



City Council Chamber
735 Eighth Street South
Naples, Florida 33940

City Council Workshop Meeting - May 1, 1995 - 9:00 a.m.

Mayor Muenzer called the meeting to order and presided.

ROLL CALL

ITEM 1

Present:

Paul W. Muenzer, Mayor
Alan R. Korest, Vice Mayor

Council Members:

Ronald M. Pennington
Marjorie Prolman
Fred L. Sullivan
Fred Tarrant
Peter H. Van Arsdale

Also Present:

Dr. Richard L. Woodruff, City Manager
Maria J. Chiaro, City Attorney
William Harrison, Assistant City Manager
Kevin Rambosk, Police Chief
Mark Thornton, Comm. Services Director
Missy McKim, Planning Director
Mary Kay McShane, Human Res. Director
David Lykins, Rec. & Ent. Supervisor
George Henderson, Sergeant-at-Arms
Tara Norman, Deputy City Clerk

Kenneth Fuchs, Colony CableVision
Werner Haardt
Charles Andrews

Cable TV Ad Hoc Committee:

Ruth Bennett
Glenn Bergland
George Kunze
Terrance Miller
Garfield Ricketts
Robert Shiff

Media:

Amy Chodroff, WNOG

Other interested citizens and visitors.

ITEMS to be ADDEDITEM 2
None.

REVIEW OF AGENDA ITEMS - 5/3/95 REGULAR MEETING.....ITEM 3

Item 5 (Alley Vacation - Victor Brighton) It was determined that access for solid waste vehicles along the alley to be vacated would be resolved individually with each property owner. Vice Mayor Korest requested that the Council be supplied with the City's criteria for alley vacation.

Item 8-b (Coconut Grove off-site parking lot) Council Member Pennington questioned the applicability of Section 106-103(a)(1) to off-site parking lots like the one proposed. Staff will confirm this as well as whether the off-site parking lot is within the maximum distance allowed.

Item 9-b (Lot coverage variance - tennis center) Vice Mayor Korest requested that the petitioner's scale model be made available for viewing by Council Members prior to the May 3rd regular meeting. Vice Mayor Korest also requested some means of visualizing 80% lot coverage. City Manager Woodruff said he would provide references to other properties which have this amount of lot coverage.

Item 10 (Traffic calming devices - Seventh Avenue North) Council Member Prolman received clarification from City Manager Richard Woodruff that this item had been included on the agenda, not to provide new information, but to offer a compromise to allow the project to go forward. Council Member Tarrant asked whether members of the public addressing this issue would also be allowed to discuss the impact of the new Gordon River Bridge because of its relationship to this issue. Mayor Muenzer said that brief responses would be provided but lengthy discussion would be avoided because traffic survey data and other information with reference to the bridge would not be available at that meeting. Council Member Van Arsdale asked that the City Manager determine whether road impact fees would be available for traffic calming devices based on their function of increasing of the street's carrying capacity.

Item 11 (Rezone/comprehensive plan amendment - 2.75 acre parcel on Goodlette-Frank Road) In response to concerns he noted from residents of Lake Park, Council Member Pennington requested that the staff provide a computation of distance between an eight story building on the site and the following: Lake Park, the Goodlette Road linear park, and the street right-of-way. Mr. Pennington also asked why parking garages were noted as a permitted use rather than a conditional use. Planning Director McKim explained that this provision was taken directly from the development agreement which anticipated that should another building be constructed on the site, a parking garage was likely to be built. Mr. Pennington said he would nevertheless prefer that a parking garage remain as a conditional use.

Item 14 (Comprehensive plan amendment - Hardy Apartments) Council Member Pennington requested that the staff provide documentation of prior Council review showing intent for this amendment to take place.

Item 15 (Ordinance - charter boat regulations) Council Member Pennington noted the need to include water taxi services within the definitions set forth in this ordinance.

Consent Agenda It was requested that the following items be removed from the consent agenda for separate discussion: **Item 22** (financial advisory services); **Item 23** (landscape design - Fifth Avenue South); **Item 25** (contract for Seagate improvements); and **Item 28** (special event "duathlon" race sponsored by the Tourist Development Council). On **Item 22**, staff was also asked to provide a copy of the proposed agreement and scope of services. The staff was also asked to provide additional information on **Item 26** (water treatment chemicals) and on **Item 27**, what type of anchoring would be used for the Anthony Park shelters.

City Manager Woodruff distributed a proposed ordinance for possible inclusion on the agenda which would increase the membership of the Planning Advisory Board from five to seven with no alternate member. He said this would provide for a larger cross section of the community to be represented and would assist in the long comprehensive plan review process which would be commencing in the near future. **It was the consensus of Council to add this ordinance to the regular meeting agenda prior to Item 18 which is the appointment of new members.**

OVERVIEW OF MASTER CABLE ORDINANCE.....ITEM 4

Police Chief Kevin Rambosk acknowledged members of the Cable TV Ad Hoc Committee noting that the group had been called to go beyond its original charge to address other aspects of cable television service in the community. Both Chief Rambosk and Mayor Muenzer thanked the group for its service and expressed appreciation to the members for their willingness to continue to serve in this capacity.

Committee Chairman Garfield Ricketts distributed a draft cable television ordinance which was described by Committee Member George Kunze. (A review of this ordinance is provided in the May 1, 1995, memorandum from the Committee included as Attachment 1; a copy of the draft ordinance and other material distributed by the Committee are contained in the file for this meeting in the City Clerk's Office.) Mr. Kunze pointed out, however, that no cable ordinance would be effective without consistent enforcement which might necessitate a new staff position to work with the cable company and with the City's legal staff.

In further discussion, Council also learned that advances in technology now allow cable systems to provide a variety of public services, not just entertainment: early warning systems for weather emergencies, communication between fire stations and volunteer fire fighters, transmission of x-rays between medical facilities, and data from metropolitan areas to rural areas. Council also discussed with the committee the need for audited financial statements from Colony CableVision in order to better determine whether franchise fees are being collected on all applicable charges. Assistant City Manager Bill Harrison noted that at the direction of Council the City's internal auditor reviews all franchises on a three year cycle.

Mr. Rambosk asked for direction with reference to further legal review of the proposed ordinance and action on a request from Colony CableVision for a franchise transfer to Continental CableVision. Because of the 120 day time frame designated for the City Council to make a decision on a transfer, the deadline is projected as June 9. He noted, however, the various legal issues involved including the pending action before the federal district court for a determination of whether Colony in fact does have a viable franchise with the City. In addition, Mr. Rambosk reported that the legal staff had met with Colony and Continental and that Continental had indicated a willingness to undergo an informal renewal process. Council Member Pennington pointed out that because of the City's position that Colony does not have a franchise, there would be nothing to transfer to Continental; therefore, he recommended that the proposed ordinance undergo final legal review and that the staff concurrently work with Continental on an informal basis in order to establish a franchise agreement under the terms of the new ordinance. City Attorney Chiaro pointed out that Attorney Adrian Herbst had accomplished only a cursory review of the proposed ordinance as she had instructed him to wait until Council had an opportunity to review the concept before undertaking a final review.

Council Member Tarrant said he felt that the City's acceptance of franchise fees from Colony while at the same time contending that the Colony franchise had expired presented a legal problem in his view. However, Mr. Rambosk explained that these fees are being held in a separate account until the issue is settled; Mayor Muenzer also observed that Colony had continued during this period to collect franchise fees from its customers. City Attorney Chiaro said that the franchise fees accepted after the filing of the lawsuit were appropriately segregated and did not constitute a waiver of any city rights regarding the declaratory judgment action.

It was the consensus of Council that by Friday, May 5, Council Members would meet individually with the staff to provide input on the ordinance proposed by the ad hoc committee; provide input with reference to the action regarding Colony CableVision; and discuss negotiations with Continental CableVision.

Kenneth Fuchs, representing Colony CableVision, pointed out that Continental's willingness to undertake negotiations was based on a different agreement than the one now being discussed by the Council; the agreement Continental had reviewed was the one proposed for Interactive CableVision in December 1994. Also, with reference to a proposal for a City staff position to monitor cable ordinance compliance, Mr. Fuchs predicted that it was not unreasonable for there to be a need for a staff of four to six people if the City were to also take full advantage of programming opportunities currently available on the public access channel provided on the Colony system. Mr. Fuchs also pointed out that by enacting a revised cable ordinance, the City could actually convey a disincentive to providers to come into the community and that while there is increasing use of cable technology, end users are often not sufficiently adept to take advantage of them. In conclusion, he thanked the

staff for providing him with an advance copy of the proposed legislation and to the members of the Committee for the time devoted to the effort.

CORRESPONDENCE / COMMUNICATIONS.....

It was noted that a special City Council meeting would be held Monday, May 22, to award the bid on fishing pier repairs. The August 7, workshop will be cancelled and a workshop will be tentatively scheduled for Monday, August 21. Mayor Muenzer requested that the September budget hearing dates be revised.

ADJOURN.....
12:20 p.m.

Paul W. Muenzer, Mayor

Marilyn A. McCord
City Clerk

Tara A. Norman
Deputy City Clerk

These minutes of Naples City Council approved on May 17, 1995.



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City Council Workshop Meeting
May 1, 1995
Convened 9:00 am / Adjourned 12:20 pm

ADJOURN	
12:20 p.m.	5
CORRESPONDENCE / COMMUNICATIONS	
5/22/95 special meeting; 8/7/95 workshop cancelled; 8/21/95 workshop tentative; September budget meetings will be rescheduled	4
ITEMS to be ADDED - Item 2	
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OVERVIEW OF MASTER CABLE ORDINANCE - Item 4	3
REVIEW OF AGENDA ITEMS - 5/3/95 REGULAR MEETING - Item 3	2
ROLL CALL - Item 1	
All present	1

