



City Council Chamber
735 Eighth Street South
Naples, Florida 34102

City Council Workshop Meeting – April 19, 1999 – 8:30 a.m.

Mayor Barnett called the meeting to order and presided.

ROLL CALLITEM 1

Present: Bill Barnett, Mayor
Bonnie R. MacKenzie, Vice Mayor
Council Members:
Fred Coyle
Joseph Herms
John Nocera
Fred Tarrant
Peter H. Van Arsdale

Also Present:

Richard L. Woodruff, City Manager
Jon Staiger, Natural Resources Manager
Tara Norman, City Clerk
William Harrison, Assistant City Manager
Jessica Rosenberg, Recording Specialist
Duncan Bolhover, Admin. Specialist
Werner Haardt
Cheryl Coyle
Arlene Guckenberger
Alexandra Gunderson
Marc Gertner
Benjamin Currier
Kimberly Kelley
Carol Kendall
Ty Agostin

Victor Neiditz
William Povlitz

Media:

AnneElena Foster, Naples Daily News
Heather Dawson, WINK News

ITEMS TO BE ADDEDITEM 2
None.

City Manager Richard Woodruff announced that live telecast of this meeting would be pre-empted until 9:30 a.m. due to a Special Meeting of the Collier County School Board.

.....**ITEM 3**
INTERVIEWS WITH ADVISORY BOARD CANDIDATES

Interviews were conducted with the following candidates:

Marc Gertner
Benjamin Currier
Alexandra Gunderson
Kimberly Kelley
Carol Kendall

BRIEFING BY CITY MANAGER (8:34 a.m.)ITEM 8

City Manager Richard Woodruff explained that water restrictions are now in effect but added that re-use water would not be included in the restrictions. City Police will aid the Utilities Department in identifying violations with fines imposed after a second offense. Dr. Woodruff then presented results of surveys regarding special events on Fifth Avenue; after Council discussion, it was determined that the City Manager would notify all interested parties that the present special event policies would remain in place with the possible adjustment which would eliminate closure of the 800 block. Dr. Woodruff advised that some City residents have objected to the planting of street trees on their property and it was the consensus of Council to follow the wishes of the citizens. Additionally he reported that former City employee Arlene Guckenberger, along with City staff, will compile a newsletter for City retirees and relayed the status of landscaping and other improvements at Naples Landing. Council Member Nocera commented on boat trailer overflow at Naples Landing and suggested launching facilities on property donated by John Pulling north of the Gordon River bridge; Dr. Woodruff indicated he would present this issue at a future workshop. Dr. Woodruff reminded Council that consideration of a proposed ban on sandwich board signs is presently continued for further study and explained that Neapolitan Enterprises has offered to meet with restaurant owners to discuss uses and regulation options for this type of signage. It was the consensus of Council to further continue these discussions to the June 14th Council Workshop.

.....**ITEM 10**
REVIEW OF ITEMS ON THE 4/21/99 REGULAR MEETING AGENDA (9:33 a.m.) Item

5-b - Council Member Nocera questioned whether a request for a Little League special event at Cambier Park had been received by staff; City Manager Richard Woodruff indicated it had not, but would check with David Lykins, Recreation Manager. **Item 5-b(2) (Naples Beach Hotel SummerJazz)** - Vice Mayor MacKenzie asked that extra trash receptacles be located at the site; Dr. Woodruff recommended this be a stipulation of approval. **Item 8 (Residential Impact Statement)** - Dr. Woodruff indicated this item will be continued. **Item 9 (Variance for an 11-foot rear yard setback)** – Mayor Barnett noted that the petitioner already possesses a permit; Dr. Woodruff stated that Building Official William Overstreet would be present to clarify permitting regulations. **Item 12 (Purchase order for the Facilities Operations Center Project)** – Council Member Herms requested an itemized presentation of all the costs involved. **Item 15 (Interlocal agreement with Collier County regarding Hamilton Harbor)** – Dr. Woodruff clarified for Council Member Herms that the proposed agreement is specific to this project.

.....**ITEM 7**
DISCUSSION OF POTENTIAL AMENDMENTS TO THE “RESIDENTIAL IMPACT STATEMENT” – This item has been continued.

.....**ITEM 9**
DISCUSSION OF A COMMUNITIES TRUST PRESERVATION 2000 GRANT APPLICATION (9:37 a.m.) City Manager Richard Woodruff explained that approximately \$22 million of State grant funds are available this year for communities wishing to purchase and preserve what would otherwise be productive, developable property. These funds are regulated, however, so that no jurisdiction may receive more than 10% of the total available funds. The staff recommends, therefore, to apply for a Community Trust Preservation 2000 Grant in order to purchase approximately two acres at the entrance to Sandpiper Street (at US 41) for development as a linear park. This property is currently zoned multi-family and is owned by the Chlumsky family. Dr. Woodruff added that he had discussed this proposal with area homeowner associations and received their overwhelming support. Although the estimated cost of the property is \$800,000.00, Dr. Woodruff explained that only \$500,000.00 would be sought to better ensure receiving the grant. The balance would be funded through a loan from the General Fund to be repaid over a three to five-year period.

It was the consensus of Council to authorize staff to file the grant application for a portion of the Chlumsky property, located at the entrance to Sandpiper Street and US 41, for possible development into a linear park.

Recess 9:41 a.m. to 10:00 a.m. It is noted for the record that all Council Members were present when the meeting reconvened.

.....**ITEM 5**
DISCUSSION REGARDING BEACH ROCK REMOVAL PLAN AS APPROVED BY THE BOARD OF COUNTY COMMISSIONERS (requested by Council Member Herms) (10:01 a.m.) Council Member Herms referenced a March 3rd, 1998 letter written by Mayor Barnett to then County Commission Chair Barbara Berry, asking that all sand be screened down to the pre-construction grade from the toe of the construction berm inland to the dune area. (A copy of this letter is contained in the City Clerk's Office in the file for this meeting.) He urged Council to reaffirm this request, which is now over one year old. Mr. Herms then used overhead transparencies to display cross-sections of the beach at various points and to illustrate profiles before and after beach renourishment. He stated that Coastal Engineering had previously removed a small portion of upland sand and screened it ostensibly to eradicate the rock problem. The material below, he pointed out, may likely become exposed should any beach erosion occur. Vice Mayor MacKenzie questioned whether the County was required by the U.S. Army Corps of Engineers and the Department of Environmental Protection to screen all material. Mr. Herms explained that the County was merely informed that the material was in violation of the permit, not that it had to be removed. Consequently, he stated that the top portion of the material in the offshore area was removed leaving the rocks underneath. Mr. Herms then asked that Council endorse another letter to County Commission Chair Pamela MacKie requesting that this offshore material be excavated. Mr. Herms further relayed that several County staff members believe that the rock problem exists due to the contractor excavating outside the borrow area; however, he added that this material comprises a small part of the total problem. Dr. Jon Staiger, Natural Resources Manager, stated that according to the contract, Robert Cadenhead, of Bonita Grande Sand Company, will excavate down to the native beach in order to eliminate all rocks. Mr. Herms added that Mr. Cadenhead will proceed in this regard until May when turtle nesting season begins. Council discussed meeting with and drafting a letter to the County officials, however Mayor Barnett stated that Council would return to this issue later in the meeting. (See Page 5.)

.....**ITEM 6**
"TAXPAYERS ACTION GROUP" PRESENTATION ON TAX ISSUES (10:29 a.m.) Council Member Tarrant stated that tax freedom day is May 11th. He also noted that Dwight Brock, Clerk of the Circuit Court, had prepared a financial statement showing available County

funds, of approximately \$130 million which are as yet not dedicated or reserved for any particular project. Mr. Tarrant urged the County Commission to identify uses for these funds prior to considering an additional sales tax. Ty Agostin, co-president of the Taxpayer Action Group, urged Council support of TAG's position in opposing a sales tax increase. He described the increase as significant and would add to an already high tax level. He also commented that he felt that voter apathy is partially responsible for this situation. Mr. Agostin then stated that there are many solutions to the County's projected shortfall and that growth should pay for growth. Mr. Agostin then indicated that he believed the County Commission would strenuously support the sales tax increase and asked Council to counter this prevailing attitude.

Victor Neiditz, co-president of TAG, also voiced concern that the County proposes to spend \$462 million for roads, government facilities and stormwater management, with a \$251 million shortfall in revenue. He further noted that, despite prior rejections, County Commissioners are again considering a sales tax increase referendum. To explain TAG's principles, Mr. Neiditz explained that TAG urged the County to raise road impact fees which must be levied to obtain the necessary funds to pay for required projects. He stated that he believed this would largely eliminate the revenue shortfall. He also discussed the continuance of the gas tax and stated that projects which benefit select groups should be financed by Municipal Special Taxing Districts. Lastly, Mr. Neiditz stated that a government must learn to live on its income, and rely on cost reduction and efficiency instead of raising of taxes.

Council Member Coyle stated that regardless of a sales tax increase, there will be a substantial increase in County tax revenues because of increases in property values. If a tax increase were indeed necessary, he said he would favor sales tax rather than a property tax because it is spread over a broader population. Mr. Coyle proposed that Council place on the ballot a referendum question concerning an impact fee. Mayor Barnett stated that Council would return to this issue later in the meeting. (See page 5.)

.....**ITEM 4**
REVIEW OF LEGAL FEES CHARGED BY ATTORNEY WILLIAM POVLTIZ AS IT RELATES TO NAPLES LANDING LITIGATION (continued from 4/5/99 Workshop Meeting) (11:02 a.m.) Attorney Povlitz first apologized for formatting and grammatical errors in his billing and then detailed the 13 specific areas of contention noted in the staff analysis. After computing all the adjustments, Attorney Povlitz conceded that his bill should be reduced by 1.1 hours. Council Member Van Arsdale expressed concern that the inaccuracies indicated that the City is being overcharged for the services received and engendered distrust. Council Member Herms however commented favorably on Mr. Povlitz' performance. Dr. Woodruff reminded Council that had staff not already detected and corrected various other errors, the bill would be approximately \$1,800.00 higher. Attorney Povlitz stressed that he would implement procedures to ensure the accuracy of future bills, and invited Council to express any further concerns.

It was the consensus of Council to direct Attorney Povlitz to reduce the bill by 1.1 hours and to submit a revised bill prior to payment.

Attorney Povlitz then provided an update regarding the pending litigation and explained that Attorney Pires and Charter Club representative David Trowbridge have verbally agreed to stay all litigation pending the resolution of the proposed Hamilton Harbor project now under consideration. He also indicated that because of judicial backlog, he did not expect any new activity in the case for the next 30 to 90 days.

(Continuation of Item 5, see page 3) (11:34 a.m.) Dr. Woodruff urged Council to ask the County Commission to provide an update on the rock removal program and proposed a frank

discussion between the two bodies to determine how to address the remaining rocks. Council briefly discussed equipment and timing issues.

It was the consensus of Council to authorize the Mayor to draft a letter to the Department of Environmental Protection and the Army Corps of Engineers affirming Council's position relative to the prompt removal of all beach rocks. The Mayor will also call County Commission Chair MacKie to request a special joint meeting with the County Commissioners and the Beach Renourishment/ Maintenance Committee for either April 21st or 26th regarding the status of the rock removal program.

(Continuation of Item 6, see page 4) (11:43 a.m.) Council Member Coyle reiterated his proposal for a straw ballot question on impact fees. Council briefly discussed possible ballot language as well as a suggestion by Council Member Herms to increase the City impact fees. Dr. Woodruff proposed that Mayor Barnett draft a letter to the County staff asking them to address the issue as well as the funding shortfall.

It was the consensus of Council to draft a straw ballot question regarding increased impact fees as a funding source for roads and other governmental services. Council also discussed drafting a letter to the Collier County Commission urging a joint meeting with Council to address possible means of dealing with the shortfall in road funding.

CORRESPONDENCE & COMMUNICATIONS (11:51 a.m.)

Council Member Herms noted concern from residents on Admiralty Parade regarding the proposed Hamilton Harbor project; Alan Reynolds, President of Wilson, Miller, Barton, and Peek, will apprise them of the proposed plans.

OPEN PUBLIC INPUT (11:55 a.m.)
None.

ADJOURN (11:55 a.m.)

Bill Barnett, Mayor

Tara A. Norman, City Clerk

Prepared by:

Jessica Rosenberg, Recording Specialist