



City Council Chamber
735 Eighth Street South
Naples, Florida 34102

City Council Workshop Meeting - June 16, 2003 8:34 a.m.

Mayor MacKenzie called the meeting to order and presided.

ROLL CALL ITEM 1

Present:

Bonnie R. MacKenzie, Mayor
Gary Galleberg, Vice Mayor

Council Members:

Joseph Herms
William MacIlvaine
Clark Russell - Absent
Penny Taylor
Tamela Wiseman (Arrived 9:37 a.m.)

Also Present:

Kevin Rambosk, City Manager
Robert Pritt, City Attorney
Jon Staiger, Natural Resources Manager
Ron Lee, Planning Director
Tara Norman, City Clerk
Pamela Koepke, Recording Specialist
Karen Kateley, Administrative Specialist
Collier County Commissioner Fred Coyle

Ted Soliday
Richard Cobb
Eric West
Peter Manion
Frank Duane
Jonathan Kukk
Richard Morris
Rich Housh
Joe Biasella
Other interested citizens and visitors.

Naples Airport Authority:

Peter Eschauzier, Chairman
Alice Carson, Vice Chairman

Media:

Dianna Smith, Naples Daily News

SET AGENDA ITEM 2

No Changes.

BRIEFING BY CITY MANAGER ITEM 8

(8:35 a.m.) City Manager Kevin Rambosk explained the audio problems on the City's television channel were being addressed and a universal power supply (UPS) was being considered in order to prevent future problems. Various Council Members also expressed dissatisfaction with the operation of the microphones used in the City Council Chamber.

Mr. Rambosk then noted a lethal yellowing outbreak and that mandatory inoculations of palm trees had commenced, with infected trees being removed. The Naples Fire Training Center graduated 24 firefighters the previous week, 3 of whom are City of Naples employees. Mr. Rambosk reported receipt of a five-year water consumption permit from the Southwest Florida

Water Management District. Wastewater personnel would be conducting smoke testing on storm water systems searching for leaks. Mr. Rambosk advised the annual auction had been conducted and generated \$207,000 for enterprise and general fund use.

DISCUSSION WITH COLLIER COUNTY COMMISSIONER FRED COYLEITEM 3

County Commissioner Fred Coyle reported that the County was beginning its budget process and that there are several unfunded state mandates which are affecting the potential purchase of the Boat Haven and Wiggins Pass Marinas although there are also no assurances that either of the purchases would be approved. Another item of interest, Commissioner Coyle said, was the recent rejection by the Board of a staff proposal for beach renourishment funding criteria and the Coastal Advisory Committee (CAC) had been directed to review and refine it.

Commissioner Coyle expressed concern over lack of progress regarding a gateway statement at the entrance to the City and advised that the Board of County Commissioners had been discussing a reorganization of the County Community Redevelopment Agency (CRA) to effect better results in this regard.

Commissioner Coyle cited several City-specific projects forthcoming from the County CRA Transportation Improvement Program: 1) a divided median on Banyan Boulevard; 2) additional pedestrian and bike lanes on Fleischmann Boulevard; 3) US 41 street lighting improvements; 4) drainage, utility and median construction on Burning Tree Drive; 5) Sandpiper Street improvements; 6) Galleon Drive Bridge replacement; 7) Tenth Street South/41-10 project; 8) Gordon Drive project; 9) major US 41 intersection improvements; and 10) construction of pathways in the area of Neapolitan and Gulf Shore Boulevard. Mr. Coyle explained however that none of the cited projects would proceed without City Council approval.

In response to Mayor MacKenzie, Commissioner Coyle requested an update on the specifics of the beach agreement dialogue that occurred with County Manager Mudd. In response to Council Member MacIlvaine, Commissioner Coyle advised that he would research the possibility of Collier Area Transit (CAT) buses unloading passengers in parking lots during the forthcoming US 41 resurfacing project. With reference to the aforementioned beach renourishment issue, Vice Mayor Galleberg explained that the CAC had decided to develop the proposal requested by County Commissioners and that the CAC felt that the County staff's proposal was in direct conflict with the voter's wishes. Commissioner Coyle acknowledged that some of the minor conflicts which had occurred between staff and various advisory committees were being addressed.

Council Member Herms asked whether any potential reductions in density in the County would result from the need to address concurrency in light of a development planned for the southeast corner of CR 951. Commissioner Coyle advised that while this particular project had not been brought before the Board, concurrency issues are addressed when a development site plan is submitted, at which time impact fees are also collected. Commissioner Coyle then advised that a Pelican Bay Development of Regional Impact (DRI) statement is imminent which involves additional square footage for the Waterside Shops.

Council Member Taylor requested an update regarding the proposed beach access through Pelican Bay. Commissioner Coyle explained that a decision had not yet been reached, nor had

there been discussion regarding how or at what location the beach access would occur. However, discussions of a very preliminary nature had been conducted regarding County-owned property west of Pelican Bay being utilized for a public benefit, he said.

Council Member MacIlvaine requested confirmation that a commercial development plan for the eastern portion of the County was being implemented which, Mr. MacIlvaine observed, would reduce traffic congestion. Commissioner Coyle advised that there is, in fact, a plan to move more commercial development to the east and that the Rural Fringe Plan and the Rural Land Study Plan would also contribute dramatically to the eastern commercial development. This effort would prohibit development on 110,000 acres of environmentally sensitive land and concentrate development into rural villages that would be self-contained, thereby also achieving significant reductions in traffic.

Recess: 9:03 a.m. to 9:14 a.m. It is noted for the record all except Council Members Taylor and Wiseman were present when the meeting reconvened

NAPLES AIRPORT AUTHORITY QUARTERLY UPDATE.....ITEM 4
(It is noted for the record that the graphics used in the presentation that follows are contained in the file for this meeting in the City Clerk's Office.)

Naples Airport Authority (NAA) Commissioner Peter Eschauzier expressed gratitude to Mayor MacKenzie for what he described as an excellent presentation before the Federal Aviation Administration (FAA) hearing the previous week regarding the ongoing Stage 2 jet ban litigation. Mr. Eschauzier explained that the NAA was currently awaiting the FAA Hearing Officer's decision, scheduled for June 30, and if an appeal was deemed necessary, it must be filed by July 15.

Commissioner Eschauzier then addressed NAA's active campaign to restore commercial service, citing a Florida Gulf Coast University survey that showed over 70% of the general public and over 90% of the business community prefer better and more convenient air service at the Naples Airport. To this end, Mr. Eschauzier cited ongoing discussions with regional air carriers and the establishment of partnerships with businesses, along with pursuing federal funding to assist with air service development initiatives.

It is noted for the record Council Member Taylor returned to the meeting at 9:19 a.m.

Council Member Herms commented on what he characterized as travel inconvenience in recent years because of the lack of connecting flights from Naples to popular destinations. He therefore asked for additional information as to the direction the NAA would be taking, whether there was a possibility that the airport would become private. Commissioner Eschauzier said that despite fluctuations in commercial airline activity, the facility has continued to experience corporate jet traffic. Nevertheless, Mr. Eschauzier said, NAA perceives a need and a market that can be fulfilled at the Naples Airport.

In response to Council Member Herms, Commissioner Eschauzier also explained there had been the development of niche (small commercial) carriers that have been able to bypass commercial regulations, are extremely competitive, and are able to fly to places such as New York and Chicago. Ideally Naples Airport would need carriers to Miami and Tampa, which again would depend on the economy. Council Member Herms also observed that fewer connections are required if passengers initiate their travel from Ft. Myers or Miami. Mr. Eschauzier stated that

competition with the larger airports had not been NAA's goal but, rather, a niche market that would perhaps fulfill the needs of this community.

Council Member MacIlvaine said that he felt having a connecting commercial airline would however be a great advantage to the public. Although Mr. MacIlvaine noted a recent expansion by Jet Blue, Mr. Eschauzier said that many airline analysts had expressed concern about the rapidity of this expansion. Nevertheless, Mr. Eschauzier did say that a Miami route would be the most likely if a commercial carrier makes a decision to return to Naples Airport.

Council Member Taylor said that she had located a 1941 agreement between the federal government, the Town of Naples and Collier County. She asked Commissioner Eschauzier to comment whether, based on this agreement, Naples Airport could be closed without the FAA's consent or involvement. Naples Airport Executive Director Ted Soliday explained however, that the referenced agreement was modified, and therefore superceded, by the Surplus Property Act of 1946. Another agreement with the federal government in 1988, Mr. Soliday explained, further modified surplus property issues so that Naples Airport is no longer bound to the aforementioned 1941 document. In addition, grant assurances require NAA to maintain the airport for 20 years after the last grant had been accepted.

Mayor MacKenzie said that she had in the past used Naples Airport exclusively and had always found it to be a great service center, convenient, and to have afforded every connection that she desired. Mr. Eschauzier reiterated his hope that commercial service would return, but also noted that much would depend on the national economy.

NAA Commissioner Eric West then urged Council Members not to characterize the Airport as private simply due to lack of commercial service since such a reference could be detrimental to ongoing legal proceedings involving open and fair access. In further discussion, Executive Director Soliday also pointed out that non-scheduled flights by commercial carriers utilize the general aviation terminal, and that passenger counts on those flights could be added to the facility's total. Commissioner Eschauzier explained that presently commercial/corporate flights fall under the general aviation terminal counts, which he characterized as a basic flaw in the process; those flights, he said, will continue to be a large part of operations and a significant part of future growth.

It is noted for the record Council Member Wiseman entered the meeting at 9:37 a.m.

Commissioner Eschauzier then described NAA's current capital improvement projects: 1) construction of the general aviation parking lot expansion; 2) exotic tree removal; 3) airfield lighting improvements currently in the bidding phase; and 4) planning and design of the south quadrant T-hangars. The airfield lighting improvements, he further explained, included FAA, Florida Department of Transportation (FDOT) and NAA funding contributions. These efforts encompass complete replacement of the airfield lighting system with a cable-in-conduit system, new air traffic control tower panels, and new general aviation ramp lights. Mr. Eschauzier said that the general aviation parking lot construction, which had already begun, would include over 2,100 square feet of sidewalks that would connect the general aviation complex to the Airport Road pathway system. Construction of a new 100-space, long-term parking lot, drainage and pavement improvements in the existing parking lot, and upgraded lighting and landscaping are

also included. Mr. Eschauzier then referred to exotic tree removal although the NAA will, in response to neighbors, retain the Australian Pine canopy on North Road.

Mr. Soliday also clarified for Council Member Herms that while there is a mangrove community on the property, exotic tree removal would not include any native vegetation or trees.

In conclusion, Commissioner Eschauzier explained that to address the 125-name hanger waiting list, there is a conceptual plan to construct approximately 75 T-hangers in the south quadrant. Finalization of funding is underway with plans to begin construction sometime in 2004.

Vice Mayor Galleberg inquired about possible impacts of the Stage 2 jet ban on FAA funding for capital improvement projects. Executive Director Soliday explained that the FAA contends that NAA is taking an illegal action although NAA believes that it has followed established procedures. The FAA had instituted a six-month hold on any federal funding, and the projects that are moving forward are those being funded by the state, Mr. Soliday said. Mr. Galleberg then inquired as to the estimate of additional funding required for litigation expenses. Mr. Soliday responded to the effect that NAA had stated its intent to pursue the litigation to the highest authority, if necessary, and had budgeted \$1 million for legal fees for the coming year.

In response to Council Member Taylor, Mr. Soliday confirmed that fuel sales would continue to be the airport's primary revenue source.

Council Member Herms asked NAA representatives to expand on the reasons commercial airlines had eliminated service in Naples. Commissioner West said that while there had been a pattern of decreasing load factors over several years, the primary cause for American Eagle to terminate was a service level issue, which can be supported by evidence. Commissioner Eschauzier explained that US Airways provided only three months' notice of service termination and that specific reasons had not yet been determined by the NAA. Executive Director Soliday explained that US Airways had always operated around 50% and had been coupled with increasing expenses. ~~(This last sentence I believe contained more percentages which made the 50% make sense. Please review the audio or the first draft if you saved it.)~~

Commissioner Eschauzier said that the 2004 budget would be presented to NAA in July, provided in August to City Council, and scheduled for approval in September. He added that the airport would be utilizing an 18-month rolling cash flow and would maintain \$1.5 million reserves. Commissioner Eschauzier also explained that the Airport would survive without commercial carrier service, although commercial carrier service would continue to be actively pursued.

Council Member Taylor asked whether the Jet 1 charter service was being permitted to retain its income from fuel sales. Executive Director Soliday advised that, on the contrary, City Council had given the Airport exclusive rights to fuel sales, and NAA supported that decision in 1969 when the Authority was first established. Mr. Soliday said that NAA would continue to maintain and exercise authority regarding fuel sales.

In conclusion, Commissioner Eschauzier said that it had been incorrectly assumed that other airports would follow suit on the Stage 2 jet ban, but the prevailing factor had been that each must, according to federal law, undergo a Part 161 study. Mr. Eschauzier reiterated that Mayor MacKenzie's testimony the previous week had been extremely beneficial.

INTERVIEWS WITH CANDIDATES FOR CITY BOARDS/COMMITTEES.....ITEM 5

Frank Duane – Design Review Board (10:01 a.m.)

Albert Luer – Planning Advisory Board (10:16 a.m.)

Jonathan Kukk – Design Review Board (10:27 a.m.)

Richard Morris – Design Review Board (10:42 a.m.)

Rich Housh – Community Services Advisory Board (11:00 a.m.)

Lois Selfon – Community Services Advisory Board (11:10 a.m.)

Seth Finman – Citizen's Police Review Board (11:19 a.m.)

Vice Mayor Galleberg pointed out that Design Review Board candidate Carl Kuehner had previously served on the Planning Advisory Board and had been highly involved in the establishment of the Design Review Board. Therefore, he suggested that Council act on Mr. Kuehner's application at the regular meeting despite the fact that Mr. Kuehner could not be present for interview.

Consensus to forgo interview process for Carl Kuehner and to take action on his application for Design Review Board at the 06/18/03 regular meeting.

Mayor MacKenzie cited a communication from City Clerk Tara Norman (a copy of which is contained in the file for this meeting in the City Clerk's Office) asking Council whether it would be willing to interview and possibly appoint a non-City resident (Douglas Curran) to represent the City on the Affordable Housing Commission. City Clerk Norman advised that in 2000 the City had in fact appointed a County resident although that particular candidate had been unable to serve. In response to Vice Mayor Galleberg, City Clerk Norman confirmed that there had not been a full compliment of City representatives on the Commission for some time.

Vice Mayor Galleberg and Council Members MacIlvaine, Taylor and Wiseman indicated their support to interview the a non-City resident candidate. Council Member Herms however advised he could not support it.

**.....ITEM 6
DISCUSSION OF MUNICIPAL CODE CORPORATION'S PROPOSAL TO RE-CODIFY THE CODE OF ORDINANCES**

City Clerk Tara Norman said copies of the proposal and a sample final report had been provided for Council's review; she also noted correspondence from City Attorney Robert Pritt. (Copies of the aforementioned items are contained in the file for this meeting in the City Clerk's Office.) City Attorney Pritt, she said, had suggested a less extensive process and that she had determined the cost for the legal analysis phase by Municipal Code Corporation would be approximately \$8,000. City Clerk Norman advised the cost for complete re-codification would be \$26,250.

It is noted for the record City Attorney Pritt entered the meeting at 11:32 a.m.

Discussion ensued regarding the scope of work for complete recodification versus a legal analysis of the Code of Ordinances. City Attorney Pritt explained the legal analysis phase would indicate any inconsistencies that should be addressed and advised that in his experience with Municipal Code Corporation, this had been positive and beneficial. Mr. Pritt also suggested, after

the legal analysis, that the City identify any changes that would enhance the Code's usability prior to any type of recodification.

Council directed City Clerk Norman to obtain quotes for analysis, attorney conference and memorandum individually and together. Council directed City Attorney Pritt to re-draft the resolution which appeared in the June 18 City Council packet.

.....**ITEM 7**
DISCUSSION TO CONSIDER SUPPORTING AND ENDORSING AN APPLICATION FOR REGIONAL OFFSITE MITIGATION AREA (ROMA) IN THE VICINITY OF THE CITY'S EAST GOLDEN GATE WELL FIELD FROM THE COLLIER COUNTY SOIL AND WATER CONSERVATION DISTRICT AND THE COLLIER COUNTY AUDUBON SOCIETY

Natural Resources Manager Jon Staiger explained the Collier County Water and Soil Conservation District was in the process of establishing a Regional Offsite Mitigation Area (ROMA) in East Golden Gate Estates. Dr. Staiger presented a draft map that highlights the area proposed for mitigation (a copy of which is contained in the file for this meeting in the City Clerk's Office). The purpose of the ROMA, Dr. Staiger said, is to receive the transfer of mitigation credits which would allow the area to be enhanced and preserved. The petitioners, (Collier County Audubon Society and the Collier County Soil and Water Conservation District) are requesting City endorsement for the concept, Dr. Staiger explained, and the petitioners were currently drafting a memorandum of understanding to the Department of Environmental Protection (DEP) which is a requirement of the formal process. Dr. Staiger said the ROMA would be a benefit by increasing the protection of the City's wellfield, a portion of which is located in that area.

The ROMA, Dr. Staiger also said, is part of the Rural Fringe and Land Study Plan previously mentioned by County Commissioner Coyle where the County is employing land use strategies to enhance environmental protection while still allowing private property development rights.

In response to Council Member Herms, Dr. Staiger explained that the County would not expect the City to sell or relinquish its area within the ROMA as the City already has taken protection measures. Private properties in the ROMA are purchased as they become available and are enhanced and protected; the County cannot exercise eminent domain to acquire the land, Dr. Staiger added. Council Member Herms inquired whether residents in the ROMA area had been notified of the plan, but Dr. Staiger reiterated that acquisition would only occur as land becomes available. Council Member Herms however he expressed interest in more detailed information regarding the impacts to the residents in the area of the plan, and City Manager Kevin Rambosk suggested inviting representatives from the County to that week's regular meeting.

While he said he was unable to provide greater detail, Dr. Staiger said that the Collier County Soil and Water District is an entity made up of County, State, and Federal Natural Resources Conservation Services Departments.

REVIEW OF ITEMS ON 06/18/03 REGULAR MEETING AGENDA.....ITEM 9

To be added: Item 22 and Item 23 (TDC Monitoring Agreements) City Manager Rambosk requested these agenda items be added with reference to Gordon and Doctors Passes. **Item 24** (Grey Oaks easement request) City Manager Rambosk asked that an agenda item be considered

to effect a change of easement. **Item 16** (Macedonia Church) City Manager Rambosk requested removal of this item pending further information. **Item 10(g)** (Municipal Code Corp.) Mayor MacKenzie said that this item be removed from the consent agenda for separate discussion. **Item 10(a)** (minutes) Council Member Taylor requested clarification of her statement at the workshop meeting of May 19 regarding information she obtained from a television program relative to the proposed flyover (Airport Road and Golden Gate Parkway). **Item 10(d)** (Youth Success Recruitment Program) Mayor MacKenzie requested clarification of the eligibility list, time constraints on interviewing applicants, and clarification regarding requirements for attendance by the City's representative. **Item 12** (historical structure demolition permits) Vice Mayor Galleberg requested specific location and landmark information for the listed properties. **Item 17** (Gordon Pass Jetty) Vice Mayor Galleberg requested further research to determine alternatives. **Item 18** (Urban County Cooperation Agreement) City Manager Rambosk advised of a textual change in the request. **Item 19** (CRA Advisory Board) City Manager Rambosk advised that staff would present an overview of options available. **Item 21** (meeting schedule) Vice Mayor Galleberg suggested changing "scheduled" to "re-scheduled" in the wording of the resolution.

PUBLIC COMMENT

(12:16 p.m.) **Joe Biasella, 860 12th Avenue South**, expressed his concern regarding what he referred to as the City's inaction with reference to boating speed complaints voiced by the Citizens to Preserve Naples Bay. He said that continued violations are creating dangerous situations. Mr. Biasella related an incident where the wake the day before forced his craft into a steel channel marker, but commended the effective response by the Police & Emergency Services Department (PESD).

In response to Mayor MacKenzie, City Manager Rambosk explained that PESD Chief Steven Moore was currently reviewing the need for an additional marine patrol officer. Mr. Rambosk also said that Council had agreed to review speed controls in Naples Bay as a separate issue, however, no specific time-frame for those discussions had yet been scheduled. Natural Resources Manager Jon Staiger also advised that he would attend meetings of the Collier County Natural Resources Department, the Marine Industry Association, The Conservancy of Southwest Florida, Save the Manatee Club regarding speed controls and environmental protections for the Bay. Gary Davis of The Conservancy was continuing to coordinate an mutual agreement between the interested parties, he added.

CORRESPONDENCE/COMMUNICATION

Council Member Taylor requested coordination between the City engineering staff and the Public Arts Advisory Committee (PAAC) regarding a conceptual sculpture garden on Broad Avenue between Fourth Street South and the parking area at Tenth Street South. This would include, she said, possible storm water management plans for that area. Vice Mayor Galleberg offered to work with staff in preparing a resolution regarding beach re-nourishment. He also requested revenue estimates for that evening's budget workshop and an update on staff's factual memorandum in response to the referendum mailing pertaining to the "D" Downtown zoning district. Council Member MacIlvaine requested staff to research options for preserving lot sizes, as platted, in Park Shore and said that there appeared to be widespread opposition to the concept of further subdivision. Mayor MacKenzie requested painting of traffic signs and stanchions at US 41 and Fifth Avenue South (also known as the Four Corners). She also requested alternatives to the current beach cleaning process, citing complaints from residents.

ADJOURN
12:38 p.m.

Bonnie R. MacKenzie, Mayor

Tara A. Norman, City Clerk

Minutes prepared by:

Pamela M. Koepke, Recording Specialist

Minutes Approved: 8/20/03