



City Council Chamber
735 Eighth Street South
Naples, Florida 34102

City Council Workshop Meeting – November 17, 2003 - 8:32 a.m.

Mayor MacKenzie called the meeting to order and presided.

ROLL CALLITEM 1

Present:

Bonnie R. MacKenzie, Mayor
Gary Galleberg, Vice Mayor

Council Members:

Joseph Herms
William MacIlvaine
Clark Russell (8:40 a.m.)
Penny Taylor (8:34 a.m.)
Tamela Wiseman (8:35 a.m.)

Also Present:

Robert Lee, City Manager
Robert Pritt, City Attorney
Jon Staiger, Natural Resources Manager
David Lykins, Community Services Director
Tara Norman, City Clerk
Jessica Rosenberg, Deputy City Clerk
Karen Kateley, Administrative Specialist
Fred Coyle, County Commissioner
Arlene Guckenberger
James Dean
Eric West

Henry Kennedy
Mary Strutz
William Haines
James Lennane
Bert Warner
Richard Dooley
Alexander Pezeshkan
Debbie Weber
Other interested citizens and visitors.

Media:

Dianna Smith, Naples Daily News

SET AGENDA.....ITEM 2

No changes.

DISCUSSION WITH COUNTY COMMISSIONER FRED COYLE.....ITEM 3

Regarding coordination between the County and the City with respect to the eastern entrance to the City (Davis Triangle at US 41), Commissioner Coyle said that the County Manager would contact the City Manager in the near future to schedule discussions and determine the content of those discussions.

It is noted for the record that Council Member Taylor entered the meeting at 8:34 a.m.

Commissioner Coyle also informed Council that the County is planning on purchasing property in the Davis Triangle area for stormwater retention although the timing and ultimate design had not yet been determined.

It is noted for the record that Council Member Wiseman entered the meeting at 8:35 a.m.

Commissioner Coyle said that the County had issued an intent to purchase the Fleischmann property north of Golden Gate Parkway in an effort to preserve environmentally sensitive areas for possible use as recreation, to acquire areas valuable to stormwater retention for the benefit of both the City and County, to contribute to the control of outflow into the Gordon River, and to provide an area for intersection improvements. He said he nevertheless remains concerned regarding the Fleischmann property south of Golden Gate Parkway, including Caribbean Gardens which he said he would like to preserve. Coordination is now underway, he said, between The Conservancy of Southwest Florida, representatives of Caribbean Gardens and others on a strategy to address this issue.

It is noted for the record that Council Member Russell entered the meeting at 8:40 a.m.

Commissioner Coyle then reported that alternatives to the Golden Gate Parkway/Airport Road overpass are continuing to be studied and evaluated, Commissioner Coyle said, and that a public meeting on this subject had tentatively been scheduled for January 4, 2004. County staff members will, at that time, present their recommendations to the Board of County Commissioners (BCC). However, Mr. Coyle said that he is also scheduled to receive an update from the County Manager later that day with regard to alternatives being considered and that he is also scheduled to meet with Bear's Paw representatives to discuss their concerns.

Commissioner Coyle said he believes it is a mistake to divert beach re-nourishment funding to acquire beach access which could have long-term implications, and that the question regarding the diversion of funds should be posed to the voters.

Commissioner Coyle then advised that the Haldeman Creek restoration project would only marginally impact City residents in Royal Harbor and Aqualane Shores, despite the fact that it is a large project. Spoils dredged from this project, as well as the Aqualane Shores dredging, will be placed on private property directly across Naples Bay from Aqualane Shores. The Haldeman Creek restoration project, he said, is to be funded via Municipal Special Taxing Units (MSTU), as well as contributions from the Big Cypress Basin, Collier County Stormwater Management, and private individuals. Permitting is expected early in 2004 with completion by Fall. Commissioner Coyle said that the project is expected to improve overall drainage in and along Haldeman Creek.

Regarding Naples Airport Authority (NAA), Commissioner Coyle suggested that a City representative attend an upcoming meeting between Executive Director Ted Soliday of the NAA, possibly other NAA members, the County Manager, and himself, to discuss cooperative efforts and potential alternatives between the various airports and airport authorities. This is in conjunction with an anticipated request to the Board of County Commissioners (BCC) for action with respect to the various County Airport Authorities; this includes Everglades Airport and a stimulus plan for the Immokalee Airport.

Because no building height limitations are contained within Planned Urban Developments (PUD's), the BCC, Mr. Coyle said, is currently evaluating a standardization process by which to verify that heights within zoning categories are reasonable.

In response to Mayor MacKenzie, Commissioner Coyle said that he believes there to be reasonable alternatives to an overpass at Golden Gate Parkway and Airport Road and said that he

would have more information after his upcoming meeting with the County Manager. Mr. Coyle said he believed that the BCC is considering the study proposed by Bob Stone, however, there is a concern that this would require more right-of-way than is available.

Council Member Russell requested information regarding the forthcoming Waterside Shops expansion, and Commissioner Coyle advised that the matter was to be considered by the Collier County Planning Commission in the near future. Mr. Russell however expressed concern about effective coordination between the two governmental bodies on border projects such as this, but Commissioner Coyle however urged the City to inform him when cooperation is in fact not being received; he said he would nevertheless be willing to generate discussions in this regard. Mr. Coyle agreed with Council Member Russell's suggestion that the respective managers outline a clear process by which each government entity can stay informed.

Council Member MacIlvaine suggested that the County follow the City's lead in requiring building heights in commercial areas abutting residential to conform to the adjacent residential height. This would be particularly applicable in such areas as the Davis Triangle, he said, noting that this method could assist in forming the City's eastern entrance. He requested Commissioner Coyle's assistance in this regard. Mr. Coyle however recommended current land development be amended although building compatibility is always a consideration, primarily with regard to the aforementioned PUD's.

Vice Mayor Galleberg advised Commissioner Coyle of an upcoming meeting regarding beach preservation which would have collective representation of both City and County residents for the purpose of reversing the County's position on diverting Tourist Development Council (TDC) funds from beach preservation to public beach access acquisition. He also expressed concern that funding for staffing resources may not be best spent when several County employees attended a recent Collier Coastal Advisory Committee (CAC) meeting but had not addressed the group.

Citing the desirability of continued City/County dialogue, Council Member Herms however noted area municipalities were currently discussing reassuming authority regarding beaches. Commissioner Coyle expressed the view that instead of beach access problems, there is a beach parking problem. The cost of the land acquisition and construction of a parking garage or even a parking lot far exceeds the availability of funds, he said, making shuttle services to the existing beach accesses a better alternative.

Council Member Herms cited Park Shore and the Davis Triangle as areas most affected by County building heights and therefore urged adoption of reasonable requirements in an effort to achieve compatibility between the adjoining City and County properties. Commissioner Coyle however also cited a need to address the buffer as a whole that would require a transitional zone as well as a broad range of zoning to accomplish it.

Council Member Taylor asked whether the recent proposal to acquire beach access was based on a possible liability on the part of the County regarding a lack of sufficiency in this regard. Commissioner Coyle said that other than some concern regarding sufficient parking for County

residents, there are less costly and disruptive alternatives, for example, the current public transportation buses incorporating stops at various public beach access points.

Also in response to Council Member Taylor, he said that during his tenure on the BCC he had not been aware of a formal alternative to the Golden Gate Parkway/Airport Road overpass having been presented. Commissioner Coyle however reiterated his intent to continue striving for a complete investigation of alternatives.

Citing an urban design study recently proposed by the City's Planning Advisory Board (PAB), (a copy of which is contained in the file for this meeting in the City Clerk's Office), Council Member Taylor asked whether it would be appropriate for the City and County to examine the Davis Triangle area as a whole, in light of a current voluntary annexation in that area. Commissioner Coyle indicated his support for such an effort and noted that the County Community Redevelopment Agency (CRA) had expressed a willingness for its Community Redevelopment Advisory Board (CRAB) to engage an executive director and a consultant to develop a zoning overlay and zoning standards. These individual professionals should be involved directly with the City staff to ensure that plans acceptable to both City and County are developed. This should not, however, replace joint meetings between the BCC and the City Council, he said.

Council Member Taylor inquired as to Commissioner Coyle's position regarding a County-wide airport authority. He responded that while he would be willing to investigate a contractual arrangement for Naples Airport Authority (NAA) to operate or manage one or more of the County airports, he did not support dilution of NAA's authority over the Naples Municipal Airport.

Mayor MacKenzie expressed concern that using buses as beach shuttles would negatively impact the residential areas through which they would traverse. Mr. Coyle however said that his intent would be only for non-residential access points. Mayor MacKenzie suggested that the County develop some type of alternative water experience such as Lake Avalon closer to County residential areas, and Commissioner Coyle indicated that the proposed North Naples Regional Park includes a major water attraction. He also said that he is interested in boat shuttles to otherwise inaccessible beaches, such as Keewaydin Island; however, the initial focus should shift from utilization of TDC funds to acquire beachfront property for parking, he added.

Mayor MacKenzie asked whether the County's CRA boundaries should be amended prior to the annexation for property in the Davis Triangle, and Commissioner Coyle said that a similar question had recently been raised regarding legislation to preserve TIF funds for the CRA district. Vice Mayor Galleberg however clarified for the record that the proposed annexation is a voluntary request and had not been recruited by the City.

In light of a recent communication with the County Manager, City Manager Lee said that it had been his understanding that the County is not interested in joint workshops regarding the proposed overpass. Commissioner Coyle indicated that he was unaware of such a refusal which could imply that a majority of the BCC had provided direction to the County Manager. He said

that while he had not been asked that question, he would inquire of the County Manager immediately.

.....**ITEM 4**
PRESENTATION BY SOUTHWEST FLORIDA WATER MANAGEMENT
REPRESENTATIVES ON \$1 MILLION FUNDED STUDY FOR NAPLES BAY

City Manager Lee advised that this item had been inadvertently placed on the workshop agenda and that it would be heard on Wednesday, November 19.

.....**ITEM 5**
DISCUSSION REGARDING THE LEAGUE OF WOMEN VOTERS REQUEST TO RE-
BROADCAST THE NAPLES CITY COUNTY CANDIDATE FORUM

City Manager Lee advised that the League of Women Voters had requested that their City Candidate Forum be broadcast live and rebroadcast on the City's TV channel until election day, February 3, 2004. He noted that two years before the request to re-broadcast the Candidate Forum had however denied.

Mayor MacKenzie said she had no objection, the League of Women Voters being a respected organization. However, she said, legal counsel had previously advised against non-City sponsored programs being broadcast on the City's government access channel so as to avoid its being regarded as a public access channel. She therefore suggested that the forum be a City co-sponsored event. She also asked how this situation was avoided by Collier County in its broadcasted political forums.

Council Member Herms suggested that the City Attorney provide an opinion in this regard. While concurring with this suggestion, Council Member Russell nevertheless said that due to the current schedule it would be difficult to incorporate another group's programming. Mayor MacKenzie said that staff would however have ample time to develop a policy in this regard, but also pointed out that such requests had been made in previous years. Nevertheless, she said she supported use of City Council Chamber by the League, broadcast of the Candidate Forum, and rebroadcast until the election as a service to the voting public.

Council Member Taylor also pointed out that elected officials and their political positions are very important to the community but urged that standards first be established for rebroadcasting events other than City meetings. City Manager Lee said that legal implications and staff recommendations would be presented at the next workshop.

Council Member Taylor asked that the record reflect that in 2002 the rebroadcast of the League's program had been deleted from the schedule without notification and that a standard is clearly necessary. In response to further comment on this issue, Mayor MacKenzie emphasized that the decision to which Miss Taylor referred had been made without her awareness or consent.

Council Member Herms cited his respect for the League of Women Voters and his support for rebroadcast of the League's candidate forum.

INTERVIEWS WITH CANDIDATES FOR BOARDS AND COMMITTEESITEM 6

(9:38 a.m.) Mary Strutz Affordable Housing Commission

(9:46 a.m.) William Haines Naples Airport Authority

(9:59 a.m.) James Lennane Naples Airport Authority

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(10:34 a.m.) Ernest Linneman	Naples Airport Authority
(10:49 a.m.) Bert Warner	Naples Airport Authority
(10:59 a.m.) Richard Dooley	Code Enforcement Board; Planning Advisory Board
(11:12 a.m.) Alexander Pezeshkan	Code Enforcement Board; Planning Advisory Board; Downtown Improvement Redevelopment Committee; Community Redevelopment Agency Advisory Board
(11:22 a.m.) David Miller	Planning Advisory Board
(11:31 a.m.) Debbie Weber	Planning Advisory Board; Downtown Improvement Redevelopment Committee; Community Redevelopment Agency Advisory Board

Recess: 11:39 a.m. – 11:48 a.m. It is noted for the record that the same Council Members were present when the meeting reconvened.

BRIEFING BY CITY MANAGER.....ITEM 9

City Manager Robert Lee made reference to his written report and other relative documents (copies of which are contained in the file for this meeting in the City Clerk's Office). Due to the resignations of two senior employees in the Building Division, he said, coupled with extensive media coverage regarding allegations against those employees involving administrative proceedings, City Manager Lee read from a prepared statement (Attachment 1).

Mayor MacKenzie inquired as to the aforementioned employees' entitlement to pension benefits and City Manager Lee said that this question would be addressed by the General Pension Board. Council Member Taylor inquired as to any involvement in the case by the State Attorney's Office. City Manager Lee confirmed that all documentation had been forwarded to them although there had been no objection to the situation being handled administratively.

Council Member MacIlvaine noted a typographical error on page 6, Water & Sewer Fund section of the City Manager's report; he said that the 2003 interest earned column states an increase by 223%, yet there was a decrease in the actual amount earned. Another item, he continued, is in the City Dock Fund portion of the report showing revenue of 108.5% of the annual budget, but expenditures of 12% over projections. He also requested explanations regarding the decrease in positive cash flow.

Noting that a staff request for \$500,000 in City-wide lighting had in fact not been approved, Mayor MacKenzie cited a budgeted item where \$265,000 of that appropriation had been expended. She therefore requested that this be addressed by ~~Council~~ the City Manager to ensure compliance with ~~its~~ Council direction.

Revised

DISCUSSION REGARDING TOURIST DEVELOPMENT BEACH FUNDING.....ITEM 7

City Manager Robert Lee said that if Council so desires, the City's Beach Renourishment/Maintenance Committee could be reestablished. He cited a report on the matter of TDC funding for beach renourishment prepared by Natural Resources Manager Jon Staiger and Community Services Director David Lykins. (A copy of this report is contained in the file for this meeting in the City Clerk's Office.)

.....**ITEM 8**
PRESENTATION OF RENOVATION RECOMMENDATIONS FOR FIRE TRAINING TOWER LOCATED AT STATION 2

City Manager Lee recommended renovating the existing training tower at Fire Station #2. While other locations were considered, he said, this site was most favorable from the standpoint of the following criteria: cost of renovating versus relocating (\$50,000 as opposed to \$226,000); and political acceptability. Benefit to the firefighter would not be affected regardless of the location chosen, he added.

Regarding political acceptability, City Manager Lee said that building a new fire tower creates negative concern for residents in the proposed locations which had included the Water Plant site and in the City's Riverside Circle campus area. Resident concern in the current location, however had nevertheless been addressed and includes the following agreements:

- restricting training tower usage to City of Naples firefighters;
- restricting hours of tower use, i.e. not after a specific time, to be established; and
- providing the above assurances in writing.

Council Members Russell, MacIlvaine and Herms expressed support for the recommendation, although Mr. Herms inquired as to whether the surrounding neighborhood had been notified so that they could provide input. Mr. Herms further supported the aforementioned guarantees to nearby residents, but also suggested that additional adjustments be made, if needed, to accommodate them.

Mayor MacKenzie noted a letter from a resident on Tenth Street North (a copy of which is contained in the file for this meeting in the City Clerk's Office); this resident had requested a firm commitment by the City as to allowed usage should the tower be allowed to remain. Mayor MacKenzie said that while renovations to Fire Station #2 are long overdue, nearby residents had been promised, for many years, that the training tower would be relocated. She said she could not support the current proposal and maintained that a new location should be found that does not engender neighborhood concerns.

City Manager Lee assured Council that the residents had expressed comfort with the restrictions outlined relative to the Fire Station #2 site and that he had confirmed this via conversations with neighbors, including the aforementioned letter writer.

Noting that the entire community benefits when firefighters are allowed to train in a convenient location, Council Member Russell pointed out that the suggested site near the Water Plant may have also been feasible, though costly. Renovation of the tower at Station #2 is the most financially feasible and neighborhood sensitive plan, he said. Mayor MacKenzie said that she in fact did agree that the recommendation to renovate is the most financially feasible because grant funding had not been sought.

Council Member MacIlvaine said that the staff recommendation appears to be the only practical solution and that he is encouraged by City Manager Lee's assurances regarding the neighborhood. However, he suggested that neighborhood comments be included in the

documentation. While grant funding would be appropriate, he added, this should have been sought sooner.

Mayor MacKenzie indicated that there had been a 6-1 consensus to proceed with staff recommendations with hers being the dissenting view.

REVIEW OF ITEMS ON 11/19/03 REGULAR MEETING AGENDA.....ITEM 10

To be added: Item 19 (urban design study) Mayor MacKenzie indicated that the Planning Advisory Board (PAB) was requesting this item. **Item 7f** (vacuum truck vehicle) Council Member Herms requested a cost breakdown regarding purchase versus rental and requested removal from Consent Agenda for separate discussion and vote. **Item 7g** (Carole R. Stine claim) Mayor MacKenzie requested clarification of the risk management policy and methodology by which these types of requests come before Council. **Item 11** (departmental structure) Mayor MacKenzie identified grammar and title corrections. **Item 14** (squirrel monkey protection) Mayor MacKenzie noted that clerical errors would be corrected on the draft ordinance. **Item 17** (TDC policy) Vice Mayor Galleberg requested clarification of Council's intent.

CORRESPONDENCE/COMMUNICATION

Earlier in the meeting City Manager Lee requested Council approval for City Attorney Pritt to file the necessary documentation regarding zoning in relation to the Naples Airport Authority (NAA) litigation. City Attorney Pritt had advised that the NAA attorney had requested assistance in regard to pending litigation before the US Court of Appeals in the form of a brief that would explain the relationship between the City's zoning codes and the litigation at issue. City Council, by consensus, directed the City Attorney to proceed with the requested assistance to the NAA.

City Attorney Pritt had also advised that an executive session was needed on Wednesday, the 19th, involving labor negotiations, although a formal request to place this item on the agenda was not required in this instance.

Council Member Wiseman pointed out that she had obtained an ordinance which provided for the protection of street trees which formed a canopy. After a brief discussion, there was consensus for the City Manager and the City Attorney to draft such an ordinance and to compile a preliminary list of qualifying roads to be presented on December 17.

Council Member Herms inquired as to plans for addressing additional tree planting in the City.

After a brief discussion, there was consensus for Vice Mayor Galleberg to meet with residents regarding beach renourishment. It was also determined that the City Attorney would advise on the legal constraints and ramifications of broadcasting this meeting on the City's TV channel. It was also requested that the meeting be video recorded, both for presentation to the Board of County Commissioners, and to be placed in the public record.

Vice Mayor Galleberg requested clarification of revisions to the Planned Development (PD) for Naples Sailing and Yacht Club as well as requirements applicable for a revised PD. Council Member Herms requested that the City Attorney and staff present recommendations regarding this issue, and Council Member MacIlvaine requested proposed elevations as well as a legal opinion on the matter.

Council Member Russell requested an update on all park-related issues and information on funding sources therefor; he also requested a review of plans for a median running parallel with Gordon Drive, between 18th and 21st Avenues South and requests for a linear park at that same location. He also inquired as to the schedule for Andres Duany's visit regarding a progress review for the Fifth Avenue South Special Overlay District.

Council Member Taylor acknowledged receipt of letters regarding boat speeds on Naples Bay and inquired as to the schedule for placing items on the agenda for discussion.

Mayor MacKenzie inquired as to the schedule of the Municipal Code re-codification project. She also requested clarification on the contractor responsible for sidewalk repair at the Lions Gate Condominium.

Council Member Taylor requested the Community Redevelopment Agency Advisory Board (CRAAB) and Downtown Improvement Redevelopment Committee (DIRC) applicant list.

PUBLIC COMMENT.....
(12:55 p.m.) **Henry Kennedy, 2178 Tarpon Road**, suggested that the City notify those citizens who had opposed the PD for the Naples Sailing and Yacht Club of the current request, as well as those residents adjacent to it. Mayor MacKenzie and Vice Mayor Galleberg indicated that determinations however first must be made regarding whether the request reflects a significant change to the existing PD. Council Member Herms concurred, citing the level of opposition which had occurred regarding the project in the past.

Council Member MacIlvaine however noted that the Council is merely reviewing an administrative question and that once a determination has been made, proper notice would be provided to the public. Council Member Russell said that even though there had been concern expressed regarding the proposed structure, he would support reviewing the issue to ensure that it meets the criteria calling for Council approval. Council Member Taylor said that the people who spoke and wrote letters about this issue should be notified of the upcoming discussion.

Vice Mayor Galleberg indicated that he was attempting to determine whether Council wishes to address the idea of substantial change regarding the PD, and that if this request is determined substantial, the PD would be required to undergo the entire process again; if not, it would be administratively handled, he added. Council Member Herms said the public should be involved regarding the determination of substantial change. ~~and he contended that Vice Mayor Galleberg had raised this issue in light of the upcoming mayoral race.~~

Revision

Mayor MacKenzie indicated the decision to invite the public would be the City Manager's responsibility.

ADJOURN
1:07 p.m.

Bonnie R. MacKenzie, Mayor

Tara A. Norman, City Clerk

Minutes prepared by:

Pamela M. Koepke, Recording Specialist

Minutes Approved: 1/7/04