



City Council Chamber
735 Eighth Street South
Naples, Florida 34102

City Council Regular Meeting – March 4, 2009 – 8:29 a.m.

Mayor Barnett called the meeting to order and presided.

ROLL CALLITEM 1

Present:

Bill Barnett, Mayor
Penny Taylor, Vice Mayor (arrived 8:31 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
Roger Reinke, Assistant City Manager
Vicki Smith, Technical Writing Specialist
Joe Boscaglia, Parks & Parkways Superintendent
Robin Singer, Planning Director
Jessica Rosenberg, Deputy City Clerk
David Lykins, Community Services Director
Tom Weschler, Chief of NPFD
Michael Bauer, Natural Resources Manager
John Ognibene, Irrigation Technician
Erica Goodwin, Planner
Robert Middleton, Utilities Director
Ron Wallace, Streets & Stormwater Director

Michael Harper
Everett Thayer
John Passidomo
Tina Ognibene
Pamela Stewart
Dan Waters

Media:

Jenna Buzzacco, Naples Daily News

Other interested citizens and visitors

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

Reverend Michael Harper, Naples Community Hospital.

ANNOUNCEMENTSITEM 3

- National Tartan Day Proclamation – presentation by Mayor Barnett; and
- Staff Sergeant John Ognibene (City Irrigation Technician) presented a plaque to the City expressing appreciation for its support to him and his unit while serving in Iraq.

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

MOTION by Taylor to SET THE AGENDA adding Item 17 (Sam Noe Award); 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).

PUBLIC COMMENT.....ITEM 5

(8:43 a.m.) **Everett Thayer, 1690 Avion Place**, posed a question as to the source of economic recovery in the United States.

CONSENT AGENDA

APPROVAL OF MINUTESITEM 6-a

February 2, 2009 Workshop and February 4, 2009 Regular Meeting, as submitted.

SPECIAL EVENTS ITEM 6-b

1) “Best of the Village” – The Village on Venetian Bay – 03/28/09.

2) Corporate Art Appreciation – Six Degrees Exhibitions – Dockside Boardwalk Shops – 04/02/09.

MOTION by Sorey to APPROVE CONSENT AGENDA 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).

It is noted for the record that Items 7-a and 7-b were read and considered concurrently.

RESOLUTION 09-12352.....ITEM 7-a

A RESOLUTION DETERMINING CONDITIONAL USE PETITION 09-CU02 TO ALLOW FOR THE RELOCATION OF THE EXISTING GOLF COURSE MAINTENANCE FACILITY FROM THE INTERIOR OF THE PROPERTY TO THE NORTH SIDE OF THE HOLE-IN-THE-WALL GOLF COURSE PROPERTY LOCATED AT 3600 GOODLETTE-FRANK ROAD NORTH, MORE FULLY DESCRIBED HEREIN; PROVIDING AN EXPIRATION DATE; AND PROVIDING AN EFFECTIVE DATE.

RESOLUTION 09-12353..... ITEM 7-b

A RESOLUTION DETERMINING FENCE AND WALL WAIVER PETITION 09-FWW1 FOR A WAIVER FROM SECTION 56-37 OF THE CODE OF ORDINANCES, CITY OF NAPLES, TO ALLOW A 6-FOOT WALL ON TOP OF A LANDSCAPE BERM (TOTAL HEIGHT OF WALL AND BERM VARYING BETWEEN 6 FEET AND 12 FEET), 3 SECTIONS OF 4-FOOT RETAINING WALL SURROUNDING WELL HEADS IN 2 LOCATIONS, 2 8-FOOT TALL ENTRY GATES AND A 6-FOOT BLACK CHAIN LINK SECURITY FENCE ALONG THE WESTERN PROPERTY LINE FOR THE HOLE-IN-THE-WALL GOLF COURSE LOCATED AT 3600 GOODLETTE-FRANK ROAD, MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Titles read by City Attorney Robert Pritt (8:45 a.m.). This being a quasi-judicial proceeding, 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/no contact; Sulick/familiar with the site, a member of the Hole-in-the-Wall Golf Club, but no contact regarding the petitions; Price/familiar with the site and exchanged voice mail with the petitioner’s agent, although no conversation took place; Barnett/familiar with the site but no contact; Taylor/familiar with the site and conversation with the petitioner’s agent the previous day; Heitmann/familiar with the site and brief contact with the petitioner; and Sorey/visited the site and discussion regarding the project with the petitioner and

petitioner's agent. (It is noted for the record that electronic presentations were prepared but not presented at this meeting; nevertheless, printed copies are contained in the file for this meeting in the City Clerk's Office.)

Planning Director Robin Singer noted that the petition would allow relocation of the existing golf course maintenance facility to the northern side of the site; staff, she said, recommended approval subject to the standard conditional use requirements. She also mentioned the following condition contained in the proposed resolution for Item 7-a:

"Hole-in-the-Wall Golf Club, Inc., shall build a 16" water main to be cost-shared with the City of Naples. The cost sharing will be applicable to a 2,200' portion of 16" water main running north-south along Goodlette-Frank Road to the new maintenance building. This is only a portion of a larger 6,100' installation of 16" water main to run from the Goodlette-Frank Road/Clubhouse Drive (Wilderness Golf Course) intersection to the 16" water main west of the Solana Tanks on Goodlette-Frank Road that the City plans to build. The City will reimburse Hole-in-the-Wall Golf Club, Inc., for the additional cost to upgrade from an 8" to a 16" water main."

In addition, Ms. Singer said that staff recommended approval of the fence and wall waiver under Agenda Item 7-b.

In moving for approval of the resolution under Item 7-a, Council Member Willkomm cited additional information which had been provided to the Council by the City Manager (Attachment 1); Council Member Sorey seconded. Council Member Heitmann received an estimate of \$90,000 from Utilities Director Robert Middleton with regard to the City's cost for the water main.

Public Comment: (8:48 a.m.) None. City Attorney Robert Pritt also noted for the record that no one had appeared in opposition to this action.

MOTION by Willkomm to APPROVE RESOLUTION 09-12352 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).

MOTION by Sorey to APPROVE RESOLUTION 09-12353 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 09-12354.....ITEM 8

A RESOLUTION AUTHORIZING THE ISSUANCE OF A SITE WORK PERMIT APPLICATION TO HOLE-IN-THE-WALL GOLF CLUB, INC. TO CONSTRUCT A 12-ACRE LAKE, EXPAND SEVERAL EXISTING LAKES AND CREATE THREE FILTER MARSHES; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (8:49 a.m.) who clarified that this was in fact a quasi-judicial proceeding. 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/visited the site and conversed with the petitioner's agent approximately six months prior; Sulick, Price, Barnett and Heitmann/familiar with the site but no contact; Taylor/toured the site with the club president to view the location of the proposed lake and had a conversation with the petitioner's agent; and Sorey/prior visits to the site, various discussions with the petitioner and petitioner's agent, and participation in meetings of the South Florida Water Management District (SFWMD) and Big Cypress Basis Board concerning the project.

Natural Resource Manager Michael Bauer stress the importance of the lake as proposed as an overall strategy to increase water quality as well for habitat for fish and wildlife in the surrounding wetlands (Attachment 2). An electronic presentation was then made by Dan Waters of Wilson Miller, project engineers (a printed copy of which is contained in the file for this meeting in the City Clerk's Office). Mr. Waters explained that the location of the proposed lake is a part of the upcoming golf course renovation. Other lakes on the site however predate local and state permitting processes. Discharging into the southeast portion of the property, the existing lakes will nevertheless be expanded and deepen the 12-acre proposed lake to approximately 15 feet while the others will be approximately 12 feet, Mr. Waters said. The project will also include creation of three wading bird pools to provide both habitat and foraging areas as well as water quality benefits accrued by cleansing golf course runoff prior to its entering the central portion of the lake.

In response to Council Member Price, Mr. Waters indicated that the site is deemed to contain the total complement of facilities anticipated, and the remaining area which is primarily wetlands will be placed in conservation easements in conjunction with SFWMD permitting. Vice Mayor Taylor also confirmed that Hole-in-the-Wall would not proceed with the new lake if the proposed partnership with the City does not come to fruition; Mr. Waters also noted that a determination would however be made of the extent to which a lake is needed solely for the purposes of the golf course. Vice Mayor Taylor also received assurances from Dr. Bauer that the action proposed at that time would not commit the City to the aforementioned partnership with the golf course.

Council Member Price received a like assurance from City Attorney Pritt, although it was also established that failure to approve the item before Council at that time would necessitate the golf course returning with another permit proposal for a smaller lake to be used only by the golf course. Mr. Price said he believed that Council action on an agreement should occur prior to approval of the proposed lake size. Therefore, Mr. Price suggested that the resolution contain a clause that approval of the new, 12-acre lake is subject to the City and the golf course entering into an agreement. City Manager William Moss recommended against this, stressing that the application should be evaluated based solely on the provisions of the Code of Ordinances. Vice Mayor Taylor however cautioned that granting a permit may nevertheless influence future Council decisions.

Attorney John Passidomo, agent for the petitioner, stressed that the application before the Council was a typical land use permit with conditions enumerated in the Code of Ordinances. The project would proceed however only with approval of other permitting agencies as well as favorable economic conditions and other variables, he said, pointing out that there were no further presumptions involved nor would it limit further discretionary actions by the City with

regard to a water management partnership with the golf course. While stressing that the current stage in the permitting process was a necessary component for the golf course to proceed with its plans, Mr. Passidomo also clarified for Council Member Price that the golf course would not build the lake to a 12-acre size absent an agreement with the City, since the expense could not be justified for the golf course alone. Mr. Price nevertheless maintained his concern, apart from the State permitting process, that a land use approval would be conveyed prior to an agreement between the parties. Vice Mayor Taylor attributed her discomfort to being asked to approve a concept which leads to a partnership to which the City has not assented. However, Council Member Sorey pointed out that a partnership between the City and the golf course could not be considered unless it is known that a lake can in fact be built as proposed.

Attorney Passidomo then pointed out that both the City's Natural Resources Manager and the petitioner's technical consultant had opined that the golf course has met the criteria to expand existing lakes, build a new lake, and construct a marsh filtration system, the only issue before the Council at that time. Council Member Willkomm pointed out that other factors might develop which would prevent the project from going forward; therefore he moved approval. Council Member Sorey seconded.

City Attorney Pritt then proposed the following amending language: "Approval of this permit does not constitute an agreement between the petitioner and the City; Council reserves the right to consider further approvals in the future.". Mr. Price said that this however did not satisfy his concern since there could be an implication gleaned from any approval, regardless of form. Therefore, the Council should have an understanding of what would be included in an agreement between the City and the golf course before approval is conveyed for the lake in question. In further discussion, Attorney Passidomo confirmed that a conditional use from the City is a predicate to receiving further water management approvals for the project and that construction must commence before April 1 so as to complete the project prior to the following winter season. Following receipt of all the approvals required, Mr. Passidomo added, the golf course would again approach Council to determine whether cooperation on a water quality project is in fact in the public interest. Council Member Price however maintained that the agreement should have been considered prior to the conditional use petition now under review.

City Manager Moss then explained that he had taken the position that Council should not enter into an agreement until ascertainment of the extent of water quality credits available from a joint project. Council Member Sulick also pointed out that information on water quality credits would not be known until the approval process with water management authorities commences. Attorney Passidomo concurred.

Vice Mayor Taylor supported the language suggested above by City Attorney Pritt, stating that it allays her concern with the Council indicating its intent to enter into another agreement. Attorney Passidomo agreed to the language, either in the resolution or merely in the record of the meeting. However, Council Member Willkomm declined as unnecessary any amendment to his motion for approval.

Public Comment: (9:19 a.m.) None.

MOTION by Willkomm to **APPROVE RESOLUTION 09-12354** as submitted; seconded by Sorey and carried 5-2, all members present and voting (Willkomm-yes, Sulick-yes, Heitmann-yes, Taylor-no, Price-no, Sorey-yes, Barnett-yes)

ORDINANCE 09-12355.....ITEM 9

AN ORDINANCE RELATING TO REVIEW AND APPROVAL OF LIVE ENTERTAINMENT; AMENDING SECTION 56-125, LIVE ENTERTAINMENT PERMIT, OF THE CODE OF ORDINANCES, CITY OF NAPLES, ADDING AN INTENT AND DEFINITIONS; REVISING THE STANDARD CONDITIONS FOR ALL PERMITS AND STANDARDS FOR REVIEW; PROVIDING FOR THE ADMINISTRATIVE REVIEW OF PERMIT RENEWALS AND CLARIFYING THE PROCEDURES FOR REVOCATION; PROVIDING A GRANDFATHERING PROVISION, A SEVERABILITY CLAUSE, A REPEALER PROVISION; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (9:19 a.m.).

Public Comment: (9:20 a.m.) None.

MOTION by Sorey to **ADOPT ORDINANCE 09-12355** as submitted; seconded by Willkomm and carried 6-1, all members present and voting (Heitmann-yes, Price-no, Sorey-yes, Sulick-yes, Taylor-yes, Willkomm-yes, Barnett-yes).

ORDINANCE (First Reading).....ITEM 10

AN ORDINANCE RELATING TO OPEN FIRES IN CITY PARKS AND ON BEACHES; AMENDING SECTIONS 28-36 AND 42-112 OF THE CODE OF ORDINANCES, CITY OF NAPLES, TO ALLOW OPEN FIRES IN CITY PARKS AND ON THE CITY BEACHES BY PERMIT; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (9:20 a.m.).

Public Comment: (9:21 a.m.) None.

MOTION by Taylor to **APPROVE THIS ORDINANCE** on First Reading 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).

RESOLUTION 09-12356.....ITEM 11

A RESOLUTION RANKING THE TOP THREE FIRMS IN ORDER OF PREFERENCE TO PROVIDE PROFESSIONAL SURVEYING SERVICES FOR THE MOORINGS BAY SYSTEM; AUTHORIZING THE CITY MANAGER TO NEGOTIATE A CONTRACT WITH THE TOP-RANKED FIRM; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (9:21 a.m.) who indicated the following rankings reflected in the Whereas section would be recorded in Section 1: Coastal Planning & Engineering; Agnoli, Barber & Brundage; and (tie for third) Johnson Engineering/PBS&J (Post, Buckley, Schuh & Jernigan. Council Member Price received confirmation that in instances such as this consultants are chosen based on qualifications and not price. Mr. Price further pointed out that it is a State of Florida requirement that closed bid processes are not permitted for certain professions and said that he would later recommend that Council approach the local legislative delegation regarding possible amendment, characterizing the requirement as out of line in the current economic environment. City Manager William Moss clarified that in this instance a firm was being selected for a specific project. City Attorney Pritt further explained that the City is required to enter into negotiations with the top-ranked firm and move to subsequent rankings only if an agreement with the first firm cannot be reached.

Public Comment: (9:23 a.m.) None.

MOTION by Taylor to **APPROVE RESOLUTION 09-12356** 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 (Tabled – see motion below)ITEM 12

A RESOLUTION APPROVING A FIRST AMENDMENT TO INTERLOCAL AGREEMENT TO PROMOTE UNDERGROUNDING OF UTILITY FACILITIES AND RELATED IMPLEMENTATION ACTIVITIES, PROVIDING AN ADDITIONAL \$12,000 CONTRIBUTION TO THE MUNICIPAL UNDERGROUND UTILITY CONSORTIUM (MUUC) IN ORDER TO COVER ADDITIONAL LEGAL SERVICES; AUTHORIZING THE CITY MANAGER TO EXECUTE THE FIRST AMENDMENT TO INTERLOCAL AGREEMENT; AMENDING THE FISCAL YEAR 2008-09 BUDGET ADOPTED BY ORDINANCE 08-12197; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Robert Pritt (9:24 a.m.). City Manager William Moss cited a prior Council directive that staff determine the cost of continuing to participate in this group. He said he believed that most of the participating cities were intending to sever their relationship and, therefore, he said he was reluctant for the City of Naples to remain. Nevertheless, there is a possibility that one of the cities was considering underwriting the entire cost.

It is noted for the record that consideration of Item 12 was continued to later during the meeting to allow the arrival of pertinent staff (see below).

RESOLUTION 09-12357.....ITEM 13

A RESOLUTION REPEALING RESOLUTION 08-12024 THAT APPROVED A NEW EMPLOYEE PERSONAL COMPUTER PURCHASE LOAN PLAN; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (9:26 a.m.).

Public Comment: (9:26 a.m.) None.

MOTION by Price to **APPROVE RESOLUTION 09-12357** 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 09-12358.....ITEM 14

A RESOLUTION REPEALING RESOLUTION 08-12025 WHICH APPROVED AN EMPLOYEE STORM PROTECTION LOAN PLAN; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (9:26 a.m.).

Public Comment: (9:26 a.m.) None.

MOTION by Sulick to **APPROVE RESOLUTION 09-12358** 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 09-12359.....ITEM 15

A RESOLUTION APPROVING A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF NAPLES AND GARNEY COMPANIES, INC., TO PROVIDE REPAIRS TO THE CLARIFIER MECHANISMS AT THE WATER RECLAMATION FACILITY; AUTHORIZING THE CITY MANAGER TO EXECUTE THE PROFESSIONAL SERVICES AGREEMENT; AMENDING THE FISCAL YEAR 2008-09 BUDGET ADOPTED BY ORDINANCE 08-12197; AND PROVIDING AN EFFECTIVE

DATE. Title read by City Attorney Robert Pritt (9:27 a.m.). City Manager William Moss asserted that this purchase was necessary since they are critical components of the wastewater treatment system to avoid the potential of structural failure; thereafter a useful life of approximately 20 years is anticipated. In response to Council Member Price, Mr. Moss further clarified that a budget adjustment was also being approved to correct an oversight that had failed to re-appropriate from the fund balance the amount budgeted from a prior year. In response to Council Member Heitmann, Utilities Director Robert Middleton attributed the project delay to the need to undergo public bidding since the prior, sole-source vendor was no longer available due to various corporate changes, necessitating a pause in the project to accommodate bidding. In response to Council Member Price, Mr. Moss also indicated that internal procedures were in need of updating so that projects may be carried forward in a systematic way.

Public Comment: (9:31 a.m.) None.

MOTION by Sorey to APPROVE RESOLUTION 09-12359 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).

It is noted for the record that with the arrival of pertinent staff, consideration of Item 12 resumed.

(Continued from above – see Page 7)ITEM 12
Ron Wallace, Streets & Stormwater Director, responded to Council with regard to whether the City should remain in the Municipal Underground Utility Consortium (MUUC). He explained that the interlocal agreement had expired on January 1, necessitating renewal in order for the City of Naples to continue. However, due to economic conditions, support from the various municipalities had been withdrawn and, since a lack of hurricanes has reduced the urgency for undergrounding of power lines, the only goal that could be attributed to the group is a reduction in the cost of conversion to underground power (25%). Nevertheless, the conversion rate is scheduled to sunset in October and could be renewed, eliminated or recalculated. Mr. Wallace also noted intransigence on the part of Florida Power & Light (FPL) to amend their applicable factors within that percentage. With the few municipalities which are still involved, Mr. Wallace said, only approximately \$40,000 of the \$200,000 needed to continue the consortium has been received, although it is likely that should the group dissolve, the \$12,000 to be contributed by the City of Naples was most likely refundable. Nevertheless, Palm Beach, he said, is considering funding any shortfall so that the effort could continue, although Naples' contribution has been \$40,000 to date.

Mayor Barnett said the City of Naples should proceed only if there was no further monetary contribution; various other Council Members agreed. Council Member Sulick also pointed out that despite FPL's willingness to install underground power lines in the City's rights-of-way, the company will assume no responsibility for damage that might occur to other infrastructure already occupying the right-of-way. Mr. Wallace concurred, stressing that the City is responsible to fund any relocations or damage that occurs.

Council Member Sorey made a motion that the City continue to participate but not provide further funding; Vice Mayor Taylor seconded. However, it was subsequently determined that the resolution would be tabled so that staff could communicate this sentiment to the consortium and that staff would report to the Council the reaction received to this proposal.

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

MOTION by Price to TABLE THIS RESOLUTION; 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 09-12360.....ITEM 16-a

A RESOLUTION APPOINTING ONE MEMBER TO THE BOARD OF TRUSTEES OF THE FIREFIGHTERS' RETIREMENT TRUST FUND FOR THE BALANCE OF A TWO-YEAR TERM CONCLUDING SEPTEMBER 16, 2010; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (9:38 a.m.).

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

MOTION by Taylor APPROVING RESOLUTION 09-12360 NOMINATING JAMES SUCKOW unanimously carried, all members present and voting (Heitmann-yes, Price-yes, Sorey-yes, Sulick-yes, Taylor-yes, Willkomm-yes, Barnett-yes).

RESOLUTION 09-12361.....ITEM 16-b

A RESOLUTION APPOINTING ONE MEMBER TO THE EAST NAPLES BAY CITIZENS ADVISORY COMMITTEE FOR THE BALANCE OF A THREE-YEAR TERM CONCLUDING JUNE 17, 2011; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (9:39 a.m.).

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

MOTION by Barnett to APPROVE RESOLUTION 09-12361 NOMINATING DAVID GARDNER unanimously carried, all members present and voting (Heitmann-yes, Price-yes, Sorey-yes, Sulick-yes, Taylor-yes, Willkomm-yes, Barnett-yes).

RESOLUTION 09-12362.....ITEM 16-c(1)

A RESOLUTION APPOINTING ONE MEMBER TO THE PLANNING ADVISORY BOARD FOR A THREE-YEAR TERM COMMENCING MAY 1, 2009, AND EXPIRING APRIL 30, 2012; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (9:39 a.m.).

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

MOTION by Sorey to APPROVE RESOLUTION 09-12362 NOMINATING SAMUEL SAAD unanimously carried, all members present and voting (Heitmann-yes, Price-yes, Sorey-yes, Sulick-yes, Taylor-yes, Willkomm-yes, Barnett-yes).

RESOLUTION 09-12363.....ITEM 16-c(2)

A RESOLUTION APPOINTING ONE ALTERNATE TO THE PLANNING ADVISORY BOARD FOR THE BALANCE OF A THREE-YEAR TERM CONCLUDING APRIL 30, 2011; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (9:40 a.m.).

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

MOTION by Taylor to APPROVE RESOLUTION 09-12363 NOMINATING MICHAEL MCLEOD unanimously carried, all members present and voting (Heitmann-yes, Price-yes, Sorey-yes, Sulick-yes, Taylor-yes, Willkomm-yes, Barnett-yes).

RESOLUTION 09-12364.....ITEM 16-c(3)
A RESOLUTION APPOINTING ONE MEMBER TO THE PLANNING ADVISORY BOARD FOR A THREE-YEAR TERM COMMENCING MAY 1, 2009, AND EXPIRING APRIL 30, 2012; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (9:40 a.m.).

Public Comment: (9:41 a.m.) None.

MOTION by Taylor to APPROVE RESOLUTION 09-12364 NOMINATING DOROTHY HIRSCH unanimously carried, all members present and voting (Heitmann-yes, Price-yes, Sorey-yes, Sulick-yes, Taylor-yes, Willkomm-yes, Barnett-yes).

RESOLUTION 09-12365.....ITEM 16-d(1)
A RESOLUTION APPOINTING ONE MEMBER TO THE COMMUNITY SERVICES ADVISORY BOARD FOR THE BALANCE OF A THREE-YEAR TERM CONCLUDING JUNE 18, 2011; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (9:41 a.m.).

Public Comment: (9:41 a.m.) None.

MOTION by Sorey to APPROVE RESOLUTION 09-12365 NOMINATING NOREEN SCHUMANN unanimously carried, all members present and voting (Heitmann-yes, Price-yes, Sorey-yes, Sulick-yes, Taylor-yes, Willkomm-yes, Barnett-yes).

RESOLUTION 09-12368 (Continued / see below).....ITEM 16-d(2)
A RESOLUTION APPOINTING ONE MEMBER TO THE COMMUNITY SERVICES ADVISORY BOARD FOR A THREE-YEAR TERM COMMENCING APRIL 16, 2009, AND CONCLUDING APRIL 15, 2012; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (9:41 a.m.). A brief discussion of the remaining appointments ensued and Mr. Pritt suggested continuing this item to follow Item 16-d(3) and 16-d(4); Council concurred.

RESOLUTION 09-12366.....ITEM 16-d(3)
A RESOLUTION APPOINTING ONE MEMBER TO THE COMMUNITY SERVICES ADVISORY BOARD FOR A THREE-YEAR TERM COMMENCING MAY 7, 2009, AND CONCLUDING MAY 6, 2012; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (9:42 a.m.). Following her nomination of Carol Olsen, Vice Mayor Taylor praised the candidate for her continuing community involvement, particular in the area of parks. Mayor Barnett noted that while he agreed with Ms. Olsen's dedication to the community, an issue existed regarding past meeting attendance. Deputy City Clerk Jessica Rosenberg indicated that it had been her understanding that health issues had kept Ms. Olsen from attending on a regular basis.

Public Comment: (9:45 a.m.) None.

MOTION by Taylor to APPROVE RESOLUTION 09-12366 NOMINATING CAROL OLSEN failed 2-5, all members present and voting (Taylor-yes, Heitmann-no, Willkomm-no, Sorey-yes, Price-no, Sulick-no, Barnett-no).

MOTION by Price to APPROVE RESOLUTION 09-12366 NOMINATING LINDA BLACK unanimously carried, all members present and voting (Heitmann-yes, Price-yes, Sorey-yes, Sulick-yes, Taylor-yes, Willkomm-yes, Barnett-yes).

RESOLUTION 09-12367.....ITEM 16-d(4)
A RESOLUTION APPOINTING ONE MEMBER TO THE COMMUNITY SERVICES ADVISORY BOARD FOR A THREE-YEAR TERM COMMENCING MAY 17, 2009, AND CONCLUDING MAY 16, 2012; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (9:46 a.m.).

Public Comment: (9:47 a.m.) None.

MOTION by Sorey to APPROVE RESOLUTION 09-12367 NOMINATING ALAN RYKER unanimously carried, all members present and voting (Heitmann-yes, Price-yes, Sorey-yes, Sulick-yes, Taylor-yes, Willkomm-yes, Barnett-yes).

(9:47 a.m.) It is noted for the record that consideration of Item 16-d(2) resumed, the title of which had been read above.

RESOLUTION 09-12368.....ITEM 16-d(2)
Public Comment: (9:48 a.m.) None. While Mayor Barnett had nominated Michelle McLeod also, Roslyn Katz was the first candidate to receive a majority and was therefore appointed.

MOTION by Willkomm to APPROVE RESOLUTION 09-12368 NOMINATING PAMELA STEWART failed 1-6, all members present and voting (Taylor-no, Willkomm-yes, Sorey-no, Sulick-no, Heitmann-no, Price-no, Barnett-no).

MOTION by Price to APPROVE RESOLUTION 09-12368 NOMINATING ROSLYN KATZ carried 4-3, all members present and voting (Willkomm-no, Price-yes, Taylor-yes, Sorey-no, Sulick-yes, Heitmann-yes, Barnett-no).

RESOLUTION 09-12369.....ITEM 16-e
A RESOLUTION APPOINTING ONE MEMBER TO THE DESIGN REVIEW BOARD FOR THE BALANCE OF A THREE-YEAR TERM CONCLUDING MAY 31, 2009; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (9:49 a.m.).

Public Comment: (9:49 a.m.) None.

MOTION by Price to APPROVE RESOLUTION 09-12369 NOMINATING RENEE ZEPEDA unanimously carried, all members present and voting (Heitmann-yes, Price-yes, Sorey-yes, Sulick-yes, Taylor-yes, Willkomm-yes, Barnett-yes).

RESOLUTION (see consensus below)ITEM 16-f (alternative 1)
A RESOLUTION APPOINTING A CITY RESIDENT TO THE PUBLIC ART ADVISORY COMMITTEE FOR A FOUR-YEAR TERM COMMENCING APRIL 18, 2009, AND EXPIRING APRIL 17, 2013; WAIVING THE TERM LIMIT REQUIREMENT PURSUANT TO SECTION 20403 OF THE CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (9:49 a.m.). In response to a motion by Mayor Barnett nominating Susan Sokol, Deputy City Clerk Jessica Rosenberg explained that Ms. Sokol had withdrawn her candidacy. Following a brief explanation by Mrs. Rosenberg of the term limit waiver referenced above, Mayor Barnett then proffered a motion nominating Norman Rocklin whom the term limit waiver would apply to. Council Member Sulick questioned the practice of automatically granting the term limit waiver, and Council Member Price agreed, suggesting continuing to publicize the appointment. Vice Mayor Taylor suggested that the issue of granting waivers for additional terms be scheduled for a workshop discussion in the interim and Mayor Barnett withdrew his nomination.

Public Comment: (9:53 a.m.) None.

Unanimous consensus to re-publicize vacancy.

RESOLUTION (no action necessary – see below) ITEM 16-f (alternative 2)
A RESOLUTION APPOINTING A CITY RESIDENT TO THE PUBLIC ART
ADVISORY COMMITTEE FOR A FOUR-YEAR TERM COMMENCING APRIL 18,
2009, AND CONCLUDING APRIL 17, 2013; AND PROVIDING AN EFFECTIVE DATE.
Deputy City Clerk Jessica Rosenberg indicated that no action was necessary regarding this item due to the action taken during Item 16-f (alternative 1) and the withdrawal of Susan Sokol.

RESOLUTION 09-12370.....ITEM 16-g(1)
A RESOLUTION APPOINTING ONE RESIDENT OF POLICE PATROL SECTOR 4
TO THE CITIZENS POLICE REVIEW BOARD FOR A THREE-YEAR TERM
COMMENCING MARCH 6, 2009, AND EXPIRING MARCH 5, 2012; WAIVING THE
TERM LIMIT REQUIREMENT PURSUANT TO SECTION 2-403 OF THE CODE OF
ORDINANCES; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (9:53 a.m.).

Public Comment: (9:54 a.m.) None.

MOTION by Taylor to APPROVE RESOLUTION 09-12370 NOMINATING
JAMES RIDEOUTTE unanimously carried, all members present and voting
(Heitmann-yes, Price-yes, Sorey-yes, Sulick-yes, Taylor-yes, Willkomm-yes,
Barnett-yes).

RESOLUTION 09-12371.....ITEM 16-g(2)
A RESOLUTION APPOINTING ONE MEMBER OF POLICE PATROL SECTOR 3 TO
THE CITIZENS POLICE REVIEW BOARD FOR A THREE-YEAR TERM
COMMENCING MARCH 19, 2009, AND EXPIRING MARCH 18, 2012; AND
PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (9:54 a.m.).

Public Comment: (9:54 a.m.) None.

MOTION by Taylor to APPROVE RESOLUTION 09-12371 NOMINATING
BRETT BACKUS unanimously carried, all members present and voting
(Heitmann-yes, Price-yes, Sorey-yes, Sulick-yes, Taylor-yes, Willkomm-yes,
Barnett-yes).

RESOLUTION 09-12372.....ITEM 16-g(3)
A RESOLUTION APPOINTING ONE MEMBER TO AT-LARGE SEAT #4 OF THE
CITIZENS POLICE REVIEW BOARD FOR A THREE-YEAR TERM COMMENCING
MARCH 19, 2009, AND EXPIRING MARCH 19, 2012; AND PROVIDING AN
EFFECTIVE DATE. Title read by City Attorney Robert Pritt (9:54 a.m.).

Public Comment: (9:55 a.m.) None.

MOTION by Taylor to APPROVE RESOLUTION 09-12372 NOMINATING
RODNEY SCHWASINGER unanimously carried, all members present and
voting (Heitmann-yes, Price-yes, Sorey-yes, Sulick-yes, Taylor-yes, Willkomm-
yes, Barnett-yes).

(Added Item – see Item 4 above)ITEM 17
NOMINATIONS FOR THE SAM NOE AWARD. (9:55 a.m.) Deputy City Clerk Jessica Rosenberg explained that three nominations had been forthcoming, Lois Selfon, William Kroeschell and Murray Hendel; in response to Council Member Sorey, she clarified that only one may receive the award per year.

Public Comment: (10:00 a.m.) None.

MOTION by Barnett to NOMINATE WILLIAM KROESCHELL FOR THE 2009 SAM NOE AWARD unanimously carried, all members present and voting (Heitmann-yes, Price-yes, Sorey-yes, Sulick-yes, Taylor-yes, Willkomm-yes, Barnett-yes).

CORRESPONDENCE AND COMMUNICATIONS.....

(10:00 a.m.) Pointing out that the Council conducts much of its discussion during workshops, Vice Mayor Taylor requested that the Council reverse its decision to hold one such session per month until the conclusion of the current fiscal year. However, she urged that Council Members continue to reflect on whether a one-day-per-month workshop schedule could be implemented in the future. Mayor Barnett disagreed, supporting first testing the new system before making a final decision. City Attorney Robert Pritt also noted that no resolution or ordinance passage was necessary to alter the workshop schedule.

MOTION by Price to HOLD WORKSHOPS ONCE PER MONTH IN APRIL, MAY AND JUNE FOR THE MONDAY PRECEDING THE SECOND REGULAR MEETING; seconded by Willkomm and carried 6-1, all members present and voting (Heitmann-yes, Price-yes, Sorey-yes, Sulick-yes, Taylor-no, Willkomm-yes, Barnett-yes).

Council Member Price reported a scheduled meeting with the Finance Director to review the methodology of budgetary administrative transfers although there would be further discussion by Council. He also said that he was planning to provide Council with proposals regarding implementation of wind turbines and enhancements to the community to encourage lawful cycling (Bike to Work Week). City Manager William Moss reported that the incorrect replacement parts for intersection traffic mast arms had been received; he agreed to keep the Council apprised on this situation.

PUBLIC COMMENT

None.

ADJOURN

10:08 a.m.

Bill Barnett, Mayor

Minutes prepared by:

Tara A. Norman, City Clerk

Vicki L. Smith, Technical Writing Specialist

Minutes Approved: 04/01/09



Memo

Utilities Department

Utilities • Solid Waste • Equipment Services

TO: A. William Moss, City Manager
FROM: Bob Middleton, Utilities Director *Robert Middleton*
DATE: March 1, 2009
SUBJECT: Agenda Item 7a – Hole-in-the-Wall Water main

During today's City Council Workshop, Council Member Willkomm requested additional information on the above referenced agenda item. Hole-in-the-Wall (HW) Golf Club is relocating their maintenance shop to the north side of their property. This requires installation of a water main to provide domestic water service and fire flow. They have determined that an 8-inch main is adequate. By City Code section 30-373(d), the City can request an increase in the pipe size to provide looping which will enhance flow and pressure in the water distribution system. The Utilities Department has requested HW to provide a cost difference to install a 16-inch water main. The City will pay the cost difference in installation between the 8-inch main and the 16-inch main.

Sec. 30-373. Water and sanitary sewer connections and extensions.

- (d) *Developer installed systems.* Where developers install transmission, distribution or collection systems at their own expense, there shall be no connection charge to individual lot owners. Should the city require an applicant to install a larger distribution or collection line than the size proposed by the developer or required by the city, the city will pay the difference between the cost to install the original line and the larger line.

There are no water mains along Goodlette Road north of Wilderness Country Club to Burning Tree Road. This new main will connect the water main at Ohio Drive and Goodlette Road to the main at Burning Tree Drive. A future main could be installed from Wilderness to the main installed at HW. The water model shows that increasing the main from 8-inch to 16-inch will increase flow and pressure to this area. Ultimately, looping the water distribution system from Wilderness to Burning Tree Drive will further enhance flow and pressure to this section of the City service area.

SUPPLEMENT
2

Ethics above all else... Service to others before self... Quality in all that we do.



NAPLES CITY COUNCIL AGENDA MEMORANDUM

Regular Meeting Date: March 4, 2009

Agenda Section: Regular	Prepared By: Michael R. Bauer, Natural Resources Manager Date: February 27, 2009 Department: City Manager	
Agenda Item: 8	Legislative <input checked="" type="checkbox"/>	Quasi-Judicial <input type="checkbox"/>
SUBJECT: Approval of a resolution authorizing the issuance of a Site Permit Application to construct a 12-acre lake, expand several existing lakes and create three filter marshes as part of Hole-In-The-Wall Golf Club, Inc. renovations.		
SUMMARY: City Council is asked to consider a resolution authorizing the issuance of a Site Work Permit Application to Hole-In-The-Wall Golf Club, Inc. to construct a 12-acre lake, expand several existing lakes and create three filter marshes.		
BACKGROUND: As part of the plans to renovate their golf course, Hole-In-The-Wall Golf Club, Inc. is providing water quality treatment for stormwater runoff that includes both additional storage and natural wetland filtration. The creation of three filter marshes, a 12-acre lake and the expansion of several other lakes will improve water quality, create wetland habitat for wading birds and other wildlife, and improve the aesthetics of the course. City Ordinance 52-92 provides that City Council must approve any permit to create lakes or fill any portion of a lake if Council finds that the proposed activity does not violate any statute, zoning law, ordinance, or other restriction; that no injury will occur to adjoining lands; and that there will be no impacts on the stormwater system or to the biological or ecological systems. City staff has reviewed the submitted applications, reference materials, and visited the site and have determined that this project will result in improvements to the stormwater quality that will positively impact the upper Gordon River and, further downstream, Naples Bay as a result of capturing additional stormwater discharge. As a secondary benefit, the constructed wetlands will also provide more habitats for wading birds, amphibians, and other wildlife.		
RECOMMENDED ACTION: Adopt a resolution authorizing the issuance of a Site Work Permit to Hole-In-The-Wall Golf Club, Inc. for the creation of a 12-acre lake, expansion of existing lakes, and creation of three filter marshes as part of the Club's renovations.		
Reviewed by Department Director Roger Reinke	Reviewed by Finance N/A	Reviewed by City Manager A. William Moss
Council Action:		