



*City of Naples*

City Council Minutes

Regular Meeting 09/20/89

City Council Chambers  
735 Eighth Street South  
Naples, Florida 33940

-SUBJECT-	Ord. No.	Res. No.	Page
ANNOUNCEMENTS:			
VICE MAYOR BARNETT: Commended approximately 21 police officers for their outstanding service and heroic accomplishments in the line-of-duty.			2
CITY MANAGER JONES: Announced that there would be a 5:30 p.m. Special Meeting of Council relative to the budget public hearings.			2
APPROVAL OF MINUTES: August 11, 1989, Workshop Meeting September 6, 1989, Regular Meeting September 6, 1989, Special Meeting			2
PURCHASING:			
-BID AWARD for maintenance dredging, Moorings Bay.		89-5928	2
-BID AWARD for annual signage requirements.		89-5929	3
-BID AWARD for asphaltic material, Engineering.		89-5930	3
-APPROVE purchase of various items for resale at Pier, Dock, and other City owned facilities.		89-5931	4
-BID AWARD for fertilizer, Parks and Parkways.		89-5932	4
RESOLUTIONS:			
-APPROVE variance request from CCSL for addition, 777 GSBN.		89-5933	5
-APPROVE dredge and fill permit, River Point Drive.		89-5934	6
-APPROVE conditional use permit for dancing and entertainment, Vera Cruz restaurant.		89-5936	9
-APPROVE conditional use permit for dancing and entertainment, Page One restaurant.		89-5937	11
-APPROVE nonconformity expansion, 831 Fifth Avenue North.		89-5938	12
-APPROVE conditional use permit for addition, Fire Station No. 2.		89-5939	12
-APPROVE nonconformity expansion, 1190 Third Street South.		89-5940	13
-APPROVE preliminary subdivision plat, Fern Street.		89-5941	13
-APPROVE AFSCME revisions to Articles 13 and 14 of agreement.		89-5942	15
-APPROVE renewal of self-insurance program.		89-5943	15
-APPROVE sale and issuance of City of Naples bonds, Naples Community Hospital.		89-5944	16
-APPROVE transfer of contingency fund.		89-5945	17
-APPROVE retention of co-counsel relative to Sabal Bay DRI appeal.		89-5946	18
ORDINANCES - First Reading:			
-APPROVE rezone of property, 80 feet located next to Post Office, Goodlette Road.	89-		
ORDINANCES - Second Reading:			
-ADOPT increase of processing fees for PAB petitions.	89-5935		8

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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	

ANNOUNCEMENTS:

ITEM 3

VICE-MAYOR BARNETT: Commended approximately 21 police officers for their outstanding service and heroic accomplishments in the line-of-duty.

CITY MANAGER JONES: Announced that there would be a 5:30 p.m. Special Meeting of Council relative to the budget public hearing.

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

APPROVAL OF MINUTES

ITEM 4

August 11, 1989, Workshop Meeting  
September 6, 1989, Regular Meeting  
September 6, 1989, Special Meeting

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PURCHASING

ITEM 5

---RESOLUTION NO. 89-5928

Item 5-a

A RESOLUTION AWARDED CITY BID 90-14 FOR MAINTENANCE DREDGING OF THE WATERWAYS WITHIN MOORINGS BAY; AUTHORIZING THE VICE MAYOR AND CITY CLERK TO EXECUTE A CONTRACT WITH SEA CON INDUSTRIES CORPORATION; AND PROVIDING AN EFFECTIVE DATE.

Sea Con Industries Corp.  
Naples, Florida  
\$547,150.00

Title not read.

Councilman Crawford asked for clarification regarding the performance bond this contractor must provide prior to commencing work on the project. Purchasing Agent Unangst explained that the bid specifications require each contractor to obtain marine contractor's insurance in an amount which would cover the entire project in case the contractor defaults or is unable to finish the work.

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			Y E S	N O	

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## ---RESOLUTION NO. 89-5929

Item 5-b

A RESOLUTION AWARDDING CITY BID 90-18 FOR THE CITY'S ANNUAL REQUIREMENTS FOR TRAFFIC CONTROL SIGNAGE TO BE PURCHASED BY THE TRAFFIC CONTROL DIVISION OF THE ENGINEERING DEPARTMENT; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Municipal Supply & Sign Company  
Naples, Florida  
\$19,600.00 (Estimated Annual Exp.)

Title not read.

Referring to the bid tabulation sheet contained in the packet material, Councilman Graver asked why this bid was not recommended for the lowest bidder. City Manager Jones explained that the convenience of a local supplier would prevent the City from having to store excess signs. Currently, when a sign is needed, this recommended vendor is contacted and provides it in a timely manner. Purchasing Agent Unangst further pointed out that the low bidder requires a minimum purchase of \$500 for each order.

Councilman Crawford suggested the resolution be changed to indicate that the bid award was granted to the second lowest bidder.

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## ---RESOLUTION NO. 89-5930

Item 5-c

A RESOLUTION AWARDDING CITY BID 90-17 FOR THE CITY'S SEMI-ANNUAL REQUIREMENTS FOR ASPHALTIC MATERIAL FOR THE RECONSTRUCTION OR REPAIR OF STREETS AND BEACHENDS; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

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			Y E S	N O	

Better Roads, Inc.  
Naples, Florida  
\$134,026.00 (Estimated Exp.)

Title not read.

Referring to the bid tabulation sheet contained in the packet material, Councilman Crawford recommended the resolution be changed to indicate that this bid award was granted to the second lowest bidder.

Councilman Anderson-McDonald directed staff to indicate the source of funding on all future purchasing items.

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---RESOLUTION NO. 89-5931

Item 5-d

A RESOLUTION AUTHORIZING THE PURCHASE OF VARIOUS ITEMS FOR RESALE AT THE CITY FISHING PIER, CITY DOCK, LOWDERMILK PARK AND VENDING MACHINES LOCATED AT CITY-OWNED FACILITIES; WAIVING THE REQUIREMENT FOR COMPETITIVE BIDDING THEREON; AND PROVIDING AN EFFECTIVE DATE.

Various Vendors  
\$112,300.00 (Estimated Annual Exp.)

Title not read.

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---RESOLUTION NO. 89-5932

Item 5-e

A RESOLUTION AWARDING CITY BID 90-12 FOR THE CITY'S ANNUAL REQUIREMENTS FOR FERTILIZER USED IN THE ROUTINE CARE AND MAINTENANCE OF THE CITY'S PARKS AND LANDSCAPED AREAS; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

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			Y E S	N O	
Anderson- McDonald Barnett Crawford Graver Muenzer Richardson Putzell (5-0)	X	X	X X X X X X		X X

Various Vendors  
\$33,550.00 (Estimated Annual Exp)

Title not read.

**MOTION:** To APPROVE the Consent Agenda with the  
aforementioned amendments to Items 5-b  
and 5-c indicating that the bid award was  
granted to the second lowest bidder.

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

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

---RESOLUTION NO. 89-5933

ITEM 6

A RESOLUTION GRANTING A VARIANCE FROM  
THE CITY'S MOST RESTRICTIVE COASTAL  
CONSTRUCTION SETBACK LINE TO PERMIT  
CONSTRUCTION OF A SECOND-STORY ADDITION  
AND AN EXTERIOR ACCESS STAIR AND PORCH  
TO AN EXISTING TWO-STORY STRUCTURE AT  
777 GULF SHORE BOULEVARD, NORTH; AND  
PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

**PUBLIC HEARING:** Opened: 9:20 a.m.  
Closed: 9:26 a.m.

Natural Resources Manager Staiger explained that  
the petitioner was requesting a variance to  
construct a second story addition to an existing  
efficiency apartment over a garage. The addition  
would also include a covered porch and access  
stairs. Inasmuch as this request would not add to  
the building footprint, excepting the covered  
porch and access stairs, staff has recommended  
approval. Dr. Staiger pointed out that since the  
State has moved the Coastal Construction Control  
Line (CCCL), there will be more requests for  
variances similar in nature.

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Councilman Crawford asked if this addition would be in conformance with the Code relative to guest house expansions. Community Development Director McKim said that she believed the expansion would not exceed Code.

Ms. Barbara Henderson Cawley, representing the petitioner, was available to answer any questions.

MOTION: To APPROVE the resolution as presented.

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---RESOLUTION NO. 89-5934

ITEM 7

A RESOLUTION AUTHORIZING A DREDGE AND FILL PERMIT APPLICATION TO DREDGE A 41-SLIP MARINA BASIN FROM EXISTING UPLANDS LOCATED ON THE WEST SIDE OF RIVER POINT DRIVE, SOUTH OF FIFTH AVENUE, SOUTH (U.S. 41), SUBJECT TO THE STIPULATIONS SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

PUBLIC HEARING: Opened: 9:27 a.m.  
Closed: 9:59 a.m.

Natural Resources Manager Staiger advised that the petitioner has requested authorization for a dredge and fill permit to remove approximately 35,000 cubic yards of soil to create a boat basin which would accommodate 40 boats. Staff has recommended approval of the project as it does not believe this use would create pollution or circulation problems in Naples Bay, as evidenced from data submitted by the petitioner.

Councilman Crawford asked what recourse could be taken should the water quality begin to deteriorate as a result of this use. Dr. Staiger explained that a portion of the marina could be filled to decrease its depth, or a few boat slips could be eliminated, or an aeration system to bubble air through the water could be installed, to recapture acceptable water quality.

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	
Anderson-McDonald	X		X		
Barnett			X		
Crawford			X		
Graver		X	X		
Muenzer					X
Richardson			X		
Putzell					X
(5-0)					

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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	
COUNCIL MEMBERS					

Mr. Kris Dane of Coastal Engineering Consultants, Inc., representing Developer Andrew Wolfe, distributed copies of the final site plan to members of Council (a copy of which can be reviewed from the meeting packet in the Office of the City Clerk). Mr. Dane advised that liveaboard vessels would not be allowed, and he further advised that there would be no fueling facilities on-site. There will be one pump-out station provided, along with a low intensity use clubhouse complete with cable television, electric, water, weather fax, etc. The developer has agreed to provide public access to the Bay by constructing a Boardwalk system along the property, in accordance with the City's Comprehensive Plan.

Discussion then ensued relative to adequate parking for this site. Councilman Graver asked if the petitioner could meet the City's stringent Code requirements relative to parking. Community Development Director McKim advised that staff has been negotiating with the petitioner on that matter and believed parking concerns could be fully addressed in the GDSP and PD process.

Councilman Richardson asked why the haste in obtaining a dredge and fill permit before the actual land use has been approved. Mr. Dane explained that this was just one of several permits which must be acquired for the project, and he further believed that the developer would not want to proceed without this permit to dredge.

Referring to the impending discussion by the Planning Advisory Board (PAB) relative to a proposed boat dock moratorium, Mrs. Anderson-McDonald asked what would happen if this request was approved, but the PAB after their deliberations recommended that a boat dock moratorium be imposed. City Manager Jones advised the approval for a dredge permit could then be placed in abeyance until after the moratorium had been lifted. City Attorney Rynders pointed out that the petitioner must still proceed through the land use approval process before he can begin developing this property.

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Mr. Fred Sullivan of 1608 Murex Lane asked for clarification relative to liveaboard vessels. He asked Council not to consider the petition at this time as he indicated he believed it to be premature in light of the upcoming PAB discussion relative to a boat dock moratorium.

Mr. J. Sandy Scatena of 2990 Binnacle Drive asked Council not to consider this request inasmuch as the PAB was going to hold a public hearing relative to the proposed boat dock moratorium on September 27, 1989.

Referring to comments made by a previous speaker, Councilman Graver asked for clarification relative to liveaboard vessels. Dr. Staiger explained that it was unlawful in the City for anyone to sleep overnight or prepare food in a vessel.

Mr. George Law, adjacent property owner, asked Council to consider approval of this request as he believed it to be the most appropriate use of that property.

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

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

COMMUNITY DEVELOPMENT DEPARTMENT/ NAPLES  
PLANNING ADVISORY BOARD

---ORDINANCE NO. 89-5935

ITEM 8

AN ORDINANCE AMENDING SECTION 20-54(c) RELATING TO THE PROCESSING FEE FOR THE VACATION OF STREETS, ALLEYS, DEDICATED EASEMENTS AND SUBDIVISION PLATS AND AMENDING SECTION 15 OF APPENDIX "A" - ZONING OF THE CODE OF ORDINANCES RELATING TO PLANNING PETITION FEES; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO INCREASE THE FEES FOR VARIOUS PLANNING ADVISORY BOARD PETITIONS IN ORDER TO COVER THE INCREASING COST OF REVIEWING PETITIONS.

-8-

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	
Anderson-McDonald			X		
Barnett			X		
Crawford			X		
Graver		X	X		
Muenzer					X
Richardson	X		X		
Putzell					X
(5-0)					

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			Y E S	N O	

Title read by City Attorney Rynders.

PUBLIC HEARING: Opened: 10:05 a.m.  
Closed: 10:05 a.m.

No one present to speak for or against.

Community Development Director McKim advised that this ordinance was to increase fines for Planning Advisory Board (PAB) petitions. The proposed rate schedule is in keeping with surrounding communities, but still does not fully recover personnel costs.

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

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---RESOLUTION NO. 89-5936

ITEM 9

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO ALLOW DANCING AND STAGED ENTERTAINMENT AT THE VERA CRUZ RESTAURANT, 1355 FIFTH AVENUE SOUTH, SUBJECT TO THE CONDITIONS SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Community Development Director McKim explained that the Vera Cruz Restaurant has requested a dancing and staged entertainment permit to allow a three piece jazz band as an accessory use. Both staff and the Planning Advisory Board (PAB) have recommended approval providing a six month review of the use; noise ordinance must be obeyed; no outdoor entertainment after sunset; and that the use shall be reviewed yearly after the initial six months, to ensure that it remains an accessory use.

Mr. David Borden, representing the petitioner, advised he was available to answer any questions.

Anderson-  
McDonald  
Barnett  
Crawford  
Graver  
Muenzer  
Richardson  
Putzell  
(5-0)

X

X

X

X

X

X

X

X

X

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Councilman Crawford asked for clarification as to the change of staff's position relative to the traffic impact this use would have upon U.S. 41. Mrs. McKim explained that a band can typically attract more than the allotted patrons to a restaurant. However, after submission of a traffic analysis by the petitioner, staff has recommended approval of this accessory restaurant use. She reiterated that the permit would be reviewed initially in six months, then once yearly thereafter to ensure it remains an accessory use.

Referring to the limitation of a three piece jazz band in the staff report, Mrs. Anderson-McDonald recommended that language be stricken as this request would be reviewed yearly relative to noise and traffic impact.

Mr. Crawford then asked that Section 1 (d) of the resolution be amended to include six month review relative to noise, traffic, and other factors.

**MOTION:** To APPROVE the resolution with the amendment to Section 1 (d) indicating that the six month review shall relate to noise, traffic, and other factors.

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---ORDINANCE NO. 89-

ITEM 10

AN ORDINANCE REZONING THE NORTH 80 FEET OF PROPERTY LOCATED IN THE 1000-1100 BLOCK OF GOODLETTE ROAD NORTH WHICH IS PART OF THE PLANNED DEVELOPMENT KNOWN AS COLONIAL SQUARE FROM "PD" PLANNED DEVELOPMENT TO "PS" PUBLIC SERVICE; AMENDING THE PREVIOUSLY APPROVED PD FOR COLONIAL SQUARE TO ELIMINATE THE NORTH 80 FEET FROM SAID PLAN; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO REZONE SAID PROPERTY AT THE PROPERTY OWNER'S REQUEST TO FACILITATE AN EXPANSION OF THE POST OFFICE PARKING AREA.

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	
Anderson-McDonald		X	X		
Barnett			X		
Crawford			X		
Graver			X		
Muenzer					X
Richardson	X		X		
Putzell					X
(5-0)					

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			Y E S	N O	
Anderson- McDonald Barnett Crawford Graver Muenzer Richardson Putzell (5-0)	X		X X X X X X X		X X
Anderson- McDonald Barnett Crawford Graver Muenzer Richardson Putzell (5-0)		X	X X X X X X X		X X

Community Development Director McKim explained the petitioner has requested an amendment to a previously approved planned development (PD) by eliminating approximately 80 feet to be used by the Post Office as an expansion to their existing parking area. Both staff and the Planning Advisory Board (PAB) have recommended approval subject to the stipulation that the property would only be for post office uses. Should the property be sold, the new owner must submit any proposed uses for that property to the City for its review and approval.

**MOTION:** To APPROVE the ordinance as presented at first reading.

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## ---RESOLUTION NO. 89-5937

## ITEM 11

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO ALLOW DANCING AND STAGED ENTERTAINMENT AT THE PAGE ONE RESTAURANT IN GRAND CENTRAL STATION, SUBJECT TO THE CONDITION SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Community Development Director McKim advised the petitioner has requested a permit to allow dancing and staged entertainment at the Page One restaurant in Grand Central Station. Both staff and the Planning Advisory Board (PAB) have recommended approval subject to a one year review of the use.

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

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## CITY OF NAPLES, FLORIDA

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## ---RESOLUTION NO. 89-5938

## ITEM 12

A RESOLUTION AUTHORIZING THE EXPANSION OF A NONCONFORMITY TO EXPAND A COMMERCIAL COMPLEX WITH IMPROVEMENTS TO LANDSCAPING AND PARKING AT 831 FIFTH AVENUE NORTH, SUBJECT TO THE CONDITIONS SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Community Development Director McKim explained that the petitioner was requesting approval to expand a nonconforming commercial complex. The proposed improvements would bring the property more into conformance, but would still be deficient relative to the required landscaping requirements. Both staff and the Planning Advisory Board (PAB) have recommended approval subject to certain conditions outlined in the resolution.

Mr. Garry Beyrent, representing the petitioner, was available to answer any questions.

Referring to the recently vacated portion of the alleyway adjacent to this property, Councilman Crawford asked if the remainder of that alley could be vacated to bring this property into conformance. Mr. Beyrent advised that he would prefer his portion of the alley not be vacated as he would have to compensate the City for that action.

MOTION: To APPROVE the resolution as presented.

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## ---RESOLUTION NO. 89-5939

## ITEM 13

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT FOR A TRAINING ROOM ADDITION OF 2,925 SQUARE FEET TO FIRE STATION NO. 2 AT 977 26TH AVENUE NORTH, SUBJECT TO THE CONDITIONS SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE.

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	
Anderson- McDonald	X		X		
Barnett			X		
Crawford			X		
Graver		X	X		
Muenzer					X
Richardson			X		
Putzell (5-0)					X

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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	
Anderson- McDonald Barnett Crawford Graver Muenzer Richardson Putzell (5-0)	X		X X X X X	X	X X
Anderson- McDonald Barnett Crawford Graver Muenzer Richardson Putzell (5-0)		X	X		X X
Anderson- McDonald Barnett Crawford Graver Muenzer Richardson Putzell (5-0)			X X X X X		X X
Anderson- McDonald Barnett Crawford Graver Muenzer Richardson Putzell (5-0)	X		X		X X

Title read by City Attorney Rynders.

Community Development Director McKim pointed out that this request was for an addition to the City of Naples Fire Station No. 2 of approximately 2,925 feet. Both staff and the Planning Advisory Board (PAB) have recommended approval subject to the condition that landscaping shall be brought into conformance with Code within one year.

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

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---RESOLUTION NO. 89-5940

ITEM 14

A RESOLUTION AUTHORIZING THE EXPANSION OF A NONCONFORMITY TO ELIMINATE AN INDENTED SEGMENT OF A WALL THAT ONCE PROVIDED A SEPARATE ENTRANCE TO JOHNSTON OF FLORIDA, 1190 THIRD STREET SOUTH; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Community Development Director McKim advised that this request was to even out an existing wall, total 14.5 linear feet. Mrs. Anderson-McDonald pointed out that the work has already been completed. In response, Mrs. McKim explained that the contractor would have to remove that portion, at his expense, if this request is not approved.

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

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---RESOLUTION NO. 89-5941

ITEM 15

A RESOLUTION APPROVING THE PRELIMINARY SUBDIVISION PLAT FOR A PROPOSED SUBDIVISION OF 11 LOTS LOCATED AT THE END OF FERN STREET, SOUTH OF THE WINDSTAR DEVELOPMENT, EAST OF NAPLES BAY AND BOTH WEST AND NORTH OF THE PROPOSED SABAL BAY DEVELOPMENT; AND PROVIDING AN EFFECTIVE DATE.

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Title read by City Attorney Rynders.

Community Development Director McKim noted that this was a preliminary subdivision plat for Council's approval of 11 lots located at the end of Fern Street. Both staff and the Planning Advisory Board (PAB) have recommended approval subject to the stipulations outlined in the resolution.

In response to Councilman Crawford, Mrs. McKim reviewed the criteria for conservation zoning of property adjacent to sensitive wetland areas.

Councilman Graver then expressed concern that there might be a problem relative to services provided by local municipalities in this area as the City provides water and the County provides sewer to the property. City Attorney Rynders, however, pointed out that an Agreement between the two agencies for situations like this has been executed to ensure quality service is provided to those residents.

Discussion then ensued relative to the number of boat slips which this property could handle. Natural Resources Manager Staiger said that he did not believe the southern channel flushed adequately to accommodate a boat slip. The water in that area is too shallow, he said.

Referring to Lot #9 (a copy of the drawings for this item can be reviewed from the meeting packet in the Office of the City Clerk), Mrs. Anderson-McDonald said it appeared that property was not high enough to build on. Mr. Stan Chrzonowski of Coastal Engineering Consultants, Inc., representing the petitioner, disagreed and said that due to natural erosion, much of the fill placed there years ago has disappeared because there are no seawalls or rip rap to inhibit erosion.

MOTION: To APPROVE the resolution as presented.

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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	
Anderson-McDonald			X		
Barnett			X		
Crawford			X		
Graver			X		
Muenzer					X
Richardson	X		X		
Putzell					X
(5-0)					

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			Y E S	N O	

## ---RESOLUTION NO. 89-5942

## ITEM 16

A RESOLUTION ADOPTING THE REVISIONS TO ARTICLES 13 AND 14 OF THE AGREEMENT BETWEEN THE CITY OF NAPLES AND DISTRICT COUNCIL NO. 79 OF AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Assistant City Manager Wiltsie explained that during the labor negotiations with AFSCME (American Federation of State, County, and Municipal Employees) in January, the articles relative to sick and vacation leave were left open for possible review. Staff has recommended approval of a formula which would provide a lump sum payment for individuals who separate from employment with the City and have 1,000 or more accrued sick leave hours. Those individuals would receive a sick leave bonus based on the following formula: "1% per year of service x sick leave hour balance x hourly rate of pay = bonus. A cap of 18% is established."

In addition, for those employees who do not use more than 24 hours of sick leave annually, an additional bonus of 16 hours of pay will be awarded.

Discussion then ensued relative to the aforementioned formula, and staff cited several examples of lump sum payments.

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

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## ---RESOLUTION NO. 89-5943

## ITEM 17

A RESOLUTION RENEWING THE CITY'S SELF-INSURANCE PROGRAM PROVIDING FOR PREMIUMS AND THE LOSS FUND; AUTHORIZING THE CITY MANAGER TO ISSUE PURCHASE ORDERS THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

-15-

Anderson-  
McDonald  
Barnett  
Crawford  
Graver  
Muenzer  
Richardson  
Putzell  
(5-0)

X  
X  
X  
X  
X  
X  
X

X  
X

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Title read by City Attorney Rynders.

City Manager Jones advised the information relative to this item was received after the packets were delivered, and he would reschedule discussion on the matter if Council so desired.

Finance Director Hanley advised that the City's renewal of its self-insurance program was concurrent to its fiscal year. Staff has recommended approval of the same carriers, format, and similar prices as outlined in the packet material (a copy of which can be reviewed from the meeting file in the Office of the City Clerk). This resolution also provides for the purchase of \$750,000 of flood insurance for \$5,000.

In response to Councilman Graver, Mr. Hanley noted that all the various premiums had been reduced, excepting workers compensation which had increased.

City Manager Jones pointed out that this program was competitively bid last year, and he said he believed it important to maintain longevity with a carrier to obtain the best possible rates.

MOTION: To APPROVE the resolution as presented.

Mrs. Anderson-McDonald directed staff next year to obtain quotes 30 days in advance of the self-insurance anniversary to determine if any additional cost savings can be achieved by employing different carriers.

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---RESOLUTION NO. 89-5944

ITEM 18

A RESOLUTION PROVIDING FOR THE NEGOTIATED SALE AND ISSUANCE OF CITY OF NAPLES, FLORIDA, HOSPITAL REVENUE BONDS (NAPLES COMMUNITY HOSPITAL, INC. PROJECT), SERIES 1989A AND SERIES 1989B (THE "SERIES 1989 BONDS"), HERETOFORE AUTHORIZED BY ORDINANCE NO. 89-5897, FOR THE PURPOSE OF LOANING THE PROCEEDS

-16-

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	

Anderson-  
McDonald  
Barnett  
Crawford  
Graver  
Muenzer  
Richardson  
Putzell  
(5-0)

X

X

X

X

X

X

X

X

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Date 09/20/89

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	
Anderson- McDonald Barnett Crawford Graver Muenzer Richardson Putzell (5-0)		X	X X X X  X	    	X       X

## CITY OF NAPLES, FLORIDA

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were not limited to: Naples Bay Boat Study; annexation costs relative to the election, publications, etc.; unexpected personnel additions; salary and merit increases; special drug task forces; labor contract settlement for the Police Department; and the like.

Mr. J. Sandy Scatena of 2990 Binnacle Drive expressed concern regarding the amount to be transferred from the contingency fund. He asked for clarification as to why there were so many cost overruns. City Manager Jones reiterated his opening comments and outlined those projects previously mentioned.

Mr. Jim McGrath of 650 Banyan Circle concurred with the previous speaker and asked Council to reconsider its future spending policies. He expressed concern that this transfer might jeopardize the City's financial stability. Finance Director Hanley advised that it was commonplace to transfer funds from the contingency account for salary and merit increases, as well as unexpected expenditures. This in no way places the City in a vulnerable position, he said.

City Manager Jones supported this policy wherein Council could fund unexpected projects that should immediately be addressed from the contingency. These expenditures are not arbitrarily funded, they are considered at great length before any recommendations of funding are made by staff, Mr. Jones said.

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

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---RESOLUTION NO. 89-5946ITEM 20

A RESOLUTION RETAINING CO-COUNSEL IN THE DEFENSE OF THE SABAL BAY DRI APPEAL; AND PROVIDING AN EFFECTIVE DATE.

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	
Anderson- McDonald				X	
Barnett		X	X		
Crawford			X		
Graver			X		
Muenzer					X
Richardson	X		X		
Putzell (5-0)					X

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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	
Anderson- McDonald			X	X	
Barnett			X	X	
Crawford			X	X	
Graver	X		X	X	
Muenzer					X
Richardson			X		
Putzell					X
(5-0)					

City Attorney Rynders advised that at the request of Mayor Putzell, he has contacted the firm of Oertel, Hoffman, Fernandez & Cole, P.A., of Tallahassee, Florida, to be retained as co-counsel in the defense of the Sabal Bay DRI appeal. This particular firm has been successful in monitoring and lobbying the Governor and Cabinet on many environmental issues.

Mr. J. Sandy Scatena of 2990 Binnacle Drive advised that he was in favor of the proposed resolution. He further asked when the City would receive reimbursement from the Troy lawsuit and in what amount. City Attorney Rynders advised that he has been in touch with their attorney and was in the process of negotiating a settlement.

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

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**CORRESPONDENCE AND COMMUNICATIONS:** None.

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**ADJOURN:** 11:50 a.m.

JANET CASON  
CITY CLERK

JODIE O'DRISCOLL  
DEPUTY CLERK

These minutes of the Naples City Council were approved on February 7, 1990.

SUPPLEMENTAL ATTENDANCE LIST

John Hobart  
Charles Andrews  
James Smiley  
Dr. Fran Stallings  
Phil Morse  
Fred Sullivan  
David Borden

Rick Slicko  
Rabbi Seth Phillips  
Andrew Wolfe  
Suzanne Braddock  
Duke Turner  
Jim McGrath  
Garry Beyrent

W.W. Haardt  
Mary Ann Smiley  
Kris Dane  
J. Sandy Scatena  
Dan Spina  
Roy Cawley  
Griffith F. Pitcher

Other interested citizens and visitors.

NEWS MEDIA

Jerry Pugh, Palmer Cablevision  
Gina Binole, Naples Daily News