



# City of Naples

City Council Chamber:  
735 Eighth Street South  
Naples, Florida 33940

-SUBJECT-	Ord. No.	Res. No.	Page
<u>ANNOUNCEMENTS:</u>			
MAYOR PUTZELL: None.			1
CITY MANAGER JONES: Announced that the second regular meeting of Council would be held in the Naples High School Auditorium. The second regular meeting of Council in December will be held on December 14, 1988.			1
<u>APPROVAL OF MINUTES:</u> October 12, 1988, Workshop Meeting October 19, 1988, Regular Meeting			1
<u>PURCHASING:</u>			
-BID AWARD trash receptacles, Community Services.		88-5655	2
-BID AWARD computer-aided design peripheral, Community Development.		88-5656	2
-BID AWARD telemetry equipment, Utilities.		88-5657	3
<u>RESOLUTIONS:</u>			
-APPOINT four members to Board of Trustees of Police and Fire Pension Boards.		88-5658	3
-APPOINT one member to Naples Airport Authority.		88-5659	3-
-APPROVE resolution confirming Bailey Lane Assessment District.		88-5660	4-
-TABLE execution of Development Agreement for property on east side of U.S. 41 between High Point and Ridge Street.		88-_____	7-
-APPROVE variance request to allow rezone of property, NW corner of Eighth Avenue South and Tenth Street South.		88-5664	8
-APPROVE execution of Utility Relocation Agreement with FDOT.		88-5667	1
<u>ORDINANCES - Second Reading:</u>			
-ADOPT new rate structure for water service rates.	88-5661		5
-ADOPT rate structure for sewer service rates.	88-5662		6
-ADOPT procedures and requirements for Development Agreements.	88-5663		6-
-ADOPT rezone of property to preserve on-site structure, NW corner of Eighth Avenue South and Tenth Street South.	88-5665		8
-ADOPT change in deadline for submittal of petitions for PAB review.	88-5666		8-
-TABLE ordinance providing temporary permits for parking of motor homes, etc., overnight within the City limits.	88-_____		9
<u>DISCUSSION/ACTION:</u>			
-Review of traffic access points in conjunction with construction of a three-story hotel complex at the NW corner of U.S. 41 and Davis Boulevard.			10
-Discussion/Action with reference to City Manager's salary.			1
<u>CORRESPONDENCE AND COMMUNICATIONS:</u>			
-City Manager Jones advised that another Development Agreement would be forthcoming for the Park Shore area. Mr. Richardson noted that the fishing industry had supplied Naples Marine Patrol with an unmarked vessel.			1



CITY OF NAPLES, FLORIDA

City Council Minutes

Date 11/02/88

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	

only be implemented after recommendations have been received by the Fifth Avenue South Parking Committee and the recently appointed Traffic Consultant. Mayor Putzell pointed out that his attached statement to those minutes so indicated that Council would base its decision on the aforementioned recommendations.

Mr. Crawford asked the record to reflect that Council will take no action until it has received input from all the various organizations, committees, etc.

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PURCHASING ITEM 5

---RESOLUTION NO. 88-5655 Item 5-a

A RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE ADDITIONAL CONCRETE TRASH RECEPTACLES FROM A PREVIOUSLY AWARDED BID; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Wausau Tile, Inc.  
Lake Hamilton, Florida  
\$ 10,800.00

Title not read.

In response to Mr. Graver, Community Services Director Holley advised that while these receptacles themselves have performed well, they have experienced some vandalism. They are very attractive and oftentimes are stolen; however, the glue currently used to attach them has deterred some of the vandalism.

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---RESOLUTION NO. 88-5656 Item 5-b

A RESOLUTION AUTHORIZING THE PURCHASE OF A COMPUTER-AIDED DESIGN PERIPHERAL FOR THE COMMUNITY DEVELOPMENT DEPARTMENT; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Resource Applications, Inc.  
Naples, Florida  
\$ 10,270.00

Title not read.

Mayor Putzell suggested the ordinance be amended to include a provision which states: "The City Manager is authorized to issue a purchase order for..."

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COUNCIL MEMBERS

MOTION	SOUND	VOTE		ABSENT
		Y	N	

---RESOLUTION NO. 88-5657

Item 5-c

A RESOLUTION AUTHORIZING THE PURCHASE OF ADDITIONAL TELEMETRY EQUIPMENT FROM A PREVIOUSLY-AWARDED BIDDER FOR THE WASTEWATER TREATMENT DIVISION, UTILITIES DEPARTMENT; WAIVING THE REQUIREMENTS FOR COMPETITIVE BIDS THEREON; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Sta-Con, Inc.  
Apopka, Florida  
\$ 54,536.00 (17 Units)

Title not read.

In response to Councilman Graver, Utilities Director Chaffee explained that this is the second year of a three year program to purchase telemetering equipment for the lift stations. The money has been appropriated in the budget for this expenditure.

MOTION: To APPROVE the Consent Agenda with the aforementioned amendment to Item 5-b.

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

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

ITEM 6

---RESOLUTION NO. 88-5658

Item 6-a & b

A RESOLUTION APPOINTING FOUR (4) MEMBERS TO THE BOARD OF TRUSTEES OF THE POLICE AND FIRE PENSION BOARDS; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Council acted on each Board separately.

Mrs. Anderson-McDonald moved to appoint the following members to the Police Pension Board: William E. Barnett, Mark W. Wiltsie, Lt. Barrie Kee, and Officer Tim Cully. Mr. Graver seconded the motion.

Mr. Richardson moved to appoint the following members to the Fire Pension Board: William E. Barnett, Mark W. Wiltsie, Lt. Brian Giblin, and Firefighter Orsie Anthony. Mrs. Anderson-McDonald seconded the motion.

MOTION: To APPOINT the aforementioned members to their respective Boards.

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---RESOLUTION NO. 88-5659

Item 6-c

A RESOLUTION APPOINTING ONE MEMBER TO THE CITY OF NAPLES AIRPORT AUTHORITY; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

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



COUNCIL MEMBERS

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

confirming and ordering the initial work or improvement for the district. The resolution will have to be amended; however, because of the change in systems to be used.

It was the consensus of Council to amend the resolution to provide for use of a low pressure system as suggested in the City Manager's memorandum dated October 28, 1988, in lieu of the gravitational system outlined in Resolution No. 88-5638.

MOTION: To APPROVE the resolution with the aforementioned amendment.

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

---ORDINANCE NO. 88-5661 ITEM 8

AN ORDINANCE RELATING TO RATES FOR WATER SERVICE, AMENDING SUBSECTION (b)(3) OF SECTION 26-8, ENTITLED "RATE SCHEDULE", AND AMENDING SUBSECTION (a) OF SECTION 26-17.1, ENTITLED "SYSTEM DEVELOPMENT CHARGE," OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO REVISE THE RATE STRUCTURE FOR WATER SERVICE RATES.

Title read by City Attorney Rynders.

PUBLIC HEARING: Opened: 9:48 a.m. Closed: 10:11 a.m.

Citizen J. Sandy Scatena spoke at great length regarding the City's required water deposit schedule (Attachment #2). He asked the City to further study this policy and reconsider the varying deposit rates.

Referring to the surcharge levied upon users outside City limits, Mr. Scatena said that he believed the money should remain in the water/sewer fund rather than transferred to the General Fund. However, City Manager Jones pointed out that those monies were in place of ad valorem taxes. Those users do not contribute to these taxes which provide for fire, police, maintenance, etc. of that system.

Mayor Putzell asked if Mr. Scatena had any recommendations of change with relation to water deposits and use of surcharge funds to which Mr. Scatena advised he did not.

City Manager Jones pointed out that this ordinance was to address water/sewer rates not deposit amounts. The deposits required by the City are to cover itself if someone should fail to pay their bill. City Attorney Rynders added that water/sewer systems are typically used as money makers and are in no way obligated to charge rates or deposits to just cover their expenses. In response to Mayor Putzell, the City Attorney continued that the City was not obligated to treat renters and homeowners equally with regard to deposit requirements.

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

X
X
X
X
X
X
X
X

COUNCIL MEMBERS	VOTE		A B S E N T
	M O T I O N	S E C O N D	
Anderson-McDonald		X	
Barnett	X	X	
Crawford		X	
Graver		X	
Muenzer		X	
Richardson		X	
Putzell		X	
(7-0)			
Anderson-McDonald	X		
Barnett		X	
Crawford		X	
Graver		X	
Muenzer		X	
Richardson		X	
Putzell		X	
(7-0)			

Referring to the \$180 deposit amount for renters, Mr. Graver asked if that amount could be reduced somewhat. Staff, however, pointed out that the State Legislature has passed a bill which provides that service cannot be terminated until three consecutive monthly billing periods have gone by unpaid and this required amount would then cover not only the use of the service, but billing costs as well.

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

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---ORDINANCE NO. 88-5662 : ITEM 9

AN ORDINANCE RELATING TO RATES AND CHARGES FOR SEWER SERVICE, AMENDING SUBSECTIONS (c) OF SECTION 11-3.1, ENTITLED "NEW SERVICE CONNECTIONS INSIDE AND OUTSIDE THE CITY LIMITS; DEFINITIONS, METHOD OF COMPUTING; METHOD OF PAYMENT AND CHARGES," AND AMENDING SUBSECTIONS (c) (2) AND (3) AND (d)(2) OF SECTION 11-3.3, ENTITLED "SEWER SERVICE--RATES AND CHARGES," OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO REVISE THE RATE STRUCTURE FOR SEWER SERVICE RATES AND CHARGES.

Title read by City Attorney Rynders.

**PUBLIC HEARING:** Opened: 10:12 a.m.  
Closed: 10:16 a.m.

Citizen J. Sandy Scatena reiterated his remarks from Item 8 (see discussion above).

Again, referring to the surcharge levied against users outside City limits, City Manager Jones commented that he had previously brought this issue to Council before, but until this past fiscal year, it had not approved such a surcharge even though State Statutes provided for it. Mr. Richardson pointed out that the City could levy up to a 50% surcharge against those users.

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

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---ORDINANCE NO. 88-5663 ITEM 10

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NAPLES BY ADDING A NEW ARTICLE V TO CHAPTER 1A, ENTITLED "DEVELOPMENT AGREEMENT APPROVAL PROCEDURES," ESTABLISHING PROCEDURES AND REQUIREMENTS TO CONSIDER AND ENTER INTO A DEVELOPMENT AGREEMENT WITH ANY PERSON HAVING A LEGAL OR EQUITABLE INTEREST IN REAL PROPERTY LOCATED WITHIN THE CITY OF NAPLES; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO PROVIDE PROCEDURES AND REQUIREMENTS FOR CONSIDERING AND ENTERING INTO DEVELOPMENT AGREEMENTS.

COUNCIL MEMBERS

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

Title read by City Attorney Rynders.

PUBLIC HEARING: Opened: 10:16 a.m.  
Closed: 10:17 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. 88- ITEM 11

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A DEVELOPMENT AGREEMENT FOR PROPERTY LOCATED ON THE EAST SIDE OF U.S. 41 BETWEEN HIGH POINT DRIVE AND RIDGE STREET TO ALLOW FOR HIGHWAY COMMERCIAL USES AND A MAXIMUM BUILDING HEIGHT OF 50 FEET; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Community Development Director McKim explained that this was the first of possibly many such agreements in anticipation of voluntary annexations. This agreement will comply with the City's highway commercial (HC) designation excepting height, it will exceed the present 30 foot limitation. The petitioner has agreed to increase the setback to 20 feet in order to buffer the height of the proposed development. General Development Site Plans (GDSP) are as of yet not available.

After a brief discussion regarding proposed changes to the agreement, Attorney Don Pickworth presented Council with a draft (Attachment #3). City Attorney Rynders added that this agreement would become effective as of the date of annexation.

Councilman Crawford expressed concern that the agreement seemed to be open-ended and further asked how the zoning ordinance would address the increased height issue. It could be handled as a conditional use or variance, Mrs. McKim explained. She further advised that perhaps some measures might have to be taken to amend the Comprehensive Plan when this development submits its GDSP.

In response to Mr. Graver, City Manager Jones said that these agreements were to encourage property owners to build well-planned developments rather than construct some haphazard site so as not to have to comply with stricter regulations.

Mr. Richardson suggested this item be tabled until legal counsels could discuss amendments to the agreement further. He also asked the petitioner to provide a layout of the property. Councilman

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

			X	
	X		X	
			X	
			X	
			X	
X			X	
			X	



Crawford recommended the agreement date be changed to coincide with the continuance. He further suggested that the setback could be increased to 50 feet to provide for a nicer buffer of the building.

It was the consensus of Council to table this item until the November 16, 1988, regular meeting.

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---RESOLUTION NO. 88-5664 ITEM 12

A RESOLUTION GRANTING A VARIANCE FROM SECTION 12.A OF APPENDIX "A" - ZONING OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES WHICH REQUIRES A MINIMUM OF 40,000 SQUARE FEET OF LAND AREA TO BE CONSIDERED FOR REZONING IN ORDER TO REZONE A 10,000 SQUARE FOOT PARCEL FROM "R3T-12", MULTIFAMILY RESIDENTIAL, TO "PD", PLANNED DEVELOPMENT, AT THE NORTHWEST CORNER OF EIGHTH AVENUE SOUTH AND TENTH STREET SOUTH; AND PROVIDING AN EFFECTIVE DATE.

---ORDINANCE NO. 88-5665

AN ORDINANCE REZONING PROPERTY LOCATED AT 995 EIGHTH AVENUE SOUTH FROM "R3T-12", MULTIFAMILY RESIDENTIAL, TO "PD", PLANNED DEVELOPMENT, FOR AN OFFICE BUILDING AND APPROVAL OF SITE PLAN; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO REZONE PRIVATE PROPERTY AT THE PROPERTY OWNER'S REQUEST TO PRESERVE AN ONSITE STRUCTURE AS AN OFFICE.

Titles read by City Attorney Rynders.

PUBLIC HEARING: Opened: 10:40 a.m.  
Closed: 10:42 a.m.

No one present to speak for or against.

MOTION: To APPROVE the resolution as presented.

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

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---ORDINANCE NO. 88-5666 ITEM 13

AN ORDINANCE AMENDING SECTIONS 8.A., 9.C. AND 11.A.(2) OF APPENDIX "A" - ZONING OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO CHANGE THE DEADLINE FOR SUBMITTAL OF PETITIONS FOR PLANNING ADVISORY BOARD REVIEW FROM THREE (3) WEEKS TO THIRTY (30) DAYS.

Title read by City Attorney Rynders.

PUBLIC HEARING: Opened: 10:43 a.m.  
Closed: 10:44 a.m.

No one present to speak for or against.

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

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

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---ORDINANCE NO. 88- ITEM 14

AN ORDINANCE AMENDING SECTION 6.20 OF APPENDIX "A" - ZONING OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO PROVIDE FOR TEMPORARY PERMITS FOR THE PARKING OF MOTOR HOMES, TRAVEL TRAILERS OR TRAVEL CAMPERS WITHIN THE CITY OF NAPLES.

Title read by City Attorney Rynders.

PUBLIC HEARING: Opened: 10:45 a.m. Closed: 11:08 a.m.

Mr. Wayne LeCureux spoke in opposition to the ordinance and said that this past summer permits were issued via telephone by Lt. Ed Miller of the Naples Police Department with no incidence of problems. He went on to say that this ordinance was violating his constitutional rights by denying him use of his recreational vehicle (RV). Referring to the section requiring RV's to be in an enclosed structure, Mr. LeCureux said he believed this to be extremely dangerous because of propane tanks used in these vehicles. Citizens Ken Monk, Art Krieger and T. W. Forbes concurred.

Mr. Rudolph J. Fitzek suggested Council consider an emergency clause whereby citizens can hook their RV generators into their homes during natural disasters such as a hurricane.

Referring to the citizens' concerns, Mayor Putzell asked the rationale for putting these restraints on RV owners. Community Development Director McKim explained that prior to this ordinance, it was necessary for RV owners to obtain a permit from Council before parking it overnight. This proved rather cumbersome and time-consuming, therefore, staff recommended it be allowed to issue permits for two nights, twice monthly.

In response to statements raised relating to the legality of this restriction, City Attorney Rynders said he believed the Courts would support Council's decision regulating use inasmuch as this is a tourist retreat and no restrictions could result in chaos.

After a brief discussion, Councilman Muenzer said he had requested this item be placed on the agenda and believed that more work still needed to be done before it could be adopted. Therefore, he asked this item be tabled until further discussion.

It was the consensus of Council to table this item indefinitely until it can be workshopped again with a representative from the Police Department and the Code Enforcement Officer.

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

			X	
	X		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	

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

ITEM 15

FINAL REVIEW OF TRAFFIC ACCESS POINTS IN CONJUNCTION WITH CONSTRUCTION OF A THREE-STORY HOTEL COMPLEX AT THE NORTHWEST CORNER OF U.S. 41 AND DAVIS BOULEVARD.

Community Development Director McKim explained that Council must review traffic access points for the project as outlined in Resolution No. 88-5582. Staff's recommendation has not changed, she said. It believes the land use does not warrant two access points, especially on one of the busiest streets and intersections in all of Collier County.

Mr. Stanley Hole of Hole, Montes and Associates, representing the petitioner, advised that since the last meeting, his client has obtained a permit from the Florida Department of Transportation (FDOT) allowing the two access points. Traffic Engineer Don Moore of Kimberly-Horn and Associates added that the improvements currently under way lend themselves to the need of two access points. The first access point along S.R. 84 (Davis Boulevard) would fall before the proposed light at U.S. 41 and S.R. 84 intersection. The west driveway, Mr. Moore continued, allows for a smoother flow of traffic in and out of the proposed development. If there was only one driveway, those guests trying to leave the property might get backed-up and take chances when trying to join the east- or west-bound traffic. Mr. Moore then distributed a hand-out from FDOT indicating where the proposed traffic signals would be (Attachment #4).

Mayor Putzell suggested the west driveway could be redesigned to accommodate larger vehicles. Mr. Hole, however, disagreed and said that it could only be done if the drive infringed upon the existing mangroves.

Attorney George Varnadoe, representing the petitioners, said he did not understand why Council was so hesitant in approving these accesses inasmuch that FDOT has permitted them. City Manager Jones pointed out, however, that even though FDOT has indicated approval of those accesses, it does not always mean it is the best design for the area.

Referring to a house on Gordon Drive which had requested an ornamental canopy above its drive, Mayor Putzell asked if the petitioner would be willing to provide access for emergency vehicles through the property in another location as the aforementioned property owner had. Attorney Varnadoe reiterated his previous remarks that one access would create a hardship for his client and perhaps cancel the entire project.

Mrs. Anderson-McDonald suggested the eastern-most access be for ingress and the western for egress. Attorney Varnadoe said that his client would consider the east access in only and the west for in/out traffic. Councilman Crawford, however,

COUNCIL MEMBERS

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

advised that he had spoken with Fire Chief Ijams who indicated that the western drive was needed for emergency vehicles to respond to calls at that site. He further advised he was in favor of the two drives and did not think it would be a hindrance to traffic.

Mr. Muenzer asked if the petitioner would be willing to install a caution light at the western-most access if FDOT approved such a signal. Attorney Varnadoe assured Council he believed his client would be so willing. This light, Mr. Muenzer continued, could indicate a slow-down area for traffic. City Manager Jones said he believed the two entrances, especially east, would cause a conflict in traffic flow. The eastern-most access would not be put into effect until the signal has been placed on S.R. 84 and U.S. 41, Mr. Varnadoe said.

**MOTION:** To APPROVE the two access points according to Site Plan 2469-2 and also to provide that the petitioner would pay for a signal light at the western-most access if deemed so necessary in the future.

Mrs. Anderson-McDonald said that although she was sympathetic to the petitioner's plight, she had to vote no because of the potential traffic conflict.

Councilman Graver concurred and said he did not believe the eastern-most entrance necessary.

Mayor Putzell commented he was convinced that the traffic burden on U.S. 41 would be increased by two access points. With the expertise of representatives here today, a better ingress/egress design could be done, he said.

This motion failed by a vote of three to four.

**MOTION:** To SUPPORT the staff's recommendation allowing the western-most access only.

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---RESOLUTION NO. 88-5667 ITEM 16

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A UTILITY RELOCATION AGREEMENT AND A UTILITY INDEMNIFICATION AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION IN CONJUNCTION WITH THE CONSTRUCTION OF ADDITIONAL TRAFFIC LANES FOR U.S. 41 FROM SOLANA ROAD TO PINE RIDGE ROAD; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

City Manager Jones advised this agreement assures the State that the City will relocate utility lines as required in conjunction with construction of additional traffic lanes.

**MOTION:** To APPROVE the resolution as presented.

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

FAILED

Anderson-McDonald  
Barnett  
Crawford  
Graver  
Muenzer  
Richardson  
Putzell  
(7-1)

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

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COUNCIL MEMBERS

MOTION	S E C O N D	VOTE		A B S E N T
		Y E S	N O	
		8	3	

ITEM 17

DISCUSSION/ACTION WITH REFERENCE TO CITY MANAGER'S SALARY.

Councilman Barnett commended the City Manager on a job well done and moved to award him a 9% salary increase.

Mr. Richardson said he believed a salary range was in order for this position. City Manager Jones agreed and said that such a cap would benefit not only him but the Council if it should have to recruit a new City Manager. Mr. Jones then outlined benefits which his position affords him such as a City vehicle for business/pleasure purposes inasmuch as his job makes him available to the public 24 hours per day. It also includes the same life and health insurance benefits (it should be noted that Mr. Jones uses another health insurance program and is not participating in the City's program), same vacation and sick leave for his tenure, and finally the same pension program as is afforded to management personnel.

MOTION: To APPROVE the City Manager's salary increase of 9%.

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Anderson-McDonald		X	X
Barnett	X		X
Crawford			X
Graver			X
Muenzer			X
Richardson			X
Putzell			X

(7-0)

CORRESPONDENCE AND COMMUNICATIONS:

City Manager Jones advised that another Development Agreement would be forthcoming for the Park Shore area.

Councilman Richardson noted that the fishing industry had supplied the Naples Marine Patrol with an unmarked vessel this past weekend. Results would be available soon.

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ADJOURN: 12:40 p.m.

EDWIN J. PUTZELL, JR., Mayor

JANET CASON  
CITY CLERK

JODIE M. O'DRISCOLL  
DEPUTY CLERK

These minutes of the Naples City Council were approved on 11/16/88

SUPPLEMENTAL ATTENDANCE LIST

David Hill	Mike McNees	Bob Galloway
Dana Bayless	Ken Monk	Wayne LeCureux
W. W. Haardt	Mason Burch	T. W. Forbes
Jack Sturgis	Tom Peek	Art Krieger
Ray Carroll	Joe Pantalione	Rudolph J. Fitzek
Ernie Carroll	John Calise	Stephen Crawford
Pat Carroll	J. Sandy Scatena	Charles Andrews

Other interested citizens and visitors.

NEWS MEDIA:

Stephen DiPietro, Palmer TV-10  
Lori Darvas, Naples Daily News

Kevin Gwin, WEVU-TV

# Naples City Council Meeting - Wednesday, November 2, 1988

For the record - My name is J. Sandy Scotena and I reside at 2990 Binnacle Drive - Naples, FL.

Good morning - Mr. Mayor and members of City Council. As a concerned citizen and owner of a women's apparel shop, Clothes Rack, on 5th Ave. ~~Scotena 1988~~ I am here today to discuss the second reading of this ordinance. In my opinion, this ordinance is arbitrary, capricious and discriminatory. The different rates that people pay for the utility deposits are not fair and I respectfully ask you - Mr. Mayor and members of this council to correct these inadequacies...

Presently, there are 14,110 customers using City water meters. 3,234 customers have no deposits with the City, 4,863 have a \$20.00 deposit with the City, 4,445 have a \$60.00 deposit with the City and 527 have a \$180.00 deposit with the City. Obviously, the people who have money on deposit are subsidizing the people who do not have a utility deposit with the City. Additionally, the City does not pay interest to the people who have a utility deposit. This utility deposit money earned \$39,762.00 in interest this past fiscal year (October 1, 1987 - September 30, 1988). The City continues to collect interest on these utility deposits. This is not fair or just and most unconscionable.

To support these statements that I have just made I am placing into the record of this meeting the following Exhibits marked NO. 1 through NO. 13..

## DEVELOPMENT AGREEMENT

This Agreement, effective as provided herein, is made and entered into by and between DENNIS J. LYNCH, TRUSTEE, whose address is 851 Fifth Avenue North, Naples, Florida 33940 hereinafter "Developer" and the CITY OF NAPLES, a municipal corporation of the State of Florida, hereinafter the "City".

For and in consideration of the mutual covenants contained herein, and the Developer's consent to the annexation of the property into the corporate boundaries of the City, the parties agree as follows:

### RECITALS:

The Developer holds fee simple legal title to the real property (the "Property") located in the unincorporated area of Collier County, Florida, described in Schedule 1 attached hereto. The Equitable Owners of the Property are set forth on Schedule 2 attached hereto, and the Developer and Equitable Owners represent that no obligation or undertaking is barred or prohibited by any contractual Agreement with any other person. The Property is covered by an annexation report titled "Naples Annexation Proposal", dated July 29, 1987, prepared by Paul Piller and Associates, which recommends that certain lands described in the report, including the Property, be annexed into the City. The Developer recognizes the benefits of annexation into the City and the benefits of fixing with certainty the development parameters for the Property. Accordingly, the Developer desires to undergo the voluntary annexation procedures pursuant to F.S. § 171.044 and has requested that the City enter into a Development Agreement pursuant to the Florida Local Government Development Agreement Act (the "Act") contained in Florida Statutes, Section 163.3220 through Section 163.3243. The duration of this Agreement is five years from the effective date which may be extended as provided in the Act.



FINDINGS AND DETERMINATIONS

The City finds and determines as follows:

1. Annexation of the Property is in the public interest.
2. The Development Agreement will encourage proper use of the Property, assist the City in capital improvement planning and comprehensive planning, promote economic use of the land resources of the City, and encourage private participation in the comprehensive planning process.

3. This Agreement has been approved by the City following two public hearings as follows:

A. The Planning Advisory Board, as the City's Local Planning Agency, held a public hearing on October 6, 1988, pursuant to a notice thereof published in the Naples Daily News, a newspaper of general circulation in Naples and Collier County, Florida on September 29, 1988.

The City Council held a public hearing on October 19, 1988, pursuant to an advertisement published in the Naples Daily News, a newspaper of general circulation in Naples and Collier County Florida on October 12, 1988.

At such hearings, the comments of members of the public were received and considered, and the City Council, having considered such comments, and having considered the recommendations of the Planning Advisory Board, has adopted Resolution No. \_\_\_\_\_, on October 19, 1988, authorizing the execution of this Agreement.

4. The project is served by existing public facilities including the City's water and sewer systems. Such facilities are adequate to serve the Development, and the Development may be served upon the payment of applicable systems development and other connection charges in accordance with the rules and regulations of the City Utility Division. The Property is located on U.S. 41, which is adequate to serve the Development. The Development shall be designed to limit the maximum number of curb cuts

necessary to serve the Development from U.S. 41, however, the Development shall be entitled to two curb cuts off of U.S. 41 for right turns in and out, subject to FDOT approval, and shall be permitted access on Ridge Street and High Point Drive.

5. Due to the unique features of the Property, specifically the size of the parcel and its location between streets on the north and south, the Property can be developed as permitted under this Agreement in such a manner as to provide adequate set backs and spacings so as to create a development harmonious with the intent of the City's land development regulations.

#### PERMITTED DEVELOPMENT

1. The Permitted Development Uses on the Property shall be those uses designated as permitted uses in the City's "HC" Zoning District as of the effective date of this Agreement. Those uses designated as conditional uses in the "HC" Zoning District shall be deemed conditional uses under this Agreement, and shall be subject to the provisions for authorizing conditional uses as contained in the zoning ordinance.

2. The minimum lot area, lot width, yards, and floor area shall be as set forth in the "HC" Zoning District. The maximum height of structures permitted in the Development shall be four (4) stories, up to a maximum height of fifty (50) feet measured vertically from the established 100 year flood elevation to the ceiling of the highest story, plus six (6) feet from said ceiling to the highest point of a flat roof, parapet wall, or "mansard" detail; or six (6) feet from said ceiling to the mean distance between the eaves and the ridge of a gable, hip or gambrel roof.

3. The off-street parking and loading, landscaping and lot coverage requirements applicable to the "HC" Zoning District shall be applicable to the Development.

4. The Developer shall construct a sidewalk within the U.S. 41 right-of-way to City specifications.

5. The local development permits approved or needed to be approved for the Development are:

- (1) Site plan approval as required by the City zoning ordinance.
- (2) Building permits for the structures permitted within the Development. Such permits shall be issued in accordance with applicable City building codes.
- (3) Any other permits required by State law or City ordinance.

#### OTHER TERMS AND CONDITIONS

1. The City hereby finds that the Development is consistent with the City's comprehensive plan and land development regulations. To the extent, if any, that the Development is not consistent with the City's comprehensive plan and land development regulations, the City shall take such measures as are necessary to amend the comprehensive plan and/or the land development regulations such that the Development permitted by this Agreement will be consistent with the plan and land development regulation.

2. Wherever this Agreement does not address a particular permit, condition, term, or restriction contained in applicable City ordinances or regulations, then such permit, condition, term or restriction shall be governed by the applicable City ordinances.

3. The City shall do what is reasonably necessary and within its governmental powers and authority to grant and allow the necessary developmental permissions for the orderly development of the Property to occur, such development to be in accordance with this Agreement and in accordance with the other ordinances and regulations of the City of Naples. It is the intention hereof that the Developer or their authorized representatives shall submit to the City such applications and other documentation and comply with such other procedures as may be normally and customarily required by the

City for developmental approvals. The parties agree that the Developer may act in reliance upon this Agreement and, to the degree that such action in reliance occurs, the development rights as set forth herein shall deem to be vested in the Developer and his successors in title to the degree that such vested development rights are recognized to exist at law. Nothing contained herein shall otherwise preclude or inhibit the City from exercising its proper zoning and development review powers for the protection of the public and in accordance with a legitimate exercise of the police power for the protection of the community in so far as the exercise of such powers do not unduly interfere with the vested development rights accruing to the Developer arising from the execution of this Agreement and any action in reliance thereon.

4. This Agreement shall take effect only after the City has adopted an ordinance pursuant to and in accordance with § 171.044, Florida Statutes, annexing the Property into the corporate limits of the City.

WITNESSES:

DENNIS J. LYNCH, TRUSTEE

\_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_

ATTEST:

THE CITY OF NAPLES

\_\_\_\_\_  
 CITY CLERK

BY: \_\_\_\_\_  
 EDWIN J. PUTZELL, MAYOR

STATE OF FLORIDA  
 COUNTY OF COLLIER

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared DENNIS LYNCH, Trustee, to me known to be the person described in and who executed the foregoing instrument and he acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this \_\_\_\_\_, 1988.

(SEAL)

\_\_\_\_\_  
 Notary Public - My commission expires:

STATE OF FLORIDA  
COUNTY OF COLLIER

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared EDWIN J. PUTZELL, to me known to be the person described in and who executed the foregoing instrument and he acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this \_\_\_\_\_, 1988.

(SEAL)

\_\_\_\_\_  
NOTARY PUBLIC - My commission expires:

SCHEDULE 1

Lots 40, 42, 44, 46, and 48, Rosemary Heights Addition as recorded in Plat Book 1, Page 78, Public Records of Collier County, Florida; AND Tract A of Highpoint, a subdivision as recorded in Plat Book 8, Pages 5 and 6, Public Records of Collier County, Florida .

SCHEDULE 2  
EQUITABLE OWNERS

ALBERT T. ROBINSON  
HENRY P. ALBRECHT  
RAYMOND P. DeANGELIS  
GEORGE HERRMANN  
INDIAN CORPORATION OF AMERICA

MICHAEL J. BORAN  
RICHARD D. CRAIG  
DENNIS J. LYNCH  
REBECCA D. ANDREWS

