



City Council Chamber
735 Eighth Street South
Naples, Florida 34102

City Council Workshop Meeting – October 18, 2010 – 8:29 a.m.

Mayor Barnett called the meeting to order and presided.

ROLL CALL..... ITEM 1

Present:

Bill Barnett, Mayor
John Sorey, III, Vice Mayor

Council Members:

Douglas Finlay
Teresa Heitmann
Gary Price, II
Samuel Saad, III
Margaret Sulick

Also Present:

William Moss, City Manager
Robert Pritt, City Attorney
Tara Norman, City Clerk
Vicki Smith, Technical Writing Specialist
Roger Reinke, Assistant City Manager
Ron Wallace, Streets & Stormwater Director
David Lykins, Community Services Director
Stephen McInerney, Fire Chief
Michael Leslie, Asst. Community Services Director
Lee Willer-Spector, Sr. Admin. Specialist
Denise Perez, Human Resources Director
Tom Weschler, Chief of NPFD
Gary McAlpin
Jack Wert
Ellie Krier
Alan Ryker
Joe Dondanville
Jim Boula
Sue Smith
Penny Taylor
John Passidomo

Scott Cameron
John Waller
Lou Vlasho
Gloria Kovacs
Lisa Swirda
Skip Quillen
Jim Smith
Charles Thomas
Judy Carty
Michelle Avola
Stacy Revay
Scott Cameron
Chuck Slaght
Robert McDonald
Howard Worthy
Amy Kalmans
Willie Anthony
Bill Walker

Media:

Jenna Buzzacco-Foerster, Naples Daily News
Other interested citizens and visitors.

SET AGENDA ITEM 2

MOTION by Price to SET THE AGENDA as submitted; seconded by Sulick and unanimously carried, all members present and voting (Finlay-yes, Heitmann-yes, Price-yes, Saad-yes, Sorey-yes, Sulick-yes, Barnett-yes).

PUBLIC COMMENT ITEM 3

None.

COLLIER COUNTY TOURIST DEVELOPMENT COUNCIL (TDC)..... ITEM 4

Mr. Jack Wert, Collier County Tourism Director, will present a summary of tourism promotion and the need to fund year-round destination marketing and promotion. The presentation will summarize the Tourist Development Tax structure, provide a comparison with other destinations, and propose reallocation of Tourist Development Tax to support year-round marketing. Following Mr. Wert, Mr. Gary McAlpin, Collier County's Coastal Zone Management Director, will summarize use of Tourist Development Tax funds to manage coastal resources, including beach renourishment. Jack Wert, Collier County Tourism Director, noted an upcoming workshop between the Tourist Development Council (TDC) and Collier County Commission to discuss reallocation of tourist tax funds. He stressed the need for year-round promotion, pointing out that tourism also enhances collection of sales tax and gasoline tax and strengthens the local economy. Mr. Wert then pointed out that the County Commission's utilization of \$1-million from the beach projects fund to underwrite additional advertising had prompted additional conversation with regard to altering the overall allocations. He listed various economic benefits from tourism as well as recent statistics showing a 4% increase in August over the prior year although misinformation with regard to the BP oil spill in the Gulf of Mexico had also had a negative effect. (It is noted for the record that a printed copy of Mr. Wert's electronic presentation is contained in the file for this meeting in the City Clerk's Office.)

Mr. Wert further reported that the return in economic benefit derived for \$1.00 of advertising expenditure had been calculated at \$20.65, up from \$17.60 in the prior fiscal year. He then listed the current allocation of tourist tax funding within a \$12-million funding amount:

- First 2 cents:
 - 50% to Category A
 - (beach renourishment and beach park facilities) \$6-million
 - 23.236% to Category B
 - (tourism administration - emergency ad reserves) \$4.4-million
 - 22% to Category C-1
 - (county museums operations) \$1.3-million
 - 4.764% to Category C-2
 - (non-county museum grants) \$300,000
- 3rd cent: 100% to Category A (beach renourishment/beach park facilities)
- 4th cent: 100% to Category B (marketing and promotion)

Mr. Wert then compared tourist tax rates of other Florida communities (referred to as a competitive set including Sarasota, Ft. Myers, St. Petersburg, Palm Beach, Bradenton, Ft. Lauderdale and Miami) and stressed that competition between jurisdictions has created a need for not only off-season promotion but advertising during the winter season as well. He reviewed how \$1-, \$2-, \$3-, \$4- and \$5-million in promotional expenditures could enhance both in-state and primary out-of-state feeder markets such as New York, Chicago, Philadelphia, Boston and Cleveland. The local marketing budget per lodging unit (\$232) is the lowest among the aforementioned communities, he pointed out, as is the percentage of overall tourist tax dollars devoted to advertising and promotion. Percentage devoted to beach renourishment locally is however significantly higher, he noted, with other jurisdictions designating alternative beach funding sources such as MSTU's (municipal services taxing units). Recently, Mr. Wert noted, a survey of local lodging properties revealed that 14 of the highest tax-collecting hotel properties had expended \$7.4-million on advertising which equates to \$2,600 per lodging unit. However, Collier County is the only jurisdiction among the aforementioned destinations to directly allocate

tourist tax revenues to museums, although some of the others do promote museum-related festivals.

He then sought Council's concurrence with regard to the need to promote year-round visitation through additional funding. Referring to the 1992 referendum, Council Member Finlay pointed out that the allocation had been 60% for beach renourishment and 40% for promotion; however, the Collier County Commissioners maintain statutory control over both tax rates and allocations. Mr. Finlay pointed out that since the voters had spoken, the percentage devoted exclusively to beach renourishment had dropped to approximately 36% despite increases in total income. He said he supported year-round marketing, but noted the importance of developing beach facilities in the unincorporated area which has a direct impact upon facilities within the City of Naples. Therefore, Mr. Finlay stressed that the 183 Fund designated for facilities receive adequate funding.

Vice Mayor Sorey predicted that there would be little interest among the County Commissioners to change the level of tourist development tax funding to museums, leaving the only source for additional advertising the funds for beach facilities and renourishment of beaches/inlets. He said that, even though the local outlay per lodging unit revealed the need for additional promotional expenditures, beaches continue to be the primary attracter of visitors and therefore place an increasing demand upon facilities. While it becomes imperative to acquire as much supplemental funding as possible from FEMA (Federal Emergency Management Agency), this source is not on-going, he cautioned.

Council Member Price expressed concurrence with his colleagues and requested further detail of the premise of Mr. Wert's calculations. Mr. Wert gave an example of Ft. Myers at approximately 20,000 lodging units compared to the Naples area with 8,600. In further response to Mr. Price, Mr. Wert confirmed that hoteliers are in favor of destination marketing year-round by the TDC, but do not intend to reduce their individual efforts; in addition, it also appears that the lodging industry is in support of the proposed reallocation. Mr. Price further ascertained that the \$20.65 projected as revenue per advertising dollar is derived from surveying visitors who have provided their contact information via the tourism web site. Mr. Wert also explained that the visitors bureau utilizes independent research with a 95% accuracy rate, as well as other travel industry research, and clarified that advertising expenditures are designed to route inquiries to the organization's web site.

Council Member Sulick ascertained that the TDC had applied for funding in conjunction with the BP oil spill in the amount of \$750,000 to assist in marketing; however, no funds had been received to date. The state tourism organization did receive funding and local messages had been transmitted via that source, Mr. Wert said.

In response to Council Member Saad, Mr. Wert provided further detail with regard to market research and stated that cooperative advertising with local hoteliers has benefitted all participating entities. Mr. Saad indicated his agreement with Vice Mayor Sorey and Council Member Finlay in support for priority funding for beach renourishment.

Various Council Members continued to express reservations with regard to reallocation of funds at the expense of beach renourishment, although Council Member Finlay said he concurred with a fifth cent tourist tax as a means of protecting the funding already designated for beaches. Council Members Sulick and Price however, expressed concern that even with a potential increase in the tourist tax, the funding desired for beach renourishment may not be allocated as

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Council desired. In addition, Mrs. Sulick warned that if allocation for beaches was not sufficient, this burden would fall to City taxpayers; therefore, protection of the percentage allocated to beach renourishment should be paramount. Mr. Wert said that larger lodging operations are however not in favor of a fifth cent tax because of concern that meeting planners would find this a disincentive.

Gary McAlpin, Director of Collier County Coastal Zone Management, stressed the importance to the tourist industry of what he described as the beach experience, but this entails providing adequate parking/facilities and beach maintenance. Currently there is however insufficient local funds to conduct the beach program without an infusion of state and federal funds, but lead times for these sources can be up to ten years and therefore render them unreliable for program development. It is the dedicated source of local funding that allows beach renourishment and maintenance, inlet maintenance, and establishment of beach/park facilities, Mr. McAlpin said. An annual allotment of \$2-million allows for renourishment on a ten-year cycle; however, if this period were shortened, more funding via annual allocation will be required. The \$2-million does not allow emergency renourishment, such as that required in the area south of Doctors Pass, or rebuilding of the jetty at that location, nor beach plantings and other desirable projects. He referred to a recent resolution by the Collier County Coastal Advisory Committee (CAC) conveying its opinion on reallocation of TDC funds (Attachment 1).

Council Member Finlay reiterated his support for a fifth cent of tourist tax, pointing out that it could prevent the Board of County Commissioners from utilizing emergency beach and facilities reserve funding for more advertising of the lodging industry. Council Member Sulick also reiterated her concern that local jurisdictions would be faced with renourishing beaches if there is a funding shortfall for this purpose. Council Member Price said that the quality of the City's infrastructure would of itself cause tourism to grow, which translates into maintaining the City's quality of life rather than advertising. Council Member Saad concurred and further stressed that he would support raising the tourist tax by the fifth cent if subsequent reallocation occurred to assure adequate beach/facilities funding. Council Member Heitmann said that she, too, looked to the County to reallocate funding in accordance with the initial referendum designating 60% to beaches. She also questioned the value of constant advertising as opposed to a focused message more appropriate to the uniqueness of the community. Nevertheless, she pointed out that excessive taxes on a hotel bill could tarnish a visitor's experience.

Mr. Wert, however, clarified that the only source for reallocation for beach and beach/park facilities is the first two cents of the tourist tax since the third cent is already allotted to beach-related expenditures and the fifth cent, if implemented, must by law be expended for advertising. Vice Mayor Sorey pointed out that the tourism industry has been successful in convincing the Collier County Commission to reallocate \$2-million over the past two years from beaches to promotion, predicting that the hoteliers' success in this regard would continue. He therefore urged Council to make a position statement via resolution.

Public Comment: (9:50 a.m.) **Sue Smith, 11th Avenue South**, said that if the County Commission is in fact the final arbiter of the amount of tourist tax funding to be allocated for beaches, the County should also take into account that local citizens often rent hotel accommodations for out-of-town family and guests, which in turn supports tourism. She further noted that Council has a responsibility to maintain the infrastructure, which is nevertheless impacted by tourism and urged that the group heed the advice of Council Members Sulick, Price and Heitmann, stating that the quality of the community does not require extensive promotion.

Consensus that Council consider a resolution articulating its position during the October 20, 2010 regular meeting.

Recess: 9:54 a.m. to 10:04 a.m. It is noted for the record that the same Council Members were present when the meeting reconvened. It is also noted that while consideration of Item 5 began following this recess, it was suspended to allow Items 7 and 9, scheduled time certain, to commence; therefore Item 5 is reflected in its entirety beginning on Page 10 below.

(11:00 a.m.) PROPOSED DESIGN ALTERNATIVES FOR RIVER PARK POOL..... ITEM 7 General, CRA (Community Redevelopment Agency), and grant funds in an amount totaling \$1-million have been allocated to build a new swimming pool facility at River Park to replace the existing 50 year-old pool. The project is in a “fast-track” mode to complete design and construction by June 2011. Staff and the pool design team will present a conceptual plan for the new facility which has received the endorsement of interested neighborhood residents and the City’s Community Services Advisory Board (CSAB). City Manager William Moss explained that Council had budgeted \$1-million for replacement of the River Park Pool and had engaged design services for the project; Council had indicated a desire for the new facility to be in operation by June 2011. He said that proposed designs had been brought to residents of the River Park neighborhood with suggestions being incorporated into a final design. (It is noted for the record that a printed copy of the electronic presentation utilized in regard to this item is contained in the file for this meeting in the City Clerk’s Office.) Borrelli and Partners representatives Judy Carty, John Waller and Bill Walker were present to provide information. Ms. Carty said that the adequacy of the construction budget of \$800,000 to \$875,000 remains a concern in light of program requirements. She then reviewed scheduling, which she said allowed just 30 days for design development.

Ms. Carty continued by describing the site, commenting on the irregularity of the dimensions which increased the difficulty of incorporating all desired program elements (Attachment 2). John Waller then reviewed the features to be included in the facility (Attachment 3) and displayed sample artist renderings of alternative configurations. Mr. Waller said that the area designated for swimming instruction could be expanded by use of the terminus of the slide when the slide is not in use. Total pool facility is approximately 5,000 square feet in its current proposed design configuration (Attachment 4); in addition, Mr. Waller explained that maximum depth in the lap pool had been increased to eight feet to allow for such activities as lifeguard certification. After reviewing the various layouts presented in the neighborhood meeting, Ms. Carty then displayed the selected concept (Attachment 5), describing aspects of screening to separate the facility from the neighborhood as well as architectural alternatives. Community Services Director David Lykins also pointed out that the Carver Finance Corporation is to consider, on October 22, granting the City permission to extend construction of the pool deck along the westernmost boundary to a close proximity of a storage building at the Carver Apartments. He then noted that the Community Services Advisory Board (CSAB) had also approved the concept selected by the neighborhood.

Council Member Sulick commented on the extensive budget set aside for slides and toys for the facility, characterizing them as a luxury, particularly in light of expected limited use to when youngsters are out of school. Ms. Carty said that plumbing could be installed in anticipation of adding these features in the future. Council Member Finlay received clarification that few, if any, of the grant programs for which the City might qualify, currently remain active or funded at the present time. Ms. Carty also clarified that, other than a savings of approximately \$150,000 for the slides and similar elements, other structures and appurtenances are necessary for operation of the facility.

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Council Member Saad expressed the need for adequate landscape screening of adjacent apartments. He also received clarification from Mr. Lykins that the water slide was the element receiving the most votes in a 2007 survey, followed by a multi-use facility that would accommodate such programs as swimming instruction; the next most popular was a water spray feature. Another item that could be added at a later date is starting blocks, Mr. Lykins said. In conclusion, Mr. Saad ascertained that to date no offers of community financial support or naming opportunities have been evident, although staff is pursuing various grants for programs.

Council Member Heitmann received information from Ms. Carty to the effect that a standing seam roof lasts longer than a flat roof, although the cost differential is approximately 30% to 40%. John Waller indicated that typically slides are monitored to allow only one occupant to travel down at a time, with one individual waiting on the stair leading to the slide; therefore, weight is not a concern with this type of operation. Ms. Carty said that air conditioning is not necessary in pool changing facilities although adequate ventilation is of utmost importance.

Turning depth was then discussed with Mr. Waller indicating that 3.5 to 4 feet is needed although if 3.5 were used, there would be more area available for swimming lessons; the current designated instructional area would accommodate ten participants, although utilizing the 3.5-foot area of the pool would accommodate up to a total of 20 people. Mr. Waller further explained that rather than the number of exits provided from the pool, swimming instruction is a function of depth of water and the number of instructors. Mrs. Heitmann then asked whether there is a line of sight requirement for lifeguards; Mr. Lykins responded to the effect there is a requirement for a given number of lifeguards to be around the perimeter of the pool, depending on the nature of activity and the area of the pool open at any given time. He further assured Mrs. Heitmann that the design would not inhibit the appropriate stationing of life guards; this was confirmed by Mr. Waller who indicated that there are no regulations that address line of sight, the number of lifeguards necessary at a facility would vary as it is mandated by the number of activities under way.

Council then discussed pool heating with Mr. Waller explaining that while solar heating is successful in residential pools, solar panels required for the pool under discussion would require approximately 6,500 square feet of panels; therefore, geothermal heat pumps are used in order to capture natural heat from ground water. In the design being discussed, the water utilized by the splash area and slide would also be heated due to their integration in the circulation system for the overall pool. Mrs. Heitmann then suggested that solar panels be considered for the lap pool only; while Mr. Waller said that alternatives would be considered, a backup heating system would be required for solar panels in a public pool during days when there was insufficient sunlight. In addition, Ms. Carty pointed out that the structures involved in this project provide just 3,000 square feet of roof area and the cost of solar panels had not been calculated in the initial cost of the project. In further response to Mrs. Heitmann, Mr. Waller indicated that, to date, and with the approvals requested from Council at that meeting, the pool was projected to be open by June 2011.

Council Member Heitmann then explained that she had confirmed there was potential revenue from the Naples High School swim team of from \$7,000 to \$12,000 annually for use of this facility. Mr. Lykins said that approximately \$4,000 is currently generated from swimming instruction at the River Park Pool; however, City Manager Moss stressed that staff was currently seeking approval of design aspects rather than programming. Mrs. Heitmann nevertheless maintained that discussion of possible income was relevant to the City's need to offset

expenses such as providing a maximum of an eight-foot depth so that lifeguard training could be conducted. Both Mr. Moss and Director Lykins pointed out that the River Park Pool had never recovered its costs through programs, and cost recovery is not anticipated with the new facility. Mr. Moss further predicted that should certain recommended features be reduced or eliminated from the initial design, a subsequent request would be quickly submitted in response to continuing desires of the community. Adding features later, he noted, generally increases the cost; there is a possibility that additional funding could be derived if current year expenditures are, in actuality, under budget, he added. Vice Mayor Sorey said that the City is obligated to undertaking this project correctly, including the proper infrastructure, and said that he supported the #2 concept (later referred to as Selected Concept) and #1 building design, pointing out that a flat roof should not be used. He also said that an eight-foot maximum and four-foot minimum depth should be utilized for the lap pool, indicating further that he had also learned from the Sample Foundation that an additional grant request should be submitted by August for further funding to be considered.

Council Member Price maintained that since specific costs, especially with regard to structures, would be available only after a construction manager at risk is selected, the Council had been placed in a position of approving something for which adequate funding may not have been set aside. Ms. Carty said she however believed that the \$1-million funding would be adequate, and Vice Mayor Sorey pointed out that if the costs exceed the budget, it may be necessary to delay the project, therefore necessitating Council direction to staff at that time. Mr. Waller, however, clarified that of late, prices quoted for pool construction had declined to unheard of levels making it essential that detailed drawings be available from which contractors can estimate.

Public Comment: (12:20 p.m.) **Chuck Slaght, 2918 Long Pine Lane, Southwest Florida Aquatics Foundation**, commented that line of sight is more a risk management issue, predicting that the pool under consideration would require three lifeguards with a fourth for rotation since the sections are contiguous. If it were sectioned, one to two lifeguards would suffice, he added. In addition, he said he concurred with the recommendation to use geothermal heating technology. He also recommended that staff be required to present a business plan and offered his services to assist in the project. **Robert MacDonald, 511 Lake Louise Circle**, cited his experience on the YMCA Board of Directors during construction of the Norris Pool and pointed out that inclusion of a diving well would assure use for high school competitive aquatics. He further said that safety concerns on starting blocks could be addressed by installing hoods to prevent access to the blocks when not in use. In conclusion, he urged the City to include facilities that would also attract college competitive aquatics, sites which are in great demand during the winter months. **Howard Worthy, 241 Seventh Avenue North**, said that Council should make the necessary reductions in facilities so that the new pool is expedited and expressed reservations that the above referenced scholastic uses could reasonably be anticipated. **Amy Kalmans, 2100 Crayton Road**, supported installation of a six-lane facility so that it can be used for practice by the Naples High School swim team; however, she advised against the proposed design which could result in closure for up to 24 hours with use by very young children in diapers if the sections of the pool are not separate. Swimming instruction at the pool could also be integrated into elementary and middle school curricula, she added. **Willie Anthony, 559 14th Street North**, said that he believed the River Park community was in favor of the preferred configuration but urged that potential income not be a factor since the facility would be widely used for recreation. He also predicted that unless restrooms are air conditioned or more fully ventilated than those at Fleischmann Park, there is the likelihood that odors will impact the surrounding neighborhood. Mr. Anthony also said that he preferred a pitched rather than a flat roof to increase durability, and urged Council to construct a high quality facility.

Recess: 12:31 p.m. to 12:52 p.m. It is noted for the record that the same Council Members were present when the meeting reconvened and consideration of Item 7 continued.

After further discussion, including the determination of depth of the shallow end to accommodate swimming classes, Council reached the following consensus:

Consensus to proceed with Option 1 (design with pitched roofed buildings) and Pool Concept 1 / Selected Concept (layout of facility); depth of lap pool to be 3'6" for shallow end and 8' for deep end.

(1:00 p.m.) BUSINESS IMPROVEMENT DISTRICT (BID)..... ITEM 9

A Business Improvement District (BID) is a means to allow businesses with a common interest to organize to enhance and promote the businesses within a specified geographic area. Florida Statutes allow local governments to facilitate this process by raising funds, either by a property tax or through a special assessment applicable to the geographic area. A "steering committee", representing property owners and businesses in the Fifth Avenue South Overlay District, seek City Council's assistance to establish a BID through a special assessment process to stabilize and improve business through promotion, management, marketing, and other similar activities within the business district. If approved, the special assessment would be applicable to property owners within the district, excluding individually owned residential properties, governmental, churches, and other entities who are not required to pay ad valorem taxes. A majority of property owners in the proposed district have signed a petition that endorses the proposed BID to allow a means to raise funds for the intended purpose. The discussion will include the proposed method to establish and manage the BID. The proposed special assessment applicable to qualifying property owners will raise \$300,000 in the first year for promotion, management, marketing, and other similar activities. (1:04 p.m.)

City Manager William Moss provided a detailed review of his memorandum dated October 12 (Attachment 6 / memorandum attachments are contained in the file for this meeting in the City Clerk's Office), pointing out that of the three methods existing to create a BID (Business Improvement District), staff and the Steering Committee (representing property owners and businesses in the Fifth Avenue South Overlay District) determined that the process outlined under Chapter 170, Florida Statutes, best suited the needs of the stakeholders. This method utilizes the special assessment process whereby funds are collected by the City for the initial billing (with the process assumed by the Collier County Tax Collector in following years) and then turned over to the BID management for use in funding promotion, management, marketing and similar activities, he said. Due to the timeframe, direction would be needed in order to provide funds by January 1, 2011, he added, to be assessed at a rate of 0.002 and generate \$300,000. (It is noted for the record that Mr. Moss indicated that 0.0002 had been referenced in error throughout documentation provided.)

The following members of the Steering Committee provided comments in support of the BID: Lou Vlasho, Jim Smith, Skip Quillen, Charles Thomas, and John Passidomo. They noted that the creation of a BID, funded by an assessment on the commercial properties within the district, would provide the best mechanism to address the need for promoting, managing and marketing the area. In addition, the Fifth Avenue South BID would be administered by a not-for-profit corporation, with a governing board of representatives, composed of both property owners and merchants, they said. They also indicated that the petition submitted that day (a copy of which is available in the City Clerk's Office) represented support by a majority of property owners. Steering Committee Member Smith provided a brief history of Fifth Avenue, noting that it was once viewed as the center of the City. After a period of significant growth in the 1960s, northward migration of patrons began and has continued resulting in a rising number of failed

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businesses and vacancies. The intent of the BID, therefore, is to manage and market Fifth Avenue, and help the small businesses located therein by promoting the street with branding. In conclusion, the group requested that Council direct staff to proceed with the proposal as presented.

Steering Committee Member Attorney John Passidomo, whose office is located on Fifth Avenue South, clarified for Council Member Finlay that cancelling the BID prior to its initial ten-year term would require a 50% vote by the same group of stakeholders. He further explained that the Committee would present the assessment roll annually to Council for certification; a budget would be submitted at that time also, added Mr. Thomas.

Council Member Sulick recommended having a mechanism in place when the CRA (Community Redevelopment Agency) expires in 15 years to assume its responsibilities. Mr. Vlasho stated that the immediate intent had been to keep separate the CRA responsibilities from that of the BID, which would focus mainly on events and advertising, and pointed out that many stakeholders maintain the hope that the CRA would be extended beyond its current termination date.

Council Member Saad said his concerns were similar to those of the rest of Council; namely, decision-making with regard to the amount and approval of the assessment, as well as financial disclosure and adherence to the Sunshine Law (Chapter 286, Florida Statutes). Mr. Passidomo asserted that a special assessment should not be considered a tax, as benefit would accrue to those paying and that the Committee would not be subject to the Sunshine Law. Mr. Vlasho added that the corporation would report not only to Council but to the property owners who are being assessed. In addition, Mr. Thomas said that an annual report would be provided and proposed budgets discussed with Council, prior to yearly approval of the assessment roll, through a process similar to one used by Coral Gables. (It is noted for the record that a copy of the 2008-2009 Coral Gables BID annual report is contained in the file for this meeting in the City Clerk's Office.) In further discussion, Messrs. Smith and Thomas clarified that the proposed first year budget (Attachment 7) reflected an allocation under staffing for a street executive, as well as for initial costs for acquiring certain publications and an imaging design for a logo and website, these funds could be reallocated in subsequent years.

Council Member Price commended the group, pointing out the success of BIDs he had observed on the east coast. Mr. Vlasho advised Mr. Price that the BID manager will in fact work closely with the DNA (Downtown Naples Association) and Greater Naples Chamber of Commerce with regard to events. As a tenant of Fifth Avenue South, Mr. Price stated that he believed the BID to be a shared investment between property owners and businesses and predicted it would benefit all. Vice Mayor Sorey agreed with Mr. Price, adding that Council should receive a copy of the corporation's bylaws, which should include a provision for an annual audit.

Steering Committee Member Quillen then reported that he had personally surveyed neighborhood businesses and stakeholders some 18 months ago and that the majority had fully supported the BID. Council Member Heitmann urged that the group determine whether this support still exists prior to finalization; further loss of small businesses on Fifth must be avoided, she cautioned. Mr. Vlasho advised that the intent is to keep Fifth Avenue South a focus in the tourist market.

Mr. Quillen further clarified that the subsidy for the assessment is a reallocation of each contributor's funding for his or her own marketing; it should not be considered an additional cost. Mr. Vlasho confirmed that the reserve reflected in the preliminary budget (see Attachment 7) is not intended for any capital projects at that time; its use is unknown, he added.

Public Comment: (2:07 p.m.) **Sue Smith, 11th Avenue South**, as a Fifth Avenue South property owner, stated that she had received no notice of the BID and that she viewed the proposed assessment as a tax. She added that as a resident of the City, she is already being taxed, with a portion of those funds contributing to the CRA. Mrs. Smith further asserted that the CRA should be terminated and action regarding the current proposal delayed until the many unanswered questions are resolved. Steering Committee Member Smith indicated that the speaker's daughter, as the manager of a partnership over her property, had been presented copies of the petition and that he had spoken with her. Mrs. Smith responded that she herself is the primary owner and therefore the group had a responsibility to contact her.

Mr. Vlasho assured Council Member Heitmann that there would be future discussion regarding the BID assuming part or all of the CRA's responsibilities but cautioned that such action could not be guaranteed so early in the process. City Attorney Robert Pritt noted that he had some technical questions which he would address with Attorney Passidomo and that he would provide a document listing these concerns for Council's next consideration of the BID.

Consensus to proceed as requested.

Public Comment (cont.): (2:16 p.m.) **Gloria Kovacs, no address given**, waived comment when called.

It is noted for the record that while consideration of Item 5 began prior to Items 7 and 9 above, it is reflected in its entirety below.

RIVERSIDE CIRCLE LAND USE & GORDON RIVER GREENWAY CONNECTION..... ITEM 5

The Gordon River Greenway Project, managed by Collier County/Conservation Collier, is a pedestrian/bikeway along the eastern side of the Gordon River, extending from Golden Gate Parkway to the Naples Airport. Earlier plans envisioned a boardwalk bridge across the river to property owned by the City near Riverside Circle. There are competing needs for the City's property, including use as a temporary storage area for two dredging projects. The presentation will summarize the uses of City-owned property on Riverside Circle; potential uses for vacant property; and the Gordon River Greenway Project.

(10:04 a.m.) City Manager William Moss indicated that, in addition to providing the requested update on the master plan for the City's Riverside Circle property, discussion would be devoted to the proposed Gordon River Greenway bridge crossing and the associated park to be constructed on City property. (It is noted for the record that a printed copy of the electronic presentation utilized with this item is contained in the file for this meeting in the City Clerk's Office.) Streets & Stormwater Director Ron Wallace provided a diagram of current uses (Attachment 8) indicating that the only area open for development is the parcel in the southeast quadrant of the City's land which had been acquired from the Pulling interests, and on which deed restrictions had been removed in a settlement agreement. While the site is currently used for storage of materials and equipment (Solid Waste, Public Works, Streets & Stormwater, and Traffic), it will in part be devoted to dewatering in conjunction with the East Naples Bay dredging project. In addition, there is a request from the U.S. Army Corps of Engineers (ACOE) to also use this location for dewatering materials from its Gordon Pass dredging project, which would require Council's permission. Mr. Wallace pointed out that the small peninsula at the northeast corner of the parcel is currently used by the Naples Rowing Association.

Mr. Wallace then displayed a depiction of the three potential alignments for the Gordon River Greenway bridge, along with cost comparisons between timber and concrete construction

(Attachment 9) and specific challenges for each. He further said that Collier County's plans for configuration and usage of the Greenway had changed and that the City bridge is neither under design nor funded by the County. Conservation Collier, he said, had therefore requested the following from the Council: 1) the specifics of the bridge; 2) the manner in which requested funds would be expended; 3) an interlocal agreement regarding perpetual conservation use and public access; 4) a unified management plan agreed to by all stakeholders; and 5) a resolution or other vehicle for any future release of funds from Conservation Collier account. He said that it had been ascertained that while the location of the bridge was not a Conservation Collier decision, funds for design, permitting and/or construction could not be expended by that organization until the aforementioned steps had been completed.

Mayor Barnett reflected on the years during which Council had discussed park usages in the area with Mr. Wallace predicting that completion of the proposed County facility on the west side of the Gordon River would be over two years in the future. Mr. Wallace then reiterated that the City has committed the site to at least two years of dewatering for the East Naples Bay project. However, Mr. Wallace noted that an alternative location for the bridge might be Anthony Park, an existing waterfront facility just to the north of the subject site, with all necessary amenities in place.

Public Comment: (10:34 a.m.) **Ellie Krier, Southwest Florida Land Preservation Trust**, supported the second bridge alignment (see Attachment 9) and indicated that, if necessary, waterfront construction access should be maintained. She also supported maintenance of the rowing club's access but urged the City to relocate material staging and storage to its Solana Road site (off Goodlette-Frank Road), submitting a drawing of a suggested configuration (contained in the file for this meeting in the City Clerk's Office). In addition, she indicated that dewatering by the ACOE could be done on the Naples Airport property across the river, proposing that the City, County and Airport Managers meet to discuss possible collaboration. In conclusion, she said that the Southwest Florida Land Preservation Trust is committed to providing funds where needed, but in order for this to occur, plans must be available, including a decision on the City's bridge alignment. **Michelle Avola, Naples Pathways Coalition**, was critical of use by the City of waterfront property for equipment and material storage as well as dewatering. She therefore urged that the City develop a park on the site as soon as possible. With regard to bicycle and pathways policy statements (Item 6), she recommended that the City endorse the U.S. Department of Transportation Statement of Bicycle and Pedestrian Accommodation Regulations and Recommendations. **George Dondanville, 2460 14th Street North**, was not present when called. **Stacy Revay, Collier County Health Department**, said that her agency endorsed the Gordon River Greenway as a pedestrian and bicyclist connection between the County and City and as a means of combating obesity and being overweight, which affects 60% of Collier County residents; in addition, the rates of diabetes are increasing, she said. **Alan Ryker, 300 Fifth Street South**, said that the highest and best use of the property in question is not for storage but as a public park. He quoted statistics with regard to the value of bicycle tourism, substantiated by a preponderance of inquiries as to areas where bicycling is accommodated in the State of Florida (a copy of the document referenced by Mr. Ryker is contained in the file for this meeting in the City Clerk's Office). **Scott Cameron, 525 Murex Drive, President of the Southwest Florida Land Preservation Trust**, said that the Greenway project had been its focus for nearly 20 years and urged that alternatives for storage be sought, although dewatering could most likely be accommodated in the short term. A park would be the best use of the land, he added, and should be perceived as an integral part of the Gordon River Greenway for enjoyment of the water.

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In further discussion, Director Wallace commented on the advisability of considering Anthony Park as a terminus for the bridge, pointing out that at present staffing levels, the Community Services Department would be unable to address the needs of an additional park.

Council Member Price recommended that the site be cleared of equipment and materials so that it can be treated as if it were a park, which will enhance the momentum of the project. Council Member Sulick expressed concern with regard to the impact on the City represented by the number of parking spaces shown in the Collier County plan for the area adjacent to Naples Zoo (Attachment 10); Vice Mayor Sorey, however, clarified that the only access to this parking will be at the Fleischmann Boulevard traffic signal. Scott Cameron (public speaker above) reported that Naples Airport Executive Director Ted Soliday had indicated that under-utilized parking on the airport site would be provided to the Greenway as an access point.

Mr. Wallace summarized that direction was needed by staff as to whether: 1) Council supported the ACOE's use of the site for dewatering; 2) the site should be eventually utilized as a park associated with the Greenway; and 3) an alignment for the crossing at the site should be chosen and site plan developed as requested by the Southwest Florida Land Preservation Trust. In response to Council, he reported that the County had approached the City for help in providing a dewatering site for the Gordon Pass dredging project as stipulated in a prior agreement. The project, which is scheduled to begin in June 2011 and continue for eight to ten months barring delays, will in fact benefit the City, he said. City Manager Moss cautioned that the ACOE does not want to proceed with the project and should Council refuse to allow use of the subject site for dewatering, may refuse to perform the dredge. Vice Mayor Sorey concurred, pointing out that following completion of the most recent Gordon Pass dredge, the ACOE had indicated it would be the final one under its purview; Council should approve the site for dewatering of the project, he urged.

Mr. Wallace explained that the dredge area would begin at the center of the Port Royal canals and move upstream to areas not dredged in the past, with a dredge depth of minus ten feet and 25,000 cubic yards total. He then noted that this project would coincide with the East Naples Bay dredge that is to begin in May 2011, although permits had not been obtained as yet. Council Member Finlay stated that while he could support both of the projects using the site for dewatering, his concerns lie with future use of the site; he asserted that at least the easternmost portion along the waterway must be reserved for some sort of waterfront park. Council Member Saad questioned whether an alternate site existed for storage and Mr. Wallace noted that the Solana Road site referenced above should not be considered due to its lack of proximity to the City's other facilities and that complaints had in fact been received from nearby residents when the Utilities Department had stored pipes on that site. The issue remains of buffering from sight the materials to be stored as well as the size of the site to be used, he said, adding that Riverside Circle was designed as a light industrial use area involving a public facilities operation. Mr. Moss indicated that staff would return with a strategy for the site and Mr. Wallace added that should Council decide that the stored materials must be relocated and the site become a park associated with the Greenway, he would recommend that the County's consultant, Kimley-Horn, be retained to develop conceptual layouts of the crossing and the park for consideration. Mr. Saad suggested exploring the proposal to use Anthony Park as the terminus for the City's crossing following meetings with the neighborhood as to its openness to the concept. Furthermore, due to its close proximity to the City's water tanks, he said that he would not support using the entire site under discussion as a park but rather retaining a portion thereby allowing the City to continue its use for storage, staging, and dewatering when necessary.

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Council Member Heitmann maintained that while the best use of the subject site is a park, the entire Riverside Circle area was in need of master planning review, noting that Council must determine the potential future use of the land, and whether consolidation of some facilities or expansion of the water plant might occur.

Council Member Price recommended keeping in mind a vision of the community, five to ten years in the future, and said he considered the Greenway the most significant project in recent years that addresses bringing area communities together. The City must find solutions in providing a crossing for the project and its funding, he added.

A brief discussion of the original 2005 route of the Greenway followed, during which Director Wallace noted that it was to cross at Rock Creek but that concerns with expense and permitting due to the length and its projected path through dense mangrove growth mandated the change. Council Member Sulick voiced support of Anthony Park as the terminus, urging that the subject parcel remain intact for its current use. Council Member Saad noted his agreement with both Mrs. Sulick and Council Member Price. He then suggested considering the second or third crossing (see Attachment 9) and reserving a portion of the subject parcel along the shoreline as a linear park which would also allow access to the peninsula by the rowing club; necessary storage and staging should remain at this site, he added. Mrs. Sulick pointed out that the City needs to retain waterfront access and the easement along the southernmost property line does not include the final 100 feet to the water. Council Member Finlay added that he believed the City's efficiency with regard to on-site storage of materials could be improved which he said should be considered with any future planning. In response, Mr. Wallace indicated that a design for the site could be developed to include all elements under discussion.

Vice Mayor Sorey suggested reviewing access to Anthony Park and conveying Council's intent to designate a crossing site to the Southwest Florida Land Preservation Trust. In addition, he urged that staff strive to determine the City's storage and staging needs and facilities required, such as water plant requirements, for the next 20 years. He further noted that there are seven acres of airport land currently being utilized by the County's recycling program which might be available for City use. Mr. Wallace then cautioned that no area on the airport property could be used for dewatering as this would attract birds and pointed out the enlargement of City facilities over the past ten years, maintaining that no additional space or needs exist into the foreseeable future; if anything, downsizing may be considered, he added.

In response to Vice Mayor Sorey, Ms. Krier indicated that she required a selected alignment for the crossing and a preliminary, not even 30%, site plan to process grant applications.

Consensus to convey support of Gordon River Greenway Project, forwarding a proposed alignment and site plan (less than 30% required) to Southwest Florida Land Preservation Trust; additionally, staff to determine a facilities use plan for City needs for the site into the next 25 years. U.S. Army Corps of Engineers (ACOE) will be allowed to use site for dewatering dredge material from their Gordon Pass dredging project.

Recess: 3:09 p.m. to 3:25 p.m. It is noted for the record that the same Council Members were present when the meeting reconvened.

..... **ITEM 6**
DEPARTMENT OF TRANSPORTATION BICYCLE & PATHWAYS POLICY STATEMENT.
The Collier County Metropolitan Planning Organization (MPO) has endorsed a U.S. Department of Transportation Statement of Bicycle and Pedestrian Accommodation Regulations and Recommendations. The MPO has asked that City Council also adopt a

similar policy. A presentation will summarize the proposed policy. (3:26 p.m.) (It is noted for the record that a printed copy of the electronic presentation for this item and the MPO (Metropolitan Planning Organization) resolution is contained in the file for this meeting in the City Clerk's Office.) Streets & Stormwater Director Ron Wallace briefly reviewed the purpose of the above referenced policy statement, as well as key issues of concern (Attachment 11 / excerpted text of electronic presentation). He further noted the recent endorsement by the Collier County MPO and that it had, by resolution, requested each member jurisdiction adopt similar policies; the cost and impact of these mandates and regulations, especially with regard to #1 and #8 (see Attachment 11, Page 1) would be unfunded and remain largely unknown. The City has a Pedestrian and Bicycle Master Plan in place, he said, which is subject to annual review and based upon current needs and available funding, he added.

Mr. Wallace then explained that the City had failed to achieve the "Bicycle Friendly Community" designation from the League of American Bicyclists in 2009 due to additional requirements for endorsement. Council agreed not to pursue the designation at that time due to limited information with regard to potential costs and impacts to neighborhoods; the current request is similar, Mr. Wallace stressed, noting three options of action (see Attachment 11, Page 2).

Council Member Finlay maintained that while the County continues to build new roadways, where accommodating pedestrians and bicyclists should in fact occur, the City is built-out and has no plans for additional thoroughfares. In addition, he pointed out that the tenth Whereas clause of the MPO resolution, subsection (c), provides an exception when the cost would be excessively disproportionate to the need or probable use of establishing the accommodations and questioned whether MPO funding, or other grants, could be withheld should the City not provide the requested support for the policy statement. Council Member Sulick, who serves as a member of the MPO, stated that she would recommend the City adhere to its established Pedestrian and Bicycle Master Plan as it had been developed to meet its own particular needs. The policy under discussion could apply in the County, she said, but continued MPO funding would not be affected by the City's decision-making with regard to this policy statement. Mr. Wallace then reported that during a recent conversation with the FDOT (Florida Department of Transportation), he had learned that it currently had \$10-million earmarked for allocation and that its criteria for approval had been amended to take into account constructability and performance; those designs ready to commence are receiving funding, he said.

Council Member Saad maintained that the resolution would not be binding upon the City as it merely endorses a policy statement. In response to Vice Mayor Sorey, Mr. Saad said that he could support inclusion of a Whereas clause, indicating implementation as dependent upon Council approval, as recommended by staff (see Attachment 11, Page 2).

Council Member Price took issue with the resolution in its entirety, explaining that while he continues to support the City's efforts with regard to increased bicycle friendliness, he could not support such legislation. Mr. Price then recommended forwarding a resolution commending the MPO for its support of the policy statement, referencing the City's 2007 Pedestrian and Bicycle Master Plan and urging other communities to take similar action; Council Member Saad agreed. **Public Comment:** (3:50 p.m.) **Michelle Avola, 300 Fifth Avenue South**, did not respond when called.

Consensus to approve a resolution merely deferring to the already adopted City of Naples Pedestrian and Bicycle Path Master Plan; to be considered at November 3, 2010 Regular Meeting.

NEW RECORDS MANAGEMENT CENTER PRESENTATION..... ITEM 8

In 2009, the City Council authorized establishment of a Records Management Center to store intermediate retention records. The City Clerk and staff have devoted significant effort to establish the new Center which now accommodates over 1,400 cubic feet of records. The City Clerk will discuss the new Records Management Center and policies and procedures for retention of public records. (3:50 p.m.) Following the viewing of a brief video depicting the creation of the Records Management Center, City Clerk Tara Norman provided Council with an orientation packet which is to be distributed to all users of the records storage facility. (It is noted for the record that a copy of the video, as well as the packet is available in the City Clerk's Office.) Mrs. Norman then thanked City Manager William Moss for providing the space for the center following relocation of the Purchasing Department to City Hall and to various department directors for their aid as well. Council thanked Mrs. Norman and her staff for their efforts.

Public Comment: (3:56 p.m.) **Sue Smith, 11th Avenue South**, noted her ongoing use of the services provided by the City Clerk's Office, suggesting that a plaque of appreciation be bestowed honoring its dedication to service.

Discussion only.

..... ITEM 10

APPOINTMENTS TO BOARDS & COMMITTEES & TERM LIMITS FOR THE NAPLES AIRPORT AUTHORITY (NAA). Appointments of volunteer citizens to serve on the City's advisory boards and committees have followed established procedures. City Council has agreed to review appointment procedures. Also, it is recognized that the Florida Statute that created the Naples Airport Authority (NAA) did not establish term limits for members of the Authority's Board of Commissioners, whose members are appointed by City Council. City Council will discuss whether to seek an amendment to the Florida Statutes to establish term limits. (3:59 p.m.) City Manager William Moss explained that due to recent Council discussions, the establishment of Naples Airport Authority (NAA) term limits had been added to this item; the City Attorney had however advised that this would require state legislative action to amend the special act which had created the NAA. Referencing the October 1 memorandum 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 pointed out that he did not believe such action should be pursued; Council Member Price agreed. Council Member Saad clarified that while the NAA term limits had not been an issue for him, he was concerned with compliance with the re-appointment process and specifically whether incumbent members should be re-interviewed. A clear policy is needed as to the waiving of interviews, he added, especially with regard to the NAA.

Vice Mayor Sorey suggested that should a majority of Council desire the re-interview of any board or committee member, that member should be notified in advance. Council Member Saad read into the record Section 2-402 of the Code of the Ordinances which mandates an interview for appointment, or re-appointment, unless a resolution is approved waiving the interview. Mrs. Norman suggested that each resolution of appointment contain a Whereas clause addressing the waiver of interview; Mr. Saad concurred, maintaining that this should be discussed and decided by Council prior to the approval of an applicant for re-appointment. Council Member Finlay observed that the NAA is in fact an authority, with decision-making powers, rather than an advisory body, and perhaps should be treated differently. Mayor Barnett stated that he would support a resolution to waive all but the NAA interviews for re-appointment; Council concurred.

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Discussion followed regarding the current nominating process. It was recommended that all nominations be voted on in alphabetical order when more than one applicant is nominated for a board or committee seat.

Consensus that incumbents will not be interviewed except in the case of the Naples Airport Authority (NAA) wherein incumbents will be interviewed with four favorable votes of Council. Nominations will be voted on in alphabetic order.

Recess: 4:24 p.m. to 4:29 p.m. It is noted for the record that the same Council Members were present when the meeting reconvened.

BLUE RIBBON PENSION COMMITTEE ITEM 11

City Council has agreed to analyze and evaluate alternatives to the several pension plans available to City employees. Staff is currently evaluating firms capable of providing actuarial services to assist in the analysis and evaluation of alternatives. City Council has previously discussed the possible appointment of a “Blue Ribbon Pension Committee” from qualified citizens to assist with the analysis and evaluation of pension plans. The subject matter is presented for discussion and further direction. (4:29 p.m.)

Assistant City Manager Roger Reinke briefly reviewed his memorandum dated September 29 (Attachment 12), pointing out that staff agreed with the prior recommendation of the Blue Ribbon Financial Planning Committee (BRFPC) that a similar committee be formed to address pension issues. The committee would advise Council as to pension alternatives to be studied by an actuary with regard to existing retirement benefits offered by the City and then provide cost projections for the alternatives. Noting that Council had allocated \$100,000 for the study, it is anticipated that the majority of these funds would in fact be utilized to provide three alternatives for each of the City’s three pension plans, he concluded.

Noting his role in the BRFPC, Council Member Price explained that he had recently reviewed its aforementioned recommendation and had altered his original opinion. While many would be willing to participate in such a committee, he said he was personally aware of only one qualified resident, who he indicated he had spoken to and would be willing to help staff in defining a scope of work for the actuary. Therefore, Mr. Price withdrew his support of a committee; Council concurred.

Consensus of no support for implementation of committee.

AD HOC EFFECTIVENESS & EFFICIENCY COMMITTEE..... ITEM 12

City Council agreed to consider a recommendation to establish an ad hoc committee to evaluate the effectiveness and efficiency of the City for achieving services goals. The subject matter is presented for discussion and further direction. (4:35 p.m.)

City Manager William Moss indicated that Council Member Finlay had proposed this item for consideration and had provided an outline of particulars for the committee for discussion (a copy of which is contained in the file for this meeting in the City Clerk's Office). Vice Mayor Sorey pointed out that while he appreciated Mr. Finlay’s effort, the goals outlined in the submittal had largely been met and that the next steps towards efficiency must be strategic and involve policy-making by Council. Council Members Price and Sulick stated that while they agreed with Vice Mayor Sorey, the City Manager as well as the entire staff is seeking efficiencies on a day-to-day basis. Mrs. Sulick added her belief that some departments are hampered by mandates over which they have little or no control.

Council Member Finlay cautioned that the predicted budgetary shortfall would require either raising taxes or additional reductions in expenditures. He reiterated that the Blue Ribbon Financial Planning Committee (BRFPC) had recommended utilizing volunteers for such activities as well as potentially outsourcing certain services. Council Member Saad noted his

agreement, especially with outsourcing and the City as a pool of excellent resources as many residents have experience in the successful operation of large businesses. He recommended that Winona Stone, with Collier County Manager's Office, be asked to speak regarding rapid process improvement methodologies which the County is implementing. Council Member Heitmann voiced support for Vice Mayor Sorey's above suggestion regarding workshop discussions, with departments each offering three recommendations.

Council Member Finlay pointed out that his concern is with regard to the lack of benchmarking the cost of services with other similar governmental entities, providing the example of his research, the cost per mile of police vehicles. Collier County has a Productivity Advisory Committee and belongs to the Florida Benchmark Consortium, he said, and Council Member Saad added that Ms. Stone had recommended this membership.

Mayor Barnett voiced support of the City Manager and staff, stating that staff is constantly working and that while he could support Council Member Price's suggestion of three areas for improvement from each department, staff seeks these areas on a day to day basis currently. Council Member Sulick agreed, saying that it is difficult to benchmark one governmental entity with another, noting that the expectations for level of service of City residents cannot be compared with those of the County.

Following additional discussion of the merits of benchmarking, Council Member Price supported the appearance by Ms. Stone and a presentation as to how to rate efficiencies and her input as to benchmarking; Council concurred.

Consensus to invite Winona Stone with Collier County Manager's Office to speak regarding rapid process improvement methodologies and provide input to Council to determine means of rating efficiencies and benchmarking.

REORGANIZATION OF POLICE & FIRE DEPARTMENT ITEM 13

In 1995 the Police and Fire Departments were combined into a single public safety department named Police and Emergency Services. From the City Manager's perspective, each of the services essentially operate as two separate entities. The unique skills required for law enforcement and fire prevention and suppression suggest that a combined agency is not appropriate for Naples. The City Manager recommends that City Council re-establish separate Police and Fire Departments while continuing to share building facilities and support personnel, and without impacting the budget. (5:00 p.m.) City Manager William Moss provided a brief review of his memorandum dated September 22 (Attachment 13), requesting that the Police and Fire Departments be once again separated, noting several advantages in doing so (see Attachment 13). This separation can occur with little or no financial impact, and is supported by both the Chief of Police and of Fire. Council Member Finlay stated that while he supported the recommendation, he requested that a synopsis of the cost to do so be provided as well of the budget for each of the two departments once separated.

Consensus to proceed with separation.

REVIEW OF ITEMS ON THE 10/20/10 REGULAR MEETING AGENDA..... ITEM 14

(5:07 p.m.) Council Member Saad requested that Item 6-I (resolution opposing Amendment 4) be removed from the Consent Agenda for separate discussion and Vice Mayor Sorey requested that Item 20 (resolution regarding Tourist Development Tax) be added.

CORRESPONDENCE / COMMUNICATIONS

(5:10 p.m.) Council Member Finlay noted an article regarding double taxation which had appeared in *Quality Cities Magazine* (a copy of the article is contained in the file for this meeting in the City Clerk's Office). Council Member Heitmann questioned whether the Anthony Park

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Apartments were currently in foreclosure and thanked City Clerk Tara Norman and her staff for their service.

ADJOURN
5:12 p.m.

Bill Barnett, Mayor

Tara A. Norman, City Clerk

Minutes prepared by:

Vicki L. Smith, Technical Writing Specialist

Minutes Approved: 11/17/10

RESOLUTION NO. 10- _____

A RESOLUTION OF THE COASTAL ADVISORY COMMITTEE OF COLLIER COUNTY, FLORIDA PROVIDING ITS SUPPORT FOR YEAR ROUND DESTINATION ADVERTISING, SUPPORT FOR ADDING ONE PERCENT TO THE TOURIST DEVELOPMENT TAX FOR THIS PURPOSE, AND OPPOSITION TO THE REALLOCATION OF THE CURRENT FOUR PERCENT OF THE TOURIST DEVELOPMENT TAX.

WHEREAS, the Coastal Advisory Committee of Collier County, Florida is charged with assisting the Board of County Commissioners (BCC) with its establishment of unified beach erosion control and inlet management programs and to advise the BCC and Tourist Development Council (TDC) of project priorities with respect to funding sources that are available to the County for restoration and protection of its shoreline pursuant to Ordinance No. 01-3; and

WHEREAS, the Coastal Advisory Committee has discussed and carefully considered options presented regarding the County's need for year-round destination advertising, the potential to add one percent to the current four percent Tourist Development Tax, and whether to reallocate the current four percent tax which would negatively affect the beach maintenance, beach renourishment, and beach park facility fund(s); and

WHEREAS, the Coastal Advisory Committee is in support of year-round destination advertising and in support of adding one percent to the current Tourist Development Tax for this purpose. The CAC is opposed to reallocating the current four percent Tourist Development Tax if the reallocation will negatively affect the beach maintenance, beach renourishment, and beach park facility fund(s); and

WHEREAS, the Coastal Advisory Committee finds that the current level of funding (approximately fifty percent of the total tax collected) is necessary for beach maintenance, beach renourishment, and beach park facility fund(s); and

WHEREAS, the Coastal Advisory Committee forwards this Resolution and recommendation to the Tourist Development Council and the Board of County Commissioners for consideration.

NOW THEREFORE, BE IT RESOLVED BY THE COASTAL ADVISORY COMMITTEE OF COLLIER COUNTY, FLORIDA, that the CAC supports year-round destination advertising, supports adding one percent to the current Tourist Development Tax for a total of five percent, and opposes reallocating the current four percent Tourist Development Tax if the reallocation will negatively affect the beach maintenance, beach renourishment, and beach park facility fund(s).

BE IT FURTHER RESOLVED that the CAC forwards this Resolution and recommendation to the Tourist Development Council and Board of County Commissioners for consideration.

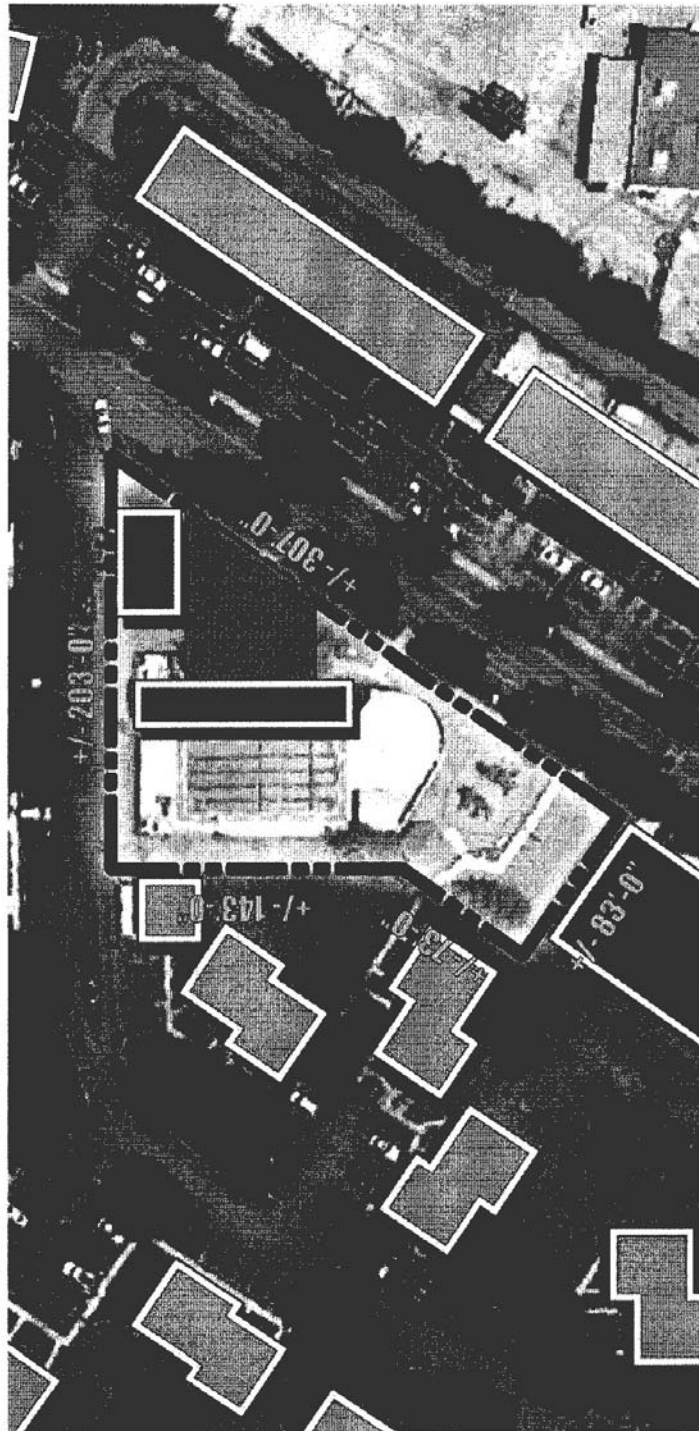
PASSED AND DULY ADOPTED by the Coastal Advisory Committee of Collier County, Florida, this ____ day of _____, 2010.

By: _____
JOHN F. SOREY, III
COASTAL ADVISORY COMMITTEE,
CHAIRMAN

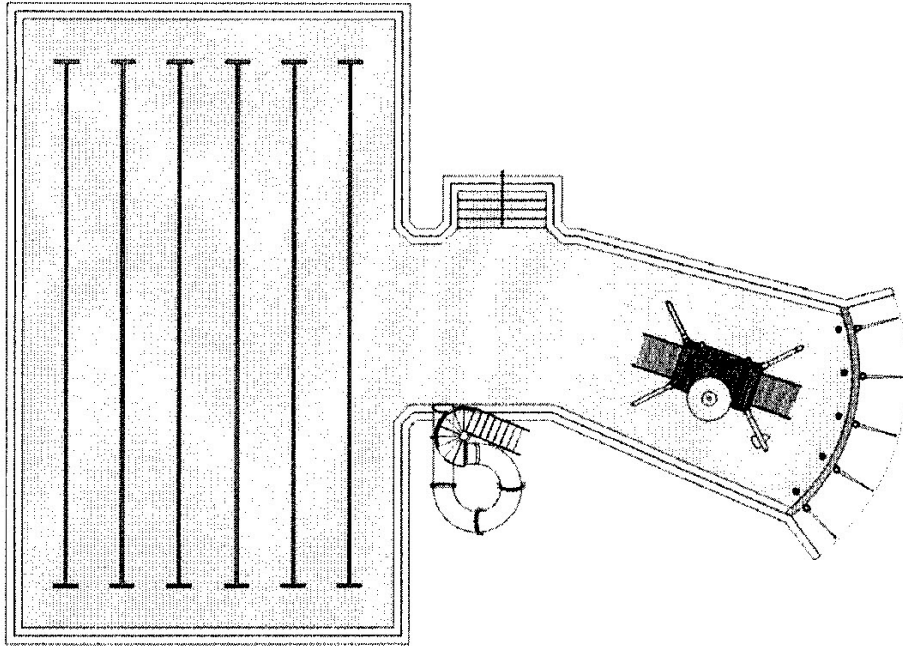
Approved as to form and
legal sufficiency:

Colleen M. Greene
Assistant County Attorney

2005-001/44

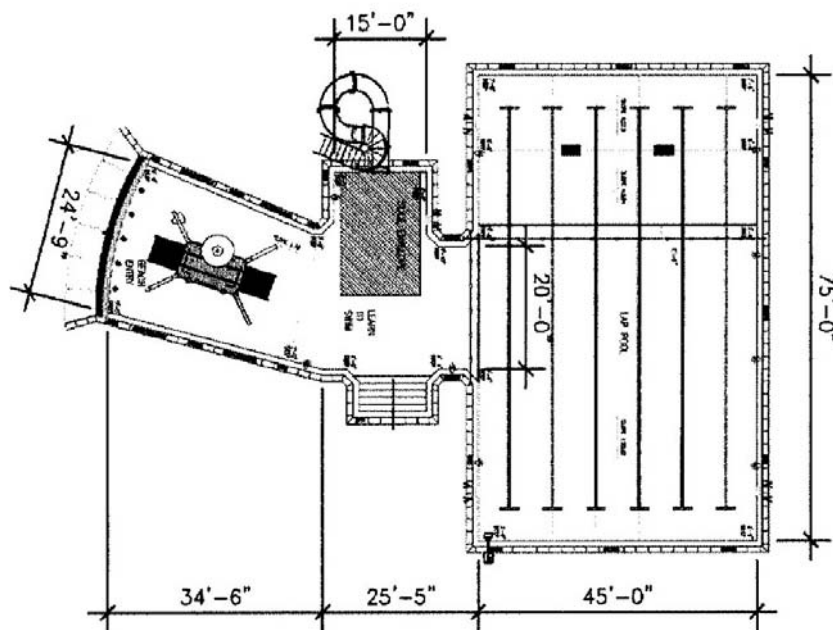


existing pool site

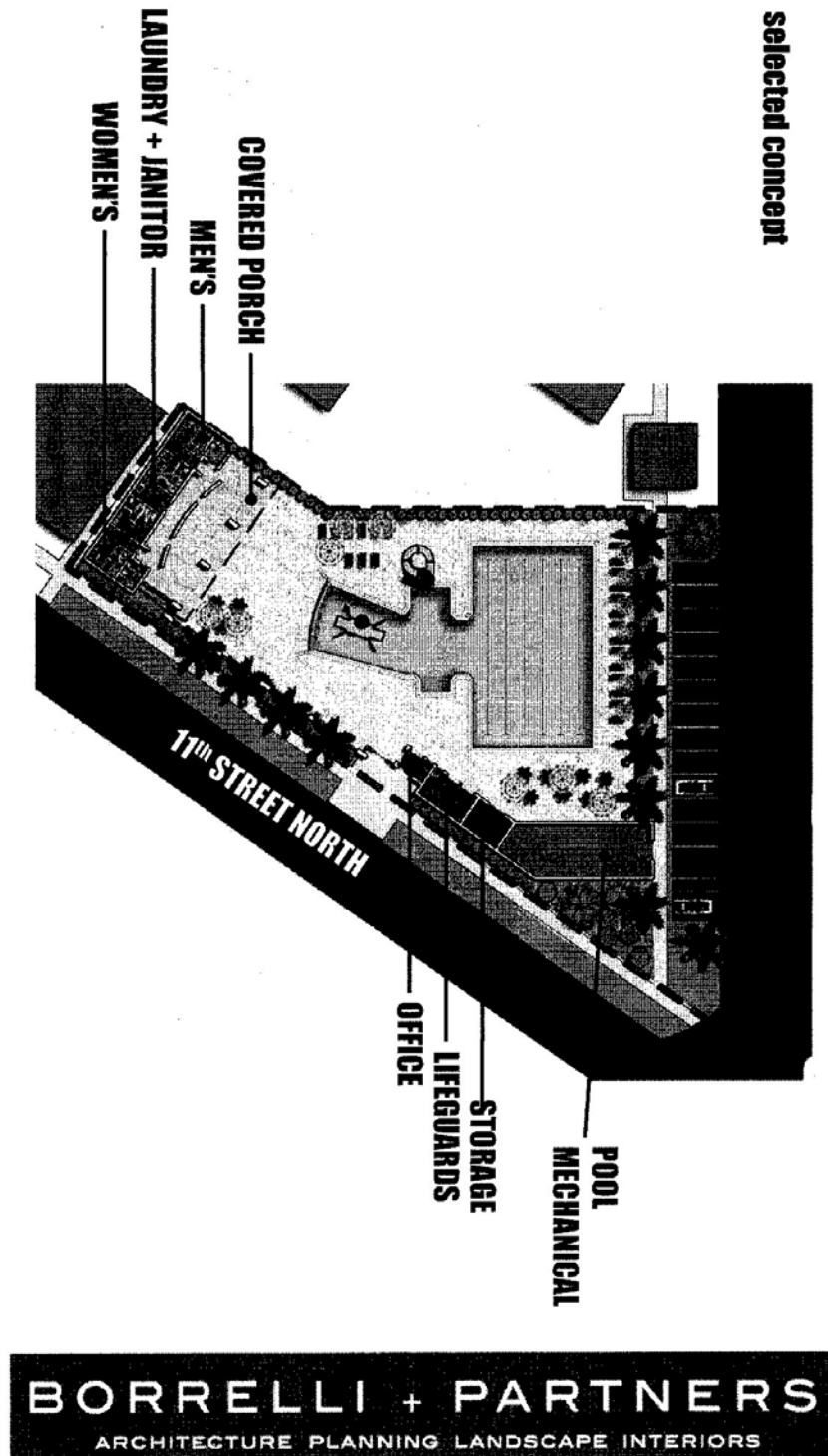


pool components
-zero entry with play structure
-spray elements at zero entry
-learn to swim area
-pool slide
-lap pool – 6 lanes

**refined concept
pool**



BORRELLI + PARTNERS
ARCHITECTURE PLANNING LANDSCAPE INTERIORS





NAPLES CITY COUNCIL AGENDA MEMORANDUM

Workshop Meeting Date: October 18, 2010

Agenda Item:	9	Prepared By: A. William Moss, City Manager
		Date: October 12, 2010 Department: City Manager
SUBJECT:		
Business Improvement District (BID) for the 5 th Avenue South Overlay District.		
BACKGROUND:		
<p>In October, 2008, at the request of property owners on 5th Avenue South, City Council authorized staff to prepare the required ordinance to allow creation of a Business Improvement District. City Council subsequently adopted Ordinance 09-12332 on January 14, 2009 to authorize the creation of business improvement districts. Over the past 18 months, City Council has received occasional requests to help establish a BID. City Council has expressed their support but has relied upon property owners to reach a consensus for support before City Council proceeds to create the BID.</p> <p>A group representing property owners on 5th Avenue South has met with staff and the City Attorney on several occasions, in the past several weeks. Staff was advised that a majority of property owners have agreed to support the establishment of a BID in order to collect funds from property owners to promote, manage, market, and other similar activities. Furthermore, the group advised staff that Attorney John Passidomo and Charlie Thomas are assisting property owners to facilitate formation of the BID. The purpose of the meetings was to discuss legal alternatives to establish the BID, the purpose(s), the organization of the BID, responsibilities between the City and the property owners, and an implementation schedule.</p> <p>There are three ways to create a Business Improvement District. The first is through powers granted by Chapter 163, F.S. (and Ordinance 09-12332). The second is to use authority granted by Chapter 170 F.S., which is the Supplemental and Alternative Method of Making Local Municipal Improvements (special assessments). The third is to create a dependent taxing district.</p> <p>Chapter 163 F.S. and Ordinance 09-12332</p> <p>This is the more commonly used statute to create neighborhood and business improvement districts. Adoption of Ordinance 09-12332 in 2008 enables the adoption of a new ordinance to create a BID as follows:</p> <p>City Council may enact a separate ordinance to establish a BID, or a petition containing the signatures of 40% of the electors of a proposed district or 20% of the property owners of a proposed district is presented to City Council. Thereafter, a referendum to implement the BID shall be held within 120 days.</p> <ul style="list-style-type: none"> • A three-member Board of Directors shall be appointed by City Council. • An ad valorem tax may be levied in the amount of up to two mils. • A special assessment may be imposed in an amount of up to \$500 per parcel per year. 		



NAPLES CITY COUNCIL AGENDA MEMORANDUM

Workshop Meeting Date: October 18, 2010

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BACKGROUND (cont.):

- City Council may establish the powers and duties of the Board of Directors by Ordinance. As an agency created by City Council, the BID would likely be required to meet all City and State regulations applicable to governmental agencies, including budget adoption through TRIM and Government in the Sunshine. Chapter 163 authorizes powers to a district, unless prohibited by ordinance. These include: enter into contracts, sue, and be sued as a body corporate; acquire, maintain and/or improve property, accept grants, have exclusive control of funds, subject to limitations imposed by law; contract with governmental agencies; contract for services; promote and advertise; improve lighting, streets, drainage, etc. The BID may exist for 10 years unless approved through another referendum.

Chapter 170 and City Code Chapter 2, Article VI, Division 5. Special Assessment

City Council may establish a special assessment district. Unlike special assessments used for public improvements, such as maintenance dredging in Aqualane Shores, the creation of a special assessment for the purpose of "stabilizing and improving" a business district is subject to approval of a majority of affected property owners within the district. The method of assessment (cost per square foot, cost per running foot, cost per lot, cost per value, etc.) must be determined, and properties in the assessment area must derive a benefit from the expenditures funded by the assessment.

Chapter 170 authorizes special assessments for improvements such as street lighting, streets, storm drainage, etc. without approval of property owners. It also allows, subject to approval by a majority of property owners, assessments to fund the cost to *stabilize and improve retail business districts, wholesale business districts, nationally recognized historic districts, or the combination of such districts through promotion, management, marketing, and other similar services*. There are no requirements to create a Board of Directors, nor is there a limit to the amount of the assessment, so long as properties assessed benefit from the resulting expenditure. There is no defined duration for a special assessment.

Dependent Tax District

City Council may establish a BID through the creation of a dependent taxing district, subject to a referendum. The maximum millage rate shall be approved by referendum of the registered voters.

The representatives of the property owners in the 5th Avenue South Overlay District, known as the Steering Committee, seek City Council's assistance and approval to establish a BID through the creation of a special assessment area as authorized by Chapter 170 F.S. and Chapter 2, Article VI, Division 5 of the City Code. The request consists of:

City of Naples



NAPLES CITY COUNCIL AGENDA MEMORANDUM

Workshop Meeting Date: October 18, 2010

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BACKGROUND (cont.):

- A petition requesting that City Council establish a BID, signed by at least a majority of the property owners. (Petition attached).
- The special assessments would be in place for a period of 10 years, with an additional 10-year renewal period if approved by City Council. The assessment area may be terminated at any time by City Council upon receipt of a petition signed by more than 50% of the property owners requesting such termination.
- Special assessment methodology is to be based upon the taxable value of property, multiplied by a numeric factor.
- The numeric factor for the first year to determine assessments shall be .0002, generating an estimated \$300,000 for the BID. Funds would be used to stabilize and improve the District through promotion, management, marketing, and other similar services. The maximum assessment in a future year may not exceed \$800,000.
- Properties excluded from the annual assessment include: properties identified by individual Folio Numbers and utilized solely for residential purposes; properties owned by the City, State, and Federal governments; properties owned or occupied by a religious institution and used as a place of worship or education; properties owned by a school district; or properties otherwise exempted from the payment of ad valorem taxes.
- Proposed outline of an Agreement between a not-for-profit corporation and the City outlining the powers, duties, and responsibilities of the not-for-profit corporation and the City. Proposed is a seven-member Board of Directors.
- Implementation of the BID and associated special assessment district by December 31, 2010. Establishing the special assessment district requires adoption of an Initial Assessment Resolution, individual notice to owners of all affected parcels (approximately 300) at least 20 days in advance of the adoption of the Final Assessment Resolution, and invoicing of the assessments by the City, in lieu of placement on the tax rolls, for 2010. In 2011 and thereafter, the assessment will be included with the annual property tax bill.

Because the Property Appraiser must be informed by March of each year to include assessments with the property tax bill, a special billing by the City is required in 2010 in order to fund the BID in the year 2011.

To implement the BID for 2010, allowing funding for the period beginning January, 2011, the Initial Assessment Resolution should be adopted by City Council on November 3. Adoption of the Final Assessment Resolution should occur on December 1, 2010. Invoices would be sent out before December 31, 2010.



NAPLES CITY COUNCIL AGENDA MEMORANDUM

Workshop Meeting Date: October 18, 2010

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BACKGROUND (cont.):

Proceeding with the creation of the BID utilizing the special assessment process as proposed may conflict with a City Council Policy pertaining to procedures for special assessment projects. Through the adoption of Resolution 08-12256, City Council established a special assessment procedure to fund local improvements to neighborhoods. The procedure likely did not envision the creation of an assessment area to function as a Business Improvement District. Nonetheless, the procedure sets forth a process for projects, such as dredging. Included is a requirement that a formal survey be sent to all affected property owners to determine if there is a majority support (51%) for the improvements and corresponding assessment.

In that Chapter 170, F.S. and the City Code allow for the creation of an assessment area to stabilize and improve a retail business district upon approval of a majority of property owners, it is presumed that the policy adopted by Resolution 08-12256 would not be applicable. Therefore, a formal survey would not be required.

Attached are: Letter from 5th Avenue South Overlay District Steering Committee; draft Initial Assessment Resolution (subject to further legal review); draft outline of an agreement between not-for-profit corporation and the City (subject to further negotiation and review); and a petition signed by a majority of property owners within the 5th Avenue South Overlay District

Reviewed by Department Director
A. William Moss

Reviewed by Finance
N/A

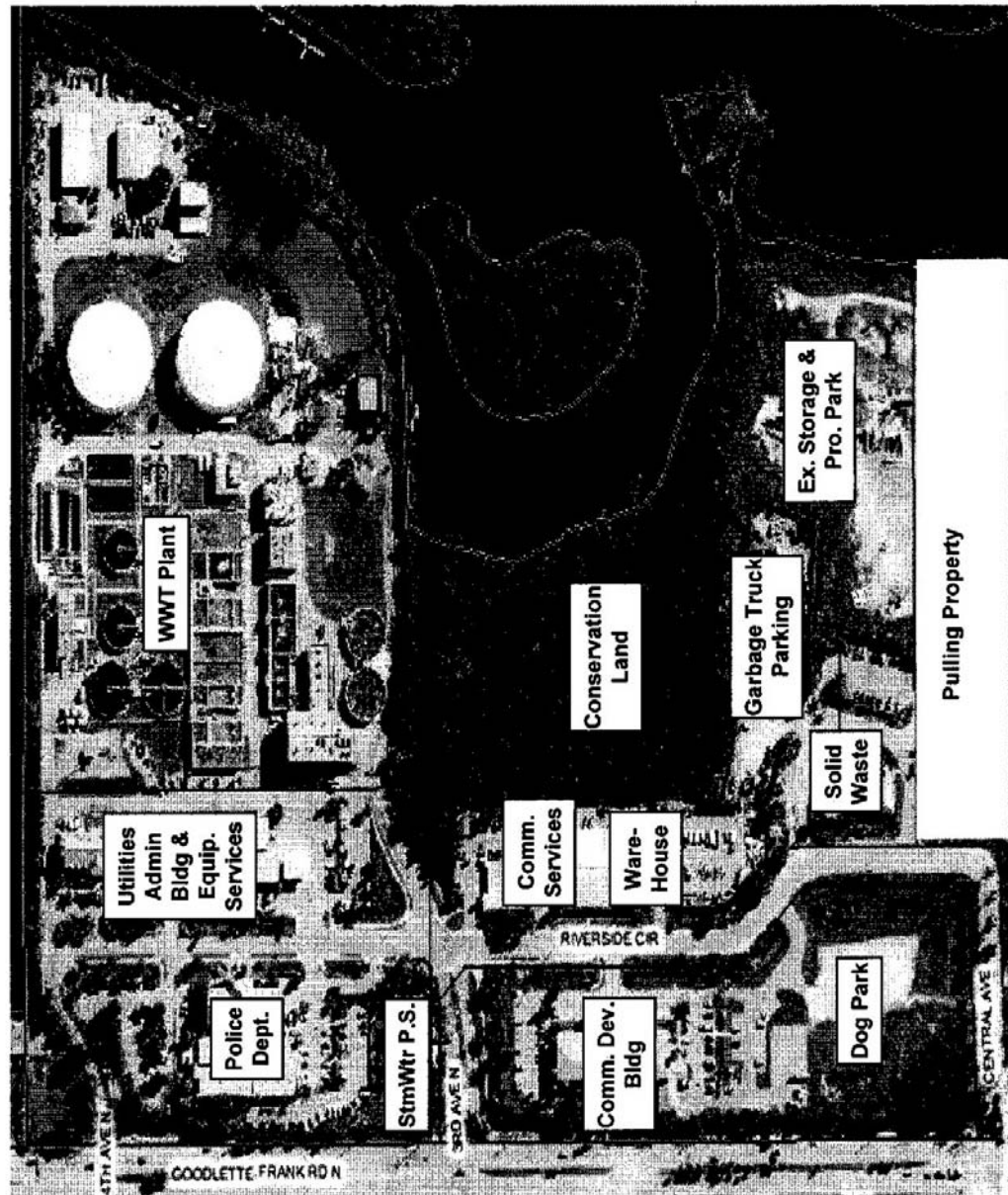
Reviewed by City Manager
A. William Moss

City Council Action:

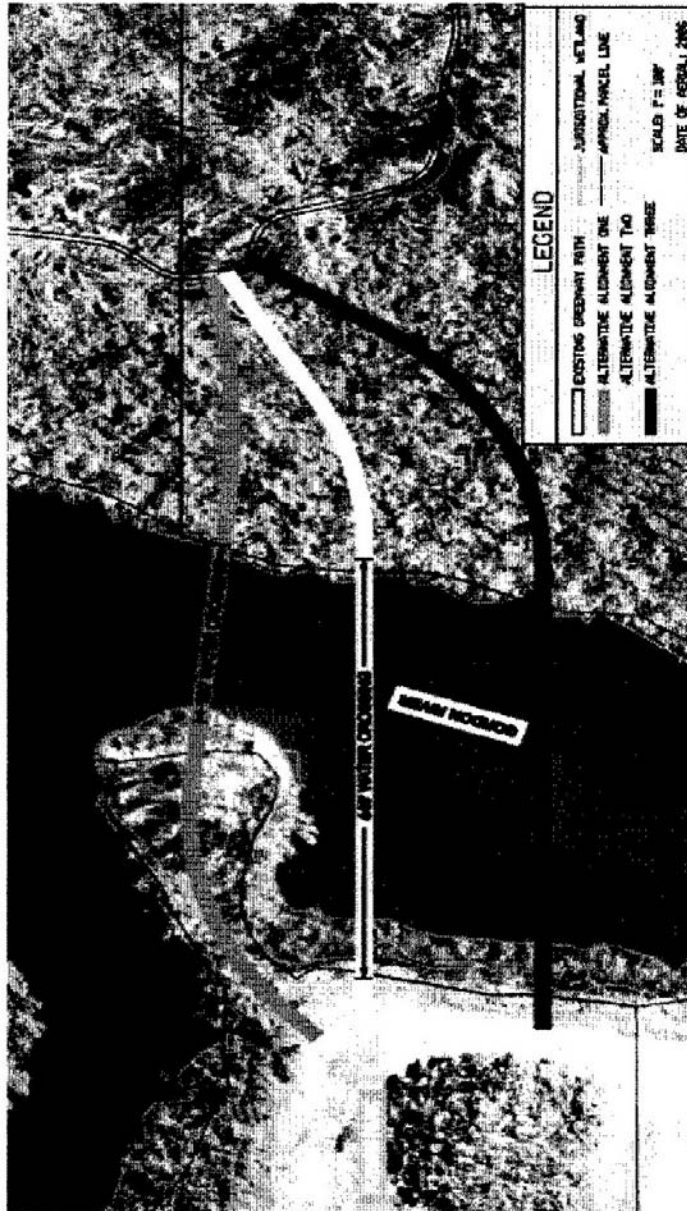
Proposed first year budget for the Fifth Avenue South BID:

Staff	\$93,500
Office/Overhead	\$22,500
Marketing	\$108,000
Events	\$50,000
Reserve	\$7,500
<hr/>	
TOTAL	\$281,500

Riverside Circle Properties



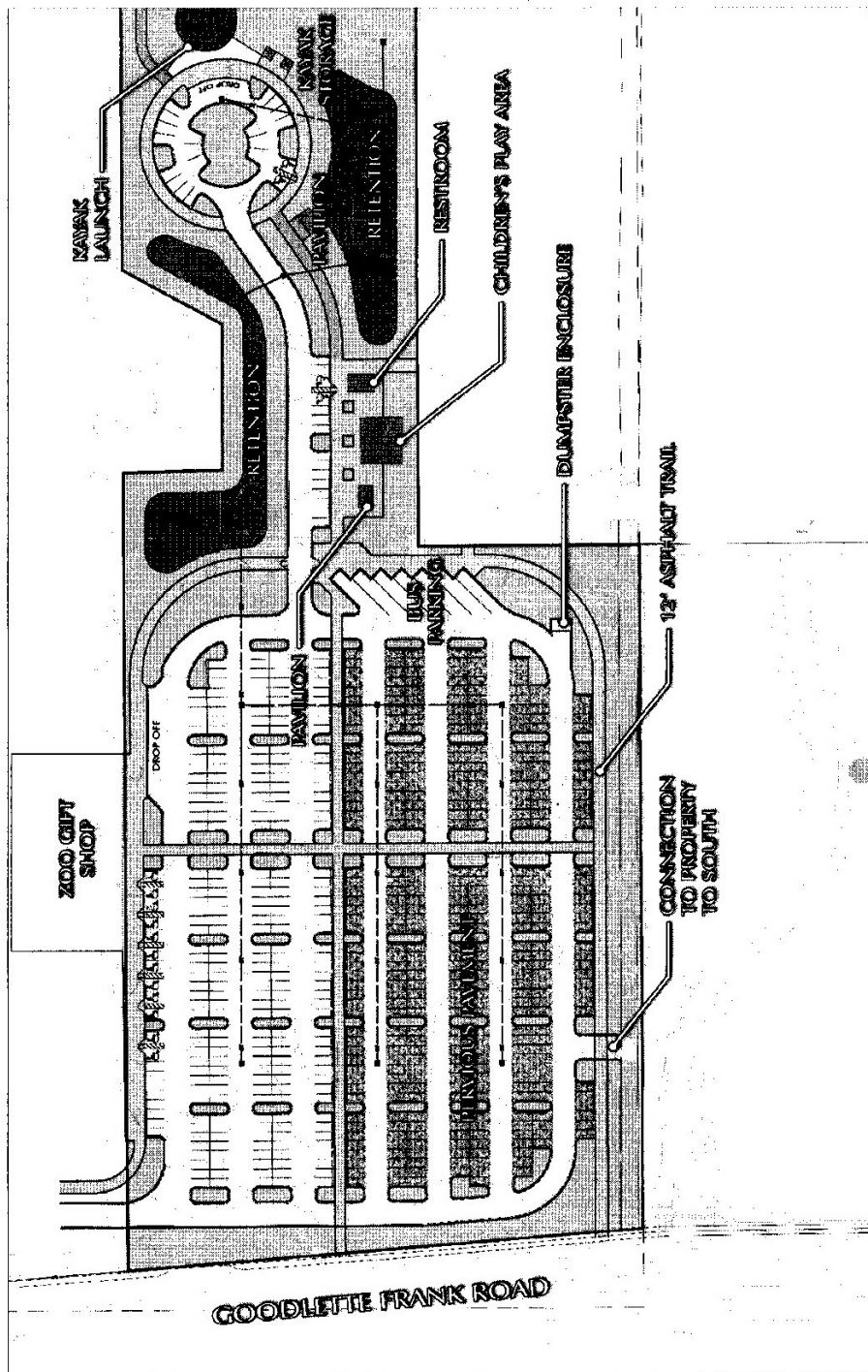
Alignment Options



PRELIMINARY ESTIMATED COSTS

	<u>Bridge & Timber Boardwalk</u>	<u>Full Length Concrete Crossing</u>
Alignment #1	\$1,000,000	\$2,300,000
Alignment #2	\$1,500,000	\$2,300,000
Alignment #3	\$1,500,000	\$2,600,000

PROPOSED COUNTY PARKING & ACCESS



Item 6 / Excerpted text of electronic presentation:

**POLICY STATEMENT ON
BICYCLE AND PEDESTRIAN ACCOMMODATION
REGULATIONS AND RECOMMENDATIONS**

City Council Workshop
October 18, 2010

SUBJECT

**United States Department of Transportation
Policy Statement on Bicycle and Pedestrian
Accommodation
Regulations and Recommendations**

Signed on March 11, 2010 and announced March 15, 2010

PURPOSE

➤ The US-DOT adopted a policy for Municipalities to enhance the promotion of pedestrian and bicycle improvements above and beyond the existing minimum standards and give walking and bicycling the same priority as is given to other modes of transportation.

KEY ISSUES

1. Giving walking and bicycling the same priority as is given to other modes of transportation;
2. Ensuring that there are transportation choices for people of all ages and abilities;
3. Avoiding the design of pedestrian and bicycle facilities to the minimum standards; achieving this end by planning projects with consideration of likely future demand for walking and bicycling and by incorporating design features, where practical, that accommodate future pedestrian and bicycle-related improvements;
4. Integrating bicycle and pedestrian accommodation on new, rehabilitated and limited access bridges;
5. Collecting data on walking and biking trips in order to track trends and prioritize investments;
6. Setting mode share targets for walking and bicycling and tracking them over time with the aim of increasing the percentage of trips made by walking and bicycling;
7. Maintaining pedestrian facilities built with Federal funds in the same manner as other roadway assets;
8. Improving non-motorized facilities during resurfacing and other maintenance projects

REQUEST

WHEREAS, the MPO has reviewed the Policy Statement and concurs with the purpose and recommended actions contained therein.

**NOW, THEREFORE, BE IT RESOLVED BY THE COLLIER METROPOLITAN
PLANNING ORGANIZATION THAT:**

- I. The Collier Metropolitan Planning Organization endorses the United States Department of Transportation Policy Statement on Bicycle and Pedestrian

Accommodation Regulations and Recommendations, signed by the United States Secretary of Transportation on March 11, 2010.

- The member jurisdictions of the Collier MPO, i.e., Collier County and the Cities of Naples, Marco Island and Everglades City, are hereby encouraged to adopt similar policy statements on pedestrian and bicycle accommodation as an indication of their commitment to the support of pedestrian and bicycle facilities as integral elements of the Collier Metropolitan Planning Area's transportation system.

THIS RESOLUTION WAS PASSED AND DULY ADOPTED BY THE COLLIER METROPOLITAN PLANNING ORGANIZATION BOARD ON MAY 14, 2010.

HISTORY

- The Naples City Council adopted a Pedestrian & Bicycle Master plan on October 3, 2007 after a year of study including: data collection of existing conditions, identification of deficiencies, numerous public meetings & workshops, input and recommendations for improvements. The Master Plan was adopted by Resolution: subject to annual review based upon need and available funding.
- On July 15, 2009 staff applied for the "Bicycle Friendly Community" designation granted by the League of American Bicyclists. The City was denied recognition which would have required further improvements to satisfy the conditions for endorsement. Due to the unknown commitment to comply with the potential significant costs and neighborhood impacts City Council agreed to not pursue the designation any further.

CONCERNS

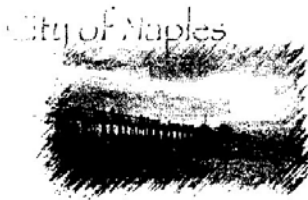
- As noted in the previous slide: City Council has been reluctant to commit to unfunded mandates and regulations
- For example:

Item 1) Giving walking and bicycling the same priority as is given to other modes of transportation

Item 8) Improving non-motorized facilities during resurfacing and other maintenance projects

OPTIONS

- Adopt the resolution as written by the MPO;
- Adopt a similar resolution supporting the policy with a **Whereas clause that states:** Implementation is dependent upon City Council approval as it relates to the practical, feasible and economic attainability of the referenced guidelines; or
- Take no action and defer to the City's previously adopted Pedestrian and Bicycle Master Plans and related Resolutions.



NAPLES CITY COUNCIL AGENDA MEMORANDUM

Workshop Meeting Date: October 18, 2010

Agenda Item:	11	Prepared By: Roger Reinke, Assistant City Manager Date: September 29, 2010	Department: City Manager
SUBJECT: Blue Ribbon Pension Committee.			
BACKGROUND: On June 16, 2010, City Council approved a resolution amending the FY 2009-2010 budget by appropriating \$100,000 from General Fund Contingency to fund pension reform evaluation and analysis. The funds allocated include the cost of a consultant to assist with the actuarial calculations necessary to perform a cost/benefit analysis of pension plan alternatives, attorney fees, and other expenses associated with implementing pension reform. On August 23, 2010, a Request For Qualifications (RFQ) was distributed. The RFQ seeks the services of a qualified enrolled actuary to evaluate alternatives to the current retirement benefits offered by the City, and to provide cost projections for these alternatives. Staff is currently evaluating nine submissions and may recommend City Council approve a contract pursuant to City purchasing rules. The April 2009 final report of the Blue Ribbon Finance Committee included the following recommendation: "The City should appoint a Blue Ribbon Committee to analyze pension obligations. The Committee believes that the current and future financial burden of pensions should be evaluated immediately. The Committee recognizes the existence of the Pension Board, but it believes that the financial risks of the pension cannot be addressed by the Pension Board." Staff concurs with the advice of the Blue Ribbon Finance Committee and recommends City Council appoint an ad hoc Blue Ribbon Pension Committee. This Committee would advise City Council on pension alternatives to be studied by the selected actuary. The process of analyzing the future cost of pension alternatives is expensive. Each analysis is dependant upon many specific variables. Changing one variable will change the cost projection associated with that alternative. Variables include plan design (i.e. defined contribution, defined benefit, hybrid, etc.), pension multiplier, normal retirement age, cost of living allowances, the definition of compensation, etc. The analysis is complicated by the fact that the City of Naples has three separate pension systems. Therefore, it is critical that the alternatives recommended for study by the selected actuary be prudently and judiciously selected. While the final cost of the analysis of options has not been determined, it is anticipated that the cost to analyze three to five options per pension plan will consume a majority of the allocated budget.			



NAPLES CITY COUNCIL AGENDA MEMORANDUM

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BACKGROUND (cont.):

The appointed Committee should be aware that an employee's pension benefit is a mandatory subject of collective bargaining, and the benefit impacts the ability of the City to recruit and retain a qualified workforce in a competitive labor market. Additionally, the operation and funding of public pension plans are subject to complex federal and state laws. It is envisioned that staff will make presentations to the Committee and offer potential options for analysis. The Committee will consider the options offered and additional options that may be feasible, and recommend to City Council pension alternatives to be evaluated and analyzed by the contracted actuary.

Should City Council desire to appoint a Blue Ribbon Pension Committee, the following points are presented for City Council discussion and direction. Based upon this direction, a resolution will be drafted for consideration by City Council.

1. The committee will be created by City Council and will make recommendations to City Council.
2. The committee shall be comprised of no more than seven appointed Naples residents who have demonstrated community involvement and/or a high degree of experience in the area of expected duties.
3. The committee will elect a chairperson.
4. The City Manager and City staff will assist the committee.
5. The purpose of the Committee will be to consider various options and alternatives to the current retirement plans offered by the City and recommend to City Council which alternatives should be evaluated and analyzed by a contracted actuary to determine future cost projections.
6. The Committee shall schedule meetings to provide a recommendation to City Council within a timetable for the evaluation and analysis to be completed prior to the commencement of collective bargaining, tentatively planned for April 2011.

Reviewed by Department Director
Roger Reinke, Assistant City Manager

Reviewed by Finance
N/A

Reviewed by City Manager
A. William Moss

City Council Action:



NAPLES CITY COUNCIL AGENDA MEMORANDUM

Workshop Meeting Date: October 18, 2010

Agenda Item:	13	Prepared By: A. William Moss, City Manager
		Date: September 22, 2010 Department: City Manager
SUBJECT: Reorganization of Police and Fire		
<p>BACKGROUND:</p> <p>In 1995, the City's separate Police and Fire Departments were combined to a single public safety department and named Police and Emergency Services. The Police Chief then served as the Director of the department (Minutes attached).</p> <p>In 2008, the City Manager recommended abolition of the combined department in favor of a separate Police and Fire Department. The City Charter requires that establishment or abolition of departments shall be determined by City Council (by ordinance). City Council determined to remain with the combined department (4-3 vote on second reading. Minutes attached).</p> <p>The City Manager respectfully requests that City Council again consider separating the combined Police and Fire Department, under direction of the Police Chief, to separate Police and Fire Departments. This recommendation is supported by the Police Chief and Fire Chief.</p> <p>From the City Manager's perspective, the Police and Fire operation for Naples essentially operates as two separate departments. Support personnel to Police and Fire can be maintained without an organizational chart that combines the Police and Fire Services under one director.</p> <p>Several advantages to separating the departments are apparent. These include:</p> <ul style="list-style-type: none"> • Current directors are exceptionally qualified for law enforcement or fire suppression and prevention, but not both. • A combined department, in the longer term, may not allow equal priority for funding operating and capital requirements. Depending upon the strengths of each division director, one may have greater priority, and overtime may adversely impact the capabilities of the division. • The City Manager should have the ability to seek and receive direct and unfiltered information as it relates to emergency and non-emergency fire-rescue operations, fire prevention activities and emergency management issues. While all current personnel work well together, this may not have been the situation in the past or will be in the future. • With the exception of the common utilization of staff support for 911/Dispatch, payroll, processing for out-of-town travel and training, and certain financial matters, there are no identified advantages. With separate departments, 911/Dispatch would remain under supervision of Police, as it is now. Payroll is in the conversion process to automation, like other departments. Therefore, payroll can either be supported by Police staff for Fire, or, more likely, Fire will assume payroll processing responsibilities. Clerical support for financial matters, such as processing of purchase orders, and out-of-town travel and training, could remain with Police until other alternatives are more efficient, or they may be transferred immediately to the Fire Department. Each department believes administrative tasks will be more efficient with separate departments. 		

City of Naples



NAPLES CITY COUNCIL AGENDA MEMORANDUM

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BACKGROUND (cont.):

- Irrespective of organizational structure, there is infrequent communication between Police and Fire, other than standard operational issues which would continue with separate departments. Communication to and from the City Manager, Department Directors, and other staff are almost always with the Police Chief or the Fire Chief. Maintaining communications following the organization chart is viewed as cumbersome.
- With few exceptions, Police and Fire operate as two separate departments.
- There will be no or very little fiscal impact to a re-organization. Further fiscal impacts to each of the departments may occur, irrespective of the organizational structure.
- There will be no additions to staff due to the proposed re-organization.
- Separate budgets will help focus cost centers on the specific services provided by Police and Fire.

Should City Council be interested in reducing the number of City departments, there may be more logical alternatives than maintaining a combined public safety department. For example:

- Planning, Building Services, and Code Enforcement could be combined into a Community Development Department.
- Utilities (including Equipment Services and Solid Waste), Streets and Stormwater, and Natural Resources could be consolidated into a Public Works Department.
- Finance, Human Resources, and the City Clerk could be combined into one Department of Administration.

The above are presented as an illustration and not a recommendation. From the City Manager's perspective, the number of Department Directors can be challenging at times, but it suits his particular management style, and the organization works to the strengths of the directors.

Should City Council wish to give this matter further consideration, an ordinance amendment will be prepared and presented to City Council.

Reviewed by Department Director
A. William Moss

Reviewed by Finance
N/A

Reviewed by City Manager
A. William Moss

City Council Action: