City Council Minutes

Regular Meeting 09/19/90

City of Naples

City Council Chambers
735 Eighth Street South
Naples, Florida 33940

-SUBJECT-	ORD. NO.	RES. NO.	PAGE
ANNOUNCEMENTS:			
MAYOR CRAWFORD: Special Council meeting this evening at 5:30 p.m. to consider final adoption of the budget and millage rate.			2
CITY MANAGER JONES: None.			2
APPROVAL OF MINUTES: September 5, 1990			2
PURCHASING:			
-BID AWARD annual requirements for sod.		90-6175	2
-BID AWARD for pipe and fittings.		90-6176	2
-BID AWARD traffic signal, Gulf Shore Boulevard and Park Shore Drive.		90-6177	3
RESOLUTIONS:			
-APPOINT two members to Airport Authority, Tammerk and Schmidt.		90-6178	3
-CONTINUE dredge and fill request, 1001 10th Avenue, S.		90-____	4
-APPROVE variance from CCSL, 26 Second Avenue, South.		90-6179	4
-APPROVE Annexation Agreement, Goodlet Racquet Club.		90-6180	7
-APPROVE conditional use 90-CU14 for child care center, YMCA at 59 12th Street North.		90-6181	8
-APPROVE non-conformity 90-N7 for child care center, YMCA at 59 12th Street North.		90-6182	8
-APPROVE tennis facility fees.		90-6183	14
-APPROVE agreement with Naples Airport Authority for rescue firefighting.		90-6184	1[illegible]
-APPROVE City's self-insurance program.		90-6185	1[illegible]
-APPROVE transfer of funds from contingency account.		90-6186	16
-APPROVE continuing appropriations for certain projects.		90-6187	17
ORDINANCES - First Reading			
-APPROVE rezone of property, Harbourtowne Mall.	90-____		1[illegible]
-APPROVE increase of municipal dock fees.	90-____		1[illegible]
ORDINANCES - Second Reading			
-CONTINUE ordinance setting interim impact fees for fire, police, and general government capital facility fees.	90-____		5

City Council Chambers
735 Eighth Street South
Naples, Florida 33940

CITY COUNCIL MINUTES

Time 9:00 a.m.

Date September 19, 1990

Mayor Crawford called the meeting to order and presided:

COUNCIL MEMBERS	MOTION	SECOND	VOTE YES	VOTE NO	ABSENT

ITEM 2

ROLL CALL: Present: Alden R. Crawford, Jr., Chairman

Kim Anderson
William E. Barnett
R. Joseph Herms
Paul W. Muenzer
John M. Passidomo
Fred L. Sullivan,
Board Members

Also Present:

Franklin C. Jones, City Manager
David W. Rynders, City Attorney
Mark W. Wiltsie, Asst. City Manager
Paul C. Reble, Police Chief
Christopher L. Holley, Community Svc. Dir.
Stewart K. Unangst, Purchasing Agent
Glen Chesebrough, Fire Captain
John Cole, Chief Planner
Jodie O'Driscoll, Recording Secretary
Jon C. Staiger, Ph.D., Natural Resources Mgr.
Paul Sireci, Police Captain
Rand-Scott Coggan, Fire Chief
James L. Chaffee, Utilities Director
Gerald L. Gronvold, City Engineer
Tara Norman, Public Info. Ofc.
John Reble, Fire Lieutenant
Ann "Missy" McKim, Community Dev. Dir.
George Henderson, Sergeant-At-Arms

See Supplemental Attendance List - Attachment #1.

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INVOCATION: Reverend Douglas Meyer, Grace Lutheran Church — ITEM 1

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ANNOUNCEMENTS — ITEM 3

COUNCIL MEMBERS	MOTION	SECOND	VOTE YES	VOTE NO	ABSE

MAYOR CRAWFORD:

Advised that there would be a Special Council Meeting this evening at 5:30 p.m. to consider final adoption of the budget and millage rate.

He then recognized the Fire and Police Departments for their recent flag football competition. The Fire Department won the competition and was awarded a trophy by Police Chief Reble.

CITY MANAGER JONES: None.

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

APPROVAL OF MINUTES ITEM 4

September 5, 1990

*** *** ***

PURCHASING ITEM 5

---RESOLUTION NO. 90-6175 Item 5-a

A RESOLUTION AWARDING CITY BID 91-24 FOR THE CITY'S ANNUAL REQUIREMENTS FOR SOD; AUTHORIZING THE CITY MANAGER TO ISSUE A BLANKET PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Sod Busters
Arcadia, Florida
$50,000 to $100,000
(est. annual expenditure)

Title not read.

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---RESOLUTION NO. 90-6176 Item 5-b

A RESOLUTION AWARDING CITY BID 90-73 FOR PIPE AND FITTINGS; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER

COUNCIL MEMBERS	MOTION	SECOND	VOTE YES	VOTE NO	ABSENT
Anderson		X	X		
Barnett	X		X		
Herms			X		
Muenzer			X		
Passidomo			X		
Sullivan			X		
Crawford			X		
(7-0)					

THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Hughes Supply, Inc.
Sarasota, Florida
$73,863.83

Title not read.

Mayor Crawford noted that according to the staff's memorandum, dated September 11, 1990, Section 1 of the resolution should also include 2,700 feet of 12 inch PVC pipe.

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---RESOLUTION NO. 90-6177 Item 5-c

A RESOLUTION AWARDING CITY BID 90-70 FOR FURNISHING AND INSTALLING A TRAFFIC SIGNAL AT THE INTERSECTION OF GULF SHORE BOULEVARD AND PARK SHORE DRIVE; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Mid-Continent Electric, Inc.
Naples, Florida
$39,559.00

Title not read.

MOTION: To APPROVE the Consent Agenda with the aforementioned typographical correction to Item 5-b.

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

---RESOLUTION NO. 90-6178 ITEM 6

A RESOLUTION APPOINTING TWO MEMBERS TO THE CITY OF NAPLES AIRPORT AUTHORITY; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

COUNCIL MEMBERS	MOTION	SECOND	VOTE YES	VOTE NO	ABSE
Anderson			X		
Barnett	X		X		
Herms				X	
Muenzer				X	
Passidomo		X	X		
Sullivan				X	
Crawford			X		
(4-3)					

MOTION: To APPOINT Toivo Tammerk and Eugene Schmidt to the Naples Airport Authority.

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

---RESOLUTION NO. 90-____ ITEM 7

A RESOLUTION AUTHORIZING A DREDGE AND FILL REQUEST TO REMOVE APPROXIMATELY 3,300 CUBIC YARDS OF SILT FROM NAPLES BAY AND TO PLACE APPROXIMATELY 1,600 CUBIC YARDS OF COARSE SAND TO CAP THE DREDGED AREA AT 1001 10TH AVENUE SOUTH, SUBJECT TO THE STIPULATIONS SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

City Manager Jones advised that staff has recommended this item be continued until the rezone petition for the project can also be reviewed.

It was the consensus of Council that this item should be continued until such time as the Planning Advisory Board has rendered a decision relative to the rezone petition and has forwarded the same to Council for its consideration.

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---RESOLUTION NO. 90-6179 ITEM 8

A RESOLUTION GRANTING A VARIANCE FROM THE CITY'S MOST RESTRICTIVE COASTAL CONSTRUCTION SETBACK LINE TO CONSTRUCT A TWO-STORY SINGLE FAMILY RESIDENCE AT 26 SECOND AVENUE, SOUTH, SUBJECT TO THE CONDITION SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

PUBLIC HEARING: Opened: 9:28 a.m.
Closed: 9:28 a.m.

COUNCIL MEMBERS	MOTION	SECOND	VOTE YES	VOTE NO	ABSENT
Anderson			X		
Barnett	X		X		
Herms			X		
Muenzer			X		
Passidomo		X	X		
Sullivan			X		
Crawford			X		
(7-0)					

No one present to speak for or against.

Natural Resources Manager Staiger advised that this request was to construct a single family residence gulfward of the Coastal Construction Setback Line (CCSL). The State Department of Natural Resources (DNR) has required that such construction be, at a minimum, 18 1/2 feet above sea level. This requirement is a result of a computer generated model estimating the potential wave action on top of a storm surge during a hurricane.

In response to Councilman Muenzer, Dr. Staiger advised that the property owners to the north and south had been properly notified, but had not responded.

Councilman Herms asked what the elevation of the structure would be. Architect William Ward, representing the petitioner, noted that the height of the structure would only be 25 feet; however, with the additional requirement from DNR, the total height of the construction would be just under 35 feet.

MOTION: To APPROVE the resolution as presented.

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---ORDINANCE NO. 90-____ ITEM 9

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 FUNDS COLLECTION; 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.

PUBLIC HEARING: Opened: 9:31 a.m.
Closed: 9:31 a.m.

COUNCIL MEMBERS	MOTION	SECOND	VOTE YES	VOTE NO	ABSE

No one present to speak for or against.

City Manager Jones asked Council to hold the public hearing on this matter, but continue the second reading until its next meeting. He noted that staff had received a letter from the Collier County Builders and Contractors Association (CCBCA) relative to the legality and use of the proposed interim impact fees (a copy of which can be reviewed from the meeting packet in the Office of the City Clerk). Mr. Jones said that he wanted to complete a data analysis of this proposal prior to Council's consideration at second reading.

In response to Councilman Anderson, City Attorney Rynders advised that he agreed with the CCBCA that the City must obtain data supporting the levy of the fee on commercial structures; however, he said that he could not support the remaining allegations by the CCBCA relative to the use of collected fees.

Councilman Anderson asked for clarification relative to Section 11.A.(1) of the ordinance exempting the altering of certain commercial space. City Attorney Rynders explained that the only commercial structures which would be exempt from the fee would pertain to those not increasing their square footage. Any additional space to said commercial structures would be subject to the impact fee.

Mayor Crawford noted that a section had been added to the ordinance to provide for refunding in the event the interim fee was greater than the final impact fee. He further asked if there was a mechanism by which the City could collect fees retroactively in the event that the final fee was greater than the interim fee. City Attorney Rynders advised that no such mechanism had been added to this ordinance.

Discussion then ensued relative to Section 11.A.(3), replacement of an existing residential building with a structure of the same type and size. Mayor Crawford asked if a building increased by 5% would also be subject to the impact fee. City Manager Jones pointed out that there was an appeal process through the City Manager for such cases. He further noted that he did not believe there would be very many cases where that would occur.

COUNCIL MEMBERS	MOTION	SECOND	VOTE YES	VOTE NO	ABSENT
Anderson		X	X		
Barnett	X		X		
Herms			X		
Muenzer			X		
Passidomo			X		
Sullivan			X		
Crawford			X		
(7-0)					

MOTION: To CONTINUE the ordinance as presented at second reading until the Council's next regularly scheduled meeting, October 3, 1990.

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

COMMUNITY DEVELOPMENT DEPARTMENT/ NAPLES PLANNING ADVISORY BOARD

---ORDINANCE NO. 90-6157 ITEM 10

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

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---RESOLUTION NO. 90-6180

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN ANNEXATION AGREEMENT FOR PROPERTY EAST AND SOUTH OF THE COMMONS PD AND EAST OF THE GOODLET RACQUET CLUB; AND PROVIDING AN EFFECTIVE DATE.

Titles read by City Attorney Rynders.

PUBLIC HEARING: Opened: 9:47 a.m.
Closed: 9:47 a.m.

No one present to speak for or against.

Community Development Director McKim advised that this request was to annex the remainder of the property adjacent to the Commons, Goodlet Racquet Club and the Collier Athletic Club, to square off the City's boundaries.

COUNCIL MEMBERS	MOTION	SECOND	VOTE YES	VOTE NO	ABSE
Anderson		X	X		
Barnett	X		X		
Herms			X		
Muenzer			X		
Passidomo			X		
Sullivan			X		
Crawford			X		
(7-0)					
Anderson		X	X		
Barnett	X		X		
Herms			X		
Muenzer			X		
Passidomo			X		
Sullivan			X		
Crawford			X		
(7-0)					

Councilman Herms noted that the legal description attached to an ordinance passed in 1988 indicated that these properties had already been annexed into the City. City Manager Jones, however, advised that when the Commons' Development Agreement had been approved by City Council, it contained the Collier Athletic Club in its legal description. This was not appropriate as it would have created an enclave, the Goodlet Racquet Club. Mr. Jones continued that the ordinance redefining the City's boundaries after the March, 1989, annexation did not include the Collier Athletic Club, thus the need for the foregoing documents. It is not unusual to have a development agreement with a property owner and not move forward with the proposed annexation, he said.

Councilman Muenzer asked if Mr. Jack Conroy, principal for the Commonage, had been notified in 1989 that the Collier Athletic Club had not been annexed. City Attorney Rynders replied affirmatively.

Attorney Don Pickworth, representing the Collier Athletic Club, advised that his client was not aware that the previous annexation had not included them until just recently.

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

MOTION: To APPROVE the resolution as presented.

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---RESOLUTION NO. 90-6181 ITEM 11

A RESOLUTION GRANTING CONDITIONAL USE PETITION 90-CU14 TO ALLOW A CHILD CARE CENTER IN AN INDUSTRIAL ZONE DISTRICT, AS REQUIRED BY THE COMPREHENSIVE DEVELOPMENT CODE SUBSECTION 7-4-19(C)(2) AT 59 12TH STREET NORTH; AND PROVIDING AN EFFECTIVE DATE.

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---RESOLUTION NO. 90-6182

COUNCIL MEMBERS	MOTION	SECOND	VOTE YES	VOTE NO	ABSENT

A RESOLUTION AUTHORIZING NONCONFORMITY PETITION 90-N7 APPROVING A NONCONFORMING PARKING LOT AT 59 12TH STREET SOUTH AS A RESULT OF A CHANGE IN BUILDING UTILIZATION TO A CHILD CARE FACILITY; AND PROVIDING AN EFFECTIVE DATE.

Titles read by City Attorney Rynders.

Community Development Director McKim advised that this request was to place a child care facility in an industrially zoned area. Currently, the warehouse proposed for this site is owned by the Naples Daily News and is part of a larger parcel. Both the Planning Advisory Board (PAB) and staff have recommended approval subject to the conditions outlined in the foregoing resolutions.

Mayor Crawford pointed out that this industrial area was becoming more commercialized and not being used as intensely. Mrs. McKim agreed and pointed out that the Code allows retail and office uses as well as industrial in this area which encourages the lighter mode.

Councilman Anderson referred to the site plans and noted that there were approximately 23 parking spaces plus one handicapped space for the subject site. Community Development Director McKim confirmed that was correct, however, five of those spaces have been allocated to the building south of this site.

Discussion then ensued as to the number of required parking spaces for the building to the south and this site. Community Development Director McKim noted that the uses were entirely different, one was geared toward warehouse use only and the other was to become a child care facility. Councilman Herms suggested that since both sites were owned by the Naples Daily News and part of a larger parcel that some relief could be obtained by requiring the property owner to provide the minimum parking requirements for each site.

Councilman Herms expressed concern that the site did not meet Code requirements for water

COUNCIL MEMBERS	MOTION	SECOND	VOTE YES	VOTE NO	ABSE
Anderson			X		
Barnett			X		
Herms			X		
Muenzer		X	X		
Passidomo	X		X		
Sullivan			X		
Crawford			X		
(7-0)					

management or interior landscaping. Community Development Director McKim pointed out that the petitioners were improving an existing non-conformity which was encouraged by the City's Comprehensive Development Code. While the optimum benefit to the City would be complete compliance with existing requirements, the Code provides for non-conformities to exist if certain criteria has been met, she said.

Mr. Kevin Miller, YMCA staff, advised that he has not yet approached the Naples Daily News relative to obtaining two additional parking spaces in order to accommodate 90 children. He noted that his group was uncertain whether it could serve 90 children. In response to Councilman Herms, Mr. Miller noted that the dumpster was located in the middle of the parking lot, in accordance with the Engineering Department's request. That location, he continued, would require the garbage truck to back out into the street after it had emptied the dumpster.

MOTION: To APPROVE the resolutions accepting staff conditions (1) through (5), limiting the number of children to 80. In addition, any water management improvements which can be made, shall be done in accordance with Code.

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---ORDINANCE NO. 90-____ ITEM 12

AN ORDINANCE REZONING PROPERTY LOCATED AT THE NORTHEAST CORNER OF GOODLETTE FRANK ROAD AND FIFTH AVENUE SOUTH FROM "C2", GENERAL COMMERCIAL, TO "PD" TO FACILITATE THE DEVELOPMENT OF A 178,760 SQ. FT., MIXED USE PROJECT; APPROVING A DEVELOPMENT PLAN FOR THE "PD"; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO REZONE THE PROPERTY AT THE PROPERTY OWNER'S REQUEST TO ALLOW FOR A MIXED USE DEVELOPMENT AND TO APPROVE THE DEVELOPMENT PLAN FOR THE "PD."

Title read by City Attorney Rynders.

COUNCIL MEMBERS	MOTION	SECOND	VOTE YES	VOTE NO	ABSENT

Community Development Director McKim pointed out that this project had been reviewed and revised several times by the petitioner in response to the Planning Advisory Board (PAB) and staff's concerns. The proposed site plan before Council at these proceedings, subject to the stipulations outlined in Attorney David N. Morrison's letter of September 14, 1990 (Attachment #2), has been recommended for approval by the staff. The PAB has not reviewed the revised site plan.

Councilman Passidomo said that he believed the outstanding issues relative to this project were the setbacks from the waterfront and the building height. He further noted that his understanding of the setback requirement was to provide that the adjacent property owners' view was not impaired by structures constructed on the lot line. In this case, Mr. Passidomo continued, there are no property owners who would be affected by the setback encroachment. Community Development Director McKim, however, noted that staff and the PAB believed that a larger setback was crucial in this area because of the extensive use proposed for pedestrian traffic. The greater setbacks also enhance the aesthetic value of the project, she said.

Discussion then ensued relative to the required width of sidewalks in accordance with Code. Community Development Director McKim noted that 5 feet does not provide sufficient space for two pedestrians to pass comfortably, 8 to 12 feet provides ample space to pass.

Councilman Muenzer noted that the PAB had also expressed concern relative to a "step" feature from the plaza to the sidewalk. Mrs. McKim advised that the petitioner has committed to provide at least 12 feet and 20 feet of space in certain areas; however, he has not indicated whether those widths would include the proposed boardwalk system.

Attorney Pam Mac'Kie of Cummings and Lockwood, representing the petitioner, urged Council to approve the petition and asked that the proposed four stories over parking for the office building

COUNCIL MEMBERS	MOTION	SECOND	VOTE YES	VOTE NO	ABSE

be allowed. She said she believed the petitioner has met all the PAB and staff's concerns and has indicated a willingness to work with the City to develop this project.

Mayor Crawford said that he could not support the additional height for the proposed office building. The citizenry has spoken on that issue and supported the limitation of three stories for such structures, he said. Mayor Crawford noted that he believed the three stories over parking was much more appropriate for this site, and he would, therefore, support that site plan.

Referring to the PAB's recommendation of denial for this project, Councilman Muenzer pointed out if that Board had been provided with the site plan presented at these proceedings, it probably would have recommended approval. There were only a few minor problems that the PAB had encountered which effected the negative vote.

Discussion then ensued as to the mixed use element for the project. Councilman Anderson said that she was excited about the opportunity to have a project that could be viable and active in this area of the City. She then asked if the proposed mixed use element was economically viable for the petitioner to pursue. Community Development Director McKim noted that while the mixed use element has been successful in many other areas of the City, Swan Court on Third Street for example, it depended entirely upon the location and design of the residential units. She further noted that staff has not required this development incorporate the mixed use element, it was merely a suggestion.

Councilman Herms asked where the proposed location for the 8 additional residential units would be. Mr. Miller indicated on the site plan at the dais the location of those 8 units. They will be above the buildings adjacent to the waterfront, he said.

Referring to the site plan, Councilman Herms pointed out that those 8 units would be adding additional square footage to the project. Mr. Miller confirmed that they would. Mr. Herms said

that he would prefer those 8 units were not included in the approval for this project as they would detract from the single story character of the proposal.

Councilman Passidomo asked if the height of the office building could be mitigated by landscaping. Attorney Mac'Kie confirmed that it most certainly could.

MOTION: To APPROVE the ordinance at first reading subject to the representations and agreements indicated in Attorney David N. Morrison's letter dated September 14, 1990 (Attachment #2), with the clarification to Item 6 of the letter that the office building shall be four stories over parking. The approval shall be contingent upon Plan A1A, dated September 13, 1990, Site Plan dated September 13, 1990, and Landscape Plan dated September 17, 1990 which plan shall reflect the mitigating height of the office building by increased landscaping.

COUNCIL MEMBERS	MOTION	SECOND	VOTE YES	VOTE NO	ABSENT
Anderson	X		X		
Barnett		X	X		
Herms			X		
Muenzer			X		
Passidomo			X		
Sullivan			X		
Crawford				X	
(6-1)					

Councilman Herms said that he would support the project; however, he believed that the residential units on the waterfront should be eliminated.

Mayor Crawford commented that he would not support the motion as he did not believe the increased height was appropriate, nor the additional square footage for the proposed residential units.

Councilman Barnett asked the petitioner and staff to review the mixed use element and present their findings to Council at second reading.

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

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

---ORDINANCE NO. 90-____ ITEM 13

AN ORDINANCE AMENDING SUBSECTIONS (1) AND (3) OF PARAGRAPH C OF SECTION 7-7.1

COUNCIL MEMBERS	MOTION	SECOND	VOTE YES	VOTE NO	ABSE
Anderson			X		
Barnett			X		
Herms	X		X		
Muenzer			X		
Passidomo		X	X		
Sullivan			X		
Crawford			X		
(7-0)					

(CITY OF NAPLES MUNICIPAL DOCK) OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO INCREASE THE MOORING RENTAL RATES AT THE MUNICIPAL DOCK.

Title read by City Attorney Rynders.

Mayor Crawford noted that Paragraph (C)(3) should include "regular or permanent berths." City Attorney Rynders agreed and advised that he would make that change.

Discussion then ensued as to the City's administrative policy relative to the surcharge placed on charter boats for the number of passengers which they transport. Community Services Director Holley advised that the charter boats must provide the City with copies of their occupational licenses and certificates of insurance; they are then charged according to the number of passengers which they are permitted to transport. Councilman Muenzer asked if such a policy should be included in the ordinance. City Manager Jones pointed out that the existing administrative policy provides Council with the flexibility to eliminate it in the future if it so desired.

Councilman Herms then suggested that the City allocate three to four additional transient lodging slips to generate additional monies for this enterprise operation. He further suggested that cable television could be hooked up to those berths to provide for more marketability.

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

*** *** ***

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

---RESOLUTION NO. 90-6183 ITEM 14

A RESOLUTION ADOPTING A SCHEDULE OF FEES TO BE CHARGED AT THE CAMBIER TENNIS COMPLEX, PURSUANT TO SECTION 16-21 OF

COUNCIL MEMBERS	MOTION	SECOND	VOTE YES	VOTE NO	ABSENT
Anderson			X		
Barnett		X	X		
Herms			X		
Muenzer			X		
Passidomo			X		
Sullivan	X		X		
Crawford			X		
(7-0)					

THE CODE OF ORDINANCES OF THE CITY OF NAPLES; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Community Services Director Holley advised that the proposed rate increase was only effective for daily play at the tennis facility. The current rates will not cover the budget for the upcoming fiscal year. Staff has recommended an increase in the rate to $5.00 per bracketed play (bracket equals 1 1/2 hours of play time).

MOTION: To APPROVE the resolution as presented.

*** *** ***

---RESOLUTION NO. 90-6184 ITEM 15

COUNCIL MEMBERS	MOTION	SECOND	VOTE YES	VOTE NO	ABSENT
Anderson			X		
Barnett	X		X		
Herms			X		
Muenzer			X		
Passidomo			X		
Sullivan		X	X		
Crawford			X		
(7-0)					

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF NAPLES AND THE CITY OF NAPLES AIRPORT AUTHORITY FOR AIRPORT RESCUE FIREFIGHTING; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

There was no discussion either for or against.

MOTION: To APPROVE the resolution as presented.

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---RESOLUTION NO. 90-6185 ITEM 16

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

Title read by City Attorney Rynders.

Finance Director Hanley advised that this was the annual renewal for the City's self-insurance program. The fund has experienced a 5% increase

based on additional property values which the City must insure (property values have increased 73%). The City pays the first liabilities up to $585,000 which then lowers the premium of any excess coverage which it must purchase, Finance Director Hanley explained.

In response to Councilman Anderson, Mr. Hanley advised that Consultant Lou Cantin's fee for reviewing the fund was $400, paid out of the loss fund itself.

MOTION: To APPROVE the resolution as presented.

COUNCIL MEMBERS	MOTION	SECOND	VOTE YES	VOTE NO	ABSE
Anderson			X		
Barnett	X		X		
Herms			X		
Muenzer		X	X		
Passidomo			X		
Sullivan			X		
Crawford			X		
(7-0)					

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---RESOLUTION NO. 90-6186 ITEM 17

A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROPRIATE FUNDS TO THE CONTINGENCY FUND AND TRANSFER CERTAIN AMOUNTS FROM THE CONTINGENCY ACCOUNT INTO VARIOUS GENERAL FUND DEPARTMENTS; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Finance Director Hanley advised that this was an annual request to transfer monies from the contingency fund for any unexpected items not budgeted in the previous year. The amount to be transferred at this time was $188,059 which was representative of general salary and merit increases, Sabal Bay litigation, and the Long and Associates Management Study.

Mayor Crawford noted that the Palmer Cablevision Franchise fee and State of Florida gas tax revenues had decreased from the previous budget year. Finance Director Hanley explained that Palmer did not increase the rates as much as it had historically which accounted for that decrease. He further noted that the estimates he received from the State relative to the gas tax revenues were normally fairly accurate; however, this past fiscal year the City had to rebate over $20,000 to Everglades City for overpayments received from the State.

COUNCIL MEMBERS	MOTION	SECOND	VOTE YES	VOTE NO	ABSENT
Anderson			X		
Barnett	X		X		
Herms			X		
Muenzer			X		
Passidomo			X		
Sullivan		X	X		
Crawford			X		
(7-0)					

Councilman Herms asked why the City Manager's Department was over budget by approximately $30,675 and if any of that amount was attributed to the City vehicles assigned to the Department. City Manager Jones advised that maintenance costs for the City vehicles comes out of the transportation account in the general budget. He further noted that overage could be attributed to general salary and merit increases as well as labor abatements for the Natural Resources Manager which were anticipated to come from the Bay Management Organization.

Mayor Crawford pointed out that he has asked the City Manager to solicit citizens for appointment to an ad hoc committee which would review the use of City vehicles by the administrative staff.

MOTION: To APPROVE the resolution as presented.

*** *** ***

---RESOLUTION NO. 90-6187 ITEM 18

A RESOLUTION CONTINUING THE APPROPRIATIONS FOR CERTAIN PROJECTS ENUMERATED HEREIN FROM THE 1988/89 FISCAL YEAR UNTIL THEIR COMPLETION IN THE 1989/90 YEAR; AND PROVIDING AN EFFECTIVE DATE.

COUNCIL MEMBERS	MOTION	SECOND	VOTE YES	VOTE NO	ABSENT
Anderson		X	X		
Barnett			X		
Herms			X		
Muenzer			X		
Passidomo			X		
Sullivan	X		X		
Crawford			X		
(7-0)					

Title read by City Attorney Rynders.

There was no discussion either for or against.

MOTION: To APPROVE the resolution as presented.

*** *** ***

CORRESPONDENCE AND COMMUNICATIONS: None.

*** *** ***

ADJOURN: 11:55 a.m.

CITY OF NAPLES, FLORIDA

City Council Minutes Date September 19, 1990

COUNCIL MEMBERS	MOTION	SECOND	VOTE YES	VOTE NO	ABSE

Alden R. Crawford, Jr.,
Mayor

Janet Cason
City Clerk

Jodie O'Driscoll
Recording Secretary

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

Attachment #1

SUPPLEMENTAL ATTENDANCE LIST

Charles Andrews
Kevin Miller
Don Pickworth
Pam Mac'Kie

Sue B. Smith
John Ward
Wheeler Conklin

Bob Galloway
Lee Layne
Bruce Fluegeman

Other interested citizens and visitors.

NEWS MEDIA

Gina Binole, Naples Daily News

Jerry Pugh, Palmer TV-10

CUMMINGS & LOCKWOOD
ATTORNEYS AT LAW
3001 TAMIAMI TRAIL NORTH
POST OFFICE BOX 413032
NAPLES, FLORIDA 33941-3032
(813) 262-8311
TELECOPIER (813) 263-0703

Naples City Council
Agenda Item #12
For The Meeting 9/9/90

JOE U. COX
BOARD CERTIFIED TAX LAWYER
BOARD CERTIFIED ESTATE PLANNING AND PROBATE LAWYER

LAWRENCE A. FARESE
BOARD CERTIFIED CIVIL TRIAL LAWYER

J. DUDLEY GOODLETTE
BOARD CERTIFIED REAL ESTATE LAWYER

KENNETH D. KRIEH
BOARD CERTIFIED ESTATE PLANNING AND PROBATE LAWYER

WILLIAM R. O'NEILL

HOWARD S. TUTHILL*

GEORGE A. WILSON
BOARD CERTIFIED ESTATE PLANNING AND PROBATE LAWYER

*ADMITTED IN CONNECTICUT & NEW YORK ONLY

KEVIN G. COLEMAN
THOMAS CONROY III
CHARLES R. CLARKE
F. EDWARD JOHNSON
CHARLOTTE A. KELLEY
CHARLES M. KELLY, JR.
PAMELA S. MACKIE
DAVID N. MORRISON
BETTY S. REIMAN
JAMES C. STEWART, JR.
EDWARD R. WOLLMAN

September 14, 1990

RECEIVED
SEP 14 1990
PLANNING DIVISION
CITY OF NAPLES, FLA.

Mr. Michael Fernandez,
Planner III
City of Naples
735 8th Street South
Naples, FL 33940

Telefax: 434-4620

Re: Stoneburner PD Stipulations

Dear Michael:

As you know, this firm represents Kevin Stoneburner in his proposed acquisition and development of the above-referenced parcel. On behalf of our client, enclosed is a list of agreements and items which we will supply to the City of Naples and its legal counsel prior to the second reading of the rezoning petition.

1. Shared Parking Agreement between the various land owners of the project and the City of Naples insuring proper utilization and control of the parking areas at the project. Among the provisions of that Agreement will be a stipulation that the Naples Players Theater and the office building will not be in used at the same times.

2. Relocation of the existing emergency access easement from Goodlette Road to the Mariner's Cove Condominium project, and relocation of the utility easement currently existing between Goodlette Road and Mariner's Cove Condominium project.

3. A common area maintenance agreement to insure proper maintenance and upkeep of the various common areas of the project.

4. A ten-foot corridor management easement as provided under the Comprehensive Development Code along Goodlette Road. The City of Naples, at its sole expense, shall install and maintain whatever landscaping and additional fixtures and furnishings desired by the City for such ten-foot easement.

5. Our client will agree to your request that our client construct eight (8) additional residential apartment units as part of the project, such units to be located over the one story waterfront commercial area.

6. Our client will agree that the height of the office building proposed for the project will either consist of three (3) stories over parking or four (4) stories over parking, depending upon the decision of the City Council. We note that the purchaser of the office building parcel has expressed a desire to construct a building consisting of four (4) stories over parking and we have requested that the purchaser, through its counsel, coordinate their request through you.

7. Our client will dedicate a non-exclusive public access easement along the waterfront pedestrian area to be constructed along the southerly boundary of the property directly adjacent to the Gordon River.

8. Our client will amend the current parking lease arrangement with the Comfort Inn property so as to redesignate the specific parking places reserved for the use of Comfort Inn patrons. The purpose of the lease amendments would be modify the parking arrangements shown in the lease to conform to the proposed arrangements of the project.

9. Our client will provide an architectural rendering of the entire project reflecting the current status of the project.

10. Our client will provide a revised landscape plan reflecting the current status of the project.

11. Our client will, at his expense, supply and locate stop signs at the three-way stop located within the center of the project.

12. Our client has agreed that all service and dumpster areas will be appropriately screened from public view.

13. Regarding the public access easement along the waterfront pedestrian area at the south boundary of the property, our client has agreed that not more than 30% of the frontage length of buildings located along said waterfront pedestrian area shall contain covered outdoor seating located 12 feet from the "waterside" edge of the waterfront pedestrian area as constructed, and that the remaining 70% of the structures located along the said waterfront pedestrian area shall be located a minimum distance of 20 feet from the "waterside" edge of the waterfront pedestrian area as located. In the event that our client shall be unable to

procure necessary approvals for a waterfront pedestrian area, then, the above-described placement criteria shall be as measured from the southern property line of the project.

Please let me know if this letter does not correctly reflect your understanding with our client.

Very truly yours,

David N. Morrison

DNM/ji

L:DNMFerna