



*City of Naples*

City Council Minutes

Regular Meeting 04/04/90

City Council Chambers  
735 Eighth Street South  
Naples, Florida 33940

-SUBJECT-	Ord. No.	Res. No.	Page
ANNOUNCEMENTS:			
MAYOR CRAWFORD: Announced the City's expanded recycling program to include office paper. He further noted that a joint workshop between the City and County would be held on May 9, 1990.			1
CITY MANAGER JONES: Advised that the Fire Department had on display its newest rescue unit.			1
APPROVAL OF MINUTES: March 21, 1990, Regular			1
RESOLUTIONS:			
-APPROVE cancellation of July 4, 1990, regular meeting.		90-6089	1
-APPROVE execution of a mutual operational assistance agreement with the Sheriff's Office.		90-6090	2
-APPOINT two members to the East Naples Bay Special Taxing District Advisory Board.		90-6091	3
-APPOINT two members to the Moorings Bay Special Taxing District Advisory Board.		90-6092	3
-APPROVE amendment to the Airport Authority's existing Charter.		90-6094	11
ORDINANCES - First Reading:			
-APPROVE increase of fee for contractors working outside scope of building permit.	90-		4
-APPROVE regulations regarding vehicles parking on bike paths, sidewalks, and bike lanes.	90-		5
ORDINANCES - Second Reading:			
-CONTINUE Pelican Bay annexation ordinance.	90-		6
-ADOPT transmittal of Level of Service Report to the State.	90-6093		11
DISCUSSION/ACTION:			
-CONTINUE discussion of Pelican Bay Development Agreement.			6

Time 9:00 a.m.  
Date 04/04/90

ITEM 2

[illegible]

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			Y E S	N O	

Referring then to an upcoming joint workshop between the City Council and County Commission, Mayor Crawford asked those members of Council and any citizens to forward all questions relative to growth management to the City Manager's Office prior to the May 9, 1990 meeting. He further asked members of Council to provide the City Manager with suggested uses for the proposed local option sales tax revenue to be further discussed at an upcoming workshop forum.

CITY MANAGER JONES: Advised that the Fire Department had on display its newest rescue unit. The City has instituted a program wherein the chassis and body of these vehicles are purchased separately resulting in savings of approximately \$24,000 of tax dollars.

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

APPROVAL OF MINUTES

ITEM 4

March 21, 1990, Regular Meeting

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---RESOLUTION NO. 90-6089

ITEM 5

A RESOLUTION CANCELLING THE JULY 4, 1990, REGULAR CITY COUNCIL MEETING; AND PROVIDING AN EFFECTIVE DATE.

Title not read.

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---RESOLUTION NO. 90-6090

ITEM 6

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A MUTUAL OPERATIONAL ASSISTANCE AGREEMENT WITH THE COLLIER COUNTY SHERIFF'S OFFICE; AND PROVIDING AN EFFECTIVE DATE.

itle not read.



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MOTION: To APPROVE the Consent Agenda as presented.

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

ITEM 7

---RESOLUTION NO. 90-6091

Item 7-a

A RESOLUTION REAPPOINTING TWO MEMBERS TO THE EAST NAPLES BAY SPECIAL TAXING DISTRICT ADVISORY BOARD; AND PROVIDING AN EFFECTIVE DATE.

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---RESOLUTION NO. 90-6092

Item 7-b

A RESOLUTION REAPPOINTING TWO MEMBERS TO THE MOORINGS BAY SPECIAL TAXING DISTRICT ADVISORY BOARD; AND PROVIDING AN EFFECTIVE DATE.

Titles not read.

City Manager Jones noted that when these Boards were established, the terms were staggered. The members recommended for reappointment served those shortened terms.

MOTION: To APPROVE the resolutions as presented.

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Mayor Crawford interrupted the published agenda to note that the scheduled joint workshop for Thursday, April 19, 1990, between the City Council and the Airport Authority has been cancelled. As soon as it has been rescheduled, staff will send out the appropriate notices.

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

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

ITEM 8

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S E N T
			Y E S	N O	
Anderson			X		
Barnett	X		X		
Herms			X		
Muenzer			X		
Passidomo			X		
Sullivan			X		
Crawford			X		
(7-0)					
Anderson					
Barnett	X		X		
Herms			X		
Muenzer		X	X		
Passidomo			X		
Sullivan			X		
Crawford			X		
(7-0)					



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

AN ORDINANCE AMENDING THE SECTION ENTITLED "BUILDING DIVISION FEES" OF CHAPTER XI OF THE COMPREHENSIVE DEVELOPMENT CODE; AMENDING THE SECTION ENTITLED "UNLAWFUL ACTS OR OMISSIONS" OF ARTICLE III OF CHAPTER III OF THE COMPREHENSIVE DEVELOPMENT CODE; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO INCREASE THE FEE FOR CONTRACTORS WHO BEGIN WORK WITHOUT A BUILDING PERMIT OR OUTSIDE THE SCOPE OF A BUILDING PERMIT.

Title read by City Attorney Rynders.

Community Development Director McKim advised that this item had been discussed at several workshop sessions and by the Contractors' Examining Board at its recent meeting. The ordinance would set forth the procedure by which after-the-fact variance violations and work performed outside the scope of a building permit would be addressed. A contractor's first violation would result in a warning of future consequences should said violation occur again; a second violation would result in suspension of permitting privileges for six months; and a third violation would result in a recommendation for revocation of the contractor's permitting privileges.

Councilman Muenzer asked if the City inspected completed projects relative to its building permits. Mrs. McKim advised that there were a few permits which did not require a final inspection; however, during the computerization of the building permits, site plans, etc., staff has proposed final inspections so that all projects can be accurately recorded in the computer's data base as to their finish dates.

Mayor Crawford advised that he had previously asked staff to review the feasibility of implementing a program wherein proposed projects coming before Council with landscape plans remain in conformance after the project is completed. Often, these projects are landscaped at completion, but the plantings are not maintained or wither and die within six months and are not replaced.

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COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S E N T
			Y E S	N O	
Anderson		X	X		
Barnett	X		X		
Herms			X		
Muenzer			X		
Passidomo			X		
Sullivan			X		
Crawford			X		
(7-0)					

In response to Councilman Herms, Mrs. McKim advised that a final inspection on roofing permits was not required. Mr. Herms suggested that staff include those permits for final inspections as the roof is the most important element of any facility.

A general discussion then ensued relative to the type of after-the-fact variances considered during the last few years. Community Development Director McKim then reviewed several scenarios and the fine amount each violation would be liable for.

Councilman Anderson recommended that staff forward a letter to the Collier County Builders and Contractors Association (CCBCA) advising them of this proposed ordinance and the date of second reading.

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

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

ITEM 9

AN ORDINANCE AMENDING SECTION 23-9 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES BY ADDING SUBSECTION (q); AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO ESTABLISH REGULATIONS REGARDING VEHICLES PARKING ON SIDEWALKS, BIKE PATHS AND BIKE LANES.

Title read by City Attorney Rynders.

City Engineer Gronvold advised that, currently, the State Statutes do not provide for parking prohibitions relative to bike paths. The City has several miles of bike paths and cannot prevent cars from parking and encroaching upon the citizens' quiet enjoyment of those paths. This ordinance would establish the vehicle by which the City could enforce regulations relative to parking on sidewalks, bike paths, and bike lanes.

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Councilman Anderson asked staff to take into consideration those instances when residents on a street with bike paths have parties or "get-togethers" at night and the parked cars overflow onto the rights-of-way. In some neighborhoods, bike paths are in those rights-of-way and this ordinance would prohibit parking under those circumstances. Police Chief Reble advised that with the City Manager's permission, his officers could be instructed to take those circumstances into consideration before issuing citations.

Referring to landscape vehicles which park in the rights-of-way, Councilman Sullivan asked if this would also apply to those vehicles. City Manager Jones advised that it would, and he further noted that a previously adopted ordinance prohibiting the parking of commercial vehicles at a location other than the residence they are servicing would apply also.

In response to Councilman Herms, City Engineer Ronvold advised that this ordinance would be enforceable by the City of Naples Police Department.

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

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COMMUNITY DEVELOPMENT DEPARTMENT/ NAPLES  
PLANNING ADVISORY BOARD

ITEM 10

REQUEST TO APPROVE A DEVELOPMENT/ ANNEXATION AGREEMENT TO ALLOW FOR THE CONTINUED DEVELOPMENT OF 2,104 ACRES OF THE PLANNED RESIDENTIAL COMMUNITY OF PELICAN BAY WITH A MIXTURE OF SINGLE AND MULTIFAMILY DWELLING UNITS WITH COMMERCIAL AREAS, GOLF COURSE, GOVERNMENTAL AND INSTITUTIONAL USES, PARKS, AND PROTECTED BEACHES AND

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		X		X	
Barnett				X	
Herms				X	
Muenzer		X		X	
Passidomo				X	
Sullivan				X	
Crawford				X	
(7-0)					



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			Y E S	N O	

WETLANDS. A TOTAL OF 8,600 RESIDENTIAL UNITS IN BUILDINGS UP TO 200 FEET IN HEIGHT IS PLANNED FOR 1,127 ACRES (A DENSITY OF 7.6 UNITS PER ACRE). APPROXIMATELY 1.1 MILLION SQUARE FEET OF "HIGHWAY COMMERCIAL" USES IN BUILDINGS UP TO 100 FEET IN HEIGHT IS PROPOSED FOR 99 ACRES.

Title not read.

City Manager Jones advised that the Planning Advisory Board (PAB), at its meeting of March 26, 1990, continued its deliberations of this item to April 19, 1990, at 5:00 p.m. Staff has, therefore, recommended that Council continue this item to its May 2, 1990, regularly scheduled meeting.

Councilman Herms asked why the Development Agreement had not been included in the Council's packet material for their review. City Attorney Rynders advised that the agreement had to be redrafted addressing the many concerns of staff and PAB. Prior to the PAB's April 19, 1990, meeting, a new draft would be distributed. City Manager Jones further pointed out that staff provides Council with copies of all the packet material from the City's Boards and Committees in Council's workroom on the conference table. If any member of Council would like additional copies of such material, staff would be happy to provide it upon request, Mr. Jones advised.

Referring to concerns expressed during the PAB review of the proposed agreement, Councilman Sullivan said that he believed Pelican Bay should comply with the City's codes and regulations wherever possible and not be considered as a separate entity.

Councilman Herms then said that he believed Pelican Bay should be required to pay full franchise fees as required by Code in the City of Naples.

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**MOTION:** To CONTINUE this item until the City Council's May 2, 1990, regularly scheduled meeting.

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

-----PUBLIC HEARINGS-----

---ORDINANCE NO. 90----

ITEM 11

AN ORDINANCE PROPOSING THE ANNEXATION OF PELICAN BAY UNIT ONE, EXCEPT THAT PORTION EAST OF WEST BOULEVARD AND SOUTH OF PELICAN BAY BOULEVARD AND EXCEPT THAT PORTION OF PARCEL D PRESENTLY BEING USED BY COLLIER COUNTY AS A PUBLIC PARKING LOT AND EXCEPT THAT PORTION OF PARCEL D NORTH OF THE DORCHESTER; UNIT TWO, EXCEPT THAT PORTION OF THE GOLF COURSE NORTH OF GULF PARK DRIVE AND EXCEPT THE VILLAS OF PELICAN BAY; UNIT FOUR, EXCEPT PARCEL B; UNIT FIVE WEST OF THE WEST RIGHT-OF-WAY LINE OF GREEN TREE DRIVE; SAID AREA BEING MORE PARTICULARLY DESCRIBED IN THE ATTACHED EXHIBIT "A"; AMENDING SECTION 1.2 OF THE CHARTER OF THE CITY OF NAPLES, RELATING TO THE BOUNDARIES OF THE CITY; PROVIDING FOR A REFERENDUM OF SAID ANNEXATION ON -----; PROVIDING FOR A BALLOT QUESTION; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO ANNEX THE AREA SHOWN ON THE ATTACHED EXHIBIT "A", AND TO REDEFINE THE BOUNDARIES OF THE CITY OF NAPLES TO INCLUDE SAID PROPERTY.

Title read by City Attorney Rynders.

PUBLIC HEARING: Opened: 9:45 a.m.  
Closed: 10:20 a.m.

City Attorney Rynders advised that it would be premature to take this item up at this time in light of the Council's action on Item 10. He recommended that it be continued to May 2, 1990 as well. Prior to Council's consideration of this

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	X		X		
Barnett			X		
Herms			X		
Muenzer		X	X		
Passidomo			X		
Sullivan			X		
Crawford			X		
(7-0)					

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			Y E S	N O	

ordinance at second reading, the referendum date of November 6, 1990 shall be set forth in the document, and the legal description for the entire Pelican Bay property shall also be included.

Mr. Fred Hardt, President of Pelican Bay Property Owners Association, advised that his group concurred with the recommendation to continue this item to the Council's May 2, 1990, regularly scheduled meeting.

Mr. Bernie Young, Vice President of Pelican Bay Property Owners Association, said that he believed without the support of the City of Naples, this annexation effort would be moot. He concurred with the proposed continuance, but asked the City to provide the public with honest answers as to the pros and cons of annexation.

Referring to previous discussions of the proposed annexation of Pelican Bay, Councilman Herms asked how a referendum in November, rather than September, would impact the revenues to be received by the City as a result of this annexation. City Manager Jones estimated the difference to be between \$600,000 or \$800,000 in revenues would be evident, but he did not think that loss would adversely affect the City. Many of the services provided by the Pelican Bay Foundation, such as street lighting, median landscaping, and lake maintenance, would continue through the City's fiscal year and would not require service until a full year's ad valorem taxes had been received by the City.

Councilman Anderson asked if the projected costs and revenues which appeared recently in the newspaper were correct or if they would have to be amended. City Manager Jones said that he believed staff would have to revise those figures as it currently is reviewing financial information relative to this annexation. Mayor Crawford pointed out that the City was firmly committed to provide the public with honest answers to all the issues and make a proper assessment of the proposal.



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range measures are put in place for the future of this City. He further noted that the City of Naples, historically, was built by annexation (Park Shore, Coquina Sands, Moorings, Port Royal, Aqualane Shores, to name a few).

In response to Councilman Muenzer, City Manager Jones advised that July was the deadline for getting this proposal on the September ballot.

**MOTION:** To CONTINUE this item to the City Council's May 2, 1990, regularly scheduled meeting.

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---ORDINANCE NO. 90-6093

ITEM 12

AN ORDINANCE ADOPTING THE 1990 ANNUAL LEVEL OF SERVICE REPORT; TRANSMITTING THE SAME TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: THE PURPOSE OF THE ORDINANCE IS TO FORMALLY ADOPT THE 1990 LEVEL OF SERVICE REPORT FOR THE CITY OF NAPLES.

Title read by City Attorney Rynders.

PUBLIC HEARING: Opened: 10:23 a.m.  
Closed: 10:23 a.m.

No one present to speak for or against.

Community Development Director McKim advised that the Comprehensive Plan Concurrency Management provision requires the City to submit a Level of Service Report annually to the State of Florida, Department of Community Affairs.

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

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---RESOLUTION NO. 90-6094

ITEM 13

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			X	X	
Barnett	X		X	X	
Herms			X	X	
Muenzer			X	X	
Passidomo			X	X	
Sullivan			X	X	
Crawford			X	X	
(7-0)					
Anderson			X	X	
Barnett	X		X	X	
Herms			X	X	
Muenzer			X	X	
Passidomo			X	X	
Sullivan			X	X	
Crawford			X	X	
(7-0)					

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

A RESOLUTION APPROVING AN AMENDMENT TO THE AIRPORT AUTHORITY'S EXISTING CHARTER TO ALLOW FOR THE POTENTIAL OPERATION OF ADDITIONAL AIRPORTS; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

City Attorney Rynders advised that this resolution would provide the Airport Authority the ability to request a change in their Charter from the Legislative Delegation allowing them to bring management skills to bear on the operation of other airports near their boundaries. This in no way gives them the authority, at this juncture, to take over the administration of the Marco Island Airport or any other entity, it just provides the mechanism by which they could research and study the feasibility.

Councilman Herms asked for clarification regarding the City Manager's recommendation that such management of other facilities be subject to an interlocal agreement and City Council approval. City Manager Jones advised that the City has a vested interest in the operation of the Airport, and he would want to retain those rights currently enjoyed by the City.

Discussion then ensued as to the insertion of certain language providing that Council would review such interlocal agreements prior to the Airport accepting management of other facilities. City Attorney Rynders suggested that the following language be added to Section 3: "subject to the approval of the City Council."

Councilman Muenzer said that he was strongly opposed to this proposal as he believed the County should take a proactive stand to implement their own Airport and Authority. There are many small airstrips, including the Marco Island Airport, which could be incorporated into one Authority controlled by the County Commission.

In response to Councilman Herms, Airport Director Ray Anderson advised that his staff has not researched the feasibility of managing the Marco



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			Y E S	N O	
Anderson		X	X		
Barnett	X		X		
Herms					X
Muenzer					X
Passidomo			X		
Sullivan			X		
Crawford			X		
(5-2)					

Island Airport inasmuch as they are prohibited from doing so by the current Charter provisions.

**MOTION:** To APPROVE the resolution including the aforementioned language cited by the City Attorney.

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CORRESPONDENCE AND COMMUNICATIONS: None.

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ADJOURN: 10:40 a.m.

*Janet Cason*  
JANET CASON  
CITY CLERK

*Alden R. Crawford, Jr.*  
ALDEN R. CRAWFORD, JR. Mayor

JODIE O'DRISCOLL  
RECORDING SECRETARY

These minutes of the Naples City Council were approved on April 18, 1990.

ATTACHMENT #1

Supplemental Attendance List

Norman Reinertsen  
Bernie Young  
C.A. Reinbolt  
Richard Sykes  
Egon Hill  
Sue Smith  
Lyle Richardson

Carol Lynn Kendall  
Fred Hardt  
Charles Andrews  
Ann Colabrese  
A. Bruce Durkee  
Lee Layne

Ron Pennington  
Herb Anderson  
Robert Galloway  
W.W. Haardt  
Ray Anderson  
George Vega

Other interested citizens and visitors.

NEWS MEDIA

Gina Binole, Naples Daily News  
Michelle Mendleson, News Press

Jerry Pugh, Palmer TV-10