



City Council Chamber  
735 Eighth Street South  
Naples, Florida 34102

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**City Council Workshop Meeting – February 17, 2004 - 8:32 a.m.**

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Mayor Barnett called the meeting to order and presided.

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**ROLL CALL .....ITEM 1**

**Present:**

Bill Barnett, Mayor

**Council Members:**

William MacIlvaine

Johnny Nocera

Clark Russell

John Sorey

Penny Taylor

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**Also Present:**

Robert Lee, City Manager

Robert Pritt, City Attorney

Jon Staiger, Natural Resources Manager

David Lykins, Community Services Director

Denise Perez, Human Resources Director

Pamela Koepke, Recording Specialist

Karen Kateley, Administrative Specialist

Cheryl Boutot, Network Specialist

Henry Kennedy

Joe Biasella

Other interested citizens and visitors

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**SET AGENDA.....ITEM 2**

No changes. City Manager Robert Lee requested an executive session regarding labor relations to immediately follow this meeting.

**MOTION by Sorey to SET AGENDA AND CONDUCT AN EXECUTIVE SESSION REGARDING LABOR RELATIONS IMMEDIATELY FOLLOWING THE WORKSHOP MEETING; seconded by MacIlvaine and unanimously carried, all members present and voting (MacIlvaine-yes, Nocera-yes, Russell-yes, Sorey-yes, Taylor-yes, Barnett-yes).**

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

Commissioner Fred Coyle offered his congratulations to the newly elected officials. He then reported on a request from resident Helen Taylor regarding sidewalk problems on Third Avenue South at Third Street South. City Manager Lee said he would look into the matter.

Noting a request for the County to coordinate its Davis Triangle redevelopment plans with the City, Mr. Coyle explained that the Davis Triangle falls under the purview of the County Community Redevelopment Agency Advisory Board, which is hiring a director and a design consultant in preparation for establishment of an overlay. Public meetings will be conducted to address the many issues involved in this process, he said.

Mr. Coyle then reported that the County had recently purchased the 50-acre Fleischmann property north of the intersection of Goodlette-Frank Road and Golden Gate Parkway, a portion of which will accommodate a right-turn lane westbound onto Goodlette north of the First National Bank Center. A stormwater retention pond for filtering impurities prior to water flowing into Naples Bay will also be placed on the site. Although the County had requested City participation in the purchase, no response had been received to date. (Later in the meeting Commissioner Coyle reiterated this request and reported that the Board of County Commissioners (BCC) hopes that the Conservation Collier Committee will purchase the remainder of the property, which contains valuable wetlands and other environmental value).

Commissioner Coyle also said that the County is in the design process to widen Goodlette-Frank Road north of Golden Gate Parkway, adding two traffic lanes and reducing median widths; nevertheless, he said, there is concern that narrowing medians could present problems for left turns onto Goodlette from side streets. Mr. Coyle advised he is however meeting with various homeowner associations to discuss these concerns in areas where traffic lights are not feasible. Any input from the City would be appreciated, he said.

Regarding the proposed overpass at Golden Gate Parkway and Airport Road, Mr. Coyle said that there are sufficient votes on the BCC to move forward and that a contract award is scheduled for April. He also expressed the belief that traffic patterns in Collier County are being changed dramatically with amendment of land development codes and that there are nevertheless ways to optimize the Golden Gate Parkway/Airport Road intersection without an overpass. He said that he continues to hope the BCC will eventually delay action on the overpass. (Later in the discussion Mr. Coyle amplified on this issue by citing improvements to the County's road network, in particular Livingston Road, and efforts to encourage development in more rural areas away from the coast.)

Regarding beach renourishment, Mr. Coyle pointed out that although the tourist tax referendum had cited beach renourishment/maintenance and tourist promotion, the enabling ordinance was much broader. Therefore, he predicted that efforts to divert these revenues would continue and intensify during upcoming BCC elections, although he said he does not approve. Mr. Coyle further said that parking rather than beach access is the real issue, but rather than acquiring land for coastal parking lots, a shuttle service could transport beachgoers from less expensive parking farther inland.

The Haldeman Creek restoration and dredging project is ongoing, Mr. Coyle said. He also reiterated the County's hope that the City would participate in funding to dredge Naples Bay within the city limits.

Commissioner Coyle then confirmed that discussion regarding joint County and Naples Airport Authority (NAA) operations continues and he stressed the necessity for the City's involvement. While there is no intent to dilute City control, he added, the BCC has no interest in funding airports that do not plan to become self-sufficient. However, the County is addressing this with economic development initiatives in Immokalee and performing improvements to the Marco Island airport. There have also been discussions regarding transferring the Everglades City airport back to the City of Everglades.

Commissioner Coyle then noted that City and County staffs continue to meet regarding building heights and annexations, particularly at entrances to the City. Mr. Coyle also noted that the City's annexation of the area occupied by the new Ruffina development could have a major impact on the County CRA's ability to improve the Davis Triangle and stressed the need for equity in this regard.

In conclusion, Commissioner Coyle reported that the BCC had recently dedicated 100,000 acres east of CR 951 (Collier Blvd.) for preservation due to its environmental value.

In response to Council Member Sorey, Mr. Coyle noted that the County is anticipating participation from the City in such stormwater projects as the aforementioned retention pond on the Fleischmann property which, he said, benefits the City by accepting runoff and the County as a whole by improving the water quality in Naples Bay. Mr. Coyle said there are also plans to attempt to store runoff underground, as well as to convert the stored water for irrigation purposes; the County has also purchased land near the Davis Triangle for further stormwater retention. However, no funding sources had as yet been identified to implement the County's overall plan. Mr. Sorey therefore asked the City Manager to arrange a County presentation regarding its plans for stormwater storage and filtering.

Council Member MacIlvaine inquired as to plans or possible funding from the South Florida Water Management District (SFWMD), as well as for mapping stormwater runoff flow paths. Commissioner Coyle advised the Big Cypress Basin had in fact committed to purchase land for stormwater retention ponds and to study the water flow paths. Council Member MacIlvaine also expressed his support for diverting development farther east in the County.

In response to Council Member Taylor, Commissioner Coyle predicted that beach access acquisition would win over beach renourishment in any referendum, resulting in even further competition among expanded access points for maintenance funding. Mr. Coyle added that a Revenue Commission had been appointed to identify funding sources for such things as beach access but also pointed out that requests are many and funds are limited.

Regarding the Ruffina annexation, Commissioner Coyle suggested that if the City annexes Ruffina, funds nevertheless stay within the County CRA to be utilized for City entrance improvements. Although Miss Taylor urged City/County cooperation on other issues, such as building heights, Commissioner Coyle cautioned against the appearance of imposing City standards on County residents.

Council Member Russell expressed the view that while an urban corridor study currently underway for the Davis Triangle would produce a desired vision, it was not intended as an imposition. Mr. Russell also pointed out that the Revenue Commission's recommendations would involve beach access funding sources incorporated with the parks and recreation operations. Furthermore, Mr. Russell said, he supports continued efforts for the rural village concept, as well as the development of a variety of recreational and destination centers in the County, which could alleviate pressures on the beaches. He asked whether the BCC would delay the Golden Gate Parkway/Airport Road overpass until the Metropolitan Planning Organization's (MPO) long-range plan is updated and new data incorporated into the models. Commissioner

Coyle said that he does not perceive any inclination on the BCC for further delays, County constituents being quite vocal in their desire for the overpass.

In response to further questioning by Council Member Russell, Commissioner Coyle advised that he was unaware of any City participation in the aforementioned Goodlette-Frank Road improvements. Mr. Russell expressed his support for City representatives being involved in the process. Council Member Russell then inquired as to possible plans to develop lands on the west side of the Gordon River. Commissioner Coyle said that an objective is to preserve a common area and possibly add connecting bike/walking paths for public access to the natural areas.

In dialog with Council Member Nocera, Commissioner Coyle advised that the Fleischmann site would be large enough to accommodate planned stormwater retention and also possibly a passive recreational park and pathways through the natural areas. Mr. Nocera expressed support for continued cooperative efforts and stressed the importance of restoring Naples Bay. He also suggested a possible tax devoted to Naples Bay clean-up, but Commissioner Coyle said he would prefer first prioritizing and spending available money wisely.

Mr. Coyle then amplified on the County's transfer to the State of acreage in southern Golden Gate Estates which would restore natural stormwater flows and eliminate unneeded roads and canals in exchange for \$20 million committed to stormwater issues. Mr. Nocera then inquired as to whether a small creek south of the Ruffina property could be used for stormwater runoff, and Mr. Coyle explained that dredging would be required before use for this purpose.

In response to further questioning by Council Member Nocera, Commissioner Coyle advised that future litigation was possible regarding the County's dispute over the validity of new Federal Emergency Management Agency (FEMA) guidelines. Mr. Coyle characterized FEMA's efforts as inappropriate social engineering to discourage coastal development. Mayor Barnett said the City would assist and support the County in its efforts and Council Member Taylor suggested jointly engaging a public relations firm to inform and garner support. Mr. Coyle advised that the County has a public relations staff member and suggested the staffs discuss this further.

In further discussion, Mayor Barnett stressed the importance of improved City/County cooperation, particularly pertaining to the Ruffina annexation. Commissioner Coyle agreed and said he believes that while the annexation would benefit the City, CRA funding and other County investments in that area, such as sewer and water improvements, are of concern. Council Member Sorey suggested periodic joint meetings to discuss all of the various issues facing both the City and County. Commissioner Coyle agreed.

Council Member Taylor commended the Collier County Transportation Department and Director Norm Feder not only for hiring a consultant that the City suggested, but for prompt response to the City's concerns, despite disagreement regarding the proposed Golden Gate Parkway/Airport road overpass. Commissioner Coyle said that while the County remains fixed on its decision, alternatives have been explored; nevertheless, each of the consultants have concluded that the overpass is needed.

City Manager Lee suggested an appointed Member, or possibly himself, attend County Commission meetings and provide updates on City activities. He also advised that the City Attorney, the Community Development Director and he had met with County staff regarding the Ruffina annexation and that the main issue of concern is loss of revenue. The only result of the annexation, he noted, is that the City would then be responsible for services while receiving just one-tenth of the total tax revenue derived from the property. Nevertheless City Manager Lee assured Council that discussions would continue.

City Manager Lee also said that he was unaware of any formal request for City participation in the Fleischmann property purchase, but pointed out that the City assesses a \$4 per unit storm water fee, which the County, too, might consider as a potential revenue source. Regarding the County's study of the US 41 East corridor, City Manager Lee said he would provide information to Council at the next regular meeting.

In further comment on City/County issues, City Manager Lee advised that the FEMA guidelines go into effect in April and that gasoline tax revenue decreases could create an issue for the City. However, he advised that while, pursuant to an interlocal agreement, the \$200,000 impact fee allocation to the City had not changed even though impact fees derived from the City had doubled. He therefore suggested an increase in the City's impact fee allocation to offset loss of gasoline tax revenues.

City Manager Lee confirmed the next scheduled joint County/City meeting is April 6 in the County Commission Chamber.

.....**ITEM 4**  
**CITY ATTORNEY TO REQUEST ATTORNEY/CLIENT SESSION RELATING TO LITIGATION AS FOLLOWS:**

**CITY OF NAPLES VS. UNITED CONTRACTORS & ENGINEERING CORP., AND CUMBERLAND CASUALTY & SURETY COMPANY; CASE NO. 02-3484-CA-TB, FILED IN THE CIRCUIT COURT OF COLLIER COUNTY.**

City Attorney Robert Pritt read the request for an executive session into the record. He advised the executive session was already on the agenda so that a motion would therefore not be necessary.

**BRIEFING BY CITY MANAGER.....ITEM 5**

City Manager Robert Lee provided his written report (a copy of which, along with other pertinent documents, are contained in the file for this meeting in the City Clerk's Office). The following topics were included: Crash Report & Traffic Enforcement Measures for 2003; City Council Orientation and Goal Setting Workshop; (Planning Consultant) Andres Duany Visit; City/County Joint Meeting Schedule; January 2004 Police Statistics; January 2004 Financial Report; Investment Report for 2003; Comprehensive Plan Evaluation and Appraisal Report (EAR); Gasoline Tax Allocation; Building Official Recruitment; Juvenile Justice Initiatives; Funding for the Florida Metropolitan Planning Organization Advisory Council (MPOAC); and response to inquiry from Council Member Taylor.

Mayor Barnett advised that at the next workshop meeting Council would discuss City Attorney Pritt's memorandum containing suggestions for streamlining Council meetings, priority lists from individual Council Members, and on-going and anticipated projects in the City. (It is noted

for the record that a copy of City Attorney Pritt’s memorandum is contained in the file for this meeting in the City Clerk’s Office.) City Manager Lee advised that staff would be prepared to update Council on all City services and pending issues; City Manager Lee further advised that staff would be expecting direction from Council for specific goals.

City Manager Lee then mentioned that Martin Conant from Saratoga Springs, New York, had been appointed as Building Official and is expected to report on March 1. Mr. Conant has been a member of the International Code Council for over twenty years and is also a former Building Official, has studied architectural engineering and public administration, as well as holding numerous professional certifications, he said. City Manager Lee commended the Police and Emergency Services (PESD) Chief Steven Moore for his efforts towards the new Juvenile Civil Citation Program and Neighborhood Accountability Boards (NAB), which would address non-violent, first time juvenile offenders and provide diversionary strategies and follow-up. The anticipated results of these programs are to prevent first time offenders from having a criminal record by performing certain community service tasks. City Manager Lee advised that an additional memorandum was distributed (a copy of which is contained in the file for this meeting in the City Clerk’s Office) regarding Tourist Development Council (TDC) grant applications and deadlines.

Mayor Barnett said that Council would be asked to appoint a Member to the Tourist Development Council (TDC) immediately as well as to other board vacancies in the near future, a list of vacancies having been provided by City Clerk Tara Norman (a copy of which is contained in the file for this meeting in the City Clerk’s Office). Mayor Barnett said that Council Members should indicate their preferences and that he would serve on any boards left without a City representative.

**REVIEW OF ITEMS ON 02-18-04 REGULAR MEETING AGENDA .....ITEM 6**

**Withdrawn items:** **Item 7-h** (Kimley-Horn contract) City Manager Lee requested this item be withdrawn. **Item 8** (03-CU8-445 Galleon Drive) City Manager Lee advised that this item had been withdrawn by the petitioner. **Item 13** (Swearing in of City Council Member) **Item 14** (Election of Vice Mayor) and **Item 15** (Swearing in of Vice Mayor) Mayor Barnett advised these items would be continued to the next regular meeting. **No items added.** **Item 7-b** (sidewalk policy) Council Member Taylor requested identification of planned projects. **Item 7-f** (Wastewater Treatment Plant Operation Permit) Council Member Taylor inquired as to more stringent requirements anticipated from the State. **Item 7-i** (Minutes) Council Member Taylor requested clarification on statements by Engineer Todd Turrell regarding dredged materials on Page 5 of the Regular Meeting of January 21, and asked “donators” be changed to “contributors” on Page 3 of January 20 Workshop minutes. She also asked that the spelling of Sharon Patti’s name be corrected on Page 5 of the January 20 Workshop. **Item 10** (Second Reading-Rezone Petition 03-R8) Council Member Taylor requested identification of the types of businesses in the building.

**PUBLIC COMMENT.....**

None.

**CORRESPONDENCE/COMMUNICATION .....**

Council Member MacIlvaine advised that the pension boards had been informed of future deficits extending into the coming year and that funding sources were being investigated by the

City Manager. Mayor Barnett requested that Council Member MacIlvaine provide an overview of the pension situation at the next workshop.

Council Member MacIlvaine further advised that City Attorney Pritt had received an Attorney General's opinion regarding dual office holding (a copy of which is contained in the file for this meeting in the City Clerk's Office) and suggested an evaluation regarding board memberships.

Council Member Taylor asked that the City Attorney address how City employees serving on the General Pension Board could act on retaining an attorney whose opinion conflicts with the City Council's attorney and serve on a board which provides employees benefits. Council Member MacIlvaine said that he understood that State law dictates how the pension board is to be structured. Although Council Member Nocera said that the applicable attorney fees are derived from the employees' money, Council Member Taylor disagreed saying the money ultimately comes from the taxpayers. She requested an update on the pension fund issue.

Council Member Russell reported that the Revenue Commission has completed its recommendations that will be presented to the Board of County Commissioners (BCC) in the near future. Contained therein are potential implications to the City regarding revenue streams, and results would depend on which recommendations the BCC implements. He therefore requested that staff obtain copies of the final recommendations for distribution. Council Member Russell further inquired as to the status of the Comprehensive Plan amendment regarding the overpass.

**ADJOURN**.....  
10:09 a.m.

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Bill Barnett, Mayor

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Tara A. Norman, City Clerk

Minutes prepared by:

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Pamela M. Koepke, Recording Specialist

Minutes Approved: 3/4/04