



City of Naples

City Council Minutes

Regular Meeting 12/06/89

City Council Chambers
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 Council's next regularly scheduled meeting would be held on December 13, 1989.			1
<u>APPROVAL OF MINUTES:</u> November 15, 1989, Regular November 21, 1989, Workshop November 21, 1989, Special			2
<u>PURCHASING:</u>			
-BID AWARD for one (1) ton ambulance chassis.		89-5999	2
<u>RESOLUTIONS:</u>			
-APPROVE dredge and fill request, Oyster Bay.		89-6000	3
-APPROVE dredge and fill request, lengthen boat slip.		89-6001	4
-APPOINT Philip A. Strohm and William E. Payne to the Airport Authority.		89-6005	8
-WITHDRAW special election date for portions of Pelican Bay.		89-_____	19
-APPROVE Agreement with the Supervisor of Elections Office.		89-6006	20
-APPROVE resolution urging citizens to approve Amendment #3.		89-6007	21
-APPROVE resolution urging the President and U.S. Congress to affirm the Tenth Amendment.		89-6008	22
-APPROVE employment contract for Franklin C. Jones.		89-6009	22
<u>ORDINANCES - First Reading:</u>			
-APPROVE proposed annexation of Pelican Bay, certain areas contained in Exhibits A and B.	89-_____		8
<u>ORDINANCES - Second Reading:</u>			
-ADOPT amendment to Code providing for the placement of street numbers to be visible from the street.	89-6002		5
-ADOPT amendment to Code providing administrative approval for encroachments 4.5" or less.	89-6003		6
-ADOPT amendment to Code providing for administrative approval for variance requests to the CCSL.	89-6004		7
<u>DISCUSSION/ACTION:</u>			
-Purchase of a portion of the Troy property.			21
<u>CORRESPONDENCE AND COMMUNICATIONS:</u> None.			24

Date 12/06/89

-1-

CITY OF NAPLES, FLORIDA

Date 12/06/89

BOARD 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	

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

APPROVAL OF MINUTES

ITEM 4

November 15, 1989, Regular Meeting
November 21, 1989, Workshop Meeting
November 21, 1989, Special Meeting

PURCHASING

ITEM 5

---RESOLUTION NO. 89-5999

A RESOLUTION AWARDDING CITY BID 90-39 FOR
FURNISHING A ONE (1) TON AMBULANCE
CHASSIS AND REMOUNTING AND REFURBISHING
THE EXISTING FIRE DEPARTMENT RESCUE
BODY; AUTHORIZING THE CITY MANAGER TO
ISSUE A PURCHASE ORDER THEREFOR; AND
PROVIDING AN EFFECTIVE DATE.

Emergency Vehicle Fabricators, Inc.
Riviera Beach, Florida
\$33,426.00

Title not read.

MOTION: To APPROVE the Consent Agenda as
presented.

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

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

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

X

X
X
X
X
X
X
X
X

X

CITY OF NAPLES, FLORIDA

City Council Minutes

Date 12/06/89

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	

---RESOLUTION NO. 89-6000

ITEM 6

A RESOLUTION AUTHORIZING A DREDGE AND FILL REQUEST TO DREDGE THE END OF A DEAD-END CANAL LOCATED AT LOT 16, UNIT 3, OYSTER BAY SUBDIVISION, THE CANAL NORTH OF BLUE POINT AVENUE BETWEEN CHERRYSTONE COURT AND SANDPIPER STREET, IN ORDER TO ACHIEVE THE ORIGINAL DESIGN CONFIGURATION, SUBJECT TO THE STIPULATION SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

PUBLIC HEARING: Opened: 9:07 a.m.
Closed: 9:09 a.m.

Natural Resources Manager Staiger explained that when the Oyster Bay subdivision was originally platted, this canal was designed with a semicircular end. During construction, the end of this canal was never fully dredged to its original configuration. The petitioner has received all the necessary permits from the State Department of Environmental Regulation (DER); however, DER has required that the subject of stormwater runoff be addressed. A modified catch basin has been installed and hooked into the City's system. The petitioner has also agreed to replant more mangroves than would be affected by the dredging.

In response to Councilman Graver, Dr. Staiger noted that the wooden ramps indicated on the plans were for pedestrian access to the dock only, and provide a walkway over the rock revetment.

Engineer Todd Turrell, representing the petitioner, advised that he was available to answer any questions.

Referring to the dredged spoil, Mr. Graver asked where it would be placed. Mr. Turrell indicated that it would be transferred to the upland areas in accordance with the petitioner's DER permit.

CITY OF NAPLES, FLORIDA

Date 12/06/89

BOARD MEMBERS	M O T I O N	S E C T I O N	VOTE		A B S E N T
			Y E S	N O	

MOTION: To APPROVE the resolution as presented.

---RESOLUTION NO. 89-6001

ITEM 7

A RESOLUTION AUTHORIZING A DREDGE AND
FILL REQUEST TO LENGTHEN AN EXISTING
COVERED BOAT SLIP BY DREDGING IT TO A
DESIGN DEPTH OF -5 FEET AND TO ELEVATE
THE ROOF TO APPROXIMATELY 24 FEET,
SUBJECT TO THE STIPULATIONS SET FORTH
HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

PUBLIC HEARING: Opened: 9:11 a.m.
Closed: 9:15 a.m.

Natural Resources Manager Staiger advised that the petitioner was requesting permission to lengthen an existing covered boat slip and raise its roof elevation to approximately 24 feet. He further noted that the engineer had indicated prior to this meeting that the roof elevation might be lower. While staff has received no objections to this project from adjacent property owners, neighborhoods such as Aqualane Shores have expressed concern regarding the raised roof elevation of such structures.

Engineer Todd Turrell, representing the petitioner, advised the roof elevation would increase from its existing 15 feet to approximately 18 feet in eave height.

In response to Councilman Graver, Dr. Staiger explained the procedures for displacing live oyster beds while dredge activities took place.

Mayor Putzell asked when the adjacent neighbors had been notified. Dr. Staiger estimated that the City Clerk's Office had sent those notices out approximately 7 to 10 days prior to this meeting.

MOTION: To APPROVE the resolution as presented.

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

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

X
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CITY OF NAPLES, FLORIDA

Date 12/06/89

BOARD 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	

COMMUNITY DEVELOPMENT DEPARTMENT/ NAPLES
PLANNING ADVISORY BOARD

---ORDINANCE NO. 89-6002

ITEM 8

AN ORDINANCE AMENDING CHAPTER IX OF THE COMPREHENSIVE DEVELOPMENT CODE, FORMERLY SECTION 8-15 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, RELATING TO THE NUMBERING OF PROPERTY; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO PROVIDE FOR THE POSTING OF NUMBERS ON ALL IMPROVED PROPERTY SO AS TO MAKE THEM READILY VISIBLE AND LEGIBLE FROM THE STREET(S).

Title read by City Attorney Rynders.

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

No one present to speak for or against.

Community Development Director McKim advised that at the first reading of this ordinance, Council directed staff to make several amendments to the document. This included deleting the requirement that structures 50 of more feet from the right-of-way must place their address on a post, and it also removed the requirement that numbers two inches high must be placed on both sides of the mailbox. While this ordinance would be effective as of January 1, 1990, enforcement would not be evident until March 1, 1990. All violations would be handled through the City's Code Enforcement Board.

Councilman Graver asked if the Police Department could quickly identify the address of a home if the numbers were only on one side of the mailbox. Police Chief Reble indicated that his department would have some difficulty identifying property in such instances. Mr. Graver said that he believed the purpose of the ordinance was to ensure that

CITY OF NAPLES, FLORIDA

City Council Minutes

Date 12/06/89

emergency vehicles could readily locate property. He recommended the sentence requiring placement of house numbers on both sides of the mailbox be reinserted. Mayor Putzell concurred and said he believed the only question raised at the last reading was whether numbers could be placed on one side of a post, or a tree, instead of the two to be required for the mailbox.

MOTION: To ADOPT the ordinance at second reading adding the requirement that numbers shall be placed on both sides of the mailbox for clearer identification from the street.

---ORDINANCE NO. 89-6003

ITEM 9

AN ORDINANCE AMENDING THE COMPREHENSIVE DEVELOPMENT CODE RELATING TO NONCONFORMING STRUCTURES; PROVIDING FOR ADMINISTRATIVE VARIANCE WHERE THE NONCONFORMITY IS LESS THAN 4.5 INCHES; PROVIDING STANDARDS; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO ALLOW FOR ADMINISTRATIVE APPROVAL OF MINOR ENCROACHMENTS INTO REQUIRED YARDS.

Title read by City Attorney Rynders.

PUBLIC HEARING: Opened: 9:23 a.m.
Closed: 9:23 a.m.

No one present to speak for or against.

Community Development Director McKim noted that this ordinance was very similar to its first reading with one small amendment to a verb use under Section 1 changing "will" to "shall." This ordinance provides for administrative approval of minor encroachments of up to 4.5 inches into required yards.

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

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		X		
Graver			X		
Muenzer					
Richardson				X	
Putzell (6-1)			X		
Anderson-McDonald	X		X		
Barnett			X		
Crawford			X		
Graver		X	X		
Muenzer			X		
Richardson			X		
Putzell (7-0)			X		

Date 12/06/89

BOARD
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-----END COMMUNITY DEVELOPMENT/PAB-----

---ORDINANCE NO. 89-6004

ITEM 10

AN ORDINANCE AMENDING THE COASTAL CONSTRUCTION SETBACK LINES SUBSECTION OF CHAPTER X, RESOURCE PROTECTION STANDARDS, OF THE COMPREHENSIVE DEVELOPMENT CODE OF THE CITY OF NAPLES BY ADDING SUBPARAGRAPH (19); AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO ADD PROVISIONS THAT WOULD ALLOW STAFF TO PERMIT SOME TYPES OF CONSTRUCTION ON THE PROPERTIES THAT LIE BETWEEN THE BEACHFRONT LOTS AND THE NEW COASTAL CONSTRUCTION SETBACK LINE WHICH WOULD ELIMINATE THE NEED FOR A VARIANCE AND PUBLIC HEARING FOR PATIOS, POOLS, GARAGES AND SIMILAR STRUCTURES ON THE PROPERTIES AFFECTED BY THE RELOCATED COASTAL CONSTRUCTION SETBACK LINE.

Title read by City Attorney Rynders.

PUBLIC HEARING: Opened: 9:25 a.m.
Closed: 9:25 a.m.

No one present to speak for or against.

Councilman Anderson-McDonald pointed out that this item, as was the case with the previous one, had included a provision wherein final approval would still be rendered by the City Council at its next regularly scheduled meeting immediately following issuance of a permit by staff. Council by such action has not aberrated any of its responsibilities to the staff.

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

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

X
X
X
X
X
X
X

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

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	

Title read by City Attorney Rynders.

Mayor Putzell advised that representatives from Pelican Bay Property Owners' Association were in attendance to give a brief presentation.

Mr. Fred Hardt, President of the Pelican Bay Property Owners' Association, advised that the residents of Pelican Bay would like to be annexed to the City of Naples. He then reviewed the proposed area slated for annexation (a copy of the proposed boundaries for annexation can be reviewed in the Office of the City Clerk). Mr. Hardt further pointed out that the boundaries had been reduced to comply with the State Statutory requirement that 30% of the area must be representative of registered voters. Otherwise, 70% of the property owners in the proposed annexation area must consent to such action.

Referring to two adjacent properties, Councilman Muenzer asked why "St. Thomas" and "St. Martin" had been excluded from the proposed annexation area. Mr. Hardt advised that there were only 11 registered voters in approximately 122 units at those locations which was not sufficient to meet the 30% rule.

Mr. Hardt then expounded on the benefits that residents of Pelican Bay would enjoy if this area was annexed to the City of Naples. This compact, contiguous area feels that it is homogeneous with other City neighborhoods, he said. The Property Owners' Association, he continued, believes that the City can provide a more responsive government to its citizenry than the County because its officials are appointed by all the electorate and not just a few, as is the case in single member districts.

Regarding the Pelican Bay Improvement District (PBID), Mr. Hardt explained that this entity has been established by the Legislature to provide water and sewer service to residents in Pelican Bay. The County has not been cooperative in the PBID's efforts to continue servicing this area, and it has, in fact, threatened to take control of the PBID as provided for in its joint agreement

Date 12/06/89

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	

with Pelican Bay. While this is not the only reason the Association decided to annex to the City, it has been a determining factor, Mr. Hardt said.

Mr. Hardt then alluded to some other benefits for residents of Pelican Bay, such as: significant savings in ad valorem tax; perceived better police protection; comparable utility services; and required street lighting and right-of-way maintenance. Currently, the "Foundation" of Pelican Bay is responsible for the landscaped medians and ornamental flowers; it is anticipated, Mr. Hardt said, that the Foundation would continue the upkeep on those medians at no additional cost to the City.

There are many advantages for the City as well, Mr. Hardt continued. The City would experience a significant increase in ad valorem tax revenue as well as franchise and utility taxes. It would gain control over a very controversial intersection: Crayton Road and its possible expansion into Pelican Bay. Another advantage to the City would include the intangible human resources available among Pelican Bay's residents. There are many retired CEO's in this development, Mr. Hardt said. This proposed annexation will bring in approximately 1,100 registered voters and should not adversely affect existing City politics or government.

Mr. Bernie Young, Vice-president of the Pelican Bay Property Owners' Association, advised that he had worked with the annexation consultant, Mr. Paul Piller, in determining the boundaries of the proposed annexation. In order to comply with the Statutes, he continued, approximately 30% of the area must be owned by registered voters. Mr. Young then predicted that if this annexation was approved by the voters in February, that by the November, 1990 election, the entire Pelican Bay area should be prepared to annex to the City of Naples.

CITY OF NAPLES, FLORIDA

City Council Minutes

Date 12/06/89

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	

Referring to the City's current fire rating and possible deterioration by annexation, Mr. Young said that he did not believe the City would allow their current Class 4 rating to deteriorate. He further believed that the City would place a station further north to protect that rating should this annexation take place. The costs associated with such a station, he predicted, could be captured by the increased tax base from Pelican Bay.

Mr. Russ Mudge, member of the Board of Directors for the Pelican Bay Property Owners' Association, advised he would briefly summarize the financial benefits resultant from this proposed annexation. The City of Naples would receive an added tax base of approximately \$364-million for the proposed area, \$620-million for the entire Pelican Bay area. This should realize an increase for the City, based on its 1.2024 mills, of approximately \$438,000; this amount would increase based on the forecasts of 1990 taxable valuation. In addition, the City would realize approximately \$344,000 in additional franchise and utility taxes: \$327,000, Electric; \$17,000, Telephone; and \$8,000, cable.

Mayor Putzell advised that he would initiate the Chair's prerogative and call upon each Council member for his/her comments or questions.

Councilman Graver asked what the cost to the City would be relative to serving this area after annexation. City Manager Jones referred to a memorandum distributed to Council at the onset of these proceedings (Attachment #2), and said that staff has estimated the anticipated expenditures for the first six months to be \$265,569; twelve months, \$531,138; and second year, \$699,334. This would include police and fire protection to that area. Mr. Jones further pointed out that not all the revenue sources from this area had been identified which included building permit fees, occupational license fees, etc. The revenues generated from this area should be more than sufficient to address the expenditures for service. Mr. Jones pointed out that property could be made available in Pelican Bay to add a

CITY OF NAPLES, FLORIDA

City Council Minutes

Date 12/06/89

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	

small three man Fire Station. This request does not bring with it any critical needs for infrastructure demands.

Referring to the City's current Class 4 fire rating, Mr. Graver asked if the City was in the position to move into that area to provide another fire station. City Manager Jones reiterated that during preliminary discussions with Pelican Bay, it has been determined that the PBID has indicated an interest in providing an area for such a facility to meet the immediate need of service. It would be a three man company with one engine, he said.

Discussion then ensued relative to the Comprehensive Plan's requirements for park sites. City Manager Jones said that he believed the park areas in Pelican Bay, existing and proposed, would be adequate so as not to create a deficit in the City's Comprehensive Plan requirements.

Councilman Graver then asked for clarification regarding the "Foundation". Mr. Fred Hardt advised that the Foundation was the master association and was responsible for maintaining the rights-of-way, the seasonal flowers, the tram service, and the common areas where tennis courts and other amenities were located. The City should never have to provide service in those areas because the Foundation would retain control and continue to levy annual assessments against each Pelican Bay property owner. City Manager Jones pointed out that the Foundation was very similar to neighborhood associations that take care of resident parks and the like.

Mr. Graver then said that while he was in favor of annexation, he would prefer to wait until the November election to place this request on the ballot. This delay would allow staff and proponents of Pelican Bay's annexation the necessary time to fully educate the public and to look at all ramifications associated with this proposed action.

In response to Mr. Graver's comments, Mr. Bernie Young, representing Pelican Bay, said that he

CITY OF NAPLES, FLORIDA

Date 12/06/89

BOARD 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	

believed if this issue was postponed to the November ballot, there would be too many obstacles to overcome, such as: possible County control of the PBID; Westinghouse's unwillingness to annex; and many other unforeseen obstacles too numerous to mention.

Mr. Fred Hardt, also representing Pelican Bay, pointed out that many of that area's beaches currently were County parks and could potentially become City parks if annexation was to proceed. He then referred to the Pelican Bay golf course and said he did not believe that amenity would ever become a public facility.

Again, in response to Councilman Graver, Mr. Hardt advised that he has talked with some of the commercial property owners north of the proposed annexation area, and he believed that they could very easily voluntarily annex into the City once the area south had been successfully incorporated.

Councilman Anderson-McDonald said she had placed a call to the Insurance Service Office in Tallahassee regarding the difference in criteria between a Class 4 and Class 6 Fire rating. She has of yet received no response from that Office. Mrs. Anderson-McDonald continued that the last time annexation was considered, it was a City proposal and had to be justified by the City. This time, the responsibility of selling this proposal is up to the residents of Pelican Bay. If the current City residents and the property owners of Pelican Bay are not comfortable with the information provided to them, then they will reject the proposal at the polls in February, she pointed out.

Councilman Barnett said that he was in favor of the annexation as he believed it would be a wonderful marriage.

Councilman Richardson concurred and said that he would be in favor of annexation rather than the possible incorporation of small communities adjacent to the City's boundaries, as is the case in Broward County. He said he would like to see the voters on both sides given the opportunity to express themselves.

CITY OF NAPLES, FLORIDA

City Council Minutes

Date 12/06/89

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	

Mr. Muenzer then asked if the sale of the Carica Road storage tank would create any problems for the City relative to water storage if this annexation was approved. City Manager Jones replied in the negative and said that the City has replaced the Carica Road storage tank elsewhere.

Councilman Muenzer then directed staff to prepare an analysis of the estimated costs relative to the various services needed to accommodate Pelican Bay. This should include various departments such as: solid waste, parks and parkways, utilities, building, traffic, etc. Council should have those figures prior to its consideration of this item at second reading on December 13, 1989.

Regarding Pelican Bay's existing solid waste contractor, Yahl Brothers, Mr. Muenzer asked how soon the City would be responsible for solid waste removal after annexation, and would it require a buyout of the current contract. City Manager Jones advised that state law requires an existing franchise be permitted to run through the end of their contract in such circumstances. The contract period for Yahl Brothers ends in July, 1990.

In response to Councilman Muenzer, Community Development Director McKim noted that the same conversion chart to determine zoning of property would be used for Pelican Bay as was used during the last annexation. This area would come in under the UPD (urban planned development) and be susceptible to the original PUD (planned unit development) approval by the County.

Councilman Muenzer then asked if the proposed park sites would remain, or if the developer would usurp those areas for residential units. Mr. Fred Hardt assured Council that those sites would remain.

City Council Minutes

Date _____

[illegible]

City Council Minutes

Date 12/06/89

[illegible]

ballot. She said that she believed there were too many unanswered questions and not enough benefit to the City as a result of this annexation. Mrs. Barbera also expressed concern that three miles of the beach was virtually cut off from the public because of a lack in public access.

Mr. John C. Van Arsdale, 3333 Rum Row, said that he would be in favor of delaying this issue until the November election as he did not believe there was sufficient time to fully educate the voters.

Ms. Carol Lynn Kendall, 495 Galleon Drive, asked if the existing water/sewer facility was adequate to address the City's future needs without this annexation. She then asked who would be responsible for the costs associated with any capital expenditures to increase capacity at that facility. Referring then to beach access, Ms. Kendall said that she believed Pelican Bay had a private beach inasmuch as very few citizens had the tenacity to hike three miles to enjoy it. She asked Council to consider requiring additional beach accesses as a condition for approval.

In response to Ms. Kendall's questions, City Manager Jones pointed out that there was no need to add anything to the current facility as it was quite capable of handling the annexation. In addition, any cost for future capacity changes would be borne by those customers affecting the change through their rates and service.

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

Councilman Anderson-McDonald said that she has during her tenure on this Council kept the City of Naples' interest and wellbeing first and foremost. If the questions and concerns expressed at these proceedings have not been adequately addressed, it will be reflected at the polls in February. She pointed out that the February election would be a better forum for which to place this request inasmuch as there were four

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 (7-0)			X		

CITY OF NAPLES, FLORIDA

City Council Minutes

Date 12/06/89

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	

City Council seats and one mayoral seat up for consideration. There will be many questions for those candidates, and lots of opportunities for the public to express their opinions and concerns. She would vote in favor of this request because she believed it would receive more attention and thought than it would on the November ballot.

Mr. Crawford said that approval of this item at first reading did not automatically mean approval at second reading. He reiterated that he would approve it today, but would reserve judgement on the second reading until such time as staff has addressed all the questions and concerns raised at these proceedings.

Councilman Richardson advised Council was provided with information by staff (Attachment #2) that the public has not yet been made aware of, and he hoped that the news media would publicize it in tomorrow's paper for the public's information. City Manager Jones advised that he would establish a hotline for the public regarding this annexation.

Council then directed the Recording Secretary to provide staff with a transcript of those questions asked during this deliberation.

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

---RESOLUTION NO. 89-_____

ITEM 13

A RESOLUTION SETTING A SPECIAL ELECTION DATE IN PORTIONS OF PELICAN BAY FOR THE PURPOSE OF A REFERENDUM TO DETERMINE WHETHER OR NOT THAT AREA SHALL BE ANNEXED TO THE CITY OF NAPLES; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

City Attorney Rynders advised that he had placed this item on the agenda to address the pre-clearance requirement from the State Justice

CITY OF NAPLES, FLORIDA

City Council Minutes

Date 12/06/89

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	

Department; however, he was advised by that Department that this document was not necessary. He respectfully requested Council to withdraw it from the agenda.

---RESOLUTION NO. 89-6006

ITEM 14

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT FOR SERVICES REGARDING CITY ELECTIONS BETWEEN THE CITY OF NAPLES, SUPERVISOR OF ELECTIONS, AND COLLIER COUNTY; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

City Attorney Rynders advised that this Agreement outlined the responsibilities of the City and the Supervisor of Elections Office. City Manager Jones pointed out that this merely put into writing the City's present and past relationship with the Supervisor of Elections; staff recommends approval of the Agreement.

Mayor Putzell referred to Sections C and D of the contract and asked if the requests contained therein were excessive. City Attorney Rynders advised that those were provisions Mrs. Mary Morgan, Supervisor of Elections, had asked the City to comply with in order to provide ample time for ordering ballot cards and preparation for upcoming City elections.

Referring to the requirement that a list of candidates shall be provided within 24 hours of the close of the qualifying period, Mayor Putzell asked if staff could comply with that requirement. City Attorney Rynders advised that the City Clerk has agreed to that section and would ensure that those requirements had been met.

Mrs. Mary Morgan, Supervisor of Elections, said that the City's qualifying period ended on a Tuesday according to the City Charter. The only time this could cause a problem would be when

CITY OF NAPLES, FLORIDA

City Council Minutes

Date 12/06/89

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

that Tuesday fell on Christmas Eve, as was the case four years ago. Mrs. Morgan further pointed out that the City Charter provides for write in votes, but the ballot cards she has ordered do not accommodate that action. City Attorney Rynders said he did not believe there would be a problem with the use of those ballot cards.

Councilman Muenzer advised he had spent considerable time with Mrs. Morgan learning about the election process, and he urged each member of Council to visit her facility.

MOTION: To APPROVE the resolution as presented.

ITEM 15

DISCUSSION OF THE PURCHASE OF A PORTION
OF THE TROY PROPERTY AT U.S. 41 AND
GOLDEN GATE PARKWAY EXTENSION.

City Manager Jones advised that he placed this item on the agenda for discussion because the Jacobsons asked the City to consider purchasing a larger parcel of property than it was originally considering. The Jacobsons have also withdrawn their rezone petition and placed the property on the market. They are asking approximately \$250-million for ten acres of that site. Staff believes the size and cost to be too prohibitive to continue negotiations and would like Council's direction relative to this matter.

It was the consensus of Council not to proceed with the purchase of any portion of the Troy property.

---RESOLUTION NO. 89-6007

ITEM 16

A RESOLUTION URGING THE CITIZENS OF THE
CITY OF NAPLES TO SUPPORT THE
CONSTITUTIONAL AMENDMENT #3 ON THE
NOVEMBER 1990 BALLOT LIMITING UNFUNDED
STATE MANDATES ON CITIES AND COUNTIES;
AND PROVIDING AN EFFECTIVE DATE.

CITY OF NAPLES, FLORIDA

City Council Minutes

Date 12/06/89

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	

---RESOLUTION NO. 89-6008

A RESOLUTION URGING THE PRESIDENT AND U.S. CONGRESS TO RECOGNIZE AND AFFIRM THE LANGUAGE AND POWER OF THE TENTH AMENDMENT WHICH GOVERNS AND BALANCES THE RESPECTIVE POWERS OF THE STATES AND THE FEDERAL GOVERNMENT; AND PROVIDING AN EFFECTIVE DATE.

Titles not read.

City Manager Jones advised the Florida League of Cities has requested that cities pass resolutions supporting the Home Rule Powers they currently enjoy. This will appear as Amendment #3 on the November ballot.

MOTION: To APPROVE the resolutions as presented.

---RESOLUTION NO. 89-6009

ITEM 17

A RESOLUTION APPROVING AN EMPLOYMENT CONTRACT FOR FRANKLIN C. JONES, CITY MANAGER; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

City Manager Jones advised that the City's labor attorneys, Morgan, Lewis & Bockius, have rendered an opinion relative to the proposed employment contract (a copy of which can be reviewed from the meeting packet in the Office of the City Clerk).

Mayor Putzell said that while he did not have any objections to the six month severance pay provision, he wanted Council to be aware that if the City Manager found employment within those six months, he would be receiving double compensation. Mr. Jones, however, pointed out that the six month compensation also included those benefits he would immediately lose at the termination of his employment.

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

X
X
X
X
X
X
X
X

Referring to Section 9d of the Contract, Mr. Crawford expressed concern that the City Manager might be receiving additional benefits not afforded other City department heads. Mr. Jones explained the City's vacation accrual policy wherein each employee is entitled to carry over a certain number of hours per year. There is a cap to the amount of hours carried over, and those employees desirous of hours in excess of that cap can request the City Manager to authorize such action. If the employee does not carry over all the hours due him, he can then receive compensation for those hours over and above the cap. Discussion then ensued relative to this provision and how it compared to the City's existing policy.

Councilman Muenzer referred to the six month severance pay provision and asked that a formula be inserted and reflected in the contract determining the amount of months to be compensated. He suggested that future contracts provide initially for two months pay; and at the end of each three year period of service to the City, that amount could be increased one month. City Manager Jones has been with the City for 12 years and under this proposed formula would be entitled to six months severance pay.

Mrs. Anderson-McDonald noted that a provision Council discussed at the workshop session had not been included. In particular, the requirement for a managerial review process by the Council each year prior to the City Manager's salary review. Mr. Jones noted that was not included in the contract; however, he understood such a process would begin sometime in May.

MOTION: To APPROVE the resolution with a footnote to the contract indicating the formula used for determining severance pay.

Mr. Crawford said that while he was still concerned with the payout of vacation hours as outlined in Section 9d, he would support the resolution.

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		
Graver					X
Muenzer					X
Richardson					
Putzell					
(vote not completed)					

CITY OF NAPLES, FLORIDA

City Council Minutes

Date 12/06/89

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	

Councilman Graver said he could not fathom a payout of an additional four or five months each year to the City Manager for accrued vacation hours; he would, therefore, vote no.

Mr. Muenzer said that he also believed the carry over to be excessive and would vote no.

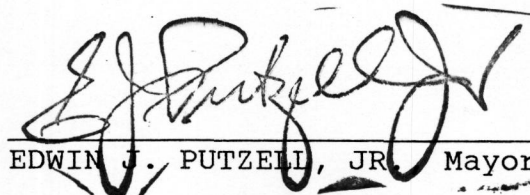
City Manager Jones interrupted the vote and suggested that Section 9d be deleted, and his vacation hours would then be considered as any other City employee.

Councilman Barnett withdrew his previous motion and Mrs. Anderson-McDonald withdrew her second to that motion. He then moved that the resolution be approved including a footnote to the contract indicating the formula used for severance pay and the deletion of Section 9d. Councilman Anderson-McDonald seconded the motion.

MOTION: To APPROVE the resolution deleting Section 9d of the contract and including a footnote to the contract indicating the formula used for severance pay.

CORRESPONDENCE AND COMMUNICATIONS: None.

ADJOURN: 12:48 p.m.


EDWIN J. PUTZELL, JR. Mayor

JANET CASON
CITY CLERK

JODIE O'DRISCOLL
RECORDING SECRETARY

These minutes of the Naples City Council were approved on January 3, 1990.

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

X

X

X

X

X

X

X

X

X

ATTACHMENT #1

SUPPLEMENTAL ATTENDANCE LIST

J. Dudley Goodlette
Capt. Jeffrey Kent
C.A. Reinbolt
W.W. Haardt
Joseph Herms
Russ Mudge
Fred Voss
Jack Sturgis
Sue Smith

Richard Sykes
Carol Lynn Kendall
Fred Sullivan
A. Bruce Durkee
Todd Turrell
Emer Brennan
Audrey Barbera
Robert Schroer
Ron Pennington

Herb Anderson
Norman Reinertsen
Charles Andrews
Lee Layne
Dorothy Mudge
Robert Brennan
Mary Morgan
John VanArsdale
C. Stephen Hann

Other interested citizens and visitors.

NEWS MEDIA

Gina Binole, Naples Daily News
Dave Bristow, WNOG
Michele Mendelson, Ft. Myers News-Press



City of Naples

--- MEMO ---

To: Honorable Mayor and Members of City Council
From: City Manager Franklin C. Jones
Subject: Revenue/Expenditure Information - Pelican Bay
Annexation Area
Date: December 6, 1989

We have received and verified the initial estimates of revenue from the area within Pelican Bay that is proposed for annexation. At the same time, we are making some estimates of what costs we would incur to provide services in the area at the same level provided in the City. In preparing this, we have noted the following factors:

1. The Pelican Bay Improvement District currently provides water and sewer services, street lighting, and drainage and right-of-way maintenance. It is anticipated at this point that the district would continue to provide these services for some period into the future. We have not computed any costs for these services nor have we tried to balance savings for the property owners.
2. Because the annexation would take place in February, we would be providing services only for a portion of this initial year and we would receive only certain items of revenue for that initial year.
3. Our first complete fiscal year would begin October 1, 1990.

REVENUES

Estimates based on the actual property values and estimates of electric and telephone usage indicate that a full fiscal year of revenue, including ad valorem taxes to the City, would be

Mayor and Council
December 6, 1989
Page 2

approximately \$789,000. Identifying only those revenues which could be collected in the first six months after annexation, the revenue would total \$169,000. These revenue estimates do not include several sources of revenue such as building permits and occupational licenses which still would have to be determined, but we can estimate that there would be at least \$100,000 in other revenues coming during the first 18 months following annexation.

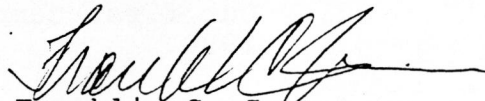
EXPENDITURES FOR SERVICES

During the first six months following annexation, we would anticipate needing to add personnel and equipment to both the Fire and Police Departments. Personnel would include an estimate of 11 firefighters that would give us the manning for additional equipment which would be located in or near the Pelican Bay area proposed for annexation. The addition of five patrol officers and one CID officer along with two additional vehicles would allow us to provide patrol coverage and take up the criminal investigation responsibilities within the area. The expenses associated with these activities in the first six months would be \$265,569.

We anticipate that during the first full fiscal year we would need to budget money for road maintenance, additional personnel in Community Development to handle building inspection and process building and zoning requests, and we would also need to staff some recreation programs, probably located at Seagate School. When these costs are combined with the police and fire personnel needed, a full year's services generate a cost of \$699,334.

This would mean that our total expense through the end of Fiscal Year 1990-91 associated with service to the annexation area would be \$964,903 and total revenues from the proposed annexation area would be \$1,059,115.

Respectfully submitted,


Franklin C. Jones
City Manager

FCJ/tan
enc.

REVENUE

First Year

\$ 75,000
 1,000
 86,000
 7,300

 \$ 169,300

Electric Franchise Fees
 Telephone Franchise Fees
 Electric Utility Tax
 Telephone Utility Tax

Second Year

\$ 437,575
 155,040
 2,240
 8,240
 172,080
 14,640

 \$ 789,815

 \$ 100,000

 \$1,059,115

Ad Valorem Taxes
 Electric Franchise Fees
 Telephone Franchise Fees
 Cable TV Franchise Fees
 Electric Utility Tax
 Telephone Utility Tax

Other Revenue

Two Year Total

EXPENDITURES

First Year	\$ 292,633	11 Firefighters
	30,000	Engine
	12,000	Facility
	<u>\$ 334,633</u>	
	\$ 137,360	5 Patrol Officers
	27,389	1 CID Officer
	31,756	Equipment
	<u>\$ 196,505</u>	
12 Month Total	\$ 531,138	
6 Month Cost	\$ 265,569	

* * * * *

Second Year	\$ 15,000	Engineering - Road Maint.
	18,671	Engineering - Serv.Worker
	56,525	Comm. Dev. - Bldg. & Zng.
	78,000	Comm. Serv. - Recreation
	292,633	Fire - 11 Firefighters
	30,000	Fire - Eng. (5 yr. lease)
	12,000	Fire - Facility (lease)
	137,360	Police - 5 Ptrl. Officers
	27,389	Police - 1 CID Officer
	31,756	Police - Equipment
	<u>\$ 699,334</u>	
	<u>\$ 964,903</u>	Two Year Total