



City of Naples

City Council Minutes

Regular Meeting September 5, 1990

City Council Chamber
735 Eighth Street South
Naples, Florida 3394

-SUBJECT-	ORD. NO.	RES. NO.	PAGE
ANNOUNCEMENTS:			
Mayor Crawford: Noted yellow ribbon campaign, commended the Naples Queens and Braves Girls' Little League teams, and announced Special Council Meeting at 5:30 p.m.			2
City Manager Jones: Recognized two City employees for Employee Suggestion, Stephen Danscik and David Nash.			2
APPROVAL OF MINUTES: August 9, 1990 August 10, 1990 August 15, 1990			2
PURCHASING:			
-BID AWARD for resale items at City facilities.		90-6160	3
-BID AWARD wastewater treatment chemicals		90-6161	3
-BID AWARD for front-loading refuse containers.		90-6162	3
-BID AWARD pebble quick lime.		90-6163	3
-BID AWARD for chlorine.		90-6164	3
-BID AWARD rental of uniforms.		90-6165	4
-BID AWARD corrugated polyethylene pipe.		90-6166	4
-BID AWARD asphaltic material.		90-6167	5
RESOLUTIONS:			
-APPROVE conditional use, Troy Property.		90-6168	5
-APPROVE well permit, 777 Fountainhead Lane.		90-6169	5
-APPROVE variance, Edgewater Beach Hotel.		90-6170	6
-APPROVE Interlocal Agreement for road impact fees.		90-6171	14
-APPROVE Agreement for joint use of recreation facilities at various school locations.		90-6172	16
-TABLE authorization for City Attorney to execute a Joint Stipulation Agreement, and Final Judgment - Power Corporation lawsuit.		90-_____	17
ORDINANCES - First Reading:			
-APPROVE interim fire, police, and general government capital facility fee.	90-_____		10
-APPROVE regulation of vessels, no wake - idle speed.	90-_____		13
ORDINANCES - Second Reading:			
-CONTINUE ordinance proposing annexation	90-_____		6
-WITHDRAW rezone petition, Troy Property.	90-_____		7
-TABLE downzoning of Neapolitan Enterprises' PD.	90-_____		8



Date September 5, 1990

ITEM 2

1

September 5, 1990

Date _____

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S E N T
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MAYOR CRAWFORD: Noted that the yellow ribbons worn by Council and displayed prominently throughout the Chamber were in support of the American citizens and military personnel in the Middle East.

He then congratulated the team members and their coaches from the Naples Braves and Queens (See Attachment #2). Mayor Crawford read a proclamation commending the members of those teams for their performance in the Kalamazoo, Michigan championships.

Mayor Crawford further noted that the City Council would hold a Special Meeting this evening at 5:30 p.m. for consideration of the budget.

CITY MANAGER JONES: Commended two employees for their innovative and cost-saving idea. City employees Stephen Danscik and David Nash of the Utilities Department were recognized for constructing an instrument tester from spare parts at a cost of \$800; a new tester could cost as much as \$5,600.

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

APPROVAL OF MINUTES

ITEM 4

August 9, 1990, Workshop
August 10, 1990, Workshop
August 15, 1990, Regular

Mayor Crawford noted that the August 10, 1990, workshop meeting minutes contained some errors to be corrected as follows: the top of Page 4 "rates" should be replaced with "impact fees" and on Page 7, the date should be "August 15," not "August 13."

PURCHASING

ITEM 5

---RESOLUTION NO. 90-6160

Item 5-a

CITY OF NAPLES, FLORIDA

City Council Minutes

Date September 5, 1990

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

Title not read.

---RESOLUTION NO. 90-6161

Item 5-b

A RESOLUTION AWARDDING THE BID FOR
FURNISHING THE CITY'S ANNUAL
REQUIREMENTS FOR VARIOUS WATER AND
WASTEWATER TREATMENT CHEMICALS;
AUTHORIZING THE CITY MANAGER TO ISSUE
BLANKET PURCHASE ORDERS THEREFORE; AND
PROVIDING AN EFFECTIVE DATE.

Title not read.

---RESOLUTION NO. 90-6162

Item 5-c

A RESOLUTION AWARDDING CITY BID 91-11 FOR
AN ANNUAL CONTRACT FOR FRONT-LOADING
REFUSE CONTAINERS; AUTHORIZING THE CITY
MANAGER TO ISSUE A BLANKET PURCHASE
ORDER THEREFOR; AND PROVIDING AN
EFFECTIVE DATE.

Title not read.

---RESOLUTION NO. 90-6163

Item 5-d

A RESOLUTION AWARDDING CITY BID 91-09 FOR
THE CITY'S ANNUAL REQUIREMENTS FOR
PEBBLE QUICK LIME; AUTHORIZING THE CITY
MANAGER TO ISSUE PURCHASE ORDERS

CITY OF NAPLES, FLORIDA

City Council Minutes

Date September 5, 1990

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THEREFORE; AND PROVIDING AN EFFECTIVE
DATE.

Title not read.

---RESOLUTION NO. 90-6164

Item 5-e

A RESOLUTION AWARDDING CITY BID 91-23 FOR
THE CITY'S ANNUAL REQUIREMENTS FOR
CHLORINE; AUTHORIZING THE CITY MANAGER
TO ISSUE A BLANKET PURCHASE ORDER
THEREFORE; AND PROVIDING AN EFFECTIVE
DATE.

Title not read.

---RESOLUTION NO. 90-6165

Item 5-f

A RESOLUTION AWARDDING CITY BID 91-18 FOR
A TWO-YEAR CONTRACT FOR THE RENTAL OF
INDUSTRIAL UNIFORMS AND ENTRYWAY MATS;
AUTHORIZING THE CITY MANAGER TO ISSUE A
BLANKET PURCHASE ORDER THEREFOR; AND
PROVIDING AN EFFECTIVE DATE.

Title not read.

---RESOLUTION NO. 90-6166

Item 5-g

A RESOLUTION AWARDDING CITY BID 91-05 FOR
THE ESTABLISHMENT OF AN ANNUAL CONTRACT
FOR THE PURCHASE OF CORRUGATED
POLYETHYLENE PIPE; AUTHORIZING THE CITY
MANAGER TO ISSUE PURCHASE ORDERS
THEREFOR; AND PROVIDING AN EFFECTIVE
DATE.

Title not read.

CITY OF NAPLES, FLORIDA

City Council Minutes

Date September 5, 1990

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

---RESOLUTION NO. 90-6170

ITEM 8

A RESOLUTION GRANTING A VARIANCE FROM THE CITY'S MOST RESTRICTIVE COASTAL CONSTRUCTION SETBACK LINE TO ALLOW CONSTRUCTION OF ADDITIONS, CONSISTING OF FOUR SUITES ON THE FOURTH FLOOR AND TWO RECREATION AREAS ON THE GROUND FLOOR, TO THE EDGEWATER BEACH HOTEL, 1901 GULF SHORE BOULEVARD, NORTH, SUBJECT TO THE CONDITIONS SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE.

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.

Natural Resources Manager Staiger advised that this request was consistent with a previously approved conditional use permit to place four suites on the roof of the Edgewater Beach Hotel and to construct recreational facilities on the ground floor.

In response to Mayor Crawford, Dr. Staiger pointed out that the petitioner was removing four parking spaces, but was replacing them with six.

MOTION: To APPROVE the resolution as presented.

*** *** ***

COMMUNITY DEVELOPMENT DEPARTMENT/ NAPLES
PLANNING ADVISORY BOARD

---ORDINANCE NO. 90-_____

ITEM 9

AN ORDINANCE AMENDING SECTION 1.2 OF THE CHARTER OF THE CITY OF NAPLES, FLORIDA, RELATING TO THE BOUNDARIES OF THE CITY; AND PROVIDING AN EFFECTIVE DATE.
PURPOSE: TO ANNEX THE IDENTIFIED PROPERTY TO THE CITY OF NAPLES AT THE REQUEST OF THE PROPERTY OWNERS AND TO

September 5, 1990

City Council Minutes

Date _____

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REDEFINE THE BOUNDARIES OF THE CITY OF
NAPLES TO INCLUDE SAID PROPERTY.

Title read by City Attorney Rynders.

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

No one present to speak for or against.

City Attorney Rynders advised that this item must be continued to the Council's next regularly scheduled meeting, September 19, 1990. This was due to a clerical error which caused the Annexation Agreement for the Collier Athletic Club not to be properly advertised for this meeting.

MOTION: To CONTINUE this item to the Council's September 13, 1990, meeting.

19th

---ORDINANCE NO. 90-_____

ITEM 10

AN ORDINANCE GRANTING REZONE PETITION 90-R4 REZONING PROPERTY LOCATED AT THE NORTHEAST CORNER OF U.S. 41 AND GOLDEN GATE PARKWAY (THE TROY PROPERTY) FROM "HC", HIGHWAY COMMERCIAL, AND "R1-7.5", SINGLE FAMILY RESIDENTIAL, TO "PD" DESIGNATED FOR HIGHWAY COMMERCIAL USES AND "PS", PUBLIC SERVICE, SUBJECT TO THE CONDITIONS SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO REZONE THE PROPERTY AT THE REQUEST OF THE PROPERTY OWNER.

Title not read.

City Attorney Rynders advised that this item had been improperly advertised and would not be scheduled for second reading until December, 1990.

This item was removed from the agenda and Council's consideration.

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

X

X

X
X
X
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X
X
X

September 5, 1990

City Council Minutes

Date _____

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

---ORDINANCE NO. 90-_____

ITEM 11

AN ORDINANCE AMENDING ORDINANCE NO. 87-5289 RELATING TO THE DOWNZONING OF NEAPOLITAN ENTERPRISES' PLANNED DEVELOPMENT BY REQUIRING THE REMOVAL OF BUILDINGS C AND D TO PROVIDE OPEN SPACE WITH LANDSCAPING, BY REQUIRING THAT NAPLES BUILDING E AND BUILDING F BE REDUCED TO TWO STORIES; BY REQUIRING NEW OR RENOVATED BUILDINGS TO REMAIN ONE STORY; BY REQUIRING THE REMOVAL OF ONE STORY FROM THE PARKING GARAGE; BY REQUIRING THAT THE PLANNED DEVELOPMENT MEET THE PARKING LANDSCAPING AND WATER MANAGEMENT REQUIREMENTS IN EFFECT AT THE TIME PERMITS ARE REQUESTED; BY REQUIRING A PHASING SCHEDULE; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO REQUIRE PHASING AND THAT PARKING, LANDSCAPING, AND WATER MANAGEMENT REQUIREMENTS BE MET AT THE TIME PERMITS ARE REQUESTED.

Title read by City Attorney Rynders.

PUBLIC HEARING: Opened: 9:50 a.m.
Closed: 9:50 a.m.

No one present to speak for or against.

Councilman Passidomo was absent from this portion of the proceedings.

City Attorney Rynders noted that a letter from Neapolitan Enterprises' attorney, dated August 31, 1990, had been included for the Council's edification (Attachment #3). The letter provides a good faith effort by Neapolitan Enterprises to negotiate a solution to any "perceived" parking problems in the Third Street South area, he noted. City Attorney Rynders further advised that if Council wanted to proceed with such negotiations, it could direct staff to come back with the appropriate documents.

Councilman Sullivan said that he supported the intent of the letter and believed that an

September 5, 1990

City Council Minutes

Date _____

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acceptable solution could be reached through a committee appointed to analyze parking problems in the Third Street South area. The City should work with Neapolitan Enterprises, he said, to find a temporary parking solution in the area which would not deny the property owner use of his land.

Councilman Anderson suggested that the Planning Advisory Board (PAB) have an opportunity to review a phasing schedule submitted by Neapolitan Enterprises prior to the establishment of a committee. She further suggested that staff prepare a comprehensive review of the Third Street South area, its buildings, and associated parking.

Referring to the PAB's consideration of this item, Mayor Crawford said that he would support a concept wherein long term PDs (planned developments) would include a provision whereby future controls, such as the spatial perception ordinance and increased parking, could be implemented.

City Manager Jones summarized the Council's directions thus far: staff would review the proposal of interim parking provided by Neapolitan Enterprises and study existing buildings and associated parking in the Third Street South area; a committee would be formed to review the parking situation on Third Street South; and after consideration of all the data by Council, PAB would review the PD for additional input.

Discussion then ensued as to the structure of the proposed committee. Councilman Sullivan proposed a committee comprised of no more than seven members to include representatives from the two property owner associations in that area, a representative from the Third Street South Merchants Association, a representative from Neapolitan Enterprises, and a member of City staff.

In response to Mayor Crawford, Community Development Director McKim advised that she would be able to prepare the study of existing buildings and associated parking within the next 30 days.

September 5, 1990

City Council Minutes

Date _____

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S E N T
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Mayor Crawford noted that the committee could then be appointed and its findings reviewed by Council within six weeks, approximately November.					
Councilman Herms asked if the committee would be responsible to review issues relative to building density and intensity in the Third Street South area. Mayor Crawford advised that charge would be given to the PAB for its consideration together with the committee's findings and other pertinent data provided by staff.					
Councilman Muenzer asked that the record reflect this proposed compromise was first discussed in April, but not acted on.					
MOTION: To <u>MOVE</u> that the proposed parking outlined in Attachment #3 by Neapolitan Enterprises be implemented; a study of all the buildings on Third Street South, and their associated parking, be undertaken by staff; a committee be established to review the results of the aforementioned study; and that Council consider the findings of the study and the committee's recommendations prior to forwarding them to PAB for additional input.		X	X		
			X		
			X		
			X		
	X		X		X
			X		
(6-0)					
Anderson			X		
Barnett					X
Herms			X		
Muenzer	X		X		
Passidomo			X		X
Sullivan	X		X		
Crawford			X		
(5-1)					

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

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

---ORDINANCE NO. 90-_____

ITEM 12

AN ORDINANCE SETTING AN INTERIM FIRE,
POLICE, AND GENERAL GOVERNMENT CAPITAL
FACILITY FEE; ASSESSING NEW PROJECTS;
COLLECTING FEES; ADOPTING FEE SCHEDULE;
PROVIDING FOR AN APPEAL OF FEES
CALCULATED; PROVIDING FOR PRESUMPTIONS;
PROVIDING FOR CREDITS; PROVIDING FOR

September 5, 1990

City Council Minutes

Date _____

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FUNDS COLLECTED; PROVIDING FOR EXEMPTIONS; PROVIDING FOR PENALTY; FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE. PURPOSE: TO PROVIDE INTERIM IMPACT FEES FOR FIRE, POLICE, AND GENERAL GOVERNMENT.

Title read by City Attorney Rynders.

City Manager Jones advised that this ordinance would provide for an interim impact fee to be collected by the City until the final study has been completed establishing the permanent impact fee. The proposed fee would be \$677 for each residential dwelling unit and \$11.25 per 100 square feet for commercial applications.

Ms. Karen Peterson of the Collier County Builders and Contractors Association (CCBCA) asked the Council to table this matter until such time as her group could review the impacts of the ordinance and consultant's report. City Manager Jones pointed out, however, that there would be two weeks between first and second reading of this ordinance during which the CCBCA could discuss their concerns with the City.

Discussion then ensued relative to the proposed road impact fees to be considered under Agenda Item 14. Councilman Herms asked what the total amount of impact fees to be collected would be in the City of Naples with the proposed road impact fee. City Manager Jones estimated that approximately \$2,600 in fees could be collected, excluding miscellaneous charges for water and sewer hook-ups. Mr. George Archibald from Collier County Transportation Department estimated the County's impact fees to be in excess of \$3,500.

Mayor Crawford stated that those figures regarding actual impact fees to be collected could be prepared for distribution to Council prior to second reading.

Mayor Crawford asked if a section could be included in the ordinance under consideration which would provide exemption for affordable

September 5, 1990

City Council Minutes

Date _____

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

housing developments. City Attorney Rynders confirmed that such language could be added prior to second reading.

Councilman Herms asked if impact fees could be implemented to reflect proposed changes in the use of property. City Attorney Rynders cited an example of a residential unit being changed to commercial, the Media Marketing building on Tenth Street South. Such an application, he said, would be subject to impact fees.

Discussion then ensued as to the impact fees which would be applicable to the Troy property. City Attorney Rynders pointed out that the impact fees for the smaller portion, 3.92 acre parcel, would be only those effective on the date of the Development Agreement; however, the larger parcel would be subject to all impact fees applicable at the time of permitting.

Councilman Anderson suggested that a clause be added to provide for refunding of any interim impact fees paid over and above the final impact fee rate.

Mayor Crawford referred to some clerical errors in the ordinance which, he noted, could be addressed in the motion.

MOTION: To APPROVE the ordinance at first reading with the following amendments: insert language exempting affordable housing; provide a refunding mechanism for fees paid over and above the final impact fee rate; delete duplication of the first three sentences in Section 8.A.; and delete Section 11.(6) of the ordinance.

---ORDINANCE NO. 90-_____

ITEM 13

AN ORDINANCE AMENDING SECTION 7-65 OF ARTICLE III, VESSEL CONTROL OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES; AND PROVIDING AN EFFECTIVE DATE. PURPOSE:

September 5, 1990

City Council Minutes

Date _____

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TO REGULATE THE OPERATION OF VESSELS TO
IDLE SPEED/NO WAKE WITHIN THE AREAS
SPECIFIED HEREIN.

Title read by City Attorney Rynders.

Assistant City Manager Wiltsie advised that this ordinance would replace buoys marking the no wake - idle speed zone 500 feet from shore with wooden pilings. This request requires approval by the Department of Natural Resources (DNR), he noted.

In response to Mayor Crawford, Mr. Wiltsie indicated that there would be approximately 16 pilings spaced from the northern City limits to 33rd Avenue South.

Councilman Herms asked if the pilings could be padded in such a way to prevent serious injuries to boaters or water skiers who may accidentally encounter them. Assistant City Manager Wiltsie said that he was uncertain what could be used for this purpose, but would research that feasibility and report to Council prior to second reading.

In discussing the history of this zone, it was questioned whether it could be extended south to the City's boundaries. City Manager Jones said this could be done by ordinance and approval of DNR.

Mrs. Sue B. Smith of 15th Avenue South asked the Council to reconsider placing pilings as she believed them not to be aesthetically pleasing for the community. She further suggested that all beachfront property owners be notified of this proposal prior to final consideration of the ordinance.

MOTION: To APPROVE the ordinance as presented at first reading, but not to consider it on second reading until the October 3, 1990, regular meeting to allow for proper notification of beachfront property owners.

Anderson
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Herms
Muenzer
Passidomo
Sullivan
Crawford
(6-1)

X

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Date September 5, 1990

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S E N T
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-----END FIRST READINGS-----

---RESOLUTION NO. 90-6171

ITEM 14

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF NAPLES AND COLLIER COUNTY, RELATING TO ROAD IMPACT FEES; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

City Manager Jones pointed out that this resolution would only be considered by Council once as this item did not require a public hearing or second reading. The purpose of the resolution was to approve an Interlocal Agreement with the County to provide for the collection and distribution of road impact revenues.

Councilman Muenzer asked if there was an existing agreement between Park Shore and the County to use road impact fees for improvements to the Park Shore bridge. Mr. George Archibald from the County Transportation Department said that he was unaware of any contract to provide monies for that improvement. City Manager Jones, however, pointed out that during the Development Agreement and annexation process for that area, the developer and the City had agreed to provide an amount representative of their respective impacts upon the bridge for its future improvement.

City Manager Jones further advised that the Interlocal Agreement provided for a yearly review by City and County staff of proposed projects. If the collected fees are not spent within six years, they must then be refunded to the property owners.

In discussion of the County and City districts where road impact fees would be applicable to certain roads, it was determined that all fees collected in the City of Naples would be used for roads in the corresponding district or for contributory systems to provide relief thereto.

September 5, 1990

City Council Minutes

Date _____

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Ms. Judy Rosenbaum, representing Cooper Development Corporation (Troy property), asked Council to table this item indefinitely as the fee would have a tremendous financial impact upon their development.

Councilman Passidomo pointed out that there is an existing road impact fee which could have been imposed by the County all along. This resolution merely provides the mechanism by which the City can share in those fees for improvements to City roads. Unless Cooper Development Corporation can prove that a misrepresentation or mutual mistake has been made, it should also be subject to the impact fees, he said.

Councilman Herms asked for clarification relative to the proposed impact fees and if any assurances were given to the developer that he would not be subject to those fees. City Manager Jones pointed out that during discussions relative to the Development Agreement, the developer had asked for such assurances, but the City could not comply with that request. The Development Agreement does provide that the only impact fees to be imposed on the smaller 3.92 acre tract are those in place at the time the Agreement was executed.

Councilman Anderson said that she did not believe it was appropriate to exempt one developer from paying road impact fees because Council liked the proposed development. It was unfortunate this fee would impact that project, she continued, but the developer must be willing to pay their fair share to underwrite the impact placed on adjacent roads by their project.

City Attorney Rynders advised that the City Council lacked any legal right to exempt a developer from the road impact fees. It could provide some relief to the developer only if the City paid the fee itself.

Councilman Sullivan said that he did not believe any developer should be exempt from paying this fee. If developers do not contribute to improvements to the road systems, then ad valorem

September 5, 1990

City Council Minutes

Date _____

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

taxpayers must carry the burden for the impacts placed on the system by such developments.

MOTION: To APPROVE the resolution as presented.

Councilman Herms supported the resolution and encouraged Cooper Development Corporation (Troy Property) to continue with their project even though it had not anticipated this fee in its financial considerations.

Councilman Sullivan reiterated that it was the obligation of developers to pay road impact fees for the infrastructure required to make their projects work.

Mayor Crawford said that while he did not want to jeopardize the developer's project for the Troy property, he did believe that impact fees should be paid by the developer for this project.

---RESOLUTION NO. 90-6172

ITEM 15

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH THE SCHOOL BOARD OF COLLIER COUNTY AND THE COLLIER COUNTY BOARD OF COUNTY COMMISSIONERS FOR THE JOINT USE OF RECREATIONAL FACILITIES; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Community Services Director Holley advised that this Agreement would allow the City to make capital improvements to school facilities in order to provide recreational programs there.

Councilman Passidomo expressed concern that the County might be able to improve school sites in proposed annexation areas which would then remain County sites forever. City Manager Jones distributed a list of those potential school sites for City development (Attachment #4). The only school to be impacted, besides Seagate Elementary,

September 5, 1990

City Council Minutes

Date _____

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would be Poinciana Elementary which was not scheduled for any County improvements. The Collier County School Board has requested the City annex that facility and probably would not accept any improvements from the County until the annexation issue has been resolved.

Councilman Muenzer said that he could not support this Agreement as he did not believe the County had a right to continue using Seagate Elementary facilities. The capital improvements purported to have been made by the County were originally constructed by the school in the late 1960's, he recalled.

Relative to sites which the County could take over in areas proposed for annexation, Councilman Passidomo said that he believed his concerns could be assuaged in a transmittal letter with the Agreement to the County and School Board.

MOTION: To APPROVE the resolution as presented.

---RESOLUTION NO. 90-_____

ITEM 16

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO EXECUTE A JOINT STIPULATION, AGREEMENT AND MOTION FOR FINAL JUDGMENT TO SETTLE THE LAWSUIT FILED BY THE POWER CORPORATION AGAINST THE CITY OF NAPLES; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

City Attorney Rynders advised that he had originally requested Council consider authorizing him to execute a Joint Stipulation Agreement and Motion for Final Judgement to settle current litigation. Some new issues have been raised relative to parking requirements for marinas which still must be addressed, he said. City Attorney Rynders recommended that the Council take no action at this time until he could discuss these issues with Power Corporation.

Anderson
Barnett
Herms
Muenzer
Passidomo
Sullivan
Crawford
(6-1)

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September 5, 1990

Date _____

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S E N T
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Anderson		X	X		
Barnett	X		X		
Herns			X		
Muenzer			X		
Passidomo			X		
Sullivan			X		
Crawford					X
(6-1)					

Attorney Thomas Mahoney, representing Power Corporation, said that he would be willing to continue negotiations, but would like to request that the impact fees for this project either be reduced or waived.

Architect Donald G. Mohler of 310 Henry Drive, representing Power Corporation, presented a display sketch of the proposed project settlement. He indicated that he did not believe that the Council's request to move the proposed building south from U.S. 41 would be feasible.

Discussion then ensued relative to landscaping, parking, and setback requirements. It was the consensus of Council that there were additional negotiations which should take place between the attorneys before Council could render a decision on the resolution.

Councilman Muenzer indicated that he supported the settlement, but would like staff to research whether the setbacks were adequate if the State acquired land on the south side of U.S. 41 for the widening of that road.

Councilman Passidomo asked that staff also explore the feasibility of "flipping" the building and exhaust that possibility for any alternatives.

MOTION: To TABLE the resolution until the Council's next meeting, September 19, 1990.

Councilman Sullivan said that he would like the staff to retain as much landscaping as possible around the building and the property perimeter.

CORRESPONDENCE AND COMMUNICATIONS: None.

ADJOURN: 12:14 p.m.

CITY OF NAPLES, FLORIDA

City Council Minutes

September 5, 1990

Date _____

COUNCIL
MEMBERS

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[Signature]
ALDEN R. CRAWFORD, JR.
Mayor

[Signature]
JANET CASON
City Clerk

JODIE O'DRISCOLL
Recording Secretary

These minutes of the Naples City Council were
approved on September 19, 1990

ATTACHMENT #1

SUPPLEMENATL ATTENDANCE LIST

Tom Mahoney
Judy Rosenbaum
Bill Milligan
Dora Wright
Leonard Nix
C.A. Reinbolt
Charles Andrews
George Archibald

Karen Peterson
Don Moeller
Norman Reinertsen
Carmen Accordino
Fern Aitchison
W.W. Haardt
George Vega
Stephen Danscik

Sue B. Smith
James Hervey
Haward Wright
David Sexton
Don Pickworth
Lee Layne
Roger Barry
David Nash

Other interested citizens and visitors.

NEWS MEDIA

Gina Binole, Naples Daily News
Wendy Fullerton, News-Press
Jerry Pugh, Palmer TV-10
Sally Kidd, WINK-TV



City of Naples

ALDEN R. CRAWFORD, JR.
MAYOR

(813) 434-4601

P R O C L A M A T I O N

WHEREAS, the City of Naples has great pride in the athletic endeavor of the Greater Naples Little League organization; and

WHEREAS, the Greater Naples Major League softball team has for the past decade brought favorable publicity to the City of Naples; and

WHEREAS, the Major League team, the Queens, their Coach, Tom Cook, and their Manager, Connie Ledbetter, have done much to give true meaning to good sportsmanship and the will to win; and

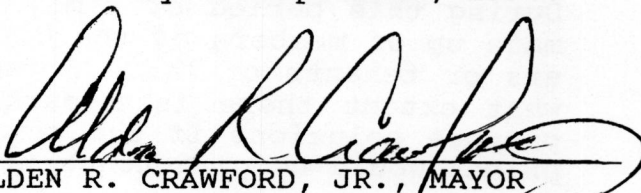
WHEREAS, the Queens won District, Sectional, State/Divisional and U.S. Southern Regional tournaments, thereby earning the privilege of competing in World Series action in Kalamazoo, Michigan; and

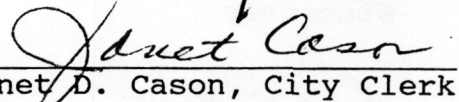
WHEREAS, the Queens exhibited disciplined skills, devotion to teamwork and remarkable ability in World Series competition in Kalamazoo where they have become known as Naples' best ambassadors;

NOW, THEREFORE, I, ALDEN R. CRAWFORD, JR., by virtue of the authority vested in me as Mayor of the City of Naples, Florida, do hereby congratulate each and every member of the Queens Softball Team, their coach, manager, and parents on the succession of victories leading up to and including their participation in the World Series.

IN WITNESS WHEREOF, I have hereunto proudly set my hand and seal of the City of Naples, Florida, this 5th day of September, 1990.




ALDEN R. CRAWFORD, JR., MAYOR

Attest: 
Janet D. Cason, City Clerk

9/5/90

Attachment #3

LAW OFFICES

VEGA, BROWN, STANLEY & MARTIN, P.A.

THOMAS R. BROWN
J. WAYNE FALBEY
JOHN F. HOOLEY
LAWRENCE D. MARTIN
HAROLD S. SMITH, II
JOHN F. STANLEY
GEORGE VEGA, JR.
THEODORE ZELMAN
VICTORIA M. HO
THOMAS J. WOOD

2660 AIRPORT ROAD SOUTH
NAPLES, FLORIDA 33962-4899

TELECOPIER (813) 774-6420
TELEPHONE (813) 774-3333

August 31, 1990

David W. Rynders, Esquire
City Hall
735 8th Street South
Naples, Florida 33940

Re: Neapolitan Enterprises

Dear Dave:

As you are aware, in behalf of Neapolitan Enterprises we are not participating in amending the PD zoning in the Third Street area. However, as part of the Third Street shopping complex we want to make a good faith effort to negotiate a solution to any problem that may be perceived by City Council.

We are willing to commit our property on the northeast corner of Broad and Third for temporary parking for the coming season, assuming the City's parking lot requirements can be modified so that we do not have to comply with existing permanent parking lot requirements.

During this period of time, the City could appoint a committee made up of members of the City staff, planning board and landowners or tenants of Third Street to study to determine if and to what extent there is a parking problem on Third Street, and propose solutions if the committee sees fit. Neapolitan Enterprises would be glad to participate in this endeavor.

Sincerely,


George Vega, Jr.

GVJr/ik



City of Naples

--- MEMO ---

TO: Franklin C. Jones, City Manager
FROM: Christopher L. Holley, Community Services Director
SUBJECT: Potential School Sites for Development
DATE: September 5, 1990

Following is a list of potential school sites for City development:

Gulfview Middle School
Lakepark Elementary School
Naples High School
Seagate Elementary School
Poinciana Elementary School