



City of Naples

City Council Minutes

Special Meeting 11/21/89

City Council Chamber
735 Eighth Street South
Naples, Florida 33950

-SUBJECT-

Ord.
No.

Res.
No.

Page

DISCUSSION/ACTION ITEMS PURSUANT TO REQUEST BY PELICAN BAY
PROPERTY OWNERS ASSOCIATION, INC., OF NOVEMBER 16, 1989.

1

a. Placing the question of annexing a portion of Pelican
Bay on the February 6, 1990, City of Naples election
ballot.

1

b. Statutory requirements for annexation.

1

c. An ordinance to place the question of annexing a
portion of Pelican Bay on the February 6, 1990, City
of Naples election ballot.

2

ORDINANCES - First Reading:

-NO ACTION taken at these proceedings regarding ordinance
proposing annexation of portions of Pelican Bay.

89-_____

6

Time 2:10 p.m.
Date 11/21/89

-1-

CITY OF NAPLES, FLORIDA

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2-c. An ordinance to place the question of annexing a portion of Pelican Bay on the February 6, 1990, City of Naples election ballot.

The above items were discussed simultaneously by Council, staff, and representatives from Pelican Bay.

Mr. Fred Hardt, President of the Pelican Bay Property Owner's Association, advised that his Board had met and unanimously voted to seek possible annexation into the City of Naples (Attachment #2). e then outlined the boundaries of the Pelican Bay area and that portion proposed for annexation.

In response to Councilman Richardson, Mr. Hardt noted that the area marked for Conservation, adjacent to the Gulf, was controlled by the County. The Conservation area includes the County park system up to Clams Pass.

Mr. Crawford asked how public beach access was handled in this development. Mr. Hardt explained that there were two boardwalks in this area for beach access; one open to the public and the other exclusively for use by residents of Pelican Bay. This type of use is not unique in the City as many other developments have like facilities for residents only.

Referring to the commercial areas in Pelican Bay, Councilman Crawford asked why they were excluded. Mr. Hardt advised that State Statutes require approval by 70% of the property owners in the area slated for annexation before voluntary annexation can be considered. However, he said that he believed a couple of commercial centers in that area might join in providing they are contiguous.

The City currently provides potable water to Pelican Bay, however, the PBID (Pelican Bay Improvement District) supplies irrigation water through its dual system. This area also anticipates hooking into the City's effluent reuse

BOARD MEMBERS	M O T I O N	S E C O N D	VOTE		A B S E N T
			Y E S	N O	

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BOARD MEMBERS	M O T I O N	S E C O N D	VOTE		A B S E N T
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system so that its excess wastewater can be properly treated. In response to Councilman Crawford, Mr. Hardt pointed out that Pelican Bay uses more treated wastewater during the winter season because of an increase in its residents. Their wastewater treatment plant is then at its fullest capacity.

Councilman Graver asked for clarification regarding the conflict between the County and Pelican Bay. Mr. Hardt explained that the PBID, a government body created by a special act of the Legislature, does not want the County to take over its District because residents would then be forced to pay higher rates for less service. He further pointed out that the PBID was a five member Board elected by the residents. In response to Councilman Graver, Mr. Hardt advised that it has not yet been determined whether the PBID would be dissolved if annexation was approved by the voters.

City Manager Jones pointed out that Council today was considering whether a request from a property owner's association to begin the process of an annexation referendum for a certain area should be considered. After the Association's presentation, Council can, at its discretion, propose a smaller or larger portion for annexation. He further noted that the Legislature was the only body that could dissolve the PBID.

Mayor Putzell added that these proceedings were the initial step in a long process of determining the merits and demerits of this proposal. This is a first reading of an ordinance proposing the annexation of Pelican Bay, he said.

In response to Mr. Graver, City Attorney Rynders advised that the State Department of Justice and State Statutes require an ordinance proposing annexation must pass 30 days prior to an election in order to be placed on the ballot. A first reading of this ordinance on or before December 6, 1989 would meet those requirements. If this proposal is not placed on the February ballot, then a special election would be in order.

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Councilman Muenzer asked if this ordinance received approval today at first reading, could it be amended prior to or at second reading after additional information and research has been obtained. Staff replied affirmatively. Mr. Hardt pointed out that it might be necessary to amend the proposed boundaries to include some of the commercial centers.

Referring to the recently sold storage tank on Carica Road to the County, Mr. Muenzer asked if this area was annexed, would that facility be required. City Manager Jones said that the Carica Road water tank was not a necessary part of the City's storage requirements for its northern boundaries.

Mr. Hardt then recounted many other advantages for this proposed annexation, such as: City control over the intersection at Seagate and Crayton Roads; better police patrol; increased tax base of upwards to \$600-million; human resources for volunteer services; etc.

Discussion then ensued relative to the possible extension of Crayton Road. Councilman Crawford noted that many residents on Crayton Road were opposed to such an extension. Mr. Hardt advised that his Association was also opposed to the extension of that road and was concerned that the County might open it up to further traffic flow.

Councilman Crawford expressed concern that the Association was using this proposed annexation for leverage in its conflict with the County. He further said he was apprehensive because minimal research by the Association has been completed on its feasibility. Mr. Hardt respectfully disagreed and said the Board has been considering this proposal for several years, and even as early as October of this year, it had tabled further discussion to its November meeting.

Mr. Graver said he believed this proposal should be thoroughly researched and that it would be better suited for the September election. Mr. Hardt, however, pointed out that the majority of

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Pelican Bay residents would be present for the upcoming February election.					
Annexation consultant Paul Pillar of Tallahassee, Florida spoke briefly regarding the benefits of this proposal. Pelican Bay has submitted this recommendation, he said, because it believes the City can provide municipal services at a reasonable cost. He noted that there was a lot of analysis which must take place between now and February, but he believed those results would look favorably for such an annexation. He then reiterated many of Mr. Hardt's comments regarding the PBID and its powers.					
Mayor Putzell asked if any of the information previously submitted by Mr. Pillar relative to annexation would apply to this proposal. Consultant Pillar answered in the affirmative. In response to further inquiry by Mayor Putzell, Mr. Pillar also advised that while it was true the County would lose a portion of its revenue, it would gain by not having to service that area with police, fire, and other community services. He further pointed out that City residents are still required to pay a portion of the County tax.					
Discussion then ensued relative to the PBID and what services it currently provides residents. Mr. Graver expressed concern that there would be two government bodies servicing the same area. Consultant Pillar pointed out that after Pelican Bay was completely developed, negotiations could ensue between the City and PBID regarding control of that area or keeping it a separate District. City Manager Jones pointed out that such negotiations would not have to be resolved until a future date when the amount of users had increased to such a degree that a burden would be placed on the PBID. The improvements resulting from that burden would be paid for by those same users.					
Supervisor of Elections, Mary Morgan, said that Pelican Bay was a single precinct, and she would recommend annexing the entire PBID. She further pointed out that she would require a map of the proposed boundaries by December 12, 1989 for the topographer from the Census Bureau.					

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In response to Mayor Putzell, Mrs. Morgan advised that one problem with annexing only a portion of that District would be added cost for a different ballot style at each election.

Discussion then ensued relative to consideration of the ordinance's first reading at these proceedings. It was the consensus of Council to hold the first reading on December 6, 1989 and conduct the second reading, public hearing on December 13, 1989.

---ORDINANCE NO. 89-_____

ITEM 3

AN ORDINANCE PROPOSING THE ANNEXATION OF PELICAN BAY UNIT ONE, EXCEPT THAT PORTION EAST OF WEST BOULEVARD AND SOUTH OF PELICAN BAY BOULEVARD; UNIT TWO, EXCEPT THAT PORTION OF THE GOLF COURSE NORTH OF GULF PARK DRIVE; unit THREE, EXCEPT THAT PORTION WEST OF PELICAN BAY BOULEVARD; ALL OF UNITS FOUR, FIVE, SIX, SEVEN, NINE, AND ELEVEN, MORE PARTICULARLY DESCRIBED IN THE ATTACHED EXHIBIT "A"; AMENDING SECTION 1.2 OF THE CHARTER OF THE CITY OF NAPLES, RELATING TO THE BOUNDARIES OF THE CITY; PROVIDING FOR A BALLOT QUESTION AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO ANNEX THE AREA SHOWN ON THE ATTACHED EXHIBIT "A", AND TO REDEFINE THE BOUNDARIES OF THE CITY OF NAPLES TO INCLUDE SAID PROPERTY.

Title not read.

See discussion for this ordinance under Item 2.

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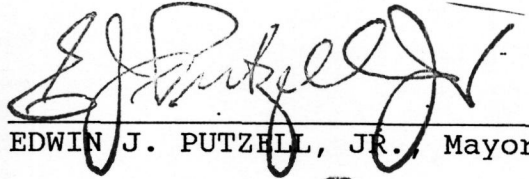
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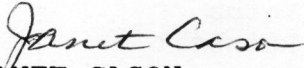
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ADJOURN: 3:10 p.m.


EDWIN J. PUTZELL, JR., Mayor


JANET CASON
CITY CLERK

JODIE O'DRISCOLL
RECORDING SECRETARY

These minutes of the Naples City Council were
approved on December 6, 1989.

SUPPLEMENTAL ATTENDANCE LIST

Fred Hardt
Fred Sullivan
Jack Miller
Mary Morgan
J. Dudley Goodlette
Dan Spina

Bernon Young
J. Sandy Scatena
Charles Andrews
Aurel F. Sarosdy
Alan Korest
Ron Pennington

Paul Pillar
John Bean
Gilbert Weil
Mike Volpe
C.A. Reinbolt
Joe Herms

Other interested citizens and visitors.

NEWS MEDIA

Dave Bristow, WNOG

Gina Binole, Naples Daily News

Michelle Mendleson, Ft. Myers News-Press

PELICAN BAY PROPERTY OWNERS ASSOCIATION, INC.

ITEM #2

SUITE 705, SUN BANK BUILDING
801 LAUREL OAK DRIVE
NAPLES, FLORIDA 33963

ATTACHMENT #2 - Page 1



November 16, 1989

HAND DELIVERED

Honorable Edwin J. Putzell, Jr.
Naples City Hall
735 - 8th Street South
Naples, Florida 33940

Re: Proposed Annexation of Pelican Bay

Dear Mayor Putzell:

Our Association represents more than 2,000 residents and property owners in Pelican Bay. On November 7, 1989 the Board of Directors of our Association unanimously adopted a resolution that the annexation of portions of Pelican Bay into the City of Naples be submitted to your office and to the City council for consideration and for a referendum at the February 1990 election.

Although members of our Association have previously discussed annexation, we formally reconsidered this matter after County Commission Chairman Burt Saunders suggested that Pelican Bay residents should consider either incorporation or annexation into the City of Naples.

We believe that annexation into the City is probably the most logical course to pursue as opposed to incorporation or remaining in the County.

The area proposed for annexation would include all residential areas which have been developed or which are presently under development in Pelican Bay as shown on the enclosed map. This area is contiguous to the City and is comprised of single-family residences, villas, and low-rise and high-rise condominiums which are compatible with the residential areas to the south in Park Shore and the Moorings. These residential areas would be a natural extension of the present City boundary along Seagate Drive.

There is a strong feeling among many residents of Pelican Bay that City government would be more responsive to the concerns of our residents. This is particularly evident in view

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of recent threats by Collier County to immediately take over the Pelican Bay Improvement District regardless of the concerns of the residents of Pelican Bay as to the quality, level of efficiency and cost of services provided by the District. As you know, the City presently provides Pelican Bay with potable water and has the capacity to continue to provide potable water in the future to Pelican Bay through build-out. In addition, Pelican Bay has a dual water system to use the excess effluent water from the City for irrigation of the Pelican Bay golf course and for landscape and lawn irrigation. It appears that the cost to provide effluent water would be much lower than presently charged and that few capital improvements to connect to the City effluent lines would be necessary as the City is presently planning to extend its effluent lines to Seagate Drive. The use of the City's excess effluent would permit the Pelican Bay Improvement District to discontinue the pumping of potable water from its Immokalee well fields to supplement our irrigation requirements. This would help preserve the ground water aquifer in Collier County. With respect to waste water treatment, we understand that the City presently has sufficient capacity to treat the wastewater requirements of Pelican Bay through build-out without requiring any additional capital expansion at this time. The existing wastewater treatment plant at the Pelican Bay site could continue to function with its present 1,000,000 gallon per day capacity. In addition, the Pelican Bay utility site has sufficient land available for the future construction of fire or police substations should any extension of these services be deemed desirable by the City.

We believe that the annexation would provide valuable benefits to the City and its residents. There would be no significant increase in the level of services to be provided by the City. The City would have a substantial increase in its tax basis. In addition, residents of Pelican Bay (many of whom are retired executives and businessmen with valuable professional experience) would be available for service on citizen advisory committees and other volunteer groups for the City.

In order that all interested parties may properly evaluate both the advantages and disadvantages of annexation, we have retained Mr. Paul Pillar of Tallahassee as our consultant to prepare a detailed study of this proposed annexation. Mr. Pillar will be in Naples next week and will be available to meet with any City officials at your convenience.

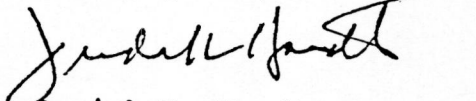
We respectfully request that this matter be presented for consideration to the City Council at the earliest possible date and, if this matter receives your favorable consideration, that an annexation referendum be placed on the February 1990 ballot.

Honorable Edwin J. Putzell, Jr.
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On behalf of our Board of Directors and all of the members of our Association, we sincerely thank you for your consideration of this request.

With warmest personal regards, I remain

Sincerely yours,

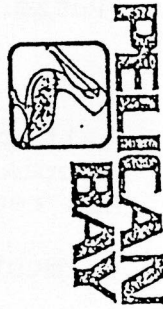


Frederick R. Hardt
President

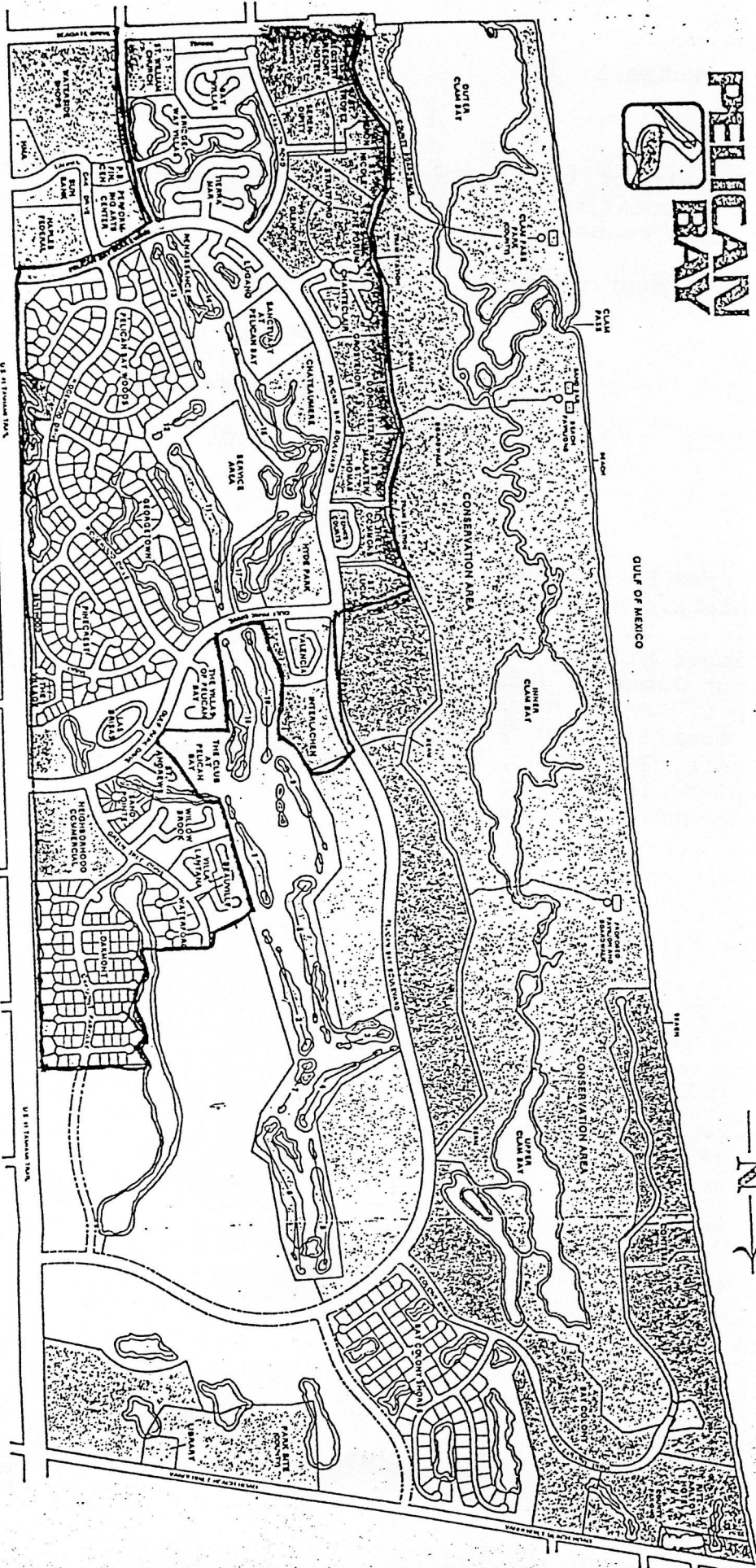
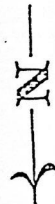
FRH/lis
Enclosure

cc: Senator Fred R. Dudley
Representative Mary Ellen Hawkins
Commissioner Burt L. Saunders
Commissioner Michael J. Volpe
Supervisor James D. Hake
Franklin C. Jones, City Manager
W. Neil Dorrill, County Manager
Byron Koste, President, Westinghouse Communities of
Naples, Inc.
All residents of Pelican Bay

pbpoa
putzell11.1tr



GULF OF MEXICO



LEGEND

SINGLE FAMILY (Group 1)
Attached and Detached

CONSERVATION

PROPOSED ROADS

Pelican Bay is being developed by
Washington Communities of Naples, Inc.,
a subsidiary of the Washington Electric Corporation

This project is a preliminary development plan for Pelican Bay as presently proposed.
It is not intended to be a final plan and is subject to change without notice.
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