



City Council Chamber
735 Eighth Street South
Naples, Florida 34102

City Council Special Meeting – June 19, 2001 – 2:00 p.m.

Mayor MacKenzie called the meeting to order and presided.

ROLL CALL ITEM 1

Present:

Bonnie R. MacKenzie, Mayor
Joseph Herms, Vice Mayor (arrived 2:14 p.m.)

Council Members:

Gary Galleberg
William MacIlvaine
Fred Tarrant
Penny Taylor (arrived 2:06 p.m.)
Tamela Wiseman

Also Present:

Kevin Rambosk, City Manager
Don Wirth, Community Services Director
Tara Norman, City Clerk
David Lykins, Recreation Manager
Dr. Jon Staiger, Natural Resources Manager
Robert Pritt, City Attorney
Karen Kateley, Administrative Specialist
Allen Walburn
Elizabeth Bloch
Joseph Biasella
Other interested citizens and visitors

..... **ITEM 2**
PUBLIC HEARING TO CONSIDER A LANDSIDE FACILITY PETITION FOR THE CITY DOCK (CONTINUED FROM 6/6/01 REGULAR MEETING (2:05 p.m.))

..... **ITEM 3**
OVERVIEW OF THE CITY DOCK STRATEGIC 2020 BUSINESS PLAN

It was noted for the record that the above items were addressed concurrently.

It was noted for the record that Council Member Taylor arrived at 2:06 p.m.

City Manager Kevin Rambosk said staff is requesting an increase in multiple-use restricted slip allocation at the Naples City Dock from one to two; in addition, the staff was proposing to implement an operational plan that had been under consideration. Recreation Manager David

Lykins said that while the primary focus would be providing more opportunities for restricted vessels to pick up and drop off customers, the change would also accommodate a much larger variety of requests such as increased restricted vessel scheduling and other uses of the facility. Although the two slips could accommodate up to 12 restricted pick up / drop off visits daily, some customers would still be required to arrive and depart via public transportation, and arrival/departure times would have to be staggered to afford adequate parking. Mr. Lykins said that staff also recommends temporarily increasing the commercial slip allocation from 11 to 21; designating four individual moorings as unrestricted and authorized within the designated anchorage area; and restricting the newly-authorized, added commercial vessels to six passenger capacities. This proposal was intended to accommodate commercial fishing, sailing and sightseeing businesses due to the diminishing supply of appropriately zoned rental boat slips in the City, he said. Mr. Lykins also noted that an anchorage area containing 12 mooring balls can accommodate four more that would be designated strictly for commercial use. He explained that spaces in the Broad Avenue lot as well as in Crayton Cove would allow for these four additional moorings balls to act as any other unrestricted vessel at a fixed dock facility. A total of 14 commercial opportunities would be added if vessel capacity were limited to six. He also noted another part of the plan is to designate the Broad Avenue South parking lot for patrons of Crayton Cove area businesses, for Naples Community Sailing Center and the City Dock. City Manager Rambosk pointed out that before 1991, the only available parking for the City Dock was 27 spaces at Crayton Cove and that 30 were created with the addition of the Broad Avenue South lot.

It was noted for the record that Vice Mayor Herms arrived at 2:14 p.m.

Mr. Lykins continued his presentation by explaining that market demands would determine the need, size and location of public, commercial and recreational slips to be provided at the City Dock and the Pulling property. City Manager Rambosk said that although the City Council has considered allowing only non-motorized vessels at the Pulling Property, staff also concurs with allowing motorized activities to the south down through Naples Bay. It was noted that the Gordon River bridge clearance is approximately 10 1/2 feet at high tide. Mr. Lykins said that demand for commercial and recreational slips has increased in the last six years, and when the City Dock was built in 1984 demand for larger vessels did not exist; however many vessels are now turned away from the City Dock because the slips are either too small or boaters become discouraged due to the long waiting list. Mr. Lykins said another concern is how to provide management oversight if more commercial slips were added because some structures block the view from the Dockmaster's office on the south and west sides of the facility. He said that the waterway which vessels traverse between the City Dock, the Fleischmann docks and the Cove Inn is narrow, providing limited accommodation depending on weather conditions and traffic.

Mr. Lykins further reviewed staff's recommendation to place the new commercially allocated additions at berths 52 to 56 and 60 to 64. He said that there are many small slips at the City Dock, some just 35 feet, but there are commercial vessels as long as 43 feet on the waiting list. Responding to Council Member Taylor, Mr. Lykins said that slips 21A to 27 are 65-foot and slips 14 to 20 are 45 to 48-foot slips. He also noted that the largest are 28, 43 and 58, which are 70 to 100-foot transient slips on the far east ends of the dock and that the smallest are slips 00 to 13 at 30 feet. Mr. Lykins said the staff's preferred berthing assignment method for commercial vessels is chronological. He said that staff would also consider vessel sizes and the background and financial verifications of the vessel owners and operators to ensure they meet all berthing license agreement criteria and City requirements. Mr. Lykins said that staff anticipated presenting to City Council in September new documents for leases and rate structures.

City Manager Rambosk said the only action staff required was for the Council to authorize Slip 70 for multi-use pick up / drop off. In response to Council Member MacIlvaine, Mr. Lykins explained that slips could not be added by dredging west of slip 82 because the Cove Inn holds the submerged land lease for that area. He said that property south of the City Dock belongs to the Fleischmann Estate, the area to the north is owned by Cove Inn, and the City has a narrow pathway between these areas by agreement. Council Member MacIlvaine suggested pursuing an agreement with the Cove Inn to dredge approximately five more slips. Mr. Lykins confirmed for Council Member Tarrant that the aforementioned added slips would allow 25 commercial slips out of 84 spaces available at the facility. Responding to Vice Mayor Herms, Mr. Lykins said that increasing the commercial slips by 10 would allocate 47 slips for public use. Mr. Lykins also stated that commercial and recreational slips are occupied by 18 City residents, 28 County residents, two Florida residents and 13 out-of-state residents. Mr. Lykins stated that slips 2, 3, 11, 32, 51 and 52 are currently vacant, the 11 slips rented on a month-to-month basis without leases are 1, 4, 7, 9, 15, 18, 30, 35, 47, 48 and 60, with three for law enforcement, one for the harbor master and the remainder leased for recreational or commercial.

In response to Council Member Taylor, Mr. Lykins said that the dockmaster's office is a one-story structure that is partially obstructed by a pavilion to the west and does not afford visibility beyond slips 51 through 65 and that dockworkers now must repeatedly walk the City Dock or rely on reports by others for security measures; however, elevating the dockmaster's office has been strongly discouraged because the pilings are unable to support it without extensive re-engineering. In discussion of possible use of a security camera, City Manager Rambosk cautioned that this could give the illusion of continuous monitoring when that may not be the case, although he acknowledged that City Dock tenants have requested security measures. Mr. Lykins noted that vandalism occurs both day and night and that vessel owners have also complained about unintentional damage sometimes caused by other boaters docking without assistance. Mr. Lykins recommended moving the additional commercial vessels closer to the dockmaster's office because these boats enter and exit the facility more frequently than recreational boaters. Council Member Tarrant noted that the use of an elevated camera would also provide the City Dock with a permanent record of vandalism, and Mr. Lykins said this is one of several possible solutions being investigated.

Responding to Vice Mayor Herms, Mr. Lykins stated that there are now approximately 102 on the waiting list for City Dock slips, and in mid-February there were 82 recreational slip requests, of which 19 were City residents, 46 County residents, 15 out-of-state residents and two out-of-country residents. In response to Council Member Taylor, Mr. Lykins explained that an unrestricted charter vessel could utilize a mooring ball by transporting passengers via dinghy, with the current availability of a special dock. Council Member Tarrant referred to a private boat owner who, he said, had abandoned hopes of a space at the City Dock; Mr. Lykins stated that 11 tenants had received temporary mooring without leases while staff has been considering commercial and recreational slip availability.

Mr. Lykins said that the City Dock could be enlarged in two to 10 years, and Jon Staiger, Natural Resources Manager, said that a permit obtained in approximately 1989 would have added some 22 slips and extended transient slips 58 and 43 as an additional dock into the bay, but that permit expired in the early 1990's. He predicted that the City could again be permitted because of the goal of replacing environmentally-harmful treated wood pilings with floating docks supported by concrete pilings. Dr. Staiger said floating facilities result in easier dockage and could also be

designed to accommodate more or larger vessels. Council Member MacIlvaine said that additional dockage should only be provided to City residents; however, Mr. Lykins noted that there are currently no City residency criteria for recreational or commercial slips. Vice Mayor Herms and Council Member Tarrant also stressed the importance of giving preference to City residents on slip issuance. Mr. Lykins said that transient slips had been increased from one to nine because of increased demand, and City Manager Rambosk noted that a 1992 business plan cited an increase in transient slips to generate funds, and advertisements were placed in magazines encouraging people to utilize the City Dock with boaters responding in high numbers. Council Member Taylor however said that the commercial fleet is important to the City and the character of Naples Bay, and residents can dock boats at other marinas whereas commercial vessels cannot. Council Member MacIlvaine concurred that the same residency standard need not apply to commercial vessel owners because they are providing a service. Responding to Council Member Galleberg, City Manager Rambosk confirmed that the City Council at that time was only considering the addition of a pick up / drop off slip, although staff was detailing City Dock business operations as a way to assist Council Members with providing direction. Council Member Galleberg said he had been sympathetic to adding ten commercial slips, but since then Boat Haven has announced that it would become a landside facility with some unrestricted and six restricted slips; therefore, this need is no longer an issue.

Council Member MacIlvaine offered a motion to add the aforementioned slip, however, Mayor MacKenzie requested that a conflict of interest issue first be addressed. She stated that a complaint against her with the Florida Ethics Commission alleged a conflict of interest on any City Dock vote would occur because of a note she holds from a boat cleaning and salvage business moored near the City Dock. Member Taylor noted that the business, Del Rey Marine, was number 22 on the commercial waiting list, although Mayor MacKenzie said she was unaware of this. City Robert Attorney Pritt said that he did not foresee a conflict of interest based upon Sections 112-311, 112-313 and 112-3143, Florida Statutes. Responding to Vice Mayor Herms, City Attorney Pritt said that Mayor MacKenzie and the owner of Del Rey Marine are not business associates, giving the example that someone owing money to American Express would not make that person a partner of American Express. Vice Mayor Herms, however, said that a prior City Attorney had forbidden him to vote on a bid award because he held a note from the bidder.

City Manager Rambosk asked that the Council consider the business plan as presented and determine a consensus of whether to implement it. Council Member MacIlvaine reiterated his motion to approve Item 2, seconded by Council Member Tarrant; however, further discussion ensued, and Council Member MacIlvaine suggested separating motions on the additional slip and the business plan. Council Member Tarrant said that while he approved of the business plan as presented, he would prefer additional time to consider it. In response to Council Member Taylor, City Manager Rambosk stated that the waiting list could not be addressed until August or September because no slips would be available without the City Council's authorization. Council Member Taylor, however, stated that the business plan was more of a convenience to the dockmaster than an attempt to address the commercial waiting list because 40 percent, or numbers 1, 2, 4 and 5, would be displaced because they could not utilize the smaller slips. She asked about accommodating boats of up to 43 feet, but City Manager Rambosk stated that without City Council first approving an additional 10 commercial slips, the issue was moot. Vice Mayor Herms recommended that only five to seven of the 10 additional slips plus four mooring balls be designated as commercial so more space would be available for City residents. Council Member Wiseman observed that City Council has already spent extensive time on a

facility that is or soon will be functionally obsolete because larger boats are unable to dock, and upscale services such as Internet access are unavailable. She recommended gradually replacing the City Dock with a floating structure that would ultimately add more slips.

Public Comment: (3:37 p.m.) **Allen Walburn, 925 Eighth Avenue South**, said that City Council had approved an ordinance in 1992 to designate the 12th Avenue South parking lot for City Dock parking to achieve compliance at that time, and the City should not now redirect parking to the Broad Avenue lot. Planning Director Ron Lee said that the 1992 ordinance actually rezoned the City Dock from ‘C’ Conservation to ‘PD’ Planned Development, but there had been no reference to spaces from 12th Avenue South being allocated for the City Dock. Vice Mayor Herms, however, said in 1992 the City Council was indeed adamant that adequate parking be allocated because parking in the Crayton Cove area was already deficient. Planning Director Lee confirmed that there had been adequate parking available for further City Dock expansion after the 1996 allocation of 44 spaces in the Broad Avenue lot and that if City Council approves the addition of 10 commercial slips, staff would request that as many as 64 parking spaces be allocated at the 12th Avenue South lot to ensure compliance. Mr. Walburn stated that the City Council had clearly intended for the 12th Avenue South lot, redeveloped through enterprise funds, to be utilized by the patrons and tenants of the City Dock and that the Broad Avenue lot was to incorporate future growth. He said that patrons of the City Dock would not park in the Broad Avenue lot and walk 500 feet when adjacent parking is available at 12th Avenue South. Mr. Walburn also recommended that Recreation Manager Lykins be permanently assigned at the City Dock because of the work he has done to improve the facility. He also stated that burglary and vandalism occur at the City Dock on a regular basis, usually after 6 p.m., so therefore a 24-hour security camera would be an asset. **Elizabeth Bloch, 860 12th Avenue South**, said that the restricted charter boats would be out of business without adequate parking facilities. She stated that the 41- to 43-foot boats, which are assigned 1, 3, 5 and 7 on the waiting list, would not be able to use the 35-foot slips that Mr. Lykins suggested be designated commercial. She said that monitoring in the commercial slip area could not be accomplished with just one person on duty; however, more funds for security would be available if rates were increased in September and more commercial and recreational slips made available. She said the waiting list was unfair because boaters who have not waited as long would be granted slips, yet there is space available for larger boats if slips 15 to 19 are designated commercial instead of slips 52 to 56 and 60 to 64. Ms. Bloch said that Mr. Lykins’ suggested commercial slip listing would only increase the fishing boat fleet. She said that the sailboats moving into those slips would be only 35 feet or smaller, changing the entire composition of the fleet. **Joseph Biasella, 860 12th Avenue South**, described the waiting list as corrupt and that it should be examined and that Natural Resources Manager Jon Staiger had been investigating. Mr. Biasella said he has tried for many years to get moorings balls installed, but predicted that the City would take control of them and boaters coming into Naples would not be able to use them. Mr. Biasella said his interests are with such issues as reducing pollution and speeding in Naples Bay, not the charter boats subject.

At Mayor MacKenzie’s suggestion, Council Member MacIlvaine amended his motion to include designating 1½ parking spaces to support the additional pick-up / drop-off slip. City Attorney Robert Pritt said that a resolution could be prepared by the following day. Vice Mayor Herms said that City Council would most likely approve that day 15 commercial slips instead of the proposed 21 and 53 recreational slips instead of the suggested 47. Council Member Wiseman, however, observed that the resolution presented to City Council does not reflect just the addition of a multi-use slip and parking allowances but instead also includes operational details. She said,

however, that the City Charter establishes a strong City Manager form of government and that the City Council should vote on the City Manager's suggestion, which has been reflected in Council Member MacIlvaine's motion.

Responding to Council Member Taylor, Recreational Manager David Lykins stated that staff recommended two slips designated for multi-use for emergencies as well as pick up / drop off; however, Council Members Taylor and Tarrant said that the two slips be designated restricted pick up / drop off and/or emergency. Dockmaster Randy Ward said that he needed the multi-purpose designation in order to manage the facility properly, and transient slips are sometimes needed when boat captains dock at 6 p.m. to obtain fuel and leave by 6 a.m.

Responding to Council Member Taylor, Natural Resources Manager Jon Staiger said the management agreement still pending with the State designates the 12 mooring balls for transient cruising yachtsmen, so they cannot be assigned to boaters for permanent mooring unless the management agreement is amended. However, the four additional moorings balls the City is considering could be designated for permanent mooring and that after the proper surveys have been completed they could be installed in approximately two months. Council Member Wiseman said that this is not possible, however, because the City Council was not then directing staff to proceed in that direction. Council Member Tarrant said that the City should complete its investigation to determine whether Joseph Biasella's comments regarding the waiting list have merit before the City Council makes a determination about slip designations. City Manager Kevin Rambosk said that while the City is investigating the waiting list, criminal activity regarding an unlawful benefit or payment has not been found.

Council Member MacIlvaine then amended his motion to include directing staff to prepare the resolution for the following day's regular meeting and provide the addition of the 1½ parking spaces to accommodate the change in designation for one slip at the City Dock, Council Member Tarrant, the seconder, agreed.

MOTION by MacIlvaine to APPROVE landside facility petition for an additional pickup and drop off slip, directing staff to prepare the resolution and provide for an additional 1½ parking spaces to accommodate the change in designation for one slip at the City Dock; seconded by Tarrant and carried 7-0 (Galleberg-yes, Taylor-yes, Tarrant-yes, Wiseman-yes, Herms-yes, MacIlvaine-yes, MacKenzie-yes)

MOTION by Herms to APPROVE adding 53 recreational slips and 15 commercial slips with a change in the required parking; seconded by Tarrant. This motion failed 3-4 (Taylor-no, Herms-yes, MacIlvaine-yes, Tarrant-yes, Galleberg-no, Wiseman-no, MacKenzie-no)

Council Member Wiseman and Mayor MacKenzie noted that they voted against the motion because not enough thought had gone into the proposal.

MOTION by Wiseman to CONTINUE Item 2 from this meeting to the regular meeting of June 20, 2001, for a vote on the direction City Council has given to staff to prepare the resolution; seconded by Taylor and carried 7-0 (Wiseman-yes, MacIlvaine-yes, Tarrant-yes, Galleberg-yes, Herms-yes, Taylor-yes, MacKenzie-yes)

ADJOURN
4:30 p.m.

Bonnie R. MacKenzie, Mayor

Prepared by:

Annette Thompson, Recording Specialist

Minutes approved: 10/3/01