



# City of Naples

City Council Minutes  
Regular Meeting 11/07/90

City Council Chambers  
735 Eighth Street South  
Naples, Florida 33940

-SUBJECT-	ORD. NO.	RES. NO.	PAGE
ANNOUNCEMENTS			
MAYOR CRAWFORD: Advised Mr. Sullivan was doing well			1
CITY MANAGER JONES: Received Mr. Damon Adams who presented the City with a Certificate of Achievement in Excellence for Financial Reporting.			2
Mr. Jones also advised the Florida League of Cities had presented the City with a Certificate of Appreciation for participating in their 1990 Innovatons Showcase.			2
APPROVAL OF MINUTES: September 5, 1990, Special October 17, 1990, Regular			
RESOLUTIONS:			
-APPOINT members to the General Pension Board and Police and Firemen's Retirement System.		90-6217	2
-APPROVE variance from CCSL, 4228 Gordon Drive.		90-6218	3
-APPROVE conditional use for Goodlette Road linear park.		90-6221	6
-APPROVE variance for flower cart, 1262 Third St. S.		90-6222	1
-APPROVE purchase order for final study of impact fees, \$25,000.		90-6223	1
-APPROVE termination of Sea Con Industries, Inc., contract and award bid to Energy Resources for Moorings Bay dredging.		90-6224	1
-APPROVE amendment for CDM, stormwater management.		90-6225	1
-APPOINT consultant selection committee for Goodlette Frank Road median beautification.		90-6226	1
-APPROVE variance request to allow banners on Fifth Avenue South.		90-6227	1
-APPROVE quit-claim deed, Keewaydin Club.		90-6228	1
ORDINANCES - First Reading:			
-APPROVE water/sewer rate increase.	90-_____		7
-APPROVE interim impact fee for parks and recreation capital facilities.	90-_____		1
-APPROVE amendment to Fire Pension Fund to allow for tax deferrment.	90-_____		1
-APPROVE amendment to Police Pension Fund to allow for tax deferrment.	90-_____		1
-APPROVE cost of living adjustment, Police Pension.	90-_____		1
ORDINANCES - Second Reading:			
-ADOPT interim impact fee for infrastructure needs.	90-6219		3
-CONTINUE vessel control ordinance to November 21.	90-_____		5
-ADOPT rezone for Goodlette Frank Road linear park.	90-6220		6

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ITEM 2

MAYOR CRAWFORD: Advised that Councilman Sullivan was recuperating nicely and had asked him

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to express his thanks to all those who sent cards and wishes of well being.

CITY MANAGER JONES: Introduced Damon Adams from the Governor's Finance Office of Florida who was present at these proceedings to award the City of Naples with a Certificate of Achievement in Excellence for Financial Reporting. Mr. Adams pointed out that only approximately 875 Florida counties and cities were selected for this honor.

Mr. Adams then presented a separate award of Financial Reporting Achievement to Finance Director Bill Hanley.

City Manager Jones announced that the Florida League of Cities had awarded a Certificate of Appreciation to the City of Naples for its participation in the League's 1990 Innovations Showcase.

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## -----CONSENT AGENDA-----

## APPROVAL OF MINUTES

## ITEM 4

September 3, 1990, Special Meeting  
October 17, 1990, Regular Meeting

MOTION: To APPROVE the Consent Agenda as presented.

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

## ---RESOLUTION NO. 90-6217

## ITEM 5

A RESOLUTION APPOINTING FOUR (4) MEMBERS TO THE BOARD OF TRUSTEES OF THE POLICE AND FIRE PENSION BOARDS; APPOINTING ONE (1) MEMBER TO THE BOARD OF TRUSTEES OF THE GENERAL PENSION BOARD; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

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

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MOTION: To APPROVE the resolution appointing those members therein noted and to APPOINT W. W. Haardt to the General Pension Board.

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

---RESOLUTION NO. 90-6218

ITEM 6

A RESOLUTION GRANTING A VARIANCE FROM THE CITY'S MOST RESTRICTIVE COASTAL CONSTRUCTION SETBACK LINE TO CONSTRUCT A TWO-STORY GARAGE GULFWARD OF THE COASTAL CONSTRUCTION SETBACK LINE AT 4228 GORDON DRIVE; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

PUBLIC HEARING: Opened: 9:14 a.m.  
Closed: 9:14 a.m.

No one present to speak for or against.

Natural Resources Manager Staiger explained that this property owner had submitted original plans for several garage locations prior to the State's movement of the Coastal Construction Control Line (CCCL) landward. Staff has recommended approval of the current site plan and variance request for the proposed garage.

MOTION: To APPROVE the resolution as presented.

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---ORDINANCE NO. 90-6219

ITEM 7

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;

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



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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.

PUBLIC HEARING: Opened: 9:16 a.m.  
Closed: 9:26 a.m.

City Manager Jones advised that the second reading for this ordinance had been previously delayed to allow staff the opportunity to confirm the basis upon which impact fees for residential and non-residential properties were to be assessed. This confirmation process has resulted in a slight decrease in fees for residential units.

Ms. Karen Peterson of the Collier County Builders and Contractors Association (CCBCA) asked how the impact fee would apply to those structures which are expanded. City Attorney Rynders explained that the fee would only be applicable to that portion of the structure which was expanded.

Ms. Peterson continued that she believed there could be a problem in the future if after a natural disaster, the property owner expanded his structure by one foot. By virtue of this ordinance, she continued, that property owner would be required to pay an impact fee. City Attorney Rynders, however, pointed out that there was an appeal process included in the ordinance to address such matters.

Referring then to a provision of the ordinance which provides funding for the final impact fee study, Ms. Peterson said that she did not believe such action was legal as it was not clear what the pro rata share relative to impacted growth would be.

Councilman Anderson suggested language could be inserted under Section 11(A)(1) which would provide that "only alterations and expansions shall be applicable to said fee." City Attorney Rynders further advised that Section 3 of the

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ordinance could indicate "under new construction or additions" which should effect the same result.

Councilman Muenzer asked if there was any data relative to how these fees compared with those of other municipalities. City Manager Jones explained that because impact fees are "growth related", it is difficult to compare rates of other jurisdictions and their infrastructure needs.

In response to Councilman Herms, City Attorney Rynders explained that if a structure changed its use from residential to commercial without expanding or altering the structure, then no fee would be incurred.

**MOTION:** To ADOPT the ordinance at second reading with the foregoing amendment to Section 5.

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

ITEM 8

AN ORDINANCE AMENDING SECTION 7-63 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 not read.

City Manager Jones advised that staff has not yet received a response from one of the property owner associations concerning the proposed zone.

It was the consensus of Council that this item should be continued to its November 21, 1990, regular meeting.

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

COMMUNITY DEVELOPMENT DEPARTMENT/ NAPLES

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	X	X		
Muenzer			X		
Passidomo			X		
Sullivan			X		
Crawford			X		X
(6-0)					

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PLANNING ADVISORY BOARD

---ORDINANCE NO. 90-6220

ITEM 9

AN ORDINANCE REZONING PROPERTY LOCATED ON THE WEST SIDE OF GOODLETTE-FRANK ROAD BETWEEN EIGHTH AVENUE NORTH AND 14TH AVENUE NORTH, IN THE STRIP OF LAND PREVIOUSLY USED FOR THE ATLANTIC COAST RAILROAD FROM "R1-7.5" (RESIDENTIAL DISTRICT) TO "PS" (PUBLIC SERVICE DISTRICT); AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO REZONE SAID PROPERTY AT THE REQUEST OF THE CITY OF NAPLES FOR CREATION OF A PASSIVE LINEAR PARK.

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---RESOLUTION NO. 90-6221

A RESOLUTION GRANTING CONDITIONAL USE PETITION 90-CU15 TO ALLOW FOR THE CREATION OF A PASSIVE LINEAR PARK LOCATED ON THE WEST SIDE OF GOODLETTE-FRANK ROAD BETWEEN EIGHTH AVENUE NORTH AND 14TH AVENUE NORTH, IN THE STRIP OF LAND PREVIOUSLY USED FOR THE ATLANTIC COAST RAILROAD, SUBJECT TO THE CONDITIONS SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Titles read by City Attorney Rynders.

Community Development Director McKim advised that the proposed rezone from R1-7.5 to PS would require conditional use approval for the proposed linear park application. This park would help to resolve some of the City's neighborhood park requirements as outlined in the Comprehensive Plan. Both the staff and Planning Advisory Board (PAB) have recommended approval subject to the condition that shade trees be planted at 30-foot intervals, 20 feet back from the right-of-way and in place two years from the date of approval, and that the path shall be widened to eight feet or divided to provide for dual use of the path.



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Mayor Crawford pointed out that the aforementioned conditions had been previously stricken from the proposal at the Council's first reading of the ordinance. It was the consensus of Council that the previous deletion of those sections should still apply.

Councilman Herms directed staff to work with the stormwater utility consultants to ensure that there are no duplication of expenses for design, landscaping, and engineering work.

MOTION: To ADOPT the ordinance as presented at second reading, and to APPROVE the resolution with the deletion of Section 1 (1) and (2).

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

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

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

ITEM 10

AN ORDINANCE RELATING TO RATES FOR WATER AND SEWER SERVICE; AMENDING SUBSECTION 11-1-4(D) OF THE COMPREHENSIVE DEVELOPMENT CODE, ENTITLED "WATER SERVICE"; AMENDING SUBSECTIONS 11-1-3(B)(1), (B)(3), AND (D)(2) OF THE COMPREHENSIVE DEVELOPMENT CODE, ENTITLED "SEWER SERVICE - RATES AND CHARGES"; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO REVISE THE RATE STRUCTURE FOR WATER AND SEWER SERVICE RATES.

Title read by City Attorney Rynders.

Finance Director Hanley advised that a previous Council had established a review of rates for water and sewer service to be completed every two years. The recommended increase in rates is indicative of the City's requirement to maintain a debt coverage of no less than 1.20, the City has enjoyed a 1.72 debt coverage during the last ten years.

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		
Herms			X		
Muenzer	X		X		
Passidomo			X		
Sullivan					
Crawford			X		X
(6-0)					

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Since 1978, Mr. Hanley continued, the City has reduced its expenses relative to this enterprise by providing a five month billing system; encouraging use of a "lock box"; computerizing wherever possible; providing a two-way telemetry system to monitor its wells; using hand-held meter readers; and reviewing the feasibility of possibly implementing electronic funds transfer from customers checking accounts.

Councilman Herms pointed out that since 1983 there has only been an increase of 7,000 gallons for water billed, but a 483,000 gallon increase for water produced. This is a serious consideration, Mr. Herms said. Finance Director Hanley advised that a portion of the difference could be attributed to the percentage of water lost through activities such as hydrant flushing, broken lines, etc. He also noted that the City does not charge for the first 1,000 gallons of water consumption, dependent upon the size of the water meter, which also could account for a portion of the difference.

Referring then to zero consumption meters, Councilman Herms cited that in 1990, there were 979 meters not functioning properly resulting in approximately \$107,000 of lost revenue. Mr. Herms said that if the City repaired all those meters, then the rates would not have to be increased as significantly as proposed.

Discussion then ensued relative to the 25% surcharge imposed on those residents in the unincorporated area currently serviced by the City. Councilman Herms said that he believed the revenue derived from that surcharge could be placed in this enterprise account to help defray the proposed rate increase. City Manager Jones, however, pointed out that the purpose of the surcharge was to pay for the use of infrastructure currently collected through ad valorem taxes, similar to utility taxes or franchise fees charged by other utilities. It would not be fair to the citizens of Naples if the unincorporated area was not required to pay their fair share of those costs, he said.

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## COUNCIL MEMBERS

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Discussion once again ensued relative to the 25% surcharge placed on those users in the unincorporated area. Councilman Passidomo said that he supported the use of this surcharge in the general fund. It provides a subsidy to an ad valorem tax increase on City residents, he said. City Manager Jones added that if the surcharge was removed from the general fund, then the citizens of Naples would have to compensate for the lost revenue through ad valorem taxes. Mr. Jones



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further asked Council to either reaffirm their previous position relative to the 25% surcharge or direct staff to pursue some other direction. Mayor Crawford said that he fully supported the present 25% surcharge. Councilman Barnett concurred and suggested that the matter could be discussed further at a workshop session, possibly on November 19, 1990, prior to second reading.

Councilman Passidomo asked what impact the reduction of zero consumption meters would have on the amount of lost product. Utilities Director Chaffee pointed out that there are a number of factors which affect the amount of billable water versus water produced: malfunctioning meters; new lines and line installations; water main breaks contributable to construction; and the like.

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

Councilman Herms said that he could not support the motion as he believed the proposed rate increase was exorbitant. He said that he believed some expenditures could be cut to reduce the proposed rate increase.

Councilman Muenzer concurred, but said that he would support the motion at first reading. He said that he believed if revenue from the zero consumption meters could be captured, then the rate increase might not be as high as projected.

Councilman Passidomo said that he believed the rate increase was justified as it related to those costs attributable to billing and providing the ability to respond to the citizens needs.

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

ITEM 11

AN ORDINANCE SETTING AN INTERIM PARKS AND RECREATION CAPITAL FACILITY FEE; ASSESSING NEW PROJECTS; COLLECTING FEES; ADOPTING FEE SCHEDULE; PROVIDING FOR AN APPEAL OF FEES CALCULATED; PROVIDING FOR PRESUMPTIONS; PROVIDING FOR CREDITS;

Anderson  
Barnett  
Herms  
Muenzer  
Passidomo  
Sullivan  
Crawford  
(5-1)

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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 PARKS AND RECREATIONAL FACILITIES.

Title read by City Attorney Rynders.

City Manager Jones advised that this interim fee would represent a charge of \$135.45 per residential dwelling unit. The purpose of the impact fee would be to pass along the costs of infrastructure to those individuals creating the growth from new residential dwellings. There is no basis for identifying impacts of growth on the parks and recreation system from commercial or non-residential units, Mr. Jones said.

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

Councilman Anderson pointed out that this was yet another example of the City's past and current stance of a "pay as you go" philosophy to keep growth impacts in line and charge only those who are responsible.

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RECESS: 11:00 A.M. UNTIL 11:10 A.M.

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

ITEM 12

AN ORDINANCE AMENDING ARTICLE IV, FIREMEN'S PENSION AND RETIREMENT SYSTEM OF CHAPTER 18 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO AMEND THE CODE OF ORDINANCES TO EFFECT TAX DEFERRAL OF MEMBER CONTRIBUTIONS AS REQUESTED BY THE FIREMEN'S PENSION BOARD.

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

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

ITEM 13

AN ORDINANCE AMENDING ARTICLE V. POLICE OFFICER'S PENSION AND RETIREMENT SYSTEM OF CHAPTER 18 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO AMEND THE CODE OF ORDINANCES TO EFFECT TAX DEFERRAL OF MEMBER CONTRIBUTIONS AS REQUESTED BY THE POLICE OFFICERS' PENSION BOARD.

Titles read by City Attorney Rynders.

It should be noted that Items 12 and 13 were considered by the Council simultaneously; however, the ordinances were approved separately.

Assistant City Manager Wiltsie advised that both of the respective pension boards have recommended approval of the proposed ordinances.

MOTION: To APPROVE the ordinance for Item 12 as presented at first reading.

MOTION: To APPROVE the ordinance for Item 13 as presented at first reading.

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

ITEM 14

AN ORDINANCE ADDING SUBSECTION (h) TO SECTION 18-106 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO PROVIDE A COST OF LIVING ADJUSTMENT TO THOSE EMPLOYEES WHO RETIRED PRIOR TO OCTOBER 1, 1987.

Title read by City Attorney Rynders.

Assistant City Manager Wiltsie advised that the Police Officers' Retirement Trust Board had recommended approval of the proposed ordinance.

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

Anderson  
Barnett  
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Anderson					
Barnett			X		X
Herms					X
Muenzer				X	
Passidomo	X		X		
Sullivan					X
Crawford					X
(2-4)					
FAILED					
Anderson					
Barnett	X	X	X		
Herms					X
Muenzer					X
Passidomo			X		
Sullivan					
Crawford			X		
(4-2)					

Councilman Herms then distributed photographs from Newport Beach, California, indicating what type of merchandise can be, and has been, sold from similar carts. He expressed concern that such carts could be approved in the City and suggested that this Council establish an acceptable policy to provide specific requirements for business people to comply.

Councilman Barnett said that he believed this Council could determine whether a vendor/cart was acceptable at certain locations. He further said he did not believe it was necessary to establish guidelines for approval. This is a variance request, he pointed out.

City Attorney Rynders added that he felt very comfortable relative to this Council's ability to deny requests to sell earrings, stuffed animals, and the like. The outdoor sale of flowers can be clearly distinguished from the outdoor sale of other goods, he said.

**MOTION:** To APPROVE the resolution with the following amendments: to sell only cut flowers and extend said approval until May, 1991.

This motion failed by a vote of (2-4).

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

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## ITEM 16

## CONSIDERATION OF CONTRACT FOR PARKER BEACH RENOURISHMENT PROGRAM.

City Attorney Rynders advised that Mr. Billy Parker and his attorney were still not ready to come forward with a contract, but he would meet with them again soon and be able to provide Council with an update.

No official action was taken relative to this matter.

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---RESOLUTION NO. 90-6223

ITEM 17

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER FOR AN AMOUNT NOT TO EXCEED \$25,000 FOR THE PREPARATION OF A FINAL STUDY OF IMPACT FEES FOR THE CITY OF NAPLES; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

City Manager Jones advised that this contract would allow for the final preparation of the impact fee study for infrastructure and park needs.

MOTION: To APPROVE the resolution as presented.

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---RESOLUTION NO. 90-6224

ITEM 18 a &amp; b

A RESOLUTION RATIFYING AND CONFIRMING THE CITY'S DECLARATION OF CONTRACT DEFAULT AND TERMINATION WITH RESPECT TO THE CONTRACT BETWEEN THE CITY OF NAPLES AND SEA CON INDUSTRIES, INC.; WAIVING THE COMPETITIVE BIDDING REQUIREMENT AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A CONTRACT WITH ENERGY RESOURCES, INC., FOR THE COMPLETION OF THE MOORINGS BAY MAINTENANCE DREDGING PROJECT; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

City Attorney Rynders advised that a lawsuit has been filed against the City by the contractor, but has not yet been properly served. The contractor has claimed approximately \$400,000 in damages.

Assistant City Manager Wiltsie pointed out that it was still the City's position this contractor was in default of the contract, progress schedule, and agreement dated February 2, 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	
Anderson					
Barnett	X		X		
Herns			X		
Muenzer			X		
Passidomo		X	X		
Sullivan					X
Crawford			X		
(6-0)					



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

MOTION: To APPROVE the resolution as presented.

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---RESOLUTION NO. 90-6225

ITEM 19

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AMENDMENT NO. 1 TO THE ENGINEERING AGREEMENT BETWEEN THE CITY OF NAPLES AND CAMP DRESSER & MCKEE, INC., FOR PROFESSIONAL SERVICES RELATED TO THE STORMWATER MANAGEMENT PROGRAM; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

City Manager Jones explained that this amendment would provide funds to continue with the stormwater utility management engineering design work for Phase II.

In response to Councilman Herms, City Manager Jones advised that a construction timetable had not yet been established. This process would provide a master plan for such work, he noted.

Discussion then ensued as to the scope of work. City Manager Jones pointed out that if Council determined the consultants were reviewing items which may not be appropriate, then an amendment to the contract could be made outlining what area of concentration Council would like them to review.

MOTION: To APPROVE the resolution as presented.

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---RESOLUTION NO. 90-6226

ITEM 20

A RESOLUTION APPOINTING A CONSULTANT SELECTION COMMITTEE FOR THE PURPOSE OF REVIEWING PROPOSALS SUBMITTED BY LANDSCAPE DESIGN FIRMS WISHING TO PROVIDE PROFESSIONAL SERVICES FOR IMPROVEMENTS TO THE GOODLETTE-FRANK ROAD MEDIANS; AND PROVIDING AN EFFECTIVE DATE.

## CITY OF NAPLES, FLORIDA

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Date \_\_\_\_\_

Title read by City Attorney Rynders.

Community Services Director Holley advised that this was the first step in the design process for the beautification of Goodlette-Frank Road medians.

**MOTION:** To APPROVE the resolution and APPOINT Paul Muenzer to the committee.

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---RESOLUTION NO. 90-6227

ITEM 21

A RESOLUTION GRANTING AN EXTENSION TO RESOLUTION NO. 90-6027 GRANTING VARIANCE PETITION 89-V28 FROM CHAPTER VIII OF THE COMPREHENSIVE DEVELOPMENT CODE, REQUIRED DEVELOPMENT AND DESIGN STANDARDS, SECTION 8.1, "SIGNS", IN ORDER TO ALLOW VERTICAL BANNERS TO BE DISPLAYED FROM UTILITY POLES FOR A PERIOD OF ONE YEAR; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Community Development Director McKim advised that this variance was originally approved in January, 1990. The petitioner has requested an early review so that the banners could remain up through the holiday season.

Molly Root, Vice President of the Fifth Avenue South Downtown Business Association, asked Council to favorably consider this request.

Mrs. Sue B. Smith of 13 11th Avenue South, also a property owner on Fifth Avenue South, asked if any of the property owners had been notified of this request. City Manager Jones replied that they had not been by the City; however, the City has been working closely with the Fifth Avenue South Downtown Business Association in processing this request. Mrs. Smith then referred to a letter opposing the original request from the Naples Beautification Council. She asked that Council not consider this item until such time as all the property owners have been notified. City Manager Jones, however, pointed out that the City has not

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

## CITY OF NAPLES, FLORIDA

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November 7, 1990  
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received any complaints relative to this use since the banners were installed this past January.

Councilman Muenzer said that he believed this request should be considered after one year as stipulated by the previous approval.

MOTION: To APPROVE the resolution as presented.

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---RESOLUTION NO. 90-6228

ITEM 22

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A QUIT-CLAIM DEED AND ESCROW AGREEMENT BETWEEN THE CITY OF NAPLES, THE CUTLASS COVE BEACH CLUB, INC., AND THE KEEWAYDIN CLUB MARINA, INC.; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

City Attorney Rynders advised that this approval was to provide some relief to the property owner in the event the pending litigation against him was successful. This action merely provides that a quit-claim deed would be placed in escrow until the outcome of the litigation.

MOTION: To APPROVE the resolution as presented.

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## CORRESPONDENCE AND COMMUNICATIONS:

Councilman Barnett asked if the resolution in Item 3 had to be amended since his term of Council office would end in February, 1992. City Attorney Rynders advised that Council could then appoint someone to fill his vacant seat on the Firemen's and Police Retirement System Boards or Mr. Barnett could continue serving in that capacity if he so desired.

Mayor Crawford asked each member of Council to submit one citizen's name to the City Manager for possible appointment to a citizens advisory committee to be established to review City

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

X  
X  
X  
X  
X  
X  
X

X

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

X  
X  
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X



CITY OF NAPLES, FLORIDA

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efficiency. Those names, he continued, should be to Mr. Jones by November 16, 1990, for inclusion in the November 21, 1990, meeting packet.

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ADJOURN: 12:03 p.m.

*Jayet Cason*  
Jayet Cason  
City Clerk

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

Jodie O'Driscoll  
Recording Secretary

These minutes of the Naples City Council were approved on December 5, 1990.

SUPPLEMENTAL ATTENDANCE LIST

Norman Reinertsen  
Dick Sykes  
John Remington  
Ann Colabrese  
Alan Korest  
Sue B. Smith  
Bob Forsythe

Molly Root  
W. W. Haardt  
Leonard Nix  
Charles Andrews  
Karen Peterson  
Cynthia Dares  
Gilbert Weil

Ron Wood  
Jack Sturgis  
Lyel Richardson  
Egon Hill  
Lee Layne  
Dan Spina

Other interested citizens and visitors.

NEWS MEDIA

Gina Binole, Naples Daily News  
Wendy Fullerton, News-Press  
Jerry Pugh, WNOG  
Tom Morgan, The Express

We, the undersigned Naples Area florists, remain opposed to the continuation and expansion of Cynthia Dares' flower cart operation.

Whereas, We all maintain and operate, licensed and legitimate businesses that add to the retail spendor of this community.

Whereas, We all maintain various levels of overhead expenses. These expenses are but are not limited to: Rent, insurance (liability and workman's comp.), Payroll, Payroll taxes, delivery expenses, Telephone, etc.

Whereas, We are all generally regulated under the strenuos rules and regulations of our flowers by wire services e.g. F.T.D and Teleflora, that guarantee professionalism in our industry. These services can restrict curbside selling and street vending.

Whereas, We operate our businesses year round, rain or shine, and provide a good service and product to our fine community.

We feel strongly, that this precedent could lead to other entitities such as street vending, similar to those areas in Dade and Broward County.

Flamingo Florist of Naples	<del>XXXXXXXXXXXXXXXXXXXX</del>
• Flower Lane	• The Studio Florist
• <del>Barbara Lee Designs</del>	• Twigs
• <del>XXXXXXXXXXXXXXXXXXXX</del>	• Grace Lake
• Naples Flowers	• <del>Mary's Flowers</del>
• Flowers by the Soft Touch	• <del>XXXXXXXXXXXXXXXXXXXX</del>
• <del>Soft Touch Too</del>	• <del>Driftwood Florist and Nursery</del>
• <del>XXXXXXXXXXXXXXXXXXXX</del>	
• Floral Elegance	
• Fantastic Flowers	
• Flower Box	
• Flower Stop	



Flamingo Florist of Naples

Michael J. Hesketh

Flower Lane

Patricia Lechner

~~Floral Designs~~

Naples Flowers

Roberta Platt

Flowers by the Soft Touch

Doris L. King - Ann Hutter

~~Soft Touch~~

Floral Elegance

Jennifer W. Semmner

Fantastic Flowers

Thomas Chard

Flower Box

Pat M. Jones

Flower Stop

Maureen L. Stewart

~~Floral Exchange~~

Twigs

John &amp; Paulette Sprinkle

Grace Lake Florist

Lucille Lord

~~Floral Exchange~~~~Floral Exchange~~

The Studio Florist

Mary Ames

Cynthia Dares' Flower Cart

Considerations for approval:

Only cut flowers may be sold.

The cart may not be moved except to remove it and set it up.

It must not be stored in a parking place or any other location other than a storage area.

Documentation of parking must be provided.

Hours of operation should be the same as the retail shops in the plaza.

The location is unique:

The location for the flower cart is on private property;

All activity related to the flower cart operation will take place on the private property;

The flower cart will be in a location which will not inhibit pedestrian flow patterns or attract or impair vehicle movement;

The flower cart will be at least 15 to 20 feet from the sidewalk (property line) which exceeds the required building setback of 10 feet in this zoning district;

The flower cart will be located in a large open plaza area of more than 2000 square feet (estimated);

The variance should be for a one year trial period to allow a review of any problems that may develop in the operation.