



City of Naples

City Council Minutes

Regular Meeting October 3, 1990

City Council Chambers
735 Eighth Street South
Naples, Florida 33940

-SUBJECT-	ORD. NO.	RES. NO.	PAGE
ANNOUNCEMENTS:			
MAYOR CRAWFORD: Announced Special Meeting this evening at 5:30 p.m.			2
CITY MANAGER JONES: None.			2
APPROVAL OF MINUTES: September 12, 1990, NTM September 19, 1990, REG			3
PURCHASING:			
-BID AWARD for insecticides, herbicides, and fungicides		90-6190	2
-BID AWARD for fertilizer.		90-6191	2
-BID AWARD for printing brochures.		90-6192	3
-BID AWARD for oil, lubricants, and greases.		90-6193	3
-BID AWARD sanitary sewer improvements, Smugglers Cove.		90-6194	4
-BID AWARD for dump trailer, recycling program.		90-_____	4
-BID AWARD to install 16 inch force main and 12 inch reuse main.		90-6195	5
-APPROVE lease-purchase agreement for fire engine.		90-6196	5
-APPROVE utility easement, Poinciana Professional Park.		90-6197	5
RESOLUTIONS:			
-APPROVE Ad Hoc Committee, Third Street Parking.		90-6198	6
-APPROVE alley vacation, 30 Third Avenue South.		90-6200	1
-APPROVE City support of Amendment No. 3.		90-6201	1
-APPROVE Supplemental Agreement 01 with the County.		90-6202	1
-APPROVE amendment to City Attorney contract.		90-6203	1
ORDINANCES - SECOND READING			
-ADOPT increase in City Dock fees.		90-6199	8
-CONTINUE the interim capital facility fees.		90-_____	9
-CONTINUE the regulation of vessels to idle speed.		90-_____	1
-CONTINUE rezone of Harbourtowne Mall.		90-_____	1
ORDINANCES - FIRST READING			
-APPROVE rezone of property, Grey Oaks, Halstatt.		90-_____	1

City Council Chambers
735 Eighth Street South
Naples, Florida 33940



CITY COUNCIL MINUTES

Time 9:00 a.m.
Date October 3, 1990

Mayor Crawford called the meeting to order and presided:

ITEM 2
ROLL CALL: Present: Alden R. Crawford, Jr.,
Mayor

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

Also Present:

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

See Supplemental Attendance List - Attachment #1.

INVOCATION

ITEM 1

Reverend David P. Welton
Hospice of Naples

ANNOUNCEMENTS

ITEM 3

MAYOR CRAWFORD:

CITY OF NAPLES, FLORIDA

October 3, 1990

City Council Minutes

Date _____

COUNCIL
MEMBERSM
O
T
I
O
NS
E
C
O
N
D

VOTE

Y
E
SN
OA
B
S
E
N
T

Announced that there would be a Special Meeting this evening at 5:30 p.m. to discuss proposed zoning amendments to the City's Comprehensive Development Code.

He also noted that the City of Naples Fire Department has developed, with citizen participation, a "fire house" designed to educate children on the proper procedures to follow in the event of a fire.

CITY MANAGER JONES: None.

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

APPROVAL OF MINUTES

ITEM 4

September 12, 1990, Neighborhood Town Meeting
September 19, 1990, Regular Meeting

PURCHASING

ITEM 5

---RESOLUTION NO. 90-6190

Item 5-a

A RESOLUTION AWARDING CITY BID #91-20 FOR THE CITY'S ANNUAL REQUIREMENTS FOR INSECTICIDES, HERBICIDES AND FUNGICIDES; AUTHORIZING THE CITY MANAGER TO ISSUE A BLANKET PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Various Vendors

\$48,400.00 est. annual expenditure

Title not read.

---RESOLUTION NO. 90-6191

Item 5-b

A RESOLUTION AWARDING CITY BID #91-21 FOR THE CITY'S ANNUAL REQUIREMENTS FOR FERTILIZER USED IN ROUTINE CARE AND MAINTENANCE OF THE CITY'S PARKS AND

CITY OF NAPLES, FLORIDA

City Council Minutes

Date October 3, 1990

COUNCIL
MEMBERS

M
O
T
I
O
N

S
E
C
O
N
D

VOTE
Y
E
S
N
O

A
B
S
E
N
T

LANDSCAPED AREAS; AUTHORIZING THE CITY
MANAGER TO ISSUE BLANKET PURCHASE ORDERS
THEREFOR; AND PROVIDING AN EFFECTIVE
DATE.

Various Vendors
\$38,160.00 annual expenditure

Title not read.

---RESOLUTION NO. 90-6192

Item 5-c

A RESOLUTION AWARDING CITY BID #91-25
FOR AN ANNUAL CONTRACT FOR THE PRINTING
OF THE COMMUNITY SERVICES PROGRAM
BROCHURE; AUTHORIZING THE CITY MANAGER
TO ISSUE A BLANKET PURCHASE ORDER;
THEREFOR; AND PROVIDING AN EFFECTIVE
DATE.

Ad Designs of Naples, Inc.
Naples, Florida
\$3,678.00 est. annual expenditure

Title not read.

---RESOLUTION NO. 90-6193

Item 5-d

A RESOLUTION AWARDING CITY BID #91-26
FOR THE CITY'S ANNUAL REQUIREMENTS FOR
MOTOR OIL, LUBRICANTS, AND GREASES;
AUTHORIZING THE CITY MANAGER TO ISSUE A
BLANKET PURCHASE ORDER THEREFOR; AND
PROVIDING AN EFFECTIVE DATE.

Evans Oil Company
Naples, Florida
\$9,250.00 est. annual expenditure

Title not read.

Councilman Herms asked whether the case goods
could be eliminated and reusable containers
purchased for storing the materials purchased in

CITY OF NAPLES, FLORIDA

City Council Minutes

Date October 3, 1990

COUNCIL
MEMBERS

M
O
T
I
O
N

S
E
C
O
N
D

VOTE

Y
E
S

N
O

A
B
S
E
N
T

bulk. Councilman Anderson concurred with his suggestion and directed staff to provide within 30 days a cost comparison between the use of case goods and recyclable plastic containers using materials purchased in bulk. The City should provide a "good example" for the citizens and recycle wherever and whenever possible, Mrs. Anderson said.

---RESOLUTION NO. 90-6194

Item 5-e

A RESOLUTION AWARDDING CITY BID #90-71 FOR PROVIDING SANITARY SEWER IMPROVEMENTS FOR THE SMUGGLERS COVE AREA OF ROYAL HARBOR; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Florida State Underground, Inc.
Naples, Florida
\$30,699.99

Title not read.

---RESOLUTION NO. 90-_____

Item 5-f

A RESOLUTION AWARDDING CITY BID #90-72 FOR ONE (1) FIVE COMPARTMENT RECYCLING DUMP TRAILER; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

International Baler Corporation
Jacksonville, Florida
\$13,700.00

Title not read.

Councilman Sullivan noted that he had an opportunity to speak personally with the employee handling recycling collections, and that employee indicated he did not believe the proposed dump trailer would be large enough to handle the City's

CITY OF NAPLES, FLORIDA

City Council Minutes

Date October 3, 1990

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

needs. City Manager Jones advised that this item could be removed from the Consent Agenda and considered after further study has been completed to determine the feasibility of the proposed purchase.

---RESOLUTION NO. 90-6195

Item 5-g

A RESOLUTION AWARDING CITY BID #90-74 FOR LABOR AND EQUIPMENT TO INSTALL (1) 16 INCH FORCE MAIN AND ONE (1) 12 INCH REUSE MAIN; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Haskins, Inc.
Bonita Springs, Florida
\$97,500.00

Title not read.

---RESOLUTION NO. 90-6196

Item 5-h

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A LEASE-PURCHASE AGREEMENT WITH DOWLING FIRE EQUIPMENT FOR THE RECHASSIS OF THE 1976 EMERGENCY ONE FIRE ENGINE - 32H610; AND PROVIDING AN EFFECTIVE DATE.

Dowling Fire Equipment, Inc.
Silver Springs, Florida
Lease Purchase Option #2
Total over 5 years - \$104,950.00

Title not read.

---RESOLUTION NO. 90-6197

Item 5-i

A RESOLUTION ACCEPTING A UTILITY EASEMENT FROM POINCIANA PROFESSIONAL PARK; AUTHORIZING THE MAYOR AND CITY

CITY OF NAPLES, FLORIDA

City Council Minutes

Date October 3, 1990COUNCIL
MEMBERSM
O
T
I
O
NS
E
C
O
N
D

VOTE

Y
E
SN
OA
B
S
E
N
T

CLERK TO EXECUTE AN EASEMENT AGREEMENT
WITH PENINSULA IMPROVEMENT CORPORATION
AND FOINCIANA PROFESSIONAL PARK; AND
PROVIDING AN EFFECTIVE DATE.

Title not read.

MOTION: To APPROVE the Consent Agenda with the
deletion of Item 5-f.

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

---RESOLUTION NO. 90-6198

ITEM 6

A RESOLUTION CREATING AN AD HOC
COMMITTEE TO REVIEW THE THIRD STREET
PARKING STUDY; APPOINTING FIVE MEMBERS
TO SAID AD HOC COMMITTEE; AND PROVIDING
AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Community Development Director McKim advised that
staff has completed a study of the Third Street
area and the existing parking situation as
previously directed by Council. Staff has
prepared an exhibit for the Committee to use
during their deliberations. Mrs. McKim further
advised that staff has recommended Chief Planner
John Cole represent the City on that committee.

Councilman Anderson asked staff to update Third
Street South property owner, Mr. Carlo Paterno,
relative to the City's action on this matter.

Referring to the resolution, Councilman Sullivan
advised that the Old Naples Preservation Society
had been inadvertently left off. He moved that
organization be included as a part of the
committee and added to the resolution.

MOTION: To APPROVE the resolution with the
inclusion of a representative from the
Old Naples Preservation Society.

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

X

X

X

X

X

X

X

X

X

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

X

X

X

X

X

X

X

X

X

CITY OF NAPLES, FLORIDA

City Council Minutes

Date October 3, 1990COUNCIL
MEMBERSM
O
T
I
O
NS
E
C
O
N
D

VOTE

Y
E
SN
OA
B
S
E
N
T

ITEM 7

DISCUSSION RELATIVE TO THE APPOINTMENT
OF A MAYOR'S AD HOC COMMITTEE TO REVIEW
THE UTILIZATION OF THE CITY'S VEHICLE
FLEET.

Mayor Crawford read a memorandum, dated October 2, 1990, to all City Council members (a copy of which can be reviewed from the meeting packet in the Office of the City Clerk). The Mayor has appointed an Ad Hoc Committee to review the utilization of City fleet cars comprised of the following members: John M. Hustler; George Taylor; and F. Wheeler Conkling.

Councilman Muenzer said that he was "very distressed" at this action as he believed the Council should be responsible for appointing such a committee. This is a concern of all the members of Council, he said.

Referring to the Charter definition of the City's form of government, Councilman Herms said that this was a Council/ Manager government and, as such, Council should be responsible for the appointment of such committees. In the past, Council has interviewed applicants and appointed them by vote, he said. Mr. Herms further suggested that the Mayor withdraw his appointment and allow this Council to nominate applicants through the normal procedure.

Mayor Crawford, however, disagreed and pointed out that the Mayor has the prerogative to appoint such committees. Past administrations have formulated various ad hoc committees to review certain matters, he continued, and the review of the City's fleet utilization is one issue that the Mayor's Office wants an unbiased, free working committee to solve.

Councilman Anderson asked for clarification relative to the Mayor's role in the agenda preparation process. City Attorney Rynders advised that the City Manager prepares the agenda which is then reviewed by the Mayor. The Charter, Section 2.4, provides that the Mayor is the head

CITY OF NAPLES, FLORIDA

October 3, 1990

City Council Minutes

Date _____

COUNCIL
MEMBERSM
O
T
I
O
NS
E
C
O
N
D

VOTE

Y
E
SN
OA
B
S
E
N
T

of City government and as such it is expected that he shall exercise the leadership necessary to carry out his responsibilities. The Mayor, City Attorney Rynders continued, has not done anything inappropriate in his actions appointing this ad hoc committee.

Discussion then ensued relative to the interview and application process for committees, both past and present. Councilman Anderson said that she has been informed by several applicants that they felt very uncomfortable being interviewed by this Council. The Ad Hoc Committee appointed by the Mayor preempted the rigorous interview process applicants had to endure.

Councilman Sullivan said that he believed this Council was no longer acting as a team. This Council must once again demonstrate vision on behalf of its citizenry. Mr. Sullivan said that he has been working with the City Manager's Office relative to his concerns about the City's fleet and would continue doing so in the future.

There was no action required by Council.

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

---ORDINANCE NO. 90-6199

ITEM 8

AN ORDINANCE AMENDING SUBSECTIONS (1), (2), AND (3) OF PARAGRAPH C OF SECTION 7-7.1 (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.

PUBLIC HEARING: Opened: 10:15 a.m.
Closed: 10:15 a.m.

No one present to speak for or against.

CITY OF NAPLES, FLORIDA

City Council Minutes

Date October 3, 1990

Councilman Sullivan referred to Section 1(2)(a), (b), and (c) and asked that it be amended to read: over 30 feet, over 40 feet, and over 50 feet. This amendment will provide only that portion of the charter boat in excess of those figures would be subject to the \$4.00 per foot additional rate.

Councilman Herms expressed concern that the rates were increasing from between \$75 to \$100 per month for charter boats. However, Mr. Sullivan pointed out that the charter boats were running a business from the City Dock, and the proposed rate was comparable to other municipalities.

MOTION: To ADOPT the ordinance at second reading with the foregoing amendment to Section 1(2)(a), (b), and (c).

---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 COLLECTED; PROVIDING FOR EXEMPTIONS; PROVIDING FOR PENALTY; PROVIDING 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.

It was the consensus of Council to continue this matter until its November 7, 1990, meeting to allow for the return of detailed reports from the consultant.

---ORDINANCE NO. 90-_____ 9

ITEM 10

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

CITY OF NAPLES, FLORIDA

City Council Minutes

Date October 3, 1990COUNCIL
MEMBERSM
O
T
I
O
NS
E
C
T
I
O
N

VOLE

Y
E
SN
OA
B
S
E
N
T

AN ORDINANCE AMENDING SECTION 7-65 OF ARTICLE III, VESSEL CONTROL, OF CHAPTER 7 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO REGULATE THE OPERATION OF VESSELS TO IDLE SPEED/NO WAKE WITHIN THE AREAS SPECIFIED HEREIN.

Title read by City Attorney Rynders.

It was the consensus of Council to continue this matter until its November 7, 1990, meeting to provide for adequate opportunity to receive responses from the gulf front property owner associations.

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

COMMUNITY DEVELOPMENT DEPARTMENT/ NAPLES
PLANNING ADVISORY BOARD

---ORDINANCE NO. 90----

ITEM 11

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 OWNERS' REQUEST TO ALLOW FOR A MIXED USE DEVELOPMENT AND TO APPROVE THE DEVELOPMENT PLAN FOR THE "PD."

Title read by City Attorney Rynders.

It was the consensus of Council to continue this item to its October 17, 1990, meeting at the request of the petitioner.

---RESOLUTION NO. 90-6200

ITEM 12

CITY OF NAPLES, FLORIDA

City Council Minutes

Date October 3, 1990COUNCIL
MEMBERSM
O
T
I
O
NS
E
C
O
N
D

VOTE

Y
E
SN
OA
B
S
E

A RESOLUTION APPROVING ALLEY VACATION
PETITION 90-AV2 VACATING THE NORTHERN
160 FEET OF A 20 FOOT WIDE, UNIMPROVED
ALLEY LOCATED AT 30 THIRD AVENUE, SOUTH;
AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

PUBLIC HEARING: Opened: 10:25 a.m.
Closed: 10:25 a.m.

No one present to speak for or against.

Community Development Director McKim advised that during the departmental review process, staff determined there was no necessity for retaining this alleyway. The City has received one objection to this request from a property owner who is opposed to the use of public alleyways for private use.

Councilman Anderson noted that in the past Council has vacated several alleys, she directed the City Manager to prepare a report identifying the remaining alleys in the City which have not yet been vacated and consider a comprehensive analysis of their usability. City Manager Jones advised that such an item could be placed on a workshop agenda for Council's consideration.

In response to Councilman Muenzer, City Attorney Rynders advised that the compensation for the property has been computed at 11.20 per square foot (same rate as a previous vacation) and increased 15% to account for growth for a total computation of \$10,361.64, approximately 1/4 of the fee interest value for the property. City Attorney Rynders further advised that he was in receipt of checks for the calculated amount.

Councilman Anderson directed staff to provide a separate line in the staff report identifying the calculation for such vacations and the amount to be received by the City.

Councilman Herms asked if the alley could be used by the City for storage of beach vehicles instead of vacating for private use. This area, he

CITY OF NAPLES, FLORIDA

City Council Minutes

Date October 3, 1990COUNCIL
MEMBERSM
O
T
I
O
NS
E
C
O
N
D

VOTE

Y
E
SN
OA
B
S
E
N
T

explained, could be an area to store equipment overnight for beach maintenance. Community Development Director McKim pointed out that the petitioner has asked to vacate the alleyway because he was concerned about its use for public parking and other intrusions.

MOTION: To APPROVE the resolution as presented.

Councilman Herms advised that he would support the resolution, but believed there may be some other uses for the property by the City.

---ORDINANCE NO. 90-____

ITEM 13

AN ORDINANCE REZONING PROPERTY LOCATED AT THE NORTHWEST CORNER OF AIRPORT ROAD AND GOLDEN GATE PARKWAY (APPROXIMATELY 354 ACRES) FROM "RE", RURAL ESTATES, TO "PD", PLANNED DEVELOPMENT, TO ALLOW FOR A MIXED USE DEVELOPMENT OF SINGLE AND MULTI-FAMILY RESIDENTIAL, COMMERCIAL, RECREATION, AND CONSERVATION USES; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO REZONE THE PROPERTY AT THE PROPERTY OWNER'S REQUEST TO ALLOW FOR A MIXED USE DEVELOPMENT.

Title read by City Attorney Rynders.

Community Development Director McKim advised that as part of the Development Agreement previously approved by Council, the County has already reviewed and issued the Development Order for this site. She further noted that the State Department of Community Affairs (DCA) has objected to certain aspects of the Development Order which must be addressed by the Collier County Board of Commissioners prior to Council's second reading.

Councilman Herms asked if there was an opportunity to provide any additional stipulations in the PD (planned development). City Manager Jones advised that if Council had any areas of concern, they could be communicated to the petitioner prior to second reading. This property owner has displayed

Anderson
Barnett
Herms
Muenzer
Passidomo
Sullivan
Crawford
(6-0)

X

X

X

X

X

X

X

X

X

X

CITY OF NAPLES, FLORIDA

City Council Minutes

Date October 3, 1990

a reasonable and cooperative attitude and may accept some amendments to the previously approved Development Agreement.

Referring to Section 6.02, Page 6-1 of the County's PUD (planned urban development), Councilman Anderson asked if the uses delineated in (k) of that Section would apply to the City's approximately 354 acres. Community Development Director McKim advised that the labs, or processing plants, referred to in that section would have to meet the City's Code and as such, some of the listed uses would not be permitted in the City's portion.

Councilman Anderson then noted that Section 7.06 (11)(e) of the PUD referred to the use of effluent reuse from the County, but did not address the utilization of the City's program. Councilman Muenzer noted that during Council's review of the Development Agreement, the petitioner stated several times that he would, in fact, use the City's effluent reuse program. Attorney Bruce Anderson, representing the petitioner, advised that his client would incorporate the appropriate language to accommodate use of the City's program prior to second reading.

Councilman Herms expressed concern regarding the number of ingress and egress points to this development. He believed the number of access points proposed by the petitioner would greatly reduce the flow of traffic on Airport-Pulling Road and Golden Gate Parkway. Mr. Herms suggested that the petitioner could incorporate a cloverleaf system at each of the proposed overpasses so that additional traffic lights would not be needed. These systems could act as the main entrance points into the development and encourage better traffic flow on the adjacent roadways. Attorney Anderson advised that he would be happy to review that suggestion with his client, but was quick to point out that the traffic impact for this project has been studied for two years, and he was not sure if the recommendation would be feasible.

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

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

CITY OF NAPLES, FLORIDA

City Council Minutes

Date October 3, 1990COUNCIL
MEMBERSM
O
T
I
O
NS
E
C
O
N
D

VOTE

Y
E
SN
OA
B
S
E
N
T

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

---RESOLUTION NO. 90-6201

ITEM 14

A RESOLUTION OF THE CITY OF NAPLES
URGING ITS CITIZENS TO SUPPORT THE
CONSTITUTIONAL AMENDMENT NO. 3 ON THE
NOVEMBER 1990 BALLOT LIMITING UNFUNDED
STATE MANDATES ON CITIES AND COUNTIES;
AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

City Manager Jones advised that at the request of
Councilman Muenzer, this resolution was developed
to urge the City's electorate to support
Constitutional Amendment No. 3 in November. This
action would require that State mandates include
appropriate funding mechanisms for implementation
and continuance.

MOTION: To APPROVE the resolution as presented.

Anderson
Barnett
Herms
Muenzer
Passidomo
Sullivan
Crawford

(7-0)

X

X
X
X
X
X
X
X

X

---RESOLUTION NO. 90-6202

ITEM 15

A RESOLUTION AUTHORIZING FRANKLIN C.
JONES, CITY MANAGER, TO EXECUTE
SUPPLEMENTAL AGREEMENT 01 WITH COLLIER
COUNTY; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Utilities Director Chaffee explained that the
County's Airport Road project was almost
completed, but because of unexpected rock
excavation, a change order was required. On the
Airport property, the contractor encountered
limerock which had to be blasted and excavated.

Councilman Herms noted that the price for the rock
excavation of \$25.00 per cubic yard was more than
the current market price of delivering the same
material to a site. Mr. Chaffee advised that this
price was the one proposed in the County's

CITY OF NAPLES, FLORIDA

City Council Minutes

Date October 3, 1990

bid submittal and accepted as part of the bid award.

Councilman Anderson noted that the third WHEREAS of the resolution should be corrected to read "required work", not "require work."

MOTION: To APPROVE the resolution with the aforementioned correction.

---RESOLUTION NO. 90-6203

ITEM 16

A RESOLUTION AMENDING RESOLUTION NO. 86-5066 REGARDING THE CITY ATTORNEY'S ARRANGEMENT WITH THE CITY OF NAPLES; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

In response to Councilman Muenzer, City Attorney Rynders advised that in 1987, he earned from the Airport Authority \$27,788; in 1988, he earned \$29,539 from the Airport Authority; and in 1989, he earned \$32,305 from the Airport Authority and \$14,070 from the Naples Community Hospital for two bond issues.

Councilman Herms asked if the City's equipment and personnel were utilized by the City Attorney for his personal practice. City Attorney Rynders advised that he did have an office outside of City Hall and paid a secretarial service for miscellaneous typing and preparation of documents. The City's Legal Assistant, however, does provide some clerical assistance for the Airport Authority by preparation of miscellaneous correspondence, the Airport Authority, however, provides clerical support for the preparation of all its documents, contracts, and the like.

Citizen Gilbert Weil of 575 Pine Grove Lane supported the proposed increase of salary for the City Attorney. He advised that he has found Mr. Rynders to be very honest, fair, and possess excellent judgment. Mr. Weil further noted that a young law student fresh out of law school could command as much as \$50,000

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

CITY OF NAPLES, FLORIDA

City Council Minutes

Date October 3, 1990COUNCIL
MEMBERSM
O
T
I
O
NS
E
C
O
N
D

VOTE

Y
E
SN
OA
B
S
E
N
T

per year which was much more than the City Attorney had requested.

Mr. Ed McMahon of 611 13th Avenue South also supported the City Attorney's salary increase. Mr. McMahon, a member of the City's Code Enforcement Board, advised that the City has added to the Attorney's responsibilities and should provide compensation to match.

Mrs. Sue B. Smith of 15 11th Avenue South said that she did not support the proposed salary increase as she did not believe the City Attorney appropriately represented the City. Mrs. Smith said that she on numerous occasions has disagreed with his judgement relative to matters before the City Council.

Councilman Passidomo said that he commended the City Attorney for his past performance and believed the requested salary increase was merely sustaining the status quo and not providing any merit compensation.

Referring to the resolution, Councilman Anderson asked that it be amended to provide a period (.) after \$6,000 in the first WHEREAS, then the next sentence should read: "annual retainer to be paid in increments of \$3,500, monthly." Also, she continued, that Section 1 of the resolution should include another paragraph clarifying the payment arrangements for litigation to the City Attorney.

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

X	X	X	X	X

MOTION: To APPROVE the resolution with the foregoing amendments.

Councilman Herms said that he could not support the City Attorney's request as he did not believe he was adequately serving the City. He believed that the Attorney has not done his "homework" on numerous occasions, and as such, should not be rewarded.

Councilman Muenzer advised that he was critical of Mr. Rynders' ability in the past, but because the proposed request would merely maintain the status quo, he would support it.

CITY OF NAPLES, FLORIDA

City Council Minutes

Date October 3, 1990

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

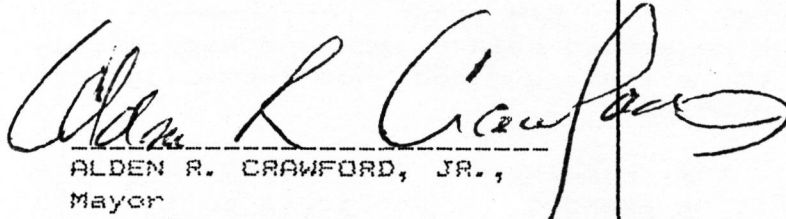
Councilman Sullivan concurred and noted that the Attorney has been given additional responsibilities and should be granted his request.

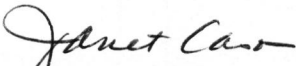
Mayor Crawford said that he believed the City Attorney's judgements to be sound over the previous years and as such, he would support the request.

CORRESPONDENCE AND COMMUNICATIONS

Mayor Crawford declared that the week of October 7 through 13 would be Fire Prevention week in the City of Naples.

ADJOURN: 11:20 a.m.


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 17, 1990.

SUPPLEMENTAL ATTENDANCE LIST

Ken Krier
Dennis Samblanet
Richard Baker
Sue B. Smith
Alan Korest
Pam Mac'Kie
Doug Shepardson

Ray Hill
William C. Bates
Jack/Dottie Picketts
David Humphrey
Leonard Nix
Marjorie Jones
Kenneth A. Main

Jean Hill
Gwen Griffis
C. Lodge McKee
Dr. Fran Stallings
Bruce Anderson
Chuck Mohlke
Robert Morris

Other interested citizens and visitors.

NEWS MEDIA

Jerry Pugh, Palmer TV-10

LOT AREA/BUILDING FOOTPRINT

ANALYSIS / GUIDE

zoning district	lot area (sq.ft.)	maximum impervious area(sq.ft.)	lot area percentage of impervious	lot area percentage defined by yard requirements	maximum lot coverage	lot area (%)
R1-7.5	7,500	4,250	57%	48%	3,275	44
R1-10	10,000	5,500	55%	47%	4,150	42
R1-15	15,000	7,500	50%	43%	5,350	36
	20,000	9,500	48%	52%	6,550	33
	30,000	13,500	45%	61%	8,550	29
	40,000	17,500	44%	66%	10,550	26
R1-E	67,500	26,750	40%	65%	15,183	22
RE	98,010	35,903	37%	62%	19,752	20

 Yard restrictions relates to building area only.

Lot coverage (single family homes): area of a parcel of land that is covered or occupied by all buildings, including accessory buildings under the terms of these regulations inclusive of pool enclosures.

Study Comparison: Square footage potential

Zoning	Maximum: existing*	Maximum: study proposal**
R1-E	102,000	30,366 - 45,549
R1-15	11,200	10,150 - 15,500
R1-10	8,620	7,282 - 11,432
R1-7.5	7,200	5,275 - 8,550

* The square footage is restricted by the two story limitation although the actual height of a home could reach 56 feet in height in flood prone areas.

** The low number indicates the most restrictive conditions. This square footage does not include the potential utilization of square footage for vehicle parking, boat storage and limited storage potentials for area below the flood plane requirements.

The parameters used to develop the potential square footage maximums include floor to floor heights of 9.5 feet and a maximum restriction from flood plane requirements of a 9 foot differential.

Greater square footage potential are possible with creative designs.

RECEIVED

SEP 25 1990

**PLANNING DIVISION
CITY OF NAPLES,
FLA.**

RICHARD J. BAKER
2330 Kingfish Road
Naples, Florida 33962

COPY

September 24, 1990

Mr. Michael Fernandez
City Planner
Naples City Hall
735 Eighth Street, S.
Naples, FL 33940

Dear Mr. Fernandez:

This letter is being written as a follow-up to our telephone conversation today, and I would appreciate it if you would distribute copies of it to all the Council members.

From what I have read in the Naples Daily News and learned from my discussion with you, I am concerned about the proposed ordinance relative to the Spatial Perception issue.

We have owned our building lot since 1972 and finally built our home on it in 1986. We put a great deal of thought, planning and money into it and feel that it fits in well in the neighborhood as well as meeting our needs.

We are in the R1-15 District and were well within the required setbacks when we built. The problem which is emerging with the proposed ordinance relates to our setback at the rear of the property. Our screen enclosure over the pool is within 25 feet of the rear property line (15 feet was permitted at the time we built) and I understand that under the ordinance as proposed, we would be unable to get a permit to repair the screen or replace it in the event of wind damage. Such a requirement would prevent us from having a screen over the pool and in this area that would be intolerable.

I feel strongly that such a situation (changing the rules after the fact) would be patently unfair and restrictive and should not be enacted. We built the enclosure in good faith and with "the City's blessing." Please don't pull the rug out from under us.

-2-

I recommend that our enclosure and similar structures on other properties be "grandfathered" to avoid problems down the road.

I happen to be the President of the Royal Harbor Association, but am writing this letter as an individual since this matter and its effect have just recently come to my notice and I learned that it will be considered by the Council on October 3.

While I have not yet discussed it with the Board of the Association, I plan to do so at the next meeting since I am sure others in Royal Harbor would be confronted by concerns similar to mine.

Since I am scheduled for Jury Duty in Ft Myers on October 3, I am unable to speak at the Council Meeting so I trust this letter will carry the same weight as a personal appearance.

Sincerely,

A handwritten signature in cursive script, appearing to read "Richard J. Fisher".