



*City of Naples*

City Council Minutes  
Regular Meeting 03/07/90

City Council Chambers  
735 Eighth Street South  
Naples, Florida 33940

| -SUBJECT-   | Ord.<br>No. | Res.<br>No. | Page |
|---|-------------|-------------|------|
| ANNOUNCEMENTS   |             |             |      |
| MAYOR CRAWFORD: Advised that he has been in contact with the County Commission Chairman relative to scheduling joint City/County workshops.                       |             |             | 1    |
| CITY MANAGER JONES: Recognized Police Officer E. J. Traczyk for achieving his Associate's Degree from Edison. He then introduced the new Fire Chief, Randy Coggan |             |             | 2    |
| APPROVAL OF MINUTES: February 14, 1990, Workshop<br>February 21, 1990, Regular  |             |             | 2    |
| PURCHASING  |             |             |      |
| -APPROVE purchase of a utility turf vehicle, Community Services.  |             | 90-6063     | 2    |
| -BID AWARD for two large turf mowers, Community Svc.  |             | 90-6064     | 3    |
| -BID AWARD for a one ton truck with a crew cab and utility body, Utilities.   |             | 90-6065     | 3    |
| -BID AWARD for a cab and chassis truck with a utility body, Utilities.  |             | 90-6066     | 3    |
| RESOLUTIONS   |             |             |      |
| -APPROVE execution of an easement to UTS.   |             | 90-6067     | 4    |
| -TABLE bid award for two ton dump truck, Utilities.   |             | 90-_____    | 4    |
| -TABLE bid award for (2) 16 yard aluminum dump trucks.  |             | 90-_____    | 4    |
| -APPROVE Development Agreement with Stuart O. Kaye.   |             | 90-6068     | 8    |
| -APPROVE nonconformity for expansion of the UTS bldg.   |             | 90-6069     | 8    |
| -APPROVE contracts for the East Naples Bay maintenance dredging.  |             | 90-6070     | 12   |
| -APPROVE amended disposal agreement with Windstar.  |             | 90-6071     | 14   |
| -APPROVE an agreement with Naples Cay for disposal of dredge material.  |             | 90-6072     | 14   |
| -APPROVE amended interlocal agreement for beach nourishment project.  |             | 90-6073     | 15   |
| ORDINANCES - First Reading  |             |             |      |
| -APPROVE ordinance prohibiting parking of vehicles by construction workers and service workers on property other than where work is being performed.              | 90-_____    |             | 10   |
| -APPROVE ordinance to allow staff to permit maintenance and repair of existing shore protection structures.   | 90-_____    |             | 10   |
| DISCUSSION/ACTION   |             |             |      |
| -WITHDRAW further consideration of the historic district ordinance.   |             |             | 11   |
| -DISCUSSION of Legislation regarding fishing in man-made canals.  |             |             | 16   |

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Title not read.

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---RESOLUTION NO. 90-6064

Item 5-b

A RESOLUTION AWARDING CITY BID 90-51 FOR TWO (2) LARGE TURF MOWERS; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Wesco Turf, Inc.  
Sarasota, Florida  
\$18,685.32

Title not read.

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---RESOLUTION NO. 90-6065

Item 5-d

A RESOLUTION AWARDING CITY BID 90-47 FOR A ONE TON TRUCK WITH A CREW CAB AND UTILITY BODY FOR THE UTILITIES DEPARTMENT; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Roger Whitley Chevrolet, Inc.  
Tampa, Florida  
\$17,845.00

Title not read.

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---RESOLUTION NO. 90-6066

Item 5-f

A RESOLUTION AWARDING CITY BID 90-53 FOR A CAB AND CHASSIS TRUCK WITH A UTILITY BODY, TELESCOPING CRANE AND AN ENGINE-MOUNTED AIR COMPRESSOR; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.



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|--------------------|----------------------------|----------------------------|-------------|--------|----------------------------|
|                    |                            |                            | Y<br>E<br>S | N<br>O |                            |
| Anderson-McDonald  |                            |                            | X           |        |                            |
| Barnett            |                            |                            | X           |        |                            |
| Herns              |                            |                            | X           |        |                            |
| Muenzer            |                            |                            | X           |        |                            |
| Passidomo          |                            | X                          | X           |        |                            |
| Sullivan           | X                          |                            | X           |        |                            |
| Crawford           |                            |                            | X           |        |                            |
| (6-0)              |                            |                            |             |        |                            |

Palmetto Truck Center  
Miami, Florida  
\$50,375.00

Title not read.

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---RESOLUTION NO. 90-6067 ITEM 6

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN EASEMENT TO UNITED TELEPHONE COMPANY OF FLORIDA; AND PROVIDING AN EFFECTIVE DATE.

Title not read.

MOTION: To APPROVE the Consent Agenda excluding Items 5-c and 5-e.

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

ITEM 5 (cont.)

---RESOLUTION NO. 90- Item 5-c

A RESOLUTION AWARDDING CITY BID 90-48 FOR A TWO TON DUMP TRUCK WITH A SEVEN TO NINE YARD DUMP BODY FOR THE UTILITIES DEPARTMENT; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

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---RESOLUTION NO. 90- Item 5-e

A RESOLUTION AWARDDING CITY BID 90-52 FOR TWO (2) 16 YARD ALUMINUM DUMP TRUCKS; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Titles not read.

The above-mentioned items were discussed and considered simultaneously.

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|---|----------------------------|----------------------------|-------------|--------|----------------------------|
|   |                            |                            | Y<br>E<br>S | N<br>O |                            |
| Councilman Herms, who had recommended these items be withdrawn from the Consent Agenda, asked that Utilities Director Chaffee provide Council with an explanation as to the actual need for these vehicles.   |                            |                            |             |        |                            |
|   |                            |                            |             |        |                            |
|   |                            |                            |             |        |                            |
| Utilities Director Chaffee advised that when the Wastewater Treatment Plant was constructed, staff delayed the purchase of a vehicle (one 16 yard aluminum dump truck) included in the plant's original design specifications until such time as it was needed. He continued that the second vehicle requested under Item 5-e would replace an existing 1981 Ford Ram dump truck as provided for in the Capital Improvement Program's (CIP) vehicle replacement policy.   |                            |                            |             |        |                            |
|   |                            |                            |             |        |                            |
|   |                            |                            |             |        |                            |
| After distributing material to Council regarding the frequency of sewer plant and water plant loads per day, month, and year, Councilman Herms said that he did not believe the purchase of these vehicles was necessary at this time. During 1988, only 391 loads of sludge were hauled, and in 1989, 414 loads were removed. Mr. Herms further advised that he had contacted a local contractor to determine how long it would take to get someone here on an as-needed basis to haul sludge. He indicated that the truck and driver were at City Hall within 40 minutes of the initial call. |                            |                            |             |        |                            |
|   |                            |                            |             |        |                            |
|   |                            |                            |             |        |                            |
| Councilman Herms then suggested that the plant could be operated on a shift basis including Saturdays and Sundays thereby eliminating the need for additional vehicles. He further said that he did not believe the trade-in value for the 1981 Ford Ram was enough inasmuch as its wholesale value exceeds \$10,000.   |                            |                            |             |        |                            |
|   |                            |                            |             |        |                            |
|   |                            |                            |             |        |                            |
| Utilities Director Chaffee reiterated his previous comments that staff had delayed purchase of the vehicles in Item 5-e for approximately three years. At the present time, the Wastewater Treatment Plant is operating from 5:00 a.m. until 4:00 p.m., and staff cannot extend those hours because of the facility's close proximity to a residential neighborhood. The Water Treatment Plant, however, is far enough from the River Park Apartments to operate extended hours, he said.   |                            |                            |             |        |                            |
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|                    |                            |                            | Y<br>E<br>S | N<br>O |

City Manager Jones added that the sewer/sludge facility's operations had been modified slightly to accommodate the absence of the requested vehicle. The facility was originally designed for two trucks, but staff delayed the purchase for three years in anticipation of the actual need saving approximately \$47,000 at the time of construction. The proposed purchase will cost approximately \$6,000 per year for ten years; a leased vehicle would cost approximately \$320 per day. Staff believes, he continued, that this is a prudent time to purchase those vehicles.

Referring to the proposed trade-in of a tanker truck, Councilman Muenzer said he understood that vehicle was a back-up in case the conveyor system needed repair. Utilities Director Chaffee explained that the City has two tanker trucks, one currently being utilized by the Fire Department which could be put into service in an emergency. He further noted that two vacuum trucks were also available to haul sludge in the event the conveyor belt was down.

In response to Councilman Muenzer, Mr. Chaffee advised that the leased vehicles would not be certified to haul sludge to the authorized dump sites. The sludge material is composed of 20% solids and 80% water which requires a truck with a special tailgate to keep moisture from escaping.

Discussion then ensued as to those avenues available to the City to sell, auction, or trade vehicles such as the 1981 Ford Ram dump truck. Utilities Director Chaffee advised that the auction process was not recommended as very few equipment dealers attend. Usually, during that process, the City receives less value for this type of equipment than it would by trading it in.

Referring to an entirely different matter, Councilman Muenzer asked staff to make sure that someone is assigned at the equipment yard to check the vehicles and ensure the windows are rolled up. He said that he had visited the site several days ago, after a heavy rain, and a number of the vehicles had wet seats and floorboards because the windows were left down.



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Councilman Sullivan supported Mr. Herms' suggestion of leasing a truck on those days when the demand requires it. He said that he believed, in the long run, that it would be cheaper inasmuch as the cost of leased vehicles include personnel.

Councilman Passidomo said that he believed the CIP was an analysis of the anticipated needs for the City's future growth; however, he believed when those items came before Council for consideration, a compelling explanation of the need should be provided to support the expenditure. That has not been provided to Council for these purchases, he said.

Councilman Anderson-McDonald concurred and said she believed the Council should workshop the process by which the need for these purchases are determined in a workshop forum.

Mayor Crawford said he believed when an analysis of the utilities' services was completed, some privatization of service might be appropriate. However, he believed that it was more cost efficient to buy than to lease; therefore, he would support the staff's recommendation.

MOTION: To APPROVE the resolutions as presented.

The above motion resulted in a tied vote and Mrs. Anderson-McDonald then offered the following motion for consideration after staff offered to address Council's concerns regarding these purchases between now and the next regular meeting, March 21, 1990.

MOTION: To TABLE the resolutions until the Council's March 21, 1990 regular meeting.

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COMMUNITY DEVELOPMENT DEPARTMENT/ NAPLES  
PLANNING ADVISORY BOARD

| COUNCIL<br>MEMBERS | M<br>O<br>T<br>I<br>O<br>N | S<br>E<br>C<br>O<br>N<br>D | VOTE        |        | A<br>B<br>S<br>E<br>N<br>T |
|--------------------|----------------------------|----------------------------|-------------|--------|----------------------------|
|                    |                            |                            | Y<br>E<br>S | N<br>O |                            |
| Anderson-McDonald  | X                          |                            | X           |        |                            |
| Barnett            |                            |                            |             |        |                            |
| Herms              |                            |                            |             |        | X                          |
| Muenzer            |                            |                            |             |        | X                          |
| Passidomo          |                            | X                          | X           |        |                            |
| Sullivan           |                            |                            |             |        | X                          |
| Crawford           |                            |                            | X           |        |                            |
| (3-3)              |                            |                            |             |        |                            |
| TIED               |                            |                            |             |        |                            |
| Anderson-McDonald  | X                          |                            | X           |        |                            |
| Barnett            |                            |                            |             |        |                            |
| Herms              |                            |                            |             |        | X                          |
| Muenzer            |                            |                            |             |        | X                          |
| Passidomo          |                            |                            |             |        | X                          |
| Sullivan           |                            | X                          | X           |        |                            |
| Crawford           |                            |                            | X           |        |                            |
| (6-0)              |                            |                            |             |        |                            |

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|--------------------|----------------------------|----------------------------|-------------|--------|--------------------------------------|
|                    |                            |                            | Y<br>E<br>S | N<br>O |                                      |

---RESOLUTION NO. 90-6068

ITEM 7

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A DEVELOPMENT AGREEMENT BETWEEN STUART O. KAYE, TRUSTEE, AND THE CITY OF NAPLES WHICH PROVIDES OPTIONS TO ACCOMMODATE THE PARKING FOR PETITION NO. 90-N1 REQUESTING AN EXPANSION OF A NON-CONFORMITY FOR THE UTS BUILDING LOCATED AT FIFTH AVENUE SOUTH AND EIGHTH STREET; AND PROVIDING AN EFFECTIVE DATE.

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---RESOLUTION NO. 90-6069

A RESOLUTION AUTHORIZING EXPANSION OF A NONCONFORMITY TO PERMIT EXPANSION OF A NONCONFORMING STRUCTURE LOCATED ON THE NORTHEAST CORNER OF EIGHTH STREET, SOUTH AND FIFTH AVENUE SOUTH (821 FIFTH AVENUE SOUTH, FORMERLY THE UNITED TELEPHONE SERVICE BUILDING); AND PROVIDING AN EFFECTIVE DATE.

Titles 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.

City Attorney Rynders advised that this was the final draft of the proposed Development Agreement between the City and the petitioner, Stuart O. Kaye relative to the United Telephone Service (UTS) building conceptually approved by Council at its February 21, 1990 meeting. He further advised that he has read and approved the agreement.

Councilman Muenzer reiterated his request from that meeting and asked if the petitioner would be willing to provide the following: 1) rodent control during construction; 2) trash and debris pick-up on a daily basis; 3) use the Fifth Avenue Parkway for its construction staging area; and 4)

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restripe the Fifth Avenue Parkway to provide parking for customers to the Fifth Avenue South business district during the construction phase of this project. Petitioner Stuart O. Kaye agreed to provide the City with the aforementioned requirements.

Mayor Crawford asked for clarification regarding a few subsections contained in the agreement. On page 2, item 2, he asked what the configuration and landscaping to the north of the UTS building would be as referenced by the agreement. City Attorney Rynders noted that the configuration and landscaping for that area was indicated on a site plan for the project. Community Development Director McKim further pointed out that the Engineering Department had not yet reviewed nor approved a final site plan for the parking reconfiguration.

Referring to page 3, the fourth WHEREAS, Mayor Crawford said that it only related to one option available to the City, not the agreed upon alternate options as well. City Attorney Rynders advised that WHEREAS would only be effective in the event the City chose to enact the option outlined therein.

On page 6, second paragraph, Mayor Crawford asked for clarification relative to the donated property's appraised value. City Manager Jones pointed out that, currently, the UTS parking lot contains some fair market value. This provision would protect the petitioner from any down zoning of said property in accordance with the City's Comprehensive Plan or future zoning requirements.

**MOTION:** To APPROVE the most recent draft of the Development Agreement as outlined in the resolution.

**MOTION:** To APPROVE the nonconformity request with the inclusion of the above-mentioned four requirements to be implemented during the construction phase, and submittal of a final site plan for the parking configuration and landscaping of the Fifth Avenue Parkway subject to the Engineering Department's approval.

| COUNCIL<br>MEMBERS    | M<br>O<br>T<br>I<br>O<br>N | S<br>E<br>C<br>O<br>N<br>D | VOTE        |        | A<br>B<br>S<br>E<br>N |
|-----------------------|----------------------------|----------------------------|-------------|--------|-----------------------|
|                       |                            |                            | Y<br>E<br>S | N<br>O |                       |
| Anderson-<br>McDonald | A                          | B                          | S           | T      | A                     |
| Barnett               |                            |                            |             | X      |                       |
| Herms                 |                            |                            |             | X      |                       |
| Muenzer               |                            |                            |             | X      |                       |
| Passidomo             | X                          |                            |             | X      |                       |
| Sullivan              |                            | X                          |             | X      |                       |
| Crawford<br>(5-0)     |                            |                            |             | X      |                       |
| Anderson-<br>McDonald | A                          | B                          | S           | T      | A                     |
| Barnett               |                            |                            |             | X      |                       |
| Herms                 |                            |                            |             | X      |                       |
| Muenzer               |                            |                            |             | X      |                       |
| Passidomo             | X                          |                            |             | X      |                       |
| Sullivan              |                            | X                          |             | X      |                       |
| Crawford<br>(5-0)     |                            |                            |             | X      |                       |



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

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

---ORDINANCE NO. 90-\_\_\_\_\_

ITEM 8

AN ORDINANCE AMENDING SECTION 23-9 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES BY ADDING SUBSECTION (q); AND PROVIDING AND EFFECTIVE DATE. PURPOSE: TO PROHIBIT PARKING OF VEHICLES BY CONSTRUCTION WORKERS AND SERVICE WORKERS ON PROPERTY OTHER THAN THAT PROPERTY WHERE SAID WORK IS BEING PERFORMED.

Title read by City Attorney Rynders.

Mayor Crawford pointed out that the Collier County Contractors and Builders Association (CCBCA) had been advised that this item would be placed on the agenda. City Manager Jones confirmed that statement and further advised he has not received any response to date.

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

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---ORDINANCE NO. 90-\_\_\_\_\_

ITEM 9

AN ORDINANCE AMENDING SUBSECTION 10-3-2, COASTAL CONSTRUCTION SETBACK LINES, OF CHAPTER 10, RESOURCE PROTECTION STANDARDS, OF THE COMPREHENSIVE DEVELOPMENT CODE OF THE CITY OF NAPLES BY ADDING SUBPARAGRAPH (20); AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO ADD A PROVISION THAT WOULD ALLOW STAFF TO PERMIT MAINTENANCE AND REPAIR OF EXISTING SHORE PROTECTION STRUCTURES.

Title read by City Attorney Rynders.

City Attorney Rynders advised he had added the provision that these permits would be reviewed for

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| COUNCIL<br>MEMBERS    | M<br>O<br>T<br>I<br>O<br>N | S<br>E<br>C<br>O<br>N<br>D | VOTE        |        | A<br>B<br>S<br>E<br>N<br>T |
|-----------------------|----------------------------|----------------------------|-------------|--------|----------------------------|
|                       |                            |                            | Y<br>E<br>S | N<br>O |                            |
| Anderson-<br>McDonald |                            |                            | X           | X      |                            |
| Barnett               |                            |                            |             | X      |                            |
| Herns                 |                            |                            |             | X      |                            |
| Muenzer               |                            |                            |             | X      |                            |
| Passidomo             |                            |                            |             | X      |                            |
| Sullivan              | X                          |                            |             | X      |                            |
| Crawford<br>(6-0)     |                            |                            |             | X      |                            |

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|--------------------|----------------------------|----------------------------|-------------|--------|----------------------------|
|                    |                            |                            | Y<br>E<br>S | N<br>O |                            |
| Anderson-McDonald  | X                          |                            | X           |        |                            |
| Barnett            |                            |                            |             |        |                            |
| Herns              |                            |                            | X           |        |                            |
| Muenzer            |                            |                            | X           |        |                            |
| Passidomo          |                            |                            | X           |        |                            |
| Sullivan           |                            | X                          | X           |        |                            |
| Crawford           |                            |                            | X           |        |                            |
| (6-0)              |                            |                            |             |        |                            |

final consideration by the Council as requested by Councilman Anderson-McDonald.

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

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

ITEM 10

WITHDRAWAL OF FURTHER CONSIDERATION OF THE HISTORIC DISTRICT ORDINANCE WHICH WAS PREVIOUSLY CONSIDERED BY CITY COUNCIL AS PART OF THE UNIFIED DEVELOPMENT REGULATIONS.

City Attorney Rynders advised that there was no document for Council to consider, a motion was all that was necessary for this item.

Community Development Director McKim advised staff has recommended Council withdraw its action relative to approval of this ordinance at first reading in order to assuage some of the citizens' concerns, who reside in the historic district, and ensure that this ordinance would not be considered at a future date as previously submitted. Staff further advised it did not intend to pursue that ordinance any further.

Mrs. McKim then brought the Council up-to-speed relative to the citizen survey to be sent Citywide regarding the historic district and proposed incentives to maintain historic structures. The results of that survey should be ready to come back for Council's review sometime in April in a workshop session, she said.

Mrs. Sue B. Smith of 15 11th Avenue South concurred with the staff's recommendation. She then read an excerpt from an unidentified article and author well-read on the issue of historic structures and districts.

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Mrs. H. G. Snellings of 1890 Gordon Drive, a property owner in the historic district, said that she did not believe a survey of the entire citizenry was in order as many citizens were not aware of the historic district. She recommended that only the citizens and property owners of the historic district be surveyed.

MOTION: To WITHDRAW the Council's previous action of approval relative to the historic district ordinance.

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ITEM 11

---RESOLUTION NO. 90-6070

Item 11-a

A RESOLUTION AWARDDING CITY BID 90-46 FOR THE EAST NAPLES BAY CANAL SYSTEM MAINTENANCE DREDGING; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE CONTRACTS THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Assistant City Manager Wiltsie advised that staff recommended approval of the proposed contractors for the East Naples Bay dredging project. Staff believes the prices are reasonable, and after a thorough background check of the contractor, feels confident that the work would proceed in a timely manner.

In response to Councilman Herms, Mr. Wiltsie advised that the background check was performed by Consulting Engineer Brett Moore of Coastal Engineering Consultants, Inc. and himself. The references provided were from out of state, St. Louis, Missouri and the central United States.

Councilman Muenzer asked if the City Attorney had reviewed the contractor's performance bond. City Attorney Rynders advised that he had and believed the insurance company to be well-funded.

| COUNCIL<br>MEMBERS | M<br>O<br>T<br>I<br>O<br>N | S<br>E<br>C<br>O<br>N<br>D | VOTE        |        |
|--------------------|----------------------------|----------------------------|-------------|--------|
|                    |                            |                            | Y<br>E<br>S | N<br>O |
| Anderson-McDonald  |                            |                            | X           |        |
| Barnett            |                            |                            |             |        |
| Herms              |                            | X                          | X           |        |
| Muenzer            |                            |                            | X           |        |
| Passidomo          |                            |                            | X           |        |
| Sullivan           | X                          |                            | X           |        |
| Crawford           |                            |                            | X           |        |
| (6-0)              |                            |                            |             |        |



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COUNCIL  
MEMBERS

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Referring to a letter received by the Mayor and Council from Mr. Richard J. Baker (Attachment #2), Councilman Muenzer asked why there was such a discrepancy from the original calculations distributed prior to the referendum and the proposed contract amount presented at these proceedings. City Manager Jones advised that the voters of that district did not vote on a specific cost or time period, they voted specifically for establishing a taxing district to levy up to a 1/2 mill for the maintenance dredging of East Naples Bay. Mr. Jones then cited Section 1.4 of the City Charter wherein it provides that the City can establish assessment districts for those properties benefitting from maintenance dredging or repair to prevent erosion of the beach and waterways.

Mayor Crawford pointed out that the minutes of the East Naples Bay Taxing District outlined changes to the scope of work since the original calculations were made.

In response to Councilman Muenzer, Assistant City Manager Wiltsie advised that the rock removal was necessary as existing conditions have created a navigational hazard for boaters.

Mr. H. L. Shuster of 2020 Sandpiper, speaking on behalf of Mr. Richard J. Baker, advised that the Royal Harbor Property Owners Association was in favor of the proposed contracts. However, it believed that the City should pay for a portion of the additional costs not evident at the time of referendum. He believed that the voters only approved a tax for eight years at a specified cost.

Mayor Crawford reiterated previous statements made by staff that the City was not responsible for those additional costs. If the district wanted to reduce the dredging cost, it could recommend that the dredged material be reduced.

Ms. Fern Aitchison, who did not register to speak, asked Council to notify the citizens of this increase in cost inasmuch as the original calculations were considerably less. City Manager

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Jones advised that staff had corresponded with the property owners on February 20, 1990 advising them of the proposed contracts and the costs associated therein.

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

Councilman Herms said that he would support the resolution as he believed the property owners have been properly notified.

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---RESOLUTION NO. 90-6071

Item 11-b

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AMENDED DISPOSAL AGREEMENT BETWEEN WINDSTAR DEVELOPMENT COMPANY AND THE CITY OF NAPLES; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Assistant City Manager Wiltsie advised this proposed agreement provides that the original three sites, previously agreed upon for disposal, would be reduced to one major site for easier disposal of the spoil. Staff has recommended approval of the resolution.

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

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---RESOLUTION NO. 90-6072

ITEM 12

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF NAPLES AND NAPLES CAY FOR THE DISPOSAL OF DREDGE MATERIAL; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Assistant City Manager Wiltsie advised this confirms a verbal agreement with Naples Cay relative to the use of their property as a spoil site for the Moorings Bay dredging project.

-14-

| COUNCIL<br>MEMBERS   | M<br>O<br>T<br>I<br>O<br>N | S<br>E<br>C<br>O<br>N<br>D | VOTE        |                       | A<br>B<br>S<br>E<br>N<br>T |
|--|----------------------------|----------------------------|-------------|-----------------------|----------------------------|
|  |                            |                            | Y<br>E<br>S | N<br>O                |                            |
| Anderson-<br>McDonald<br>Barnett<br>Herms<br>Muenzer<br>Passidomo<br>Sullivan<br>Crawford<br>(6-0) | X                          |                            | X           |                       |                            |
|  |                            | X                          |             | X<br>X<br>X<br>X<br>X |                            |
| Anderson-<br>McDonald<br>Barnett<br>Herms<br>Muenzer<br>Passidomo<br>Sullivan<br>Crawford<br>(6-0) |                            | X                          |             | X<br>X<br>X<br>X<br>X |                            |

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Mayor Crawford referred to a paragraph of the agreement wherein it states that "Upon completion of the dredging operation.....any excess material not wanted or used .... shall be hauled away by the City." Mr. Wiltsie advised that if there was excess material, the City could use it.

In response to Councilman Herms, City Engineer Gronvold advised staff was not sure as to the exact number of loads which might have to be hauled away. Mayor Crawford pointed out that the cost of hauling the material would be funded from the taxing district.

Councilman Muenzer asked if the excess material could be used as fill for the proposed boardwalk system. City Manager Jones replied negatively and advised permits to use that material would be difficult to obtain.

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

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---RESOLUTION NO. 90-6073

ITEM 13

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AMENDED INTERLOCAL AGREEMENT BETWEEN THE CITY OF NAPLES AND COLLIER COUNTY REGARDING THE BEACH NOURISHMENT PROJECT; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

City Manager Jones explained that Council had previously approved an interlocal agreement with the County relative to this project; however, the County reviewed the terms of that agreement and submitted some changes to the same. Staff has reviewed the requested amendments and recommends approval of the resolution.

Mr. Harry Huber of the Collier County Office Management Department advised that he was available to answer any questions.

| COUNCIL<br>MEMBERS | M<br>O<br>T<br>I<br>O<br>N | S<br>E<br>C<br>O<br>N<br>D | VOTE        |        | A<br>B<br>S<br>E<br>N<br>T |
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|                    |                            |                            | Y<br>E<br>S | N<br>O |                            |
| Anderson-McDonald  |                            |                            | X           | X      |                            |
| Barnett            |                            |                            |             |        |                            |
| Herms              |                            |                            |             | X      |                            |
| Muenzer            |                            |                            |             | X      |                            |
| Passidomo          |                            |                            |             | X      |                            |
| Sullivan           |                            |                            |             | X      |                            |
| Crawford           | X                          |                            |             | X      |                            |
| (6-0)              |                            |                            |             |        |                            |



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Mrs. Sue B. Smith of 15 11th Avenue South asked what the \$100,000 contribution by the City would fund. City Manager Jones explained that the monies would be used to allow for the completion of the initial study so that the City/County could be in a position to request permits from the State of Florida.

Mrs. Smith asked that the City consider utilizing Mr. Bill Parker's screening method for gathering sand and nourishing eroding beaches.

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

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## ITEM 14

DISCUSSION OF LEGISLATION REGARDING  
FISHING IN MAN-MADE CANALS.

City Attorney Rynders advised that the Council did not have a document to adopt or approve.

Mayor Crawford explained that this item was requested by the Aqualane Shores Property Owners Association relative to a ban to prohibit commercial fishing in man-made canals.

Natural Resources Manager Staiger advised that the Legislative Delegation had directed the two parties, residential and commercial fishing interests, to revisit this issue and try to work out some compromise. The groups have met, however, an impasse has been reached with no hope of compromise. The Delegation then advised it would need documentation that an actual problem existed, such as incident reports from the Police Department. The Association is asking for the City's support of the proposed bill prohibiting commercial fishing to the Delegation.

Addressing the natural resources perspective of the Association's request, Dr. Staiger said that he did not believe the commercial fishermen's methods deleteriously affected the mullet population. The fishermen are severely restricted

| COUNCIL<br>MEMBERS    | M<br>O<br>T<br>I<br>O<br>N | S<br>E<br>C<br>O<br>N<br>D | VOTE        |        | A<br>B<br>S<br>E<br>N<br>T |
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|                       |                            |                            | Y<br>E<br>S | N<br>O |                            |
| Anderson-<br>McDonald | X                          |                            | X           |        |                            |
| Barnett               |                            |                            |             |        |                            |
| Herns                 |                            |                            | X           |        |                            |
| Muenzer               |                            |                            | X           |        |                            |
| Passidomo             |                            |                            | X           |        |                            |
| Sullivan              |                            | X                          | X           |        |                            |
| Crawford              |                            |                            | X           |        |                            |
| (6-0)                 |                            |                            |             |        |                            |

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as to the number of fish they are permitted to catch and the gear they are allowed to use relative to mesh size and the like.

Discussion then ensued as to the credibility of the Marine Fisheries Commission. Dr. Staiger noted that one of the commissioners at one time was involved in illegal actions relative to the importing of redfish into Florida, but he has since been removed from office.

Councilman Passidomo said that he believed there were three facets relative to this issue: 1) depletion of existing stock to an undesirable degree; 2) whether mullets provide an environmental asset to the area; and 3) whether this type of activity is conducive to the residential character of man-made canals. Mr. Passidomo said that he did not believe there was a natural resource issue at hand.

Referring to the methods used by commercial fishermen, Councilman Sullivan said that it appeared when they blocked the canals and swept an area with their netting that the canal would be vacuumed clean of all the marine life. Dr. Staiger explained the fishermen's "strike" method wherein they encircle a school of mullet which involves blocking the waterway. While this method of fishing does not negatively impact the marine life, it does create a navigational hazard which is against the law, he said.

Mr. James Weigel of 675 17th Avenue South, representing the Board of Directors of the Aqualane Shores Property Owners Association, advised that his group believes that commercial fishing in their canals has depleted the fish population from the area; disturbs the peace at all hours of the day and night; and creates paranoia due to the constant presence of strangers being present behind private residences. Mr. Weigel then referred to other municipalities in the State of Florida which have passed similar laws prohibiting commercial fishing in their canals. He urged Council to support this proposed bill so that it could be placed on the September 4, 1990 primary election ballot.

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Referring to the proposed bill contained in the packet material, Councilman Passidomo said that he believed it was ambiguous and that internal inconsistencies were evident relative as to what aspect commercial fishing was prohibited.

Mr. Bill Hookway of 3010 7th Street South said that there were no fish in the canals because of the commercial fishing. He then referred to the definition of a canal which he stated was a man-made waterway. Mr. Hookway further advised that his group had met with the commercial fishermen and presented that group's proposal to its Association; however, the Association members would not agree to the proposal limiting fishing to certain hours. The Association voted unanimously to request that all commercial fishing be eliminated from the canals.

Ms. Pamela Johnson, Treasurer of the Local Chapter of the Organized Fishermen of Florida (OFF), advised that her group does not condone the breaking of any law or the depletion of the industry. She further noted that this issue was tabled by the City Council in December, 1989 for one year. Ms. Johnson advised that her group had met with the Association representatives, but did not believe that group was willing to compromise. She pointed out that if the residents were disturbed by the fishing, they could contact the police and report a nuisance. To date, she continued, there have been no complaints received by the Police Department relative to commercial fishermen.

Mr. Lawrence Harper, Jr., 4090 Cutlass Lane, representing Citizens to Preserve Naples Bay, said that the commercial fishermen were destroying the environment by depleting canals of fish. The mullet fish, he continued, is at the end of the food chain and prey for many sport fish. Mr. Harper supported the proposed bill and asked Council to support it as well.

Mr. Bill Blaikie, 4295 Cutlass Lane, concurred with the previous speaker and said he believed



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fishing at all hours of the night created a nuisance for the residents and disturbed their sleep.

Mr. Gary Smith, 1074 6th Lane North, Director of the Naples Chapter of OFF, addressed the issue of man-made canals. He believed that this proposed bill would only address approximately eight to ten canals that would fit into the category of "man-made". The remainder of the waterways system has been man-altered as is evident from aerial maps, he concluded.

Mayor Crawford said that he believed the natural resources aspect of this issue has been addressed, and that the only issue before Council now was that of a nuisance consideration. Dr. Staiger pointed out that the waters in man-made, man-altered, or natural waterways belonged to the State and that the Department of Natural Resources (DNR) had the power to designate which waterways were man-made or man-altered. The canals in Punta Gorda were dredged upland and were, in fact, man-made therefore the ban on commercial fishermen was effective.

A general discussion then ensued as to the definition of a man-made canal, man-altered canal, and natural waterway.

Councilman Passidomo reiterated his previous remarks that commercial fishing was not a use conducive to the residential atmosphere of the canal system, and he believed that it should be prohibited in accordance with the Comprehensive Plan.

Councilman Herms concurred and said that he believed the proposed bill would preserve the quality of the neighborhoods and preserve the fish population.

Ms. Patricia Johnson, who had earlier deferred her remarks, asked permission to address the Council. She said that she believed the Council was presented with misinformation at these proceedings

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and asked that it postpone its decision until all the information relative to regulations placed by the State on commercial fishing could be presented.

Councilman Anderson-McDonald said that while she voted to table this issue for one year, she believed that because a compromise could not be reached, it had to be reevaluated. The majority of the residents and property owners, she continued, believe commercial fishing should be eliminated from the canals. Mrs. Anderson-McDonald suggested that all the property owner associations could meet and review this issue to ensure that any law enacted is consistent and representative of the majority's wishes.

Referring to the suggestion that no complaints have been recorded, Councilman Muenzer pointed out that the police officers have no grounds to report disturbances inasmuch as it is not against the law to commercially fish in the canals. He believed that the "Administrative Rule" (Attachment #3) distributed to Council during these discussions should be supported by the Council as it addressed logical controls for commercial fishing. He said that he would support the placement of this issue on the September 4, 1990 primary election ballot. Councilman Sullivan concurred.

**MOTION:** To DIRECT that a letter be prepared by the Natural Resources Manager, for Council's approval, supporting the recommendations submitted by the Aqualane Shores Property Owners Association relative to prohibiting commercial fishing in man-made canals for referendum in September, 1990. In addition, staff should also prepare a letter supporting the "Administrative Rule" policy presented at these proceedings.

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| COUNCIL<br>MEMBERS | M<br>O<br>T<br>I<br>O<br>N | S<br>E<br>C<br>O<br>N<br>D | VOTE        |        | A<br>B<br>S<br>E<br>N<br>T |
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|                    |                            |                            | Y<br>E<br>S | N<br>O |                            |
| Anderson-McDonald  |                            |                            | X           | X      |                            |
| Barnett            |                            |                            |             | X      |                            |
| Herns              |                            |                            |             | X      |                            |
| Muenzer            |                            |                            |             | X      |                            |
| Passidomo          |                            |                            |             | X      |                            |
| Sullivan           | X                          |                            |             | X      |                            |
| Crawford           |                            |                            |             | X      |                            |
| (6-0)              |                            |                            |             |        |                            |





SUPPLEMENTAL ATTENDANCE LIST

|                  |                  |                |
|------------------|------------------|----------------|
| W. W. Haardt     | Charles Andrews  | John Miller    |
| Harry Huber      | John Shelton     | Wil Skillman   |
| B.R. Flowers     | Ed Traczyk       | M/M Colabrese  |
| Grace Prince     | Richard Andersen | John Hopkins   |
| Howard Shanahan  | Bob Griffith     | Hank Shuster   |
| Emmy Earl        | Harold Oldak     | Jim Weigel     |
| Brett Moore      | C.A. Reinbolt    | Harry Timmins  |
| John Van Arsdale | Gilbert Weil     | Fran Aitchison |
| Caryn Craddick   | A. Bruce Durkee  |                |

Other interested citizens and visitors.

NEWS MEDIA

|                                |                                |
|--------------------------------|--------------------------------|
| Scott Fitzgerald, WBBH-TV      | Michelle Mendleson, News Press |
| Gina Binole, Naples Daily News |                                |
| Jerry Pugh, Palmer TV-10       |                                |



# Royal Harbor

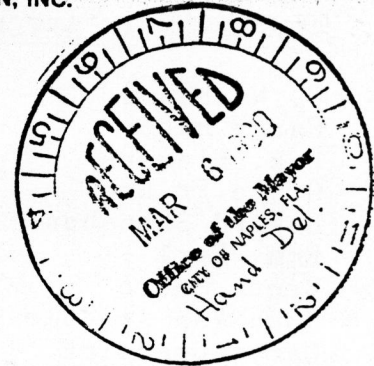
ASSOCIATION, INC.

POST OFFICE BOX 2532  
NAPLES, FLORIDA 33939

A  
Community  
of over 400  
Property Owners

March 6, 1990

Mayor Rudd Crawford  
City Manager/Council Members  
Naples, FL 33940



Subject: East Naples Bay Taxing District

In February 1988 the residents of Royal Harbor enthusiastically voted in favor of the referendum authorizing the Ad Valorem Tax for the East Naples Bay Taxing District Dredging Program.

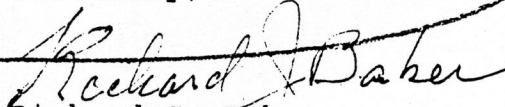
The support for the proposal was based on the facts contained in the brochure "A Plan For Naples Waterways" mailed to each resident by the City of Naples. The map in this brochure clearly indicated that all canals in Royal Harbor, and a portion of Haldeman Creek, would be included in the program. The brochure stated that 26,000 cubic yards would be dredged at a cost of \$334,000, including engineering, and the progress would be monitored periodically by the City Council.

By letter dated February 20, 1990, the City of Naples notified each resident of the district that the bid of \$529,000 for 30,000 cubic yards would be recommended for City Council approval. This included no additional provision for engineering fees, which by August 31, 1989 had already reached \$61,000. The letter also indicated that changes requested by the Royal Harbor property owners caused an increase from 26,000 to 30,000 cubic yards of material to dredged. This additional amount of cubic yardage does not justify the great difference in the final bid from the original estimate.

In view of the increased cost over the original estimate which the voter approved, our Association feels strongly that the City of Naples should pick up a portion of the increased cost.

The Royal Harbor Association is of the opinion that the dredging program must go forward. We would appreciate a response to our request for financial assistance.

Sincerely,

  
Richard J. Baker,  
President

An Administrative Rule providing:

The Marine Fisheries Commission adopt this rule limiting the area commercial fishermen may fish and provide as follows:

Definitions:

- A. "Commercial Fishermen" - any individual fishing within the State of Florida for commercial purposes and possessing a salt water products license.
- B. "Row Mullet Season" - October 15th through January 15th

1. Any Commercial Fisherman within the State of Florida is restricted to fishing the two contiguous county areas designated by each fisherman
2. Each commercial fisherman shall designate the two contiguous county areas they choose to fish during October 15th through January 15th, no later than July of each year prior to run season.
3. Such designation shall be binding for two consecutive Row Mullet Seasons.
4. This two county designation shall be fixed by each fisherman and cannot be changed during each Row Mullet Season

This act shall take effect upon the adoption by the Marine Fisheries Commission