



City Council Chamber
735 Eighth Street South
Naples, Florida 33940

City Council Workshop Meeting - October 31, 1994 - 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 (Arrived at 9:35 a.m.)

Also Present:

Dr. Richard L. Woodruff, City Manager
Maria J. Chiaro, City Attorney
Ann Walker, Planner II
John Cole, Chief Planner
Missy McKim, Community Development
Director
Flinn Fagg, Planner I
Dick Gatti, Engineering Manager
Jon Staiger, Ph.D., Natural Resources
Manager
Marilyn A. McCord, Deputy City Clerk

Werner W. Haardt

Jeff Perry
Justyna Ford
Other interested citizens and visitors

Media:

Amy Chodroff, Naples Daily News

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ITEMS TO BE ADDED.

ITEM 2

No items were added to the agenda.

REVIEW OF AGENDA ITEMS - NOVEMBER 2, 1994, REGULAR MEETING

ITEM 3

Prior to beginning review of the November 2 agenda items, City Manager Woodruff explained that this item had been placed first on the agenda in order to allow staff ample time to prepare any additional information requested by Council. Council concurred that in the future the agenda review item would be placed first on the Workshop agenda whenever possible.

Item #8/Request for a Development Agreement for Naples Cay: Council Member Prolman referred to a letter and a legal memorandum which were delivered to all Council Members from Attorney Leo Salvatori, who represents the applicants. Mrs. Prolman requested that the City Attorney provide a legal opinion prior to Council's consideration of this matter. Attorney Salvatori's position is premised on the concept that the applicant has vested rights.

City Attorney Chiaro told Council that she was somewhat surprised that the attorney for the applicant communicated with Council in the manner he did, since generally such matters go through the City Attorney. The City Attorney noted that the code of professional conduct somewhat prohibits Mr. Salvatori's contact with Council. She will communicate with Mr. Salvatori prior to the November 2 Council Meeting.

City Manager Woodruff reported that his office had not received a copy of the communication sent to Council by Attorney Salvatori. Mayor Muenzer asked that should any Council Member have further questions about the Naples Cay issue, they should submit those to the City Attorney. Council Member Sullivan asked that when the City Attorney contacts Mr. Salvatori, it should be conveyed to him that at least one Council Member took offense at the tone of the letter.

Chief Planner John Cole verified that 92 was the absolute maximum number of units which would be allowed.

Council Member Prolman referred to the fact that several requests for variances and conditional uses were contained in the November 2 agenda. She suggested that it may be appropriate for Council to review the variance procedure. Council Member Sullivan pointed out that a few years ago, a series of PAB (Planning Advisory Board) decisions came to Council, and Council was constantly overturning those decisions. Council requested that the PAB consider those situations more broadly, and if the intent was favorable despite the fact that each criteria was not met, recommend approval.

Vice Mayor Korest told Council that PAB had a fairly narrow latitude in granting variances. Council, on the other hand, has more opportunities to view a variance or conditional use request in a broader light. Mr. Korest pointed out that PAB has the opportunity to state that although something

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does not meet the criteria, it should be approved by Council.

Mayor Muenzer advised that on two occasions Council had reviewed the variance and conditional use procedures and determined that the final decision rested with Council and not with the PAB or with staff. Council Member Tarrant reported that PAB Member Rideoutte had contacted him and said that although Council has the right to make a decision other than one made by the PAB, Council should state its reasons for doing so. Mr. Tarrant suggested that there was room for improvement and perhaps Council Members could offer more precise reasons for voting as they do on some items.

The Mayor noted that because the makeup of Council and of the PAB change, it probably would be advantageous to workshop the variance and conditional use procedures again. During a Workshop Meeting in late November or early December, 1994, discussion of criteria for variances and conditional uses will be scheduled.

Item 6-a and 6-b/Requests for conditional use and variance/Eckerd Drug Store: Planner Ann Walker distributed copies of the landscape plan and confirmed that the Australian pine trees on the property would be removed. Staff will provide Council with data regarding the use of drive-up windows at pharmacies. Vice Mayor Korest pointed out what a tremendous addition to the redevelopment area the pharmacy will be.

Item #9/Variance request for chain link fence/Port Royal Club: Council Member Pennington asked whether the Code should be changed to recognize the fact that chain link fencing is used in many "PS" zoned areas. Staff will survey City owned property and report on which have chain link fences, and the setbacks on those properties with chain link fences.

Item #13/Request to extend Colony Cablevision franchise: Council Member Pennington requested the following information:

- . Copy of the franchise agreement of November, 1979.
- . Resolution which transferred to Colony the franchise in September, 1992.
- . Correspondence generated to Palmer and Colony accepting that transfer.
- . Abstract of the 1992 Cable Act relative to franchise removal.
- . Correspondence between the City and Colony, October, 1994, relative to the franchise renewal.
- . Alternative to the proposed extension of the ordinance, that is a letter advising Colony that the franchise expires November 21, 1994, that if it is their desire that the franchise be renewed and upon their request, the City will consider an extension of the current franchise to facilitate formalization of the new agreement.
- . What is the penalty for operating without a franchise? Include that in the letter to Colony.

Council Member Tarrant stated that in his opinion Colony should announce whenever a show is paid

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for by Colony as a public service. Dr. Woodruff said that the Cable Review Committee would review that point, noting that the Federal Communications Commission has regulations on such matters.

BREAK: 10:05 a.m. - 10:15 a.m.

ITEM 4

REPORT BY THE COMMUNITY DEVELOPMENT DEPARTMENT REGARDING GULF SHORE BOULEVARD BEACHFRONT DEVELOPMENT.

Community Development Director Missy McKim, in response to Council Member Tarrant's inquiry, verified that this presentation was initiated by, but has no connection to, the Vista del Mar issue.

Planner Flinn Fagg provided the presentation, utilizing visual aids. Staff had expanded the area of study, to examine properties west of Gulf Shore Boulevard and Gordon Drive, from Eighth Avenue North to Gordon Pass on the south. This encompasses properties zoned R1-E, R1-15A, R1-15, and R1-10. There are a total of 223 properties in the study area. There are 84 lots which meet the requirements to be divided into two or more lots. Twenty-two of those would be likely candidates for subdivision, with a potential of creating 42 additional lots. To compile those figures, staff had utilized the following criteria for subdivision:

- Assessed value of dwelling less than 10% of total assessed value of property.
- Dwelling - 20 years old or older.

Mr. Fagg reviewed the zoning options. One option is to simply allow the present zoning to remain in place. The level of service for the existing infrastructure could support a reasonable increase in density.

Council discussed changing the zoning and whether legislation could be drafted allowing a piece of property to be subdivided only once. City Attorney Chiaro explained that caution must be exercised so that property owners are not denied full use of their property.

Council Member Tarrant asked to what extent the Council has already set a legal precedent with the Vista del Mar decision. City Attorney Chiaro answered that, in her opinion, Council had not set a legal precedent. The decision which Council had made regarding Vista del Mar was applicable only to that property, therefore Council's decisions did not control decisions that would be made on any other properties in the City. That action was by resolution and not by ordinance. For the record, Mr. Tarrant stated that during the Council meeting of September 21, many comments regarding the danger of setting a precedent were made. He said that in his opinion it was not quite accurate to note that the issue was discussed in isolation.

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Council engaged in lengthy discussion concerning the Comprehensive Plan language pertaining to subdivisions. City Attorney Chiaro advised that Council may change the zoning, however the zoning code must conform to the Comprehensive Plan.

Council Member Van Arsdale said that before Council changes the subdivision standards, it was important to consider the impact of development from a design standpoint. Community Development Director McKim pointed out that the intent of the spatial perception ordinance was to reduce the impact of large mega-homes next to small homes. She explained how elevations are determined in the beachfront areas. Ms. McKim requested that Council be aware of the fact that the City must state why it desires a zoning change, for State approval.

Vice Mayor Korest said that he was supportive of staff moving ahead with work on a zoning change. Community Development Director McKim described the steps staff would be required to take in order to accomplish this.

Council Member Van Arsdale stated that Council should make this a priority; because of the current business cycle the City will probably have more situations similar to Vista del Mar. Council Member Pennington noted that he has had particular concerns about the coastal construction area and about disaster recovery. He expressed his support of including this project in staff's work program. Mr. Pennington said that since the PAB was charged with planning responsibilities, they should be in agreement. Mr. Van Arsdale suggested that perhaps Council and the PAB have a joint meeting.

Vice Mayor Korest suggested that staff give Council a scope of investigation prior to Council agreeing to inclusion in the work program, so that Council can agree on how broad that scope should be. Mr. Korest reminded everyone that the Comprehensive Plan must be rewritten in 1995, so this potential zoning change would occur at an ideal time.

City Manager Woodruff announced that the Greater Naples Civic Association and other organizations have been working on a community vision program. Council Members and organizations throughout the community, including home owners associations, will be invited to a meeting on November 17, 1994, to discuss that vision program.

It was the consensus of Council that staff should report back to Council within three weeks to present a scope of services for a beachfront property study, for potential addition to the official work program. Ms. McKim suggested that a mini-charette could be organized. Council Member Tarrant proposed that the Vista del Mar property be included should a charette be done.

BREAK: 11:05 a.m. - 11:15 a.m.

FUNDING ANALYSIS, SECOND GORDON RIVER BRIDGE.

ITEM 5

City Manager Woodruff distributed copies of the Second Gordon River Bridge Financing Report (available in the file for this meeting, in the City Clerk's Office) and made a presentation on this item. The report was compiled using the following assumptions:

- . Bridge to be built between 1995 and 1998
- . Four-lane facility
- . Proposed routes to be used
- . Cost - \$14,000,000.00
- . County-wide funding

Dr. Woodruff described the pros and cons of each of the alternative options:

1. Use existing revenue of City and County
2. Ad Valorem Tax increase
3. Local government infrastructure surtax (sales tax)
4. Federal funding/State funding
5. Reallocate current gas tax
6. Tolls
7. Transportation Improvement District
8. Privatization

Instituting a sales tax for funding the bridge was discussed in detail. Dr. Woodruff explained that the tax could be established as either one cent or one-half cent and could be sunset after a specific time. Enough revenue could be created in one year to pay for the bridge, if a one-half cent tax is instituted. No toll for use of the bridge would then be required. On the negative side, said Dr. Woodruff, the sales tax must be approved by the voters, which is a six to nine month process.

Mayor Muenzer emphasized the importance of the City and County working together to have the bridge built, for the viability of Naples. Dr. Woodruff said that staff would revise the report document to reflect that fact.

Mr. Jeff Perry, who is with the Metropolitan Planning Organization (MPO), announced that the earliest the State would fund any phase of this project would be 1999 or 2000. A usable bridge would be finished in 2005 or 2006. Vice Mayor Korest noted that based on the escalation of requirements for environmental permitting, the City and County could find themselves in a position of not being able to permit the bridge.

In response to Council Member Van Arsdale, Mr. Perry explained that it was the MPO's responsibility to determine which projects should be paid for with Federal or State funding and to set

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the priorities for use of those funds within their county.

Council Member Tarrant expressed his concern about the impact of a deluge of automobiles which would come into Naples with a second bridge. He suggested that the State be asked to leave six lanes open on the existing bridge during construction work .

Dr. Woodruff described the options which could be used to fund the bridge. Staff determined that the City's share could be funded through a small bond. He said that the only realistic alternatives for funding were ad valorem tax increase, sales tax increase, or tolls. None of those options are popular, said Dr. Woodruff, but necessary if the bridge is to be built. He asked that Council establish what they believe is an acceptable method of funding.

Mr. Perry reminded Council that different funding alternatives could be mixed, for example, ad valorem taxes up front, with a sales tax payback. A one cent sales tax for a six month period, perhaps during the tourist season, could be initiated. Mr. Perry also brought attention to the fact that as time goes on, a few of the available corridors will disappear; it might be necessary to purchase land now.

Council Member Tarrant inquired about the term "clean dump," as it applies to an area near the airport. Dr. Woodruff explained that when the County was going to abandon that land, they were required to put in water monitoring wells. Natural Resources Manager Jon Staiger has advised that no contamination exists, based upon current data.

Each of the Council Members offered their preference as to the best funding mechanism to use. Vice Mayor Korest and Council Members Prolman and Van Arsdale spoke in favor of a sales tax increase, either one half cent for one year or one cent for November through April.

Council Member Sullivan said that he preferred using the City's share (14.48%) of the existing gas tax, which would utilize existing revenues and place no real burden on the taxpayers. Council Member Pennington pointed out that there was an advantage of using the sales tax in that the local citizens pay the smallest portion and it can be paid quickly. He stressed the fact that it also would not affect the lower income population as much as would some of the other alternatives.

Council Member Tarrant stated, for the record, that he understood that the five cent gasoline tax was passed on the pretext that it would only be for concurrency driven projects. He said he did not believe that the citizens of Naples need the impact of the additional vehicles which would cross over the new bridge. Mr. Tarrant commented that he saw the bridge as a much greater benefit to the County than to the City. It needs to be clear that proportionate sharing will be worked out, he said. If the present bridge can be kept open to six lanes during construction, said Mr. Tarrant, construction of a new bridge could be postponed until the State builds one. Unless a toll bridge were to be built, said Mr. Tarrant, he would be less than enthusiastic at this time.

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Mayor Muenzer pointed out that the new bridge would not bring new traffic into the City but would redefine the current traffic path. Originally he believed that a toll bridge was the best alternative. The only problem with using gasoline tax money, said the Mayor, was that the same money is targeted now for road projects. This may cost more in the long run, said Mayor Muenzer. He favored the sales tax alternative, with a sunset.

Staff will prepare a resolution for consideration at the November 2, 1994, Regular Meeting, stating Council's support for a sales tax, and opposition to an increase in ad valorem tax, to fund a second Gordon River bridge. (Sales tax of one cent for six months or one-half cent for one year.)

ITEM 6

REPORT ON FLORIDA LEAGUE OF CITIES MEETING.

Vice Mayor Korest and Council Members Prolman and Sullivan reported on the Florida League of Cities State Convention Meeting, which they had recently attended. Representatives from the Department of Community Affairs told those present what the City would be facing with respect to the Comprehensive Plan re-write next year. State revolving funds were also discussed. At the November 14, 1994, Council Workshop, staff will report on State revolving funds.

Council Members Sullivan and Prolman brought up the fact that many communities have had much success with Police bicycle patrols. Bike patrols had been in operation in Naples for a period of time, however that program was discontinued due to budgetary constraints. Mr. Sullivan suggested that the City may be well advised to re-institute that program.

Mr. Sullivan has volunteered to be a member of the Environmental Policy Review Committee with the League of Cities. The ability to work on the various committees and to have some actual impact on the League of Cities' work is most important, said Mr. Sullivan and it is very worthwhile for Council to be involved.

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Council Member Prolman reiterated Mr. Sullivan's comments, and mentioned the fact that many grants could be available to the City, even though it is an affluent community. She will be also be serving on an intergovernmental committee.

Mayor Muenzer said that he was happy Council Members were participating, however reminded everyone that the budget for travel and memberships was limited.

CORRESPONDENCE/COMMUNICATIONS

Vice Mayor Korest inquired about groups soliciting funds at the Swamp Buggy Parade. Council Member Sullivan recommended that, if the City will be co-sponsoring events, there should be a policy in place concerning solicitation activities.

ADJOURN: 1:10 p.m.

PAUL W. MUENZER, MAYOR

Janet Cason
City Clerk

Marilyn A. McCord
Deputy City Clerk

These minutes of the Naples City Council were approved on November 16, 1994.



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Convened 9:00 a.m. / Adjourned 1:10 p.m.

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