



City of Naples

| -SUBJECT- | Ord. No. | Res. No. | Page | |
|---|-------------|-------------|------|---|
| <u>ANNOUNCEMENTS</u> | | | | |
| MAYOR PUTZELL: None. | | | 1 | |
| CITY MANAGER JONES: None. | | | 1 | |
| <u>APPROVAL OF MINUTES:</u> November 25, 1987, Workshop Meeting December 2, 1987, Regular Meeting | | | | 1 |
| <u>PURCHASING</u> | | | | |
| -BID AWARD for two (2) three-wheel utility vehicles, Police. | | 87-5448 | 1-2 | |
| -BID AWARD one riding mower, Community Services. | | 87-5449 | 2 | |
| -BID AWARD for replacement and upgrade of electronics used to inspect sewer systems, Public Works. | | 87-5450 | 2 | |
| <u>RESOLUTIONS</u> | | | | |
| -DENY variance request to allow Tiki Tours, Inc., a charter boat business, to increase its passengers by 37 for tour bus seats. | | 87-_____ | 5-6 | |
| -APPROVE the preliminary subdivision plat for Belair West. | | 87-5455 | 6 | |
| -APPROVE issuance of Change Order No. 2 to S.E.U. Construction, Inc., extending the time of completion, effluent reuse plant. | | 87-5456 | 7 | |
| -APPROVE contract renewal for Blue Cross/Blue Shield group health insurance benefits. | | 87-5457 | 7 | |
| -APPROVE execution of contract for the purchase of right-of-way between 12th Street and Goodlette-Frank Road. | | 87-5458 | 8 | |
| <u>ORDINANCES - First Reading</u> | | | | |
| -APPROVE proposed annexation of Sea Gate subdivision for a referendum on March 8, 1988. | | 87-_____ | 6-7 | |
| <u>ORDINANCES - Second Reading</u> | | | | |
| -TABLE approval of franchise with Southern Gas Company. | | 87-_____ | 2-3 | |
| -ADOPT ordinance providing authorization to borrow \$225,000 for certain improvements to the City's beach parking facilities. | | 87-5451 | 3-4 | |
| -ADOPT ordinance correcting the legal description for the special taxing district, Moorings Bay System. | | 87-5452 | 4 | |
| -ADOPT ordinance increasing the amount of remuneration paid to persons serving on a municipal election board. | | 87-5453 | 4 | |
| -ADOPT ordinance amending Section 23-16(A) and (B) of the Code, relating to parking violations. | | 87-5454 | 4-5 | |
| <u>DISCUSSION/ACTION</u> | | | | |
| -Reconsideration of action on Residence Versailles building permit. | | | 8-10 | |
| <u>CORRESPONDENCE AND COMMUNICATIONS</u> | | | | |
| -City Manager Jones advised that the local State legislative delegation would be holding a public hearing on January 7, 1987, and requested that any local bills be presented at that time. | | | 10 | |

City Council Chambers
735 Eighth Street South
Naples, Florida 33940



Time 9:00 a.m.

Date 12/16/87

Mayor Putzell called the meeting to order and presided as Chairman:

ROLL CALL: Present: Edwin J. Putzell, Jr., ITEM 2
Mayor

Kim Anderson-McDonald
William E. Barnett
William F. Bledsoe
Alden R. Crawford, Jr.
John T. Graver
Lyle S. Richardson,
Councilmen

| COUNCIL MEMBERS | VOTE | | | A B S E N T |
|-----------------|-------------|-------------|-------|-------------|
| | M O T I O N | S E C O N D | Y E S | |
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Also Present:
Franklin C. Jones,
City Manager
David W. Rynders,
City Attorney
Mark W. Wiltsie,
Assistant City Manager/
Acting Comm. Dev. Dir.
Gerald L. Gronvold,
City Engineer
Norris C. Ijams,
Fire Chief
Jodie M. O'Driscoll,
Deputy Clerk

Frank W. Hanley,
Finance Director
Steven R. Ball,
Chief Planner
Stewart K. Unangst,
Purchasing Agent
James L. Chaffee,
Utilities Director
Clifford Gorden,
Building Inspector
Jon C. Staiger, Ph.D.,
Natural Resources Mgr.
George Henderson,
Sergeant-At-Arms

See Supplemental Attendance List - Attachment #1.

INVOCATION: Fr. Thomas J. Goggin ITEM 1
St. Ann's R.C. Church

ANNOUNCEMENTS: ITEM 3

MAYOR PUTZELL: None.

CITY MANAGER JONES: None.

-----CONSENT AGENDA-----

APPROVAL OF MINUTES ITEM 4

November 25, 1987, Workshop Meeting
December 2, 1987, Regular Meeting

PURCHASING ITEM 5

---RESOLUTION NO. 87-5448 Item 5-a

A RESOLUTION AUTHORIZING THE PURCHASE OF TWO (2) THREE-WHEEL UTILITY POLICE VEHICLES FOR THE POLICE DEPARTMENT UNDER THE FLORIDA STATE-NEGOTIATED CONTRACT; WAIVING THE REQUIREMENTS FOR COMPETITIVE BIDDING THEREON; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

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| COUNCIL MEMBERS | MOTION | SECTION | VOTE | | ABSENT |
|-------------------|--------|---------|------|----|--------|
| | | | YES | NO | |
| Anderson-McDonald | | | X | X | |
| Barnett | | | | X | |
| Bledsoe | | | | X | |
| Crawford | | | | X | |
| Graver | X | | | X | |
| Richardson | | | | X | |
| Putzell | | | | X | |
| (7-0) | | | | | |

Cushman Motor Scooter Sales
Ft. Lauderdale, Florida
\$5,737.50 each

Title not read.

---RESOLUTION NO. 87-5449 Item 5-b

A RESOLUTION AUTHORIZING THE PURCHASE OF ONE (1) RIDING MOWER UNDER THE FLORIDA STATE-NEGOTIATED CONTRACT; WAIVING THE REQUIREMENT FOR COMPETITIVE BIDDING THEREON; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Wesco Turf, Inc.
Sarasota, Florida
\$7,710.00

Title not read.

---RESOLUTION NO. 87-5450 Item 5-c

A RESOLUTION AWARDED THE BID FOR THE REPLACEMENT AND UPGRADE OF ELECTRONICS USED TO INSPECT SEWER SYSTEMS; WAIVING THE REQUIREMENTS FOR COMPETITIVE BIDDING THEREON; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Cues, Inc.
Orlando, Florida
\$34,980.00

Title not read.

MOTION: To APPROVE the Consent Agenda as presented.

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-----END CONSENT AGENDA-----

---ADVERTISED PUBLIC HEARINGS---

---ORDINANCE NO. 87- ITEM 6

AN ORDINANCE OF THE CITY OF NAPLES GRANTING SOUTHERN GAS COMPANY, ITS SUCCESSORS AND ASSIGNS, A NON-EXCLUSIVE GAS FRANCHISE TO CONSTRUCT, OPERATE, REPAIR AND MAINTAIN FACILITIES AND EQUIPMENT FOR THE TRANSPORTATION OF GAS AND TO USE THE PUBLIC PROPERTY OF NAPLES, FLORIDA FOR SUCH PURPOSES; PRESCRIBING CERTAIN TERMS AND CONDITIONS THEREOF AND PROVIDING FOR ACCEPTANCE AND AN EFFECTIVE DATE. PURPOSE: TO PROVIDE A NON-EXCLUSIVE FRANCHISE TO SOUTHERN GAS COMPANY.

Title read by City Attorney Rynders.

COUNCIL MEMBERS

| M O T I O N | S E C O N D | VOTE | | A B S E N T |
|----------------------------|----------------------------|-------------|--------|----------------------------|
| | | Y E S | N O | |

PUBLIC HEARING: Opened: 9:05 a.m.
Closed: 9:14 a.m.

City Attorney Rynders assured Council that the original franchise agreement had been amended to include an increase in the fee from 4% to 6%.

Ms. Virginia Nulsen, Old Naples Association, advised that her group was opposed to approval of this request as it did not believe there was a need for this type service in Naples.. Mr. Herb Anderson, Naples Beautification Council, concurred and said that his group was concerned that the excavated rights-of-way would not be returned to their current status.

City Attorney Rynders pointed out that the City has the power to regulate use of rights-of-way but cannot arbitrarily deny a franchise if the petitioner agrees to comply with its regulations. City Manager Jones offered to contact the petitioner to determine when further information on the issues raised could be prepared for Council.

In response to further concerns expressed by Mayor Putzell, City Attorney Rynders reiterated that the Council could deny this franchise only if the franchisee refused to comply with City regulations. Mrs. Anderson-McDonald asked, however, if the City could control when the line installation was performed and Mr. Rynders confirmed that during the permit approval process, such factors as installation time could indeed be so stipulated.

Council then asked if the petitioner could address in person some of the concerns just expressed; Mr. Rynders therefore suggested that this item be tabled until the petitioner could be available to discuss his proposal with the Council.

MOTION: To TABLE the ordinance as presented at second reading.

*** *** ***

---ORDINANCE NO. 87-5451 ITEM 7

AN ORDINANCE OF THE CITY OF NAPLES PROVIDING FOR THE ACQUISITION OF CERTAIN IMPROVEMENTS TO THE CITY'S BEACH PARKING FACILITIES; AUTHORIZING THE BORROWING OF \$225,000 FOR THAT PURPOSE; AUTHORIZING THE DELIVERY OF A PROMISSORY NOTE TO EVIDENCE OF THE OBLIGATION OF THE CITY TO PAY SAME FROM PARKING REVENUES AND LAWFULLY AVAILABLE PARKING FINES DERIVED BY THE CITY FROM ITS FACILITIES; FIXING THE FORM, DATE, MATURITY, AND INTEREST RATE WITH RESPECT TO SUCH NOTE; AUTHORIZING FURTHER OFFICIAL ACTION IN CONNECTION WITH THE DELIVERY OF SUCH NOTE; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO FINANCE THE PURCHASE OF IMPROVEMENTS TO THE CITY'S BEACH PARKING FACILITIES.

Title read by City Attorney Rynders.

Anderson-McDonald
Barnett
Bledsoe
Crawford
Graver
Richardson
Putzell
(7-0)

| | | |
|---|---|---|
| | X | X |
| X | X | X |
| | X | X |
| | X | X |
| | X | X |
| | X | X |
| | X | X |

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| | M O T I O N | S E C O N D | VOTE | | A B S E N T |
|---|---|--|--|--|----------------------------|
| | | | Y E S | N O | |
| <p>PUBLIC HEARING: Opened: 9:15 a.m. Closed: 9:15 a.m.</p> <p>No one present to speak for or against.</p> <p><u>MOTION:</u> To <u>ADOPT</u> the ordinance as presented at second reading.</p> <p>***</p> <p>---ORDINANCE NO. 87-5452</p> <p style="text-align: right;">ITEM 8</p> <p>AN ORDINANCE AMENDING EXHIBIT "A" OF ORDINANCE NO. 87-5238 OF THE CITY OF NAPLES CREATING THE MOORINGS BAY SYSTEM SPECIAL TAXING DISTRICT; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO CORRECT THE LEGAL DESCRIPTION OR BOUNDARIES OF THE MOORINGS BAY SYSTEM SPECIAL TAXING DISTRICT.</p> <p>Title read by City Attorney Rynders.</p> <p>PUBLIC HEARING: Opened: 9:16 a.m. Closed: 9:16 a.m.</p> <p>No one present to speak for or against.</p> <p><u>MOTION:</u> To <u>ADOPT</u> the ordinance as presented at second reading.</p> <p>***</p> <p>---ORDINANCE NO. 87-5453</p> <p style="text-align: right;">ITEM 9</p> <p>AN ORDINANCE AMENDING SECTION 1A4 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, RELATING TO REMUNERATION PAID TO PERSONS SERVING ON A MUNICIPAL ELECTION BOARD; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO INCREASE THE AMOUNT OF COMPENSATION PAID TO PERSONS SERVING ON A MUNICIPAL ELECTION BOARD.</p> <p>Title read by City Attorney Rynders.</p> <p>PUBLIC HEARING: Opened: 9:17 a.m. Closed: 9:17 a.m.</p> <p>In response to Citizen Egon Hill, Mayor Putzell reviewed the pay schedule for clerks (\$85.00 each), inspectors and deputies (\$65.00 each) per election.</p> <p><u>MOTION:</u> To <u>ADOPT</u> the ordinance as presented at second reading.</p> <p>***</p> <p>---ORDINANCE NO. 87-5454</p> <p style="text-align: right;">ITEM 10</p> <p>AN ORDINANCE AMENDING SECTION 23-16(A) AND (B) OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO PROVIDE THE FINE FOR VIOLATION OF SECTION 23-14(A).</p> <p>Title read by City Attorney Rynders.</p> | <p>Anderson-McDonald</p> <p>Barnett</p> <p>Bledsoe</p> <p>Crawford</p> <p>Graver</p> <p>Richardson</p> <p>Putzell (7-0)</p> | <p>X</p> | <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> | <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> | <p></p> |
| <p>Anderson-McDonald</p> <p>Barnett</p> <p>Bledsoe</p> <p>Crawford</p> <p>Graver</p> <p>Richardson</p> <p>Putzell (7-0)</p> | <p>X</p> | <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> | <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> | <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> | <p></p> |
| <p>Anderson-McDonald</p> <p>Barnett</p> <p>Bledsoe</p> <p>Crawford</p> <p>Graver</p> <p>Richardson</p> <p>Putzell (7-0)</p> | <p>X</p> | <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> | <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> | <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> | <p></p> |

| COUNCIL MEMBERS | MOTION | S E C O N D | VOTE | | A B S E N T |
|-------------------|--------|-------------|-------|-----|-------------|
| | | | Y E S | N O | |
| Anderson-McDonald | | | | X | |
| Barnett | | X | X | | |
| Bledsoe | | | X | | |
| Crawford | | | X | | |
| Graver | | | X | | |
| Richardson | X | | X | | |
| Putzell (7-0) | | | X | | |

PUBLIC HEARING: Opened: 9:18 a.m.
 Closed: 9:18 a.m.

No one present to speak for or against.

MOTION: To ADOPT the ordinance as presented at second reading.

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----END ADVERTISED PUBLIC HEARINGS----

COMMUNITY DEVELOPMENT DEPARTMENT/NAPLES
PLANNING ADVISORY BOARD

---RESOLUTION NO. 87- ITEM 11

A RESOLUTION GRANTING A VARIANCE FROM SECTION 6-23(I)(2) OF APPENDIX "A" - ZONING OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES IN ORDER TO ALLOW TIKI TOURS, INC., A CHARTER BOAT BUSINESS, TO INCREASE ITS PASSENGERS BY ADDING 37 TOUR BOAT SEATS, SAID PASSENGERS TO BE DELIVERED AND PICKED UP BY BUS OR VAN; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Chief Planner Ball explained that the petitioner was requesting additional capacity for his tour boat to accommodate bus and van passengers without providing required parking. Although Turner's Marina had received approval of a similar request, different site conditions were involved, Mr. Ball added.

Citizen Clarence Pettit spoke in favor of the resolution and said that the petitioner was providing a service to the City by showing visitors its beauty.

Mrs. Anderson-McDonald suggested that the staff monitor those passengers which come via bus or van by requiring a particular pass for tour groups so as not to exceed the parking requirement. Mr. Graver expressed concern that if this request were approved, there would be similar petitions from other charter boats.

Petitioner Martin Polsky, owner of Tiki Boat Tours, referred to the Turner's Marina variance wherein buses drop off and pick up passengers for boat tours; he said that he believed it was unfair to deny him the same privilege. Mr. Barnett asked if the petitioner could utilize the facilities at Turner's, but Mr. Polsky advised that he had not checked into that possibility.

Mr. Polsky then presented Council copies of certain pages from his daily captain's log and appointment book for bus tours and said that he could provide these records for staff review upon request (a copy of which can be reviewed from the meeting packet in the City Clerk's Office). Referring to tour buses which let passengers off at Tin City, he said he was requesting to do the same. City Attorney Rynders, however, pointed out that the City already

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has franchises with a few bus companies to provide this service for the tourists, including such stops.

Mr. Bledsoe said that he supported the findings of the Police and Engineering Departments and would therefore support the motion to deny. Mr. Crawford commented that if a retailer in Tin City wanted to expand, he must also conform to zoning regulations regarding parking; consequently, he said he believed that this petitioner must also comply with the same regulations.

MOTION: To DENY the resolution as presented.

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---RESOLUTION NO. 87-5455 ITEM 12

A RESOLUTION APPROVING THE PRELIMINARY SUBDIVISION PLAT FOR A PROPOSED SUBDIVISION KNOWN AS BELAIR WEST LOCATED 700 FEET SOUTH OF PARK SHORE DRIVE ON THE EAST SIDE OF BELAIR LANE, SUBJECT TO THE CONDITION SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Chief Planner Ball advised that Council had previously approved a planned development for this site; the petitioner was now requesting approval for the preliminary subdivision plat. Staff and the Planning Advisory Board both recommend approval with the condition delineated in the resolution.

Mr. Joseph S. Boggs of Bruce Green and Associates, representing the petitioner, explained that the Fire Department's request for an additional fire hydrant had been withdrawn because one already exists on the site. Mr. Crawford asked if the plat would show adjacent property zoning as requested by the Engineering Department. Mr. Boggs assured Council that it would.

MOTION: To APPROVE the resolution as presented.

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-----END COMMUNITY DEVELOPMENT/P.A.B.-----

-----FIRST READINGS-----

---ORDINANCE NO. 87- ITEM 13

AN ORDINANCE PROPOSING THE ANNEXATION OF SEA GATE SUBDIVISION, MORE PARTICULARLY DESCRIBED HEREIN; AMENDING SECTION 1.2 OF THE CHARTER OF THE CITY OF NAPLES, RELATING TO THE BOUNDARIES OF THE CITY; PROVIDING FOR A REFERENDUM ON SAID ANNEXATION ON MARCH 8, 1988; PROVIDING FOR A BALLOT QUESTION; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO ANNEX THE SEA GATE SUBDIVISION TO THE CITY OF NAPLES AND TO REDEFINE THE BOUNDARIES OF THE CITY OF NAPLES TO INCLUDE SAID PROPERTY.

Title read by City Attorney Rynders.

| COUNCIL MEMBERS | MOTION | SECTION | VOTE | | ABSENT |
|-------------------|--------|---------|------|----|--------|
| | | | YES | NO | |
| Anderson-McDonald | | | X | | |
| Barnett | | | X | | |
| Bledsoe | | X | X | | |
| Crawford | | | X | | |
| Graver | X | | X | | |
| Richardson | | | X | | |
| Putzell | | | X | | |
| (7-0) | | | | | |
| Anderson-McDonald | | | | | X |
| Barnett | | | | | X |
| Bledsoe | | X | | | X |
| Crawford | X | | | | X |
| Graver | | | | | X |
| Richardson | | | | | X |
| Putzell | | | | | X |
| (7-0) | | | | | |

COUNCIL MEMBERS

| M O T I O N | S E C O N D | VOTE | | A B S E N T |
|----------------------------|----------------------------|-------------|--------|----------------------------|
| | | Y E S | N O | |

City Manager Jones confirmed that this item had been brought before Council at the request of the Board of Directors of the Sea Gate Property Owners Association, this being the first step in implementing the City's annexation policy.

Mr. Bledsoe asked how many property owners were in this area and Mr. Jones estimated 87. Mr. Graver then asked why High Point was not included and Mr. Jones explained that the City had not yet received confirmation from property owners of that area's annexation.

MOTION: To APPROVE the resolution as presented.

*** **

-----END FIRST READINGS-----

---RESOLUTION NO. 87-5456 ITEM 14

A RESOLUTION AUTHORIZING THE ISSUANCE OF CHANGE ORDER NO. 2 TO S:E.U. CONSTRUCTION, INC., EXTENDING THE TIME OF COMPLETION IN CONJUNCTION WITH THE EFFLUENT REUSE PLANT CONSTRUCTION; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

City Manager Jones advised that this change order did not require additional monies but only extends the time of completion for the effluent reuse plant by approximately 30 days.

Mayor Putzell suggested that Section 1 of the resolution be amended to read: "to issue a 'non-compensatory' Change Order..."

MOTION: To APPROVE the resolution with an amendment to Section 1 which states: "to issue a 'non-compensatory' Change Order..."

*** **

---RESOLUTION NO. 87-5457 ITEM 15

A RESOLUTION RENEWING THE CONTRACT TO BLUE CROSS BLUE SHIELD FOR A ONE-YEAR PERIOD BEGINNING JANUARY 15, 1988, TO SECURE GROUP HEALTH INSURANCE BENEFITS FOR CITY EMPLOYEES; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Finance Director Hanley advised that staff recommended approval for the renewal of the Blue Cross and Blue Shield contract, using the minimum premium alternative proposal, for a period of one-year. This would provide an annual premium increase of approximately 10.4%. Mrs. Anderson-McDonald said that she believed the rate increase was not excessive. Mayor Putzell asked if this item had been let for bid; Mr. Hanley explained that the City's policy provides that an invitation to bid for the contract is let once every three years (this item was advertised for bid last year).

Anderson-McDonald
Barnett
Bledsoe
Crawford
Graver
Richardson
Putzell
(7-0)

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|---|---|---|--|--|
| X | | X | | |
| | | X | | |
| | | X | | |
| | | X | | |
| | | X | | |
| | X | X | | |
| | | X | | |

Anderson-McDonald
Barnett
Bledsoe
Crawford
Graver
Richardson
Putzell
(7-0)

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|--|---|---|--|--|
| | | X | | |
| | | X | | |
| | | X | | |
| | | X | | |
| | X | X | | |
| | | X | | |
| | | X | | |

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VOTE

161

MOTION Y N
SECTION D S O
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COUNCIL MEMBERS

Mr. Graver asked how the minimum premium alternative proposal would be implemented. Mr. Hanley said that the City would make a monthly payment for administrative costs but would not pay the actual monthly claims premium until the following month.

Mr. Bledsoe asked if the City's policy was similar to that of other area municipalities. City Manager Jones said that he believed it was although it does not include dental services due to high cost.

In response to Mr. Graver, John Manning of Blue Cross and Blue Shield said that he believed there was some movement in the industry to reduce rates for non-smokers although now only smaller insurance companies were offering such benefits.

Mayor Putzell suggested that the resolution be amended to indicate terms of the minimum premium alternative proposal. City Attorney Rynders advised that the proposal could be attached as an exhibit to the resolution.

MOTION: To APPROVE the resolution with the inclusion of the minimum premium alternative proposal as an exhibit.

*** **

---RESOLUTION NO. 87-5458 ITEM 16

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT FOR THE PURCHASE OF THE RIGHT-OF-WAY BETWEEN 12TH STREET AND GOODLETTE-FRANK ROAD, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

City Manager Jones advised that funds for this acquisition had not been budgeted in the Capital Improvement Program (CIP); however, if two budgeted street projects were deferred until next year, funds could then be made available for the purchase of this right-of-way. Mayor Putzell asked if there would be any consequences of delaying those two projects for one year. Mr. Jones, however, explained that construction would in reality be delayed only one month because the necessary design work could be completed in this fiscal year with actual construction the next.

Mr. Richardson confirmed that the new right-of-way would be approximately 100 feet wide and in response to Mr. Graver, the City Manager noted that the MAI appraiser used to determine the property value was Robert Viele.

MOTION: To APPROVE the resolution as presented.

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ITEM 17

RECONSIDERATION OF ACTION ON RESIDENCE VERSAILLES BUILDING PERMIT.

Anderson-
McDonald
Barnett
Bledsoe
Crawford
Graver
Richardson
Putzell
(7-0)

X
X
X
X
X
X
X

Anderson-
McDonald
Barnett
Bledsoe
Crawford
Graver
Richardson
Putzell
(7-0)

X
X
X
X
X
X
X

COUNCIL MEMBERS

| M O T I O N | S E C O N D | VOTE | | A B S E N T |
|----------------------------|----------------------------|-------------|--------|----------------------------|
| | | Y E S | N O | |

City Attorney Rynders explained that this item was placed on the agenda at Councilman Barnett's request to determine whether Council wanted to reconsider its action taken at the December 2, 1987, meeting. Mayor Putzell pointed out that the petitioner had previously met all the requirements for a conditional use permit. If they are not allowed an extension of that permit, it would take an additional 60-90 days for the petitioner to complete the normal permit approval procedures.

Mr. Barnett moved that Council reconsider its denial of the petitioner's request to amend the previously granted variance and the conditional use permit. Mr. Richardson seconded the motion.

Ms. Virginia Nulsen, representing the Old Naples Association, advised that her group was opposed to this reconsideration as it believed such action might set a precedent. In response to Mr. Crawford, Ms. Nulsen clarified that Ed McMahon was representing himself, not the Association, when he expressed support for the project at the Council's December 2, 1987, meeting.

Citizen Jim McGrath said that he, too, was opposed to this project and further believed it could not be financially completed. Mayor Putzell, however, explained that the Council could not grant nor deny a request based on financial stability. Mr. McGrath then pursued his point by referring to the congested traffic on East U.S. 41 to which Mayor Putzell pointed out that several traffic studies of the area all indicate that a hotel would be one of those to generate the least amount of traffic of all permitted uses.

City Attorney Rynders referred to Section 9-E of the Code wherein it states that as an alternative, the petitioner may appeal to the City Council for a time extension on a previously approved conditional use permit but pointed out that the petitioner would still be obligated to apply for a new building permit.

Mr. Graver moved to deny the petitioner's request to amend the previously granted variance and also to extend the time of the conditional use permit. Mrs. Anderson-McDonald seconded the motion.

Also referring to the traffic problems on East U.S 41, Citizen Tom Morgan said he'd waited for approximately 184 cars to pass before he could turn into an office building on the Versailles site. He said that he further believed the airport would negatively influence those who might be patrons of the hotel. In response to Mr. Morgan's concerns, however, Mr. Richardson pointed out that a traffic light is anticipated at River Point Drive some time in May or June.

Mr. Graver said that he believed this request should be denied because the original permit for a five-story hotel had been revoked. The petitioner was now requesting a completely different site plan and should be required to go through the City's permit approval process, including review by the

Anderson-McDonald
Barnett
Bledsoe
Crawford
Graver
Richardson
Putzell
(4-3)

Anderson-McDonald
Barnett
Bledsoe
Crawford
Graver
Richardson
Putzell
(3-4)
FAILED

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| VOTE | | A B S E N T |
|----------------------------|----------------------------|----------------------------|
| Y E S | N O | |
| M O T I O N | S E C O N D | |

COUNCIL
MEMBERS

Planning Advisory Board (PAB). Mrs. Anderson-McDonald also observed that had the petitioners filed for a new permit when the original permit was revoked, the 60-90 day process would have already been completed.

Mr. Crawford read a prepared statement herein included as Attachment #2.

Mayor Putzell said that he believed all the criteria for a conditional use permit had previously been met and supported approval of the petitioner's request. The Council cannot sit in judgment of the project's financial stability or economic viability, he reiterated. Mr. Barnett concurred.

MOTION: To APPROVE the petitioner's request to extend the time of the conditional use permit.

*** **

CORRESPONDENCE AND COMMUNICATIONS:

City Manager Jones advised that the local State legislative delegation would be holding a public hearing on January 7, 1987, and requested that any local bills be presented at that time.

*** **

ADJOURN: 10:50 a.m.

[Signature]
EDWIN J. PUTZELL, JR., Mayor

[Signature]
JANET CASON
CITY CLERK

[Signature]
JODIE M. O'DRISCOLL
DEPUTY CLERK

These minutes of the Naples City Council were approved on 01/06/88.

Anderson-
McDonald
Barnett
Bledsoe
Crawford
Graver
Richardson
Putzell
(4-3)

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|---|---|---|--|---|
| | | | | |
| X | | X | | X |
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| | | X | | X |
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SUPPLEMENTAL ATTENDANCE LIST

W. W. Haardt
Clarence Pettit
C. C. Holland
John Manning
James Siesky
Caryn Craddick
Tom Morgan

Charles Andrews
Egon Hill
Steve Erek
Karen Fields
Herb Anderson
Sarah Sauer
Jim McGrath

Ed Beekman
Fr. Thomas J. Goggin
Virginia Nulsen
Monique MacGlothlin
Robert Galloway
Hubert Howard
Joseph Boggs

Other interested citizens and visitors.

NEWS MEDIA

Jeff Reble, Palmer TV10
Dave Fuller, WNOG
Gary Arnold, WEVU-TV

Marty Bonvechio, Naples Daily News
Lori Rosza, Miami Herald
Bob Goldberger, WBBH-TV

Councilman Crawford's statement:

Vacillation doesn't help anyone and the City record of the permitting process for the Residences Versailles has certainly been an example of vacillation. Investors and residents should know where we, as Council people, stand on major issues.

I will restate my consistent position relative to this permit; against our continuing drift towards a touristy atmosphere; against a proliferation of hotels in the City; and against the concentration of tourist attractions such as these hotels at the point of our most serious traffic congestion.

In addition, I do not like to divert from our normal permitting processes.