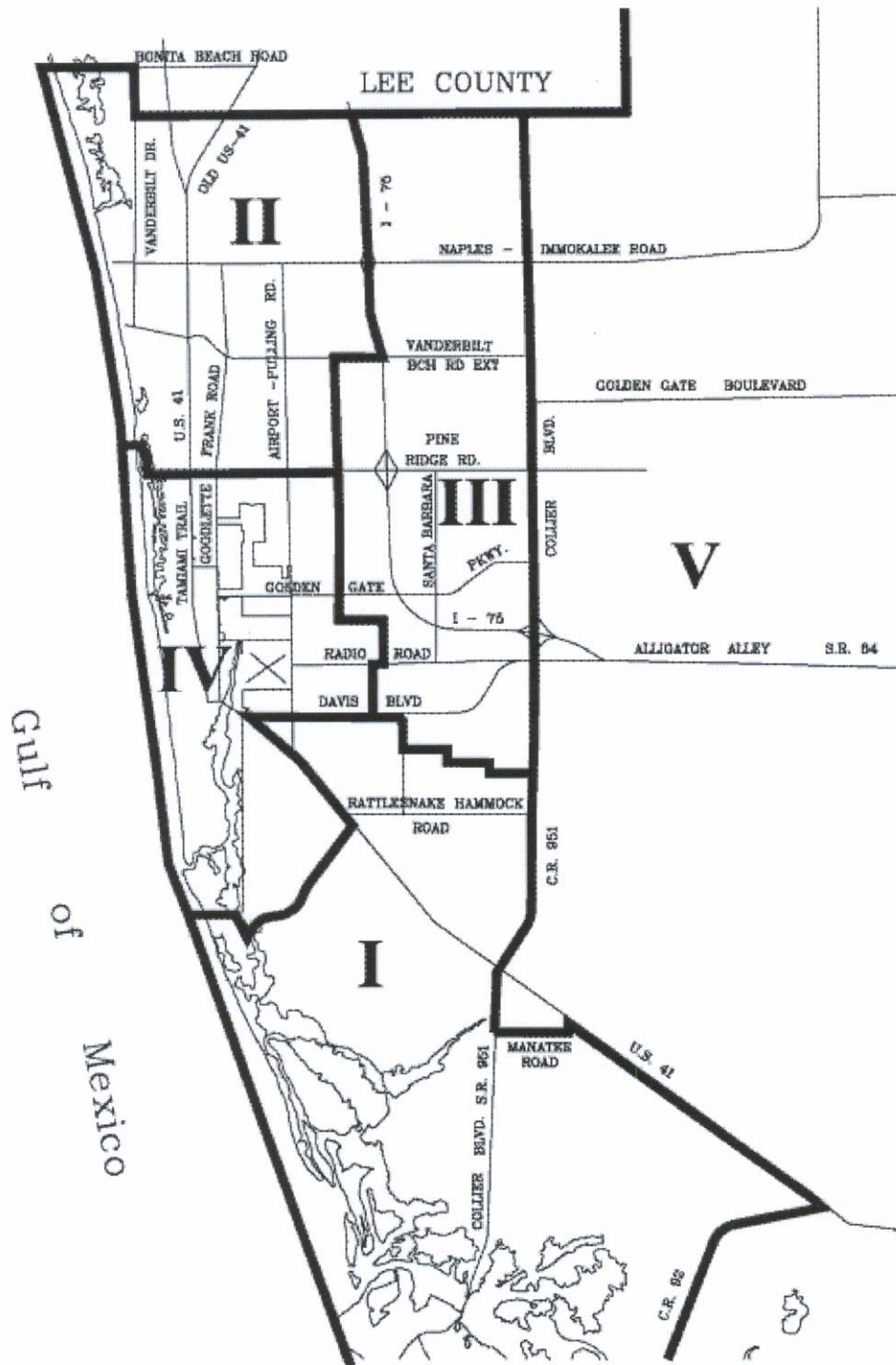
City Council approval of a resolution authorizing the City Manager to accept a grant from the Big Cypress Basin in the amount of \$24,992.96 to fund improvements to the City's irrigation system.

Reviewed by Department Director
David Lykins

Reviewed by Finance
Ann Marie Ricardi

Reviewed by City Manager
A. William Moss

Council Action:



090308 Robert Rogers Transcript

Transcript of section of Management Restoration Plan for Clam Bay read into the record by Robert Rogers during 090308 Regular Meeting:

“Appropriate notification, signage, and policing will be provided by the County, or the Pelican Bay Services Division to ensure compliance. The signage will be strategically placed both at the entrance at Clam Pass and in the areas around the boat ramp located at the southern end of Outer Clam Bay. These are intended to ensure the person accessing the Clam Bay system are informed of its unique ecological quality, the limitation of access resulting from variations to water depth, the existence of no-wake idle speed requirements for motorized boat operation. ... Finally, the main channel be marked in accordance with requirements imposed by the United States Coast Guard to ensure that those who use the system clearly know what the channel and the prohibitions against operating their water craft outside the same.”

Attachment 7 / Page 1 of 1

Dear Mayor, Council, City and County Staff,

Thank you for having this as a workshop agenda item.

What should be a simple and non-political topic has now become political. We hope the City of Naples Leaders will see how truly frustrating this process has become! Why our community, of Seagate, should not have a voice in a water way that our homes directly front is ludicrous!

For those of you that are not aware that our community was established in 1958, our sales brochure, at that time, featured a picture of a boat and a fisherman catching a very large fish and said, "Seagate, Fish right in your own backyard. When I moved to Seagate in 1984, almost every property owner had a boat and people fished daily and ate the clams and oysters that were abundant. Also the area waters were loaded with all types of other bird life including a large flock of rosette spoonbills. Now we have seen our water's health decline, and very little of what once was is still there including the sea grasses that indicate the health of the estuary.

When Pelican Bay was allowed to develop in the 1980's, rules were put in place by the Coast Guard, Fish and Wild Life, and DEP, and the Army Corp Of Engineers, at no time were our boating rights questioned by these agencies. In the 1990's when a large patch of black mangroves began dying in the north end of Clam Bay, a large study group was formed to study the problems and come up with the remedies to decrease the decline. Again, our boating rights were protected. However since that time, Pelican Bay has completely been allowed to control the ten year management permit any way that benefitted them even though it might hurt our community and the county beach. They took the permit and "cherry picked" which conditions that they would implement and which they would not. As our channels filled in and our water became black and smelly and we could hardly boat except at high tide, we had no recourse because the only board we could go to were filled only with Pelican Bay residents, and we were told to move to Pelican Bay if we did not like things. We were even told that we were "Johnny Come Lately's"

In our frustration and desperation, we asked for your support and also the county's help in making this a fairer process. Now we feel that we have made significant progress only to be threatened by Pelican Bay with a law suit.

No other water way is handled this way and the city and county were able to work together on Halderman creek. This estuary is not being harmed by our small boats going no wake, and our property values have suffered and we have been very mistreated by canoeists and kayakers as well as fisherman at the Pass telling us we have no right to boat in our own waters even though we have been doing so for over 50 years.

This is not an environmental issue but one where Pelican Bay wants to control a state water way for their own selfish interests. Please keep supporting our community and please help us to maintain our rights, the Army Corp has said that navigational markers are part of the permit and should be placed in the system, for our and the bottom land's safety.

Most sincerely, Martha Dykman, Past president of

Seagate.