



City Council Chamber
735 Eighth Street South
Naples, Florida 34102

City Council Workshop Meeting – January 18, 2005 - 8:30 a.m.

Mayor Barnett called the meeting to order and presided.

ROLL CALL ITEM 1

Present:

Bill Barnett, Mayor
Tamela Wiseman, Vice Mayor – arrived 8:33 a.m.

Council Members:

William MacIlvaine
Johnny Nocera
Clark Russell
John Sorey, III
Penny Taylor - arrived 8:33 a.m.

Also Present:

Robert Lee, City Manager
Robert Pritt, City Attorney
Jessica Rosenberg, Deputy City Clerk
Robin Singer, Community Development Director
Ann Marie Ricardi, Finance Director
Ron Wallace, Construction Management Director
David Lykins, Community Services Director
Victor Morales, Asst. to the City Manager
Pamela M. Koepke, Recording Specialist
Karen Kateley, Administrative Specialist
Collier County Commissioner Fred Coyle
William Cannon
Al Kriss
Jon Staiger
Richard Klass
Peter McLaughlin
Joseph Karaganis
Richard Carter
Linda Hammer
Alan Ryker
Thomas Lance
Kevin Shane
Peter Thomas
Gregg Patberg
Rose Gordon
Amy Kalmans

Kim Kelley
Susan Shea
Alan Wright
Rich Housh
Jack Nostrom
Thomas Gordon
Robert Wheeler
Carol Potter
William Buol
Douglas Newman
Stephen Briggs
George Dondanville
James Lennane
Dottie Craig
Erika Kelly-Hinson
Toni Tuttle
Amy Rego
James Seidel
Jeffrey Soffer
Doug Finlay
Frank Garbarino
Rick Zyvoloski

Media:

Tim Reidel NBC2
Ilene Stackel, Naples Daily News

Other interested citizens and visitors.

SET AGENDA.....ITEM 2

No changes.

PUBLIC COMMENT.....ITEM 3

None.

DISCUSSION WITH COLLIER COUNTY COMMISSIONER FRED COYLEITEM 4

Collier County Commission Chairman Fred Coyle advised of a cost-saving program under consideration whereby all independent governmental entities could share in acquisition of such items as fleet purchases. He asked that the City participate in the program and indicated that a written request would be forthcoming. Later in the meeting, Mayor Barnett suggested that City Manager Robert Lee be assigned as the City's representative.

Commission Chairman Coyle advised of recent meetings with Seagate residents regarding the proposed parking garage adjacent to their neighborhood. He stressed that the issue is not being fast-tracked and inquired as to Council's position on the matter. It was noted that County Manager Jim Mudd had been provided with a memorandum from the City's legal counsel to the effect that the parking lot being proposed for the garage is under the County's jurisdiction. Regarding the proposed Pelican Bay annexation, Mayor Barnett said that in all likelihood, the referendum would occur during the February 2006 General Election.

**.....ITEM 11
REQUEST TO HOLD EXECUTIVE SESSION RE: ALLEN WALBURN v. CITY OF NAPLES, CIRCUIT CASE 04-1310-CA**

City Attorney Robert Pritt made the following request: Pursuant to Section 286.011(8)(a), Florida Statutes, Council was being asked to conduct an executive or closed (attorney/client) session at 9:30 a.m. during the Regular Meeting of February 2, 2005, to discuss settlement negotiations and strategy related to litigation expenditures in reference to Allen Walburn v. City of Naples, Circuit Court Case 04-1310-CA. The following persons will be present for the executive session: Mayor Bill Barnett; Vice Mayor Tamela Wiseman; Council Members, Clark Russell, Penny Taylor, Johnny Nocera, John Sorey III, and William MacIlvaine; City Manager Robert E. Lee; City Attorney Robert D. Pritt; Attorney Clay Crevasse of Roetzel & Andress; and Pam Arsenault of AAF Reporting or other certified court reporter. Estimated duration of the attorney/client session is 15 minutes.

**.....ITEM 12
REQUEST TO HOLD EXECUTIVE SESSION RE: A&B CHARTERS, INC. BRYON C. THOMAS, AND JEFFREY PLAYER v. CITY OF NAPLES, CIRCUIT COURT CASE 04-2386-CA.**

City Attorney Robert Pritt made the following request: Pursuant to Section 286.011(8)(a), Florida Statutes, City Council was being asked to conduct an executive or closed (attorney/client) session at 9:45 a.m. during the Regular Meeting of February 2, 2005, to discuss settlement negotiations and strategy related to litigation expenditures in reference to A&B Charters, Inc., Bryon C. Thomas, and Jeffrey Player v. City of Naples, Circuit Court Case 04-2386-CA. The following persons will be present for the executive session: Mayor Bill Barnett; Vice Mayor Tamela Wiseman; Council Members Clark Russell, Penny Taylor, Johnny Nocera, John Sorey III, and William MacIlvaine; City Manager Robert E. Lee; City Attorney Robert D. Pritt; Attorney Clay Crevasse of Roetzel & Andress; and Pam Arsenault of AAF Reporting or other certified court reporter. Estimated duration of the attorney/client session is 15 minutes.

.....**ITEM 13**
REQUEST TO HOLD EXECUTIVE SESSION RE: COLLIER COUNTY v. DEPARTMENT OF COMMUNITY AFFAIRS AND THE CITY OF NAPLES, DOAH CASE NO. 04-1048GM.

City Attorney Robert Pritt made the following request: Pursuant to Section 286.011(8)(a), Florida Statutes, City Council was being asked to conduct an executive or closed (attorney/client) session at 11:30 a.m. during the Regular Meeting of January 19, 2005, to discuss settlement negotiations and strategy related to litigation expenditures in reference to Collier County v. Department of Community Affairs and the City of Naples, DOAH Case No. 04-1048GM. The following persons will be present for the executive session: Mayor Bill Barnett; Vice Mayor Tamela Wiseman; Council Members Clark Russell, Penny Taylor, Johnny Nocera, John Sorey III, and William MacIlvaine; City Manager Robert E. Lee; City Attorney Robert D. Pritt; Attorney Robert Menzies of Roetzel & Andress; and Pam Arsenault of AAF Reporting or other certified court reporter. Estimated duration of the attorney/client session is 15 minutes.

.....**ITEM 14**
REQUEST TO HOLD EXECUTIVE SESSION RE: CITY OF NAPLES v. UNITED CONTRACTORS & ENGINEERING CORP., AND CUMBERLAND CASUALTY & SURETY COMPANY, CIRCUIT COURT CASE 02-3484-CA-TB.

City Attorney Robert Pritt advised that this executive session was deemed unnecessary due to the defendant entering into a receivership agreement with the State, precluding litigation at the present time.

BRIEFING BY CITY MANAGER.....ITEM 15

City Manager Robert Lee submitted his written report (a copy of which is contained in the file for this meeting in the City Clerk's Office), noting the annual administrative financial report had been included.

In a brief review of the financial report, it was noted that there is a projected surplus of 11.6% with an emergency reserve of 10% (or a total of 21.6%) which is approaching the 25% recommended by the City Manager in conjunction with the budget approval process. Although Council Member Taylor asserted that taxes had been raised due to an anticipated deficit, although there was currently a surplus. City Manager Lee explained that taxes were not raised due to a deficit, but he said that he recommended maintenance of a 25% total surplus. He further explained that the purpose of the ad valorem increase was to balance the budget. However, surpluses are not generally recommended for use in balancing a budget unless it exceeds the customary 25%. Currently, City Manager Lee said, the City has not met the 25% threshold and he recommended against utilizing surplus funds at that time. Council Member MacIlvaine characterized this as responsible financial management.

Regarding Special Revenue Funds, Council Member Taylor ascertained from Finance Director Ann Marie Ricardi that the Community Redevelopment Agency (CRA) encumbrances included not only the Fifth Avenue South parking garage but streetscape projects on Tenth Street South. Miss Taylor, therefore, requested an update on the balance owed for the parking garage. Director Ricardi pointed out that the parking garage debt had been refinanced in March of 2003. Council Member Sorey also noted that the parking garage indebtedness is bonded and not recurring. City Manager Lee said that nearly \$2 million in revenue had been generated for application to that debt. Council Member MacIlvaine said that he wished to clarify for the public

that the funds being discussed are not generated from property taxes, but rather from Tax Increment Financing (TIF/redevelopment district).

In response to Council Member Taylor, City Manager Lee explained that approximately \$75,000 is available to improve, maintain and add sidewalks.

Council Member Sorey commended the increase in reserves and surplus funds, saying that previously they had been maintained at too low a level.

Regarding the proposed workshop schedule included in the City Manager's Report, Council Member Sorey requested that the following items be added:

- hurricane preparedness
- electrical undergrounding
- Naples Bay restoration
- City Dock and Clean Marina Certification
- City lakes and basin improvements
- Landscaping best practices

INTERVIEWS WITH VARIOUS BOARD AND COMMITTEE APPLICANTSITEM 5

Deputy City Clerk Jessica Rosenberg explained that applicant interviews for the Citizens' Police Review Board were being continued to the following month due to later term expirations.

9:00 a.m.	William Cannon	East Naples Bay Special Taxing District
9:07 a.m.	Al Kriss	East Naples Bay Special Taxing District
9:11 a.m.	Jon Staiger	East Naples Bay Special Taxing District
9:17 a.m.	Peter McLaughlin	Planning Advisory Board
9:20 a.m.	Richard Klaas	Planning Advisory Board

Deputy Clerk Rosenberg then announced that applicant Bonnie Heidel had withdrawn.

SIDEWALK POLICY AND 5-YEAR PLAN.....ITEM 6

Mayor Barnett stressed that City Council would not be taking action on this item during this session or the regular meeting the following Wednesday. He stressed that the presentation would merely allow Council to discuss future sidewalk construction in the City but that Council would defer action until the following winter season, when the majority of residents will have returned to the area.

City Manager Lee announced that, rather than identifying specific locations where sidewalks are proposed, the presentation would instead identify criteria and a process that will enable staff to create a sidewalk plan for Council consideration.

Construction Management Director Ron Wallace presented an overview (a copy of which is contained in the file for this meeting in the City Clerk's Office). Director Wallace noted that Objective 7 of the Comprehensive Plan states that the City will improve and install segments of the sidewalk/bike path system on an annual basis as part of the City's five-year Capital Improvement Program (CIP) consistent with the Sidewalk Master Plan and the Comprehensive Development Code. There is a requirement for construction of sidewalks in all districts except for single-family residential, he added. He said, however, that no Master Sidewalk Plan exists and there are no streets designated for sidewalk construction in the CIP. Also, missing links of sidewalks occur in older neighborhoods when new construction requiring sidewalks is

interspersed. This is coupled with opposition from certain property owners, thus preventing completion of even the collector road sidewalk network. Another factor affecting this program is the unanticipated recent reduction in gas tax revenue, he added.

Director Wallace presented a mapped inventory of existing sidewalks (Attachment 1, Pages 1-3), noting that there are many missing links. He quoted the following Florida Department of Transportation (FDOT) definition of collector road adopted in the City's Comprehensive Plan:

“...a route providing service which is of relatively moderate average traffic volume, moderately average trip length, and moderately average operating speed. These routes also collect and distribute traffic between local roads or arterial roads and serve as a linkage between land access and mobility needs.”

Mr. Wallace then recommended the following: 1) complete the missing links in locations where there is high pedestrian travel based on priority and available funding; 2) expand the existing sidewalk system based upon need, requests, and neighborhood support; and 3) budget specific projects as support is determined.

To accomplish the recommendations presented, Construction Management Director Wallace offered priorities and associated criteria (Attachment 2, Pages 1-2). There are other challenges to the plan, he said, such as Gulf Shore Boulevard South, where a missing link exists from Fifth to 12th Avenue South; this area is designated as having a high level of use, but the neighborhood opposes sidewalk installation. However, with the manner in which the sidewalk program is proposed at this juncture, missing links will not require property owner support. Director Wallace also noted that, conversely, completion of the collector system would be considered new installation in areas where sidewalks currently do not exist and would require neighborhood support of 50%-plus-one with property owner notification requirements identical to small and large scale missing link installations. Director Wallace said that currently neighborhood notification includes the proposed layout, and this practice will be continued. However, 70% property owner support would be required where neighborhoods propose sidewalks that are outside the collector system.

Mr. Wallace then presented a proposed schedule for adoption of the Sidewalk Master Plan, anticipating final Council consideration in May. This schedule calls for presentation of the program to the Community Services Advisory Board (CSAB) and Planning Advisory Board (PAB) prior to developing a list of specific projects with estimated costs and timelines. He also provided photographs of current sidewalk projects. Director Wallace then commented on a current ditch enclosure and pathway construction project planned by FDOT, which he described as an aggressive, multi-module transportation program, and predicted that the City might be eligible for funding for the entire sidewalk program through grants available from both the Metropolitan Planning Organization (MPO) and FDOT.

Concurring that a lack of formal guidelines had inhibited meaningful improvements, Council Member Russell asked whether an area north of the Port Royal Club on Gordon Drive should not be designated as other than a sidewalk because it could also be seen as a bicycle path. (Attachment 1, Page 1). Mr. Wallace confirmed that there is a section of the roadway that contains a bicycle path, and another section that is utilized for parking. There is in fact some

question as to whether this should be designated as parking, he said, noting that there also is a designated bicycle path on the opposite side of the roadway.

Director Wallace also pointed out that, unlike sidewalks, creating bicycle paths in most cases requires road widening and the attendant impact upon adjacent properties. Estimated cost for a bicycle path or sidewalk on Gordon Drive south from Kingstown Road southward is estimated at \$1 million and a neighborhood survey revealed overwhelming opposition.

Council Member Russell pointed out that despite the opposition to sidewalks in Olde Naples, there are already many sidewalks in that area, although they are not linked and are sometimes on opposite sides of the roadway. This, he said, causes him concern when pedestrians are forced to cross a busy roadway several times. City Manager Lee noted that multi-family and mixed used development projects require inclusion of sidewalks, but create missing links when single family residential is adjacent. Council Member Russell recommended tying the sidewalk requirement to land use planning, similar to the Collier County Path and Pathways initiative.

Council Member Taylor disputed the designation of South Gordon Drive as a collector roadway, and Mr. Wallace said that the designation can be changed in the Comprehensive Plan, although it is ultimately defined by use and traffic volume. Gordon Drive is a through street, he said, because it affords access to local streets, but, Miss Taylor, nevertheless, recommended that it be re-designated as a local street, despite significant tourist traffic, since the street dead-ends.

Council Member Sorey however recommended that the Sidewalk Master Plan move forward on parallel tracks so that cost analysis can go forward simultaneously with advisory board review so that Council could consider it by April. Director Wallace, however, said that costs had generally been identified so that the remaining question is whether Council wishes to mandate sidewalk installation or require property owner support. Mr. Sorey recommended aggressive pursuit of federal grant funding to complete the missing links that have been identified.

Vice Mayor Wiseman stressed the necessity to not only clearly identify sidewalk priorities, but levels of neighborhood support. Council Member Nocera, however, stressed the importance of public input, pointing out that some areas should not be considered for sidewalks because of the potential negative impacts upon residents and inquired as to how safety risks can be articulated in order to justify a Council decision to install a sidewalk. Mr. Wallace said that some roadways have a need for sidewalks due not just to traffic but by their use and functions. Director Wallace said that even though there had been opposition to plans for Crayton Road sidewalks, after completion, only appreciation had been heard.

Recess: 10:08 a.m. – 10:18 a.m. It is noted for the record that the same members were present when the meeting reconvened.

Public Comment: (9:19 a.m.) **Alan Wright, 590 East Lake Drive**, offered his support for sidewalks, cautioning that home owner associations may not always represent the majority of their members. **Susan Shea, 88 Broad Avenue South**, said she is opposed to sidewalks, pointing out that a sidewalk on Broad would come within one foot of her neighbor's bathroom and bedroom windows and would actually abut her garage. She requested better enforcement when cyclists fail to adhere to stop signs.. Private surveys, she said, had shown that over 80% of the residents along Gulf Shore Boulevard oppose sidewalks, although she characterized making

the street one-way as appropriate. **Kim Kelley, 600 Portside Drive**, said that as a member of the Community Services Advisory Board she is familiar with this issue and urged Council to consider the safety of children as they visit the parks. She also expressed concern for the lack of a comprehensive map of bicycle and pedestrian pathways and sidewalks, asserting that many bicycle paths are used by pedestrians at a risk to their safety. Mrs. Kelley said that the CSAB therefore urges Council to continue to move forward with a sidewalk master plan and incorporate bicycle paths into a destination-driven plan, connecting missing links and creating a detailed comprehensive plan with maps. **Amy Kalmans, 2100 Crayton Road**, said that her child had been hit by a car while crossing Mooringline Drive and the driver had said that he could not see her child. She said she was requesting Council to move forward with a connected, destination-driven sidewalk system to better serve and protect children and to send a message to motorists that this is a pedestrian-friendly and bicycle-friendly community. **Rose Gordon, 242 Second Avenue South**, said sidewalks are in the best interests of the community and connecting missing links should not require property owner support since missing sidewalks endanger pedestrians. Ms. Gordon said that she believes sidewalks add to the ambiance of the community and increase property values. **Gregg Patberg, 312 Second Street South**, offered a presentation on growth versus safety (a copy of which is contained in the file for this meeting in the City Clerk's Office) and pointed out that extending the current sidewalk from Fifth to the 12th Avenue South would affect only 17 properties compared to the need of approximately 23,000 residents, for safe pathways. Mr. Patberg urged Council to adopt the sidewalk plan and connect the sidewalk system Citywide to avoid the potential death of a pedestrian or cyclist. **Peter Thomas, 2658 Gordon Drive**, read a prepared statement into the record (Attachment 3). **Kevin Shane, 210 Fourth Street South**, said that he supports the comments of both Messrs. Patberg and Wright, and suggested that Council reconsider the proposed 70% neighborhood approval requirement for local streets. **Thomas Lance, 310 Fifth Street South**, said that he had not participated in a survey conducted by the Olde Naples Association and that he was present to read a letter into the record from Mrs. Lois Selfon (Attachment 4). **Alan Ryker, 300 Fifth Street South**, said that, although the Olde Naples Association had distributed 1,140 surveys, he and the other residents of the City had not been included. He cited public safety, traffic reduction and overall health as reasons for constructing sidewalks and also suggested a reduction in the proposed 70% neighbor support requirements for local streets, saying that 50%-plus-one is fair and reasonable; he also recommended elimination of the proposed neighborhood support requirement with reference to missing links on collector roads. Mr. Ryker then listed additional recommendations: elimination of all right-of-way barriers, increased signage to protect pedestrians, and a reduction in speed limits. **Linda Hammer, representing the Port Royal Property Owners Association, 1020 Eighth Avenue South**, conveyed the Board of Directors' strong opposition to the installation of sidewalks in Port Royal and/or along Gordon Drive. **Richard Carter, 550 Neapolitan Way**, expressed disappointment that the policy discussion had delayed installation of sidewalks on Neapolitan Way. He said his neighborhood fully supports sidewalks and urged Council to move forward with the proposed policy. Mr. Carter then provided a petition requesting sidewalks (Attachment 5). **Doug Finlay, 3430 Gulf Shore Boulevard, South**, used a measuring tape to demonstrate the required widths of roadways, sidewalks and bicycle paths. He then said Gulf Shore Boulevard, South at 102 inches, or 8 feet 6 inches in width, does not allow sufficient passing room, as well as simultaneously accommodating pedestrians and cyclists, and tends to convey a false sense of security. Mr. Finlay questioned whether property values are negatively affected by the sidewalk, which had been on Gulf Shore Boulevard north of Fifth Avenue South.

for many years, and said it had not increased crime or diminished the character of the neighborhood. Mr. Finlay said that those who doubt the safety issues on roadways without sufficient pathways should take a walk on Gulf Shore Boulevard, South. **Jeffrey Soffer, 410 Bayfront Place, #2301**, said South Florida is replete with walled communities but that he had envisioned this area to be different. He said he supports sidewalks throughout the City to reduce traffic, encourage healthier lifestyles and provide a safer environment for pedestrians and cyclists. Mr. Soffer also said that he must walk in the roadway between his home and the beach, which he said he considers placing himself in harm's way. He said that it is the responsibility of government to protect citizens and expressed dismay that a few individuals could set the rules for many. **James Seidel, 514 Neapolitan Lane**, representing the Park Shore Homeowner Association, read a letter into the record (Attachment 6). **Amy Rego, 1060 Sixth Street South**, representing the Franciscan Association, conveyed support for sidewalks, noting that she must use her car even for short trips because it is not safe to walk in her neighborhood. Ms. Rego said the City Council is charged with the safety and security of the citizens and that engineers are capable of addressing those few properties that will experience impacts from sidewalk construction. She urged Council to adopt the sidewalk plan. **Toni Tuttle, 87 Sixth Avenue South**, read a statement into the record (Attachment #7). **Erika Hinson, 347 Central Avenue**, said this issue came before the Olde Naples Association in 2002 and a prior Council had determined that if residents are opposed to a sidewalk that one would not be installed. She said that the Association is not against sidewalks, but rather is requesting that Council base its decision on a majority poll of the neighbors on the street that is to receive a sidewalk. Survey mailings were based upon tax rolls, Mrs. Hinson said, and expressed concern that the historical character would be lost and that some sidewalks would result in pedestrians walking next to bedroom windows. She said she appreciated staff's commitment to work with residents. **James Lennane, 4228 Gordon Drive**, said he is opposed to sidewalks for his neighborhood, as is the majority of his neighbors. He said he is opposed to anything that will result in more growth and development along Gulf Shore Boulevard and Gordon Drive. Mr. Lennane said a policy must be defined and offered his support for incorporating one-way streets in certain areas of the City, including Gordon Drive. He cautioned that the sidewalk issue could possibly face a referendum. **George Dondanville, 2460 14th Street North**, said that during the prior recess he had driven Gulf Shore Boulevard, South, from Broad Avenue to Fifth Avenue, and within five minutes had witnessed five people bicycling, four people walking and one person running. He commended Construction Management Director Ron Wallace for a sound plan and for requesting that Council define a sidewalk policy. He urged that a decision be expedited, but said that he opposes the proposed 70% neighborhood approval requirement for sidewalks on streets in the local category. **Dottie Craige, 388 Fourth Avenue South**, read a letter from Andrea Clark-Brown into the record (Attachment #8). **Steven Briggs, 107 Broad Avenue South**, suggested that, in order to protect resident privacy, a three foot high barrier could be placed between the sidewalk and historic homes on those properties where the structure is close to the roadway. **Douglas Newman, 2800 Crayton Road**, representing the Moorings Bay Homeowner's Association, said that his prior concerns about sidewalk installation in his neighborhood had been misplaced since the sidewalk had integrated well and has proven to be a resounding success. He, therefore, urged Council to develop and adopt a policy regarding sidewalks. **William Buol, 380 Fourth Avenue South**, said that, as the user of a walker, he is concerned that he must walk in the roadway to get to the beach. He urged Council to adopt a sidewalk policy and plan. **Carol Potter, 540 Second Street South**, representing the Buttonwood Condominium

Association, agreed that there are some areas where sidewalks are required for safety reasons, however, there are no such concerns in her neighborhood. Ms. Potter said her Association is opposed to sidewalks but expressed appreciation for development of a comprehensive plan to reduce impacts. She also thanked Council Members Nocera and Taylor for supporting the need for property owner input. **Robert Wheeler, 131 Third Street North**, said that while some areas require sidewalks for safety reasons, none are needed in his neighborhood. He also said that he and his neighbors have a reasonable expectation that they would have a voice in the decision. Mr. Wheeler, however, offered support for connecting missing links and repairing existing sidewalks. **Thomas Gordon, 242 Second Avenue South**, offered his support for sidewalks on collector and feeder streets, connecting points of interest and to enhance safety. He disputed statements that sidewalks reduce property values, stating that values are actually increased. Mr. Gordon said the reasons to install sidewalks far outweigh the assertions against them, pointing out that resident approval should not be necessary as the right-of-way is public, not private. Requiring sidewalk installation with new construction of commercial and multi-family, while excluding the requirement for single-family, is inherently flawed, he said, noting that sidewalks should be required for all new construction. **Jack Nostrom, 4400 Gulf Shore Boulevard, North**, elected not to speak when called upon. **Rich Housh, 160 Seventh Avenue South**, offered a presentation excerpted from a study entitled “Transportation Choices for a Changing America”. (This, and other documents presented are contained in the file for this meeting in the City Clerk's Office.) This study recommended that state and local governments organize bicyclist/pedestrian programs, construct necessary facilities, and promote bicycling and walking. He also quoted a National Board of Realtors survey that indicates 72% of new home buyers considered sidewalks and places to take walks as the third most important element when choosing where to live (Attachment 9). He said the founders of Naples could not have predicted the dangerous situations now faced by pedestrians and cyclists on Gulf Shore Boulevard, South. He urged Council to define and adopt a plan and policy for sidewalks. **Joseph Karaganis, 890 Gulf Shore Blvd, South**, said that when he purchased his home, he understood that the City would not install sidewalks without neighborhood approval, and that a sidewalk would impair the aesthetic value of his home. Mr. Karaganis said that he feels most traffic travels more East/West than North/South, yet plans presented depict more North/South sidewalks. Regarding safety, Mr. Karaganis urged creative solutions in which he offered to participate and stressed the importance of neighborhood approval.

Recess: 12:04 p.m. – 12:12 p.m. It is noted for the record that Mayor Barnett was absent when the meeting reconvened.

Council Member Russell said that staff had presented a fitting framework, which will produce a better product, with a more organized process. He pointed out that the Comprehensive Plan requires that sidewalks be addressed with a Master Plan, and said that he supports Priority 1 and 2 (see Attachment 2), but not Priority 3 whereby a 50%-plus-one property owner approval is required. He commented that the plan would allow areas, aside from those neighborhoods with serious contention, an opportunity to consider sidewalks. Mr. Russell said that the Metropolitan Planning Organization (MPO) has a Pathways Committee, which provides substantial residential input, and asked whether the Community Services Advisory Board (CSAB) could perform that function for the City. Mr. Russell said that Council has an obligation to consider the plan and engage all the parties in the discussions, while allowing other supported projects to proceed. Also, Mr. Russell said that he could not support the 70% approval requirement noted in Priority 4 for installation of local street sidewalks (see Attachment 2, Page 2), but rather would support a

neighborhood survey only to initiate the process. Mr. Russell said that he does not support approving a policy until the Fall.

Vice Mayor Wiseman said that she agrees with Council Member Russell's comments, and then urged staff to continue research regarding a portion of Gulf Shore Boulevard, South, being made one-way.

Council Member Sorey pointed out that although the sidewalk issue is an emotional one, the concept should be considered Citywide. He stressed that while resident input is important, Council has a responsibility to ensure the safety and health of residents. Gulf Shore Boulevard, South, he said, should be considered for designation as a one-way street, but that he does not support the approval requirement in Priority 3 (see Attachment 2, Page 2). He urged that the sidewalk matter be pursued with deliberate speed in order to take advantage of Federal grant money that is currently available.

Council Member MacIlvaine said that he, too, believes that Council should approve a plan as quickly as possible. He offered his support for considering Gulf Shore Boulevard, South, for one-way, and for Priority 1 and 2, as presented. Regarding Priority 3, Mr. MacIlvaine said neighborhood support is not necessary and that 50% approval, not 70%, be listed in Priority 4. Although Mr. MacIlvaine said that Council should offer specific direction in the sidewalk matter so that final recommendations can be offered and voted on, Vice Mayor Wiseman said that she supports the CSAB and PAB being included in the review of the plan.

Council Member Taylor stressed the importance of the PAB being involved and she noted that the issue came forward due to the CSAB recommending destination sidewalks. Miss Taylor said that she supports the resident approval requirements, but expressed concern for this issue being decided before the end of the Winter season. She also stressed the importance of preserving the character of certain neighborhoods. Miss Taylor then inquired as to the reason staff recommends 70% approval for local roads, and questioned whether local neighborhood's requests for sidewalks are being processed a special assessments. Construction Management Director Wallace said that requests are granted based on available funding, although the proposed neighborhood support rule would preclude sidewalks if that support were not present. Additionally, he said, it is important to prioritize the needs, although neighborhoods could pursue the special assessment process if there is a lack of funding for sidewalks requested. City Manager Lee added that Priority 4 was intended for those areas that connect to collector roads; sidewalks that do not connect areas, or enhance the system, would be considered a special assessment request. He stressed that with a Master Plan in place, the City is provided with additional opportunities for grant funding.

Council Member Taylor then inquired as to whether signage could be used to indicate those streets without sidewalks, directing pedestrians and bicyclist elsewhere, as well as clarify for pedestrians on those roads that contain striping installed as a traffic calming measure, that those areas were never intended to be legitimate pathways. Council Member Russell commented that a proliferation of directional signage would, however, result from Miss Taylor's suggestion.

In response to Council Member Russell, City Manager Lee clarified that the recommendation was to obtain consensus on the criteria and process, with the suggested amendments, and forward the plan through the process of CSAB and PAB consultation, and return to Council with a final recommendation and Master Plan. He indicated his support for this process rather than a neighborhood-by-neighborhood approach.

Council Member Russell offered support for a Master Plan without specifics for the few areas of contention, which would then be addressed separately. Council Member Taylor agreed but questioned whether Council's approval of a concept is binding. Mr. Russell stressed that Council was consenting to the process presented and that a Master Plan does not indicate an approval for specific sections; a policy is nevertheless necessary when the various sidewalk segment installations come before Council, he added.

Vice Mayor Wiseman stressed the importance of Council making a policy decision, which staff will incorporate; she also said that it would be appropriate to take a vote on the priorities and plan presented at the next available regular meeting. Council Members Sorey and MacIlvaine agreed.

Council Member Nocera however urged caution when considering an item that the majority of residents do not support and, although it appears sidewalks are desired by the majority of people present, there are some areas that present unique situations. He, however, stressed the importance of completing the sidewalk system where missing links occur and expressed concern for expediting a final plan.

Consensus to move forward with concept presented, incorporating Council suggestions.

Recess: 12:33 p.m. – 1:33 p.m. It is noted for the record that Council Member MacIlvaine was absent when the meeting reconvened.

BROAD AVENUE RIGHT-OF-WAYITEM 7

Community Services Director David Lykins made a presentation regarding proposed improvements to the appearance of the Broad Avenue right-of-way between Fourth and Eighth Streets South (a copy of which is contained in the file for this meeting in the City Clerk's Office). He cited participation by the Public Art Advisory Board (PAAC) and Community Services Advisory Board (CSAB) as well as area residents who, he noted, are in full support of the effort. Also taken into consideration, he said, was the need to link pedestrian pathways to surrounding areas, particularly the Gulf of Mexico and Naples Bay. Considerations relative to this project are listed as Attachment 10. Director Lykins also illustrated improvements already in place at various linear parks such as Sea Gate and Orchid/Banyan. He cited public meetings and listed criteria being applied to this project, noting that a right-of-way permit would be utilized to facilitate the improvements (Attachment 11). Mr. Lykins listed funding options as a combination of utility tax revenues, private donations and grants to be sought from such organizations as the Florida Recreation & Development Assistance Program and the Florida Communities Trust Program. The final conceptual plan is anticipated in April, pending responses from utility providers occupying the Broad Avenue right-of-way; following review by residents and applicable boards, it was anticipated that the City Council will receive the plan for final review in June, he said. He also noted that \$25,000 had been budgeted in the current fiscal

year to accomplish the conceptual site plan and that RFP's (Requests for Proposals) for landscape services had already been prepared.

Council Member Nocera asked how this project would impact use of the Broad Avenue right-of-way for special event parking. Mr. Lykins explained that, pending a final design, a 50% reduction in available area for overflow parking could occur and, therefore, could be a factor for the Third Street Festival of Lights and Great Dock Canoe Race. (It is noted for the record that no comments were heard in opposition to the staff recommendation to proceed in accordance with the plan as outlined above.)

HAZARD MITIGATION PLAN.....ITEM 8

City Manager Robert Lee reported that staff had been working with Collier County on the Hazard Mitigation Plan. FEMA Coordinator Bob Devlin then made a presentation regarding the benefits of City participation in the plan and to recommend adoption. (A copy of this material is contained in the file for this meeting in the City Clerk's Office.) He first introduced Collier County Emergency Management Coordinator Rick Zyvoloski, who had facilitated the project.

Mr. Devlin further explained that the plan is part of a mandated local effort, through both planning and public/private partnerships, to reduce impacts by natural hazards as well as prioritize hazard mitigation projects. These projects are eligible for federal funding up to 75%, pursuant to the Disaster Mitigation Act of 2000. He stressed that the interests of the City of Naples had been represented throughout development of the Hazard Mitigation Plan and that such activities as engineering services could be considered as the required local match to fund mitigation projects. Those types of projects eligible for funding are listed on Attachment 12, with Attachment 13 containing the City projects designated for submittal, indicating their Countywide ranking. In conclusion, Mr. Devlin recommended that the Collier County Hazard Mitigation Plan be adopted by the Council on February 2.

Confirming that the County Commission had already adopted the plan, Council Member Taylor ascertained that funding for City projects would not be forthcoming should the City choose not to also adopt the plan. In response to Council Member Nocera, Mr. Devlin indicated that funding could also be sought in order to elevate a City structure that had been prone to repetitive losses from flooding. Mr. Devlin also agreed to provide a subsequent status report regarding adoption of the most recent FEMA (Federal Emergency Management Agency) rate maps applicable to this area. Vice Mayor Wiseman indicated that final action of the Collier County Hazard Mitigation Plan was scheduled for February 2.

PULLING PROPERTY / FLEISCHMANN UPDATE.....ITEM 9

Construction Management Director Ron Wallace made a presentation regarding the projects to be undertaken at Fleischmann Park and on the area known as the Pulling Property (a copy of which is contained in the file for this meeting in the City Clerk's Office).

Regarding Fleischmann Park, Mr. Wallace explained that due to flooding, significant infrastructure improvements are underway, as well as parking lot improvements and additions, creation of pathways, improved lighting and landscaping, work on sports fields, and various amenities such as benches. He displayed a diagram which he described as Phase 1 of the project (Attachment 14), which constitutes all of the site work with the exception of constructing a new community center. He said that some of the design issues on this 26.5 acre parcel involve re-

grading of the site due to prior development, as well as coordination with area (Basin V) stormwater improvements, such as Goodlette-Frank Road. (Photographs illustrating park drainage issues and perimeter conditions are contained in the file for this meeting in the City Clerk's Office.) However, he recommended coordination with Collier County early in the project so that application for funding could be made if Fleischmann Park improvements fall under the County's overall stormwater plan. In response to Council Member Nocera, Mr. Wallace confirmed that installing aerators in lakes are effective in improving water quality; he also indicated that lake improvements are in fact part of the study for Stormwater Basin V.

Mr. Wallace continued his presentation by noting that \$4 million had been allocated to the Fleischmann Park improvement project in fiscal year 2005 and that application had been made to Collier County for funding participation. Later in the discussion City Manager Lee also indicated that a favorable response had not yet been received from the County which, according to the County Manager, was impacted by the matter involving the Sheriff's budget appeal to the State. Nevertheless, he said it would be appropriate to obtain a determination from the County on funding before the project proceeds.

The construction schedule was cited by Director Wallace as follows: 1) completion of the grading and drainage plan by spring; 2) preparation of specifications for parking, pathways and site amenities by late spring; and 3) award of construction contract by summer. In response to Council Member Taylor, Director Wallace indicated that the actual construction would also commence during the summer and extend up to six months. Park operations, he said, would be taken into consideration. Miss Taylor stressed that the Community Services Advisory Board (CSAB) should be involved in coordination of the project.

Council Member Sorey asked Mr. Wallace to elaborate on compliance with quality standards for stormwater runoff. Mr. Wallace responded to the effect that on-site retention would be provided for a minimum of the first half inch of rainfall which is possible in instances where retrofitting occurs; nevertheless, compatibility with future area stormwater improvements would also be taken into account.

With reference to plans for the Pulling Property, Construction Management Director Wallace reported that a consultant had completed the design of the docks and boat ramp; permits had been applied for with such agencies as the Department of Environmental Protection (DEP), the Army Corps of Engineers (ACOE), and the Fish and Wildlife Commission due to manatee issues. However, additional services are anticipated requiring an amendment to the consultant contract, he added. Mr. Wallace then continued his discussion by pointing out various features on the site plan (Attachment 14). Water retention at this site which, unlike Fleischmann, is a new design and will accommodate the first inch of rainfall; it also features what Mr. Wallace described as a two-stage retention system which enhances percolation prior to discharge. Parking will be of turf/pavement blocks which will reduce the impervious area.

Council Member Taylor questioned the number of motorized vessels which might have been specified in the conveyance of the property or in other negotiations, recommending that any agreed-upon number not be increased. Staff indicated that they would research this matter. Miss Taylor also confirmed with Mr. Wallace that the master plan had been presented to the CSAB,

although not reviewed by them since the most recent City Council discussion. She therefore suggested that they again be consulted.

Council Member Sorey recommended further contact with the owners of adjacent properties to link pedestrian pathways among the sites. Director Wallace then reviewed the dredging that is to be accomplished in conjunction with the project. He also provided an illustration of the type of restroom facility to be used which is a prefabricated unit costing approximately \$30,000. Regarding soil analysis, Mr. Wallace indicated that few contaminants were found but that all were nevertheless within acceptable levels. Soil stabilization will however be necessary because of the amount of organic material present.

With reference to funding, Mr. Wallace cited the \$880,000 allocated by the City for fiscal year 2005; he also reported that an application had been submitted to Collier County for funding assistance. He indicated that construction was expected to commence in the summer.

PELICAN BAY ANNEXATION STATUSITEM 10

City Manager Robert Lee referenced memoranda from the City's legal counsel regarding the following subjects relative to Pelican Bay: the Pelican Bay Foundation; beach access; Collier County Parks; and public utility issues (See Attachment 15). He said that he had also received a copy of a communication from the Assistant County Attorney to the County Manager relative to the above and that reclaimed water responsibilities were being questioned. In response to Council Member Taylor, City Manager Lee indicated that it is still in question whether the County could refuse to provide reuse water service to Pelican Bay. However, City Manager Lee said, it had been determined that the City would not be required to purchase other utility systems belonging to the County in Pelican Bay.

It is noted for the record that Mayor Barnett returned to the meeting at 2:32 p.m. and resumed presiding with Agenda Item 16.

Representing the Pelican Bay Foundation was Gerhardt Soblotnick, Chairman, who made a presentation regarding the administration of Pelican Bay and beach access (included in part as Attachment 15). He indicated that the Master Homeowners Association holds approximately 85-90 acres, or 4% of the total acreage. Regarding beach access, Mr. Soblotnick compared both parking and number of beach visitors in Pelican Bay to other areas where beach access is afforded, taking the position that Pelican Bay provides ample access and parking and is well used.

Council Member Sorey confirmed that the Municipal Services Tax Benefit Unit (MSTBU) would fall within the City's jurisdiction should Pelican Bay be annexed. Council Member Taylor asked for information on the tax impact upon Pelican Bay property owners with annexation. Mr. Soblotnick indicated that information provided by the City had shown a slight decrease. Mr. Soblotnick also clarified for Miss Taylor that the MSTBU currently funds landscaping services, right-of-way and median maintenance, lighting, stormwater management, mangrove restoration and beach renourishment. She then confirmed with Mr. Soblotnick that the decision of whether to continue the MSTBU after annexation would be made by the City and the Pelican Bay residents. However, City Manager Lee indicated that a special taxing district, if continued, would most likely include only mangrove restoration.

Council Member Taylor also stressed the importance of knowing how accessible beaches are in Pelican Bay rather than knowing merely how many people now go to the beach in Pelican Bay; she also noted that the City of Naples has the most extensive beach access in Collier County and received confirmation from Mr. Soblotnick that two of the beach access points in Pelican Bay are private. Council Member Russell, however, pointed out that, unlike the central section of the City, the northern section along Gulf Shore Boulevard, and the southernmost section, as well, have few beach access points. Mr. Soblotnick noted that the Gulf Shore Boulevard area is comparable in length to the beachfront area in Pelican Bay. In further response to Council Member Taylor, Mr. Soblotnick stated that the properties in Pelican Bay pay approximately \$55 million in ad valorem taxes annually to County taxing authorities; with annexation this amount would be approximately \$3 million, although properties would then be assessed City ad valorem taxes.

REVIEW OF ITEMS ON 01/19/05 REGULAR MEETING AGENDA.....ITEM 16

It was noted that **Items 6 and 7** (Executive Sessions) as well as **Item 12** (Trio's live entertainment permit) are to be continued to February 2; another executive session under **Item 9** was withdrawn. It was also noted that Item 8 would be heard at 11:30 a.m. **Item 18** (regarding reconsideration of the Pelican Bay annexation contribution) would be added. In response to Council Member Sorey, it was determined that evaluation forms for the City Manager and City Clerk were to be completed by January 31. Later in the meeting, Council Member Sorey suggested that subsequent to evaluations Mayor Barnett meet with City Manager Lee on salary issues. Council Member Taylor requested information on **Item 10-b(4)** (Naples Winter Wine Festival) regarding transport of attendees to the event, citing traffic and parking issues. Council Member Sorey requested that **Item 10-i** (Public Works – Design Services Agreement) be removed from the Consent Agenda for separate discussion and vote. Council Members Taylor and Russell requested a map showing the location for the proposed entertainment on **Item 13** (Bayfront – live entertainment permit) and **Item 14** (Meritage – live entertainment request) as well as information as to whether entertainment would be amplified, and clarification of the process of neighbor notification. Vice Mayor Wiseman asked whether one of the hearings on **Item 15** (Mooring subdivision text amendment) could be conducted after 5:00 p.m. It was subsequently the consensus to conduct second reading of the text amendment ordinance at 5:05 p.m. on February 2.

CORRESPONDENCE/COMMUNICATION

Council Member Taylor complimented Landscape Architect Gail Boorman and staff for the Tenth Street improvements south of Central Avenue. Miss Taylor also noted a letter from Planning Advisory Board Member Samuel Noe questioning whether the Trent Green Report (41-10/Heart of Naples) had yet been considered by the Community Redevelopment Agency Advisory Board (CRAAB). City Manager Robert Lee subsequently reported that he had clarified for Mr. Noe that the CRAAB had in fact been involved in the process, including identifying priorities which were then conveyed to the Community Redevelopment Agency (CRA). Miss Taylor also noted that the Citizens' Police Review Board had been discussing substantial changes in the regulations governing its operations; she suggested a workshop discussion with this group to learn the reasoning for these proposals. City Manager Lee said that staff would also submit recommendations in this regard. Council Member Russell reported pedestrians standing in the street at various entertainment stations on a recent Evening on Fifth event on Fifth Avenue South, causing traffic and safety issues. He recommended that entertainment stations be closed should this happen in the future, and cited prior commitments by the Fifth Avenue Association to

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prevent occurrences of this manner. A police officer at Fifth and Eighth Street was actually directing vehicles around pedestrians. Mayor Barnett recommended that a response be obtained from the Fifth Avenue South Association. City Manager Lee said that officers would take appropriate action if this becomes a safety issue in the future. Mayor Barnett noted the 4:00 p.m. groundbreaking at the Fun Time Nursery site.

ADJOURN.....
3:03 p.m.

Bill Barnett, Mayor

Tara A. Norman, City Clerk

Minutes prepared by:

Pamela M. Koepke, Recording Specialist

Tara A. Norman, City Clerk

Minutes Approved: 2/16/05