

*City of Naples*City Council Chambers
735 Eighth Street South
Naples, Florida 33940

-SUBJECT-	ORD. NO.	RES. NO.	PAGE
ANNOUNCEMENTS:			
Mayor Crawford: Consensus of Council to table Item 14 until December 5, 1990.			2
Assistant City Manager Wiltsie: None.			2
APPROVAL OF MINUTES: February 14, 1990, Workshop July 30, 1990, Workshop August 8, 1990, Workshop August 8, 1990, Special August 14, 1990, Workshop August 27, 1990, Workshop			2
PURCHASING:			
-BID AWARD for reconstruction of sanitary and storm sewer systems.		90-6229	2
-APPROVE lease-purchase for 75' combination engine/ladder truck.		90-6230	3
RESOLUTIONS:			
-APPROVE contract for CDBG emergency homeowner rehabilitation program.		90-6231	3
-APPROVE Interlocal Agreement to receive EMS matching grant for automatic defibrillator program.		90-6232	3
-APPROVE resolution urging the Planning Committee to the Board of Regents to consider SW Florida for tenth four-year university.		90-6233	4
-APPROVE Interlocal Agreement for corridor management pilot project at Goodlette-Frank Road and Golden Gate Parkway intersection.		90-6234	4
-AUTHORIZE staff to proceed with negotiations with the Florida League of Cities, East Naples Bay Dredging.		90-_____	5
-APPROVE support for the Rookery Bay CARL project.		90-6236	6
-DENY temporary placement of a structure onto a vacant lot in the 600 block of Eighth Avenue South.		90-_____	7
ORDINANCES - First Reading:			
-APPROVE rezone of property, OMC site, Naples Bay Retail Partnership.	90-_____		12
ORDINANCES - Second Reading:			
-TABLE placement of wooden pilings to mark idle speed/ no wake zones along the beach.	90-_____		8
-TABLE increase of water and sewer rates.	90-_____		10
-ADOPT interim parks and recreation capital facility fee.	90-6237		10
-ADOPT amendment to the Firemen's Pension Trust Fund.	90-6238		1
-ADOPT amendment to the Police Officers' Pension and Retirement System.	90-6239		1
-ADOPT amendment to provide a cost of living adjustment to the Police Officers' Pension and Retirement System.	90-6240		1

City Council Chambers
735 Eighth Street South
Naples, Florida 33940



Date 11/21/90

ITEM 2

Kim Anderson
(Arrived 9:07 a.m.)
William E. Barnett
R. Joseph Herms
Paul W. Muenzer
John M. Passidomo
Fred L. Sullivan,
Councilmen

Mark W. Wiltsie,
Asst. City Manager
David W. Rynders,
City Attorney
James L. Chaffee,
Utilities Director
Jon C. Staiger, Ph.D.,
Natural Res. Mgr.
Christopher L. Holley,
Community Svc. Dir.
Rand-Scott Coggan,
Fire Chief
Chuck Thomas,
Asst. Utilities Dir.
Jodie O'Driscoll,
Recording Secretary

Ann (Missy) McKim,
Community Dev. Dir.
John Cole,
Chief Planner
Ann Walker,
Planner II
Susan Golden,
Planner I
Karen Wilson,
City Accountant
Terry L. Fedelem,
Parks/Parkways Supv.
Sheldon Reed,
Fire Marshal
George Henderson,
Sergeant-At-Arms

ITEM 1

CITY OF NAPLES, FLORIDA

City Council Minutes

November 21, 1990
Date _____

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

ANNOUNCEMENTS

ITEM 3

Mayor Crawford: Suggested that since the City Manager was ill and the Finance Director was on vacation, the Council might want to table Item 14 to its next regularly scheduled meeting, December 3, 1990. It was the consensus of Council that Item 14 should be tabled to December 3, 1990.

Assistant City Manager Wiltsie: None.

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

APPROVAL OF MINUTES

ITEM 4

February 14, 1990, Workshop
July 30, 1990, Workshop
August 8, 1990, Workshop
August 8, 1990, Special
August 14, 1990, Workshop
August 27, 1990, Workshop

PURCHASING

ITEM 3

---RESOLUTION NO. 90-6229

Item 3-a

A RESOLUTION AWARDDING THE BID FOR RECONSTRUCTION OF SANITARY AND STORM SEWER SYSTEMS IN THE CITY OF NAPLES, UTILIZING THE CITY OF FORT MYERS' ANNUAL CONTRACT; WAIVING THE REQUIREMENTS FOR COMPETITIVE BIDS THEREON; AND PROVIDING AN EFFECTIVE DATE.

Insituform Southeast, Inc.
Jacksonville, Florida
\$397,836.35

Title not read.

CITY OF NAPLES, FLORIDA

City Council Minutes

November 21, 1990
Date _____

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

---RESOLUTION NO. 90-6230

Item 3-b

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A LEASE-PURCHASE AGREEMENT WITH DOWLING FIRE EQUIPMENT FOR THE PURCHASE OF A 75' COMBINATION ENGINE/LADDER TRUCK FOR THE CITY FIRE DEPARTMENT; AND PROVIDING AN EFFECTIVE DATE.

Dowling Fire Equipment, Inc.
Silver Springs, Florida
\$344,000.00

Title not read.

---RESOLUTION NO. 90-6231

ITEM 6

A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT BETWEEN D & J CONSTRUCTION, ROSIE PERRY, AND THE CITY OF NAPLES; WAIVING THE FORMAL BID PROCEDURE FOR THE ROSIE PERRY RESIDENCE AT 1339 5TH AVENUE NORTH WHICH IS THE FINAL HOME INVOLVED IN THE COMMUNITY DEVELOPMENT BLOCK GRANT EMERGENCY HOMEOWNER REHABILITATION PROGRAM; AND PROVIDING AN EFFECTIVE DATE.

Title not read.

---RESOLUTION NO. 90-6232

ITEM 8

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF NAPLES AND COLLIER COUNTY TO RECEIVE EMS MATCHING GRANT FOR THE PURPOSE OF EXPANDING THE AUTOMATIC DEFIBRILLATOR PROGRAM THROUGHOUT COLLIER COUNTY; AND PROVIDING AN EFFECTIVE DATE.

Title not read.

CITY OF NAPLES, FLORIDA

City Council Minutes

November 21, 1990
Date _____COUNCIL
MEMBERSM
O
T
I
O
NS
E
C
O
N
D

VOTE

Y
E
SN
OA
B
S
E
N
T

---RESOLUTION NO. 90-6233

ITEM 11

A RESOLUTION URGING THE PLANNING COMMITTEE TO THE BOARD OF REGENTS TO CONSIDER SOUTHWEST FLORIDA AS THE LOGICAL LOCATION FOR THE TENTH FOUR-YEAR UNIVERSITY; AND PROVIDING AN EFFECTIVE DATE.

Title not read.

MOTION: To APPROVE the Consent Agenda with the exception of Items 7, 9, and 10, which are to be considered separately.

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

---RESOLUTION NO. 90-6234

ITEM 7

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF NAPLES AND COLLIER COUNTY REGARDING IMPLEMENTATION OF A CORRIDOR MANAGEMENT PILOT PROJECT AT THE INTERSECTION OF GOODLETTE-FRANK ROAD AND GOLDEN GATE PARKWAY; AND PROVIDING AN EFFECTIVE DATE.

Title not read.

Community Services Director Holley advised that this item was a result of a 1987/88 Joint City/County Corridor Management Study. At that time, both the City and County agreed to allocate funds from their respective Capital Improvement Programs (CIP) for the intersection at Golden Gate Parkway and Goodlette-Frank Road. This Interlocal Agreement, he continued, provides for the design and implementation of a pilot project at that intersection.

Referring to the possible use of interlocking pavers, Councilman Herms advised that he has seen that material used in similar applications which

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

November 21, 1990
Date _____

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

resulted, after several years, in a very unattractive site. The pavers trap such things as gum, tar, and other roadway dirt, he said.

Councilman Passidomo noted the resolution provided that the City's share would not exceed \$140,000; however, the Interlocal Agreement did not provide for such a limitation. Councilman Sullivan said that he would prefer the Agreement be amended to include such language. City Attorney Rynders noted that Section 3 of the Agreement could include the following: "The City's share shall not exceed \$140,000."

Councilman Passidomo said that he did not believe the termination clause was necessary as the City and County were committing to this project, and suggested that Sections 6 and 7 of the Agreement be deleted.

MOTION: To APPROVE the resolution as presented with the following amendments to the Interlocal Agreement: delete Sections 6 and 7, and add a sentence to Section 3 limiting the City's contribution to \$140,000.

---RESOLUTION NO. 90-_____

ITEM 3

A RESOLUTION RESCINDING RESOLUTION NO. 90-6113 AND ACCEPTING THE FLORIDA LEAGUE OF CITIES' PROPOSAL TO REFINANCE THE CITY'S EXISTING LOAN AND BORROW AN ADDITIONAL \$432,000 TO FINISH THE EAST NAPLES BAY DREDGING PROJECT; AND PROVIDING AN EFFECTIVE DATE.

Title not read.

This item was removed from the Consent Agenda for further discussion by Council.

In response to Councilman Herms, Assistant City Manager Wiltsie advised that staff was seeking approval from Council to negotiate with the

CITY OF NAPLES, FLORIDA

City Council Minutes

November 21, 1990
Date _____COUNCIL
MEMBERSM
O
T
I
O
NS
E
C
O
N
D

VOTE

Y
E
SN
OA
B
S
E
N
T

Florida League of Cities to refinance the City's existing loan, and to borrow an additional \$432,000 to complete the East Naples Bay dredging project.

Councilman Sullivan asked if the East Naples Bay Taxing District Advisory Board was aware of this request. Mr. Wiltsie replied affirmatively and pointed out that much of the additional cost was at the request of the Board and property owners to cover additional rock removal.

City Attorney Rynders asked that the aforementioned resolution be withdrawn and suggested that authorization be merely given to staff to proceed with negotiations.

MOTION: To AUTHORIZE staff to proceed with negotiations with the Florida League of Cities relative to obtaining a loan of approximately \$432,000 as well as refinancing the existing loan for the East Naples Bay dredging project.

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

X

X

X
X
X
X
X
X
X

---RESOLUTION NO. 90-6236

ITEM 10

A RESOLUTION SUPPORTING A PRIORITY
RANKING FOR THE ROCKERY BAY CARL
PROJECT; AND PROVIDING AN EFFECTIVE
DATE.

Title not read.

Attorney George Vega, representing Key Island, asked whether or not this resolution would affect the pending litigation against the City and Key Island undertaken by the Florida Audubon Society and Mr. Harry Sichi. City Attorney Rynders advised that the litigation involving Key Island would be tested against the City's Comprehensive Plan, principles of zoning, and land use laws, not whether the State acquires additional lands.

City Council Minutes

November 21, 1990
Date

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

CITY OF NAPLES, FLORIDA

City Council Minutes

November 21, 1990
Date _____COUNCIL
MEMBERSM
O
T
I
O
NS
E
C
O
N
D

VOTE

Y
E
S
N
OA
B
S
E
N
T

In response to Councilman Herms, Mrs. McKim advised that the property owner has requested permission to move the "old Red Cross" building to this site across from Cambier Park for residential purposes.

MOTION: To DENY the resolution as presented.

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

---ORDINANCE NO. 90-_____

ITEM 13

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 read by City Attorney Rynders.

PUBLIC HEARING: Opened: 9:30 a.m.
Closed: 10:03 a.m.

Assistant City Manager Wiltsie advised that this was the second reading of the ordinance. As previously requested by Council, staff notified all the property owners and has received concurrence from the majority thereof to place markers to identify offshore idle speed/no wake zones in the Gulf of Mexico.

Mr. Ron Pennington of 289 Spring Line Drive, president of the Moorings Property Owners' Association, advised that his group supported the ordinance. He noted that the buoys have not stayed in place and numerous remedies have been tried, such as additional anchoring, weights, and the like.

In response to Councilman Herms, Mr. Pennington further advised that part of the buoy failure resulted from buoy construction methods, wear and tear on the anchor chains, and "kinked" cable.

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

November 21, 1990
Date _____

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

The biggest obstacle, he continued, is that the water at 300 feet from shore is very shallow, and it is difficult to anchor the buoys properly.

Mrs. Sue B. Smith of 13 11th Avenue South, representing the Old Naples Preservation Society, advised that the majority of members from this group resided in the first and second tier from the beach. She continued that they did not believe the wooden pilings would be aesthetic or safe to boaters. (Mrs. Smith then distributed a letter dated November 20, 1990, which did not meet Council's document submittal policy and therefore could not be made a part of this record, Resolution 89-3781.) Mrs. Smith further advised that her group believed the buoys would be feasible if the appropriate ones were purchased and anchored properly. She urged Council to continue this matter until further research has been done relative to use of a different manufactured buoy.

Councilman Muenzer said that he concurred with Mrs. Smith's concerns relative to boating safety. He asked if staff could provide a list of accidents from the Marine Patrol involving channel markers.

Assistant City Manager Wiltsie advised that there were a number of buoys which have disappeared from the beach. Staff must know what Council's decision is relative to either expending additional money to put the buoys back or designate this area, as recommended by the Coast Guard, with wood pilings.

It was the consensus of Council that staff should review the information provided by Mrs. Sue B. Smith and report their findings and recommendations to Council.

Councilman Sullivan pointed out that the Coast Guard was an authoritative source of information and their experience relative to this matter should seriously be considered.

Councilman Muenzer also asked that the City Attorney provide an opinion relative to liability

CITY OF NAPLES, FLORIDA

City Council Minutes

November 21, 1990
Date _____COUNCIL
MEMBERSM
O
T
I
O
NS
E
C
O
N
D

VOTE

Y
E
SN
OA
B
S
E
N
T

which the City could incur from accidents involving the wooden pilings.

MOTION: To TABLE this item until the Council's December 3, 1990, meeting.

---ORDINANCE NO. 90-_____

ITEM 14

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.

There was no discussion either for or against.

MOTION: To TABLE this item until the Council's December 3, 1990, meeting.

---ORDINANCE NO. 90-6237

ITEM 15

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; 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.

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

November 21, 1990
Date _____

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

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

No one present to speak for or against.

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

*** *** ***

---ORDINANCE NO. 90-6238 ITEM 16

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.

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.

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

*** *** ***

---ORDINANCE NO. 90-6239 ITEM 17

AN ORDINANCE AMENDING ARTICLE V. POLICE
OFFICERS' 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.

Title read by City Attorney Rynders.

CITY OF NAPLES, FLORIDA

City Council Minutes

November 21, 1990
Date _____

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

PUBLIC HEARING: Opened: 10:17 a.m.
Closed: 10:17 a.m.

No one present to speak for or against.

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

*** *** ***

---ORDINANCE NO. 90-6240 ITEM 18

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.

PUBLIC HEARING: Opened: 10:18 a.m.
Closed: 10:18 a.m.

No one present to speak for or against.

MOTION To ADOPT the ordinance as presented at second reading.

*** *** ***

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

*** *** ***

RECESS: 10:20 A.M. UNTIL 10:30 A.M.

*** *** ***

COMMUNITY DEVELOPMENT DEPARTMENT/ NAPLES
PLANNING ADVISORY BOARD

---ORDINANCE NO. 90-____ ITEM 19

AN ORDINANCE REZONING PROPERTY LOCATED ON BOTH SIDES OF TENTH STREET SOUTH, AT THE INTERSECTION WITH TENTH AVENUE

CITY OF NAPLES, FLORIDA

City Council Minutes

November 21, 1990
Date _____

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

SOUTH, MORE PARTICULARLY DESCRIBED
HEREIN; FROM "C2-A" WATERFRONT
COMMERCIAL TO "PD" PLANNED DEVELOPMENT;
AND PROVIDING AN EFFECTIVE DATE.
PURPOSE: TO ALLOW FOR THE RENOVATION
AND EXPANSION OF AN EXISTING BUILDING
FOR USE AS A RETAIL AND RESTAURANT
FACILITY.

Title read by City Attorney Rynders.

Chief Planner Cole advised that this request was to renovate and expand an existing non-conforming structure for retail and restaurant use. The Planning Advisory Board (PAB) had reviewed the merits of the application and recommended approval by a vote of 3-2 based upon the following conditions: increase to 12 feet the promenade along the east side of the project; provide a Public Access Easement for promenade; obtain final staff approval of promenade design; provide a minimum of 3 boat slips for use by the general public for short-term boat parking; provide canopy trees at 30-foot intervals around perimeter of off-site parking lot; relocate proposed bike racks to a safer area; provide a drainage easement between Tenth Street South and Naples Bay; provide a 6-foot wide landscaped area adjacent to the north property line in accordance with Code; and increase landscape in the parking areas as required by Code.

Referring to the dissenting PAB votes, Mr. Cole explained that Board Member Sanson did not believe the proposed use was compatible with the adjacent neighborhood, and Chairman Kolflat expressed concern relative to the parking calculations for boat slips.

The proposed project, Chief Planner Cole continued, does not meet "C2-A" zoning standards relative to setback requirements. There is only 8 1/2 feet available between the existing structure and Naples Bay. Staff has not reviewed any changes relative to this project and, therefore, still recommends denial of the request based on its incompatibility with the Comprehensive Plan

CITY OF NAPLES, FLORIDA

City Council Minutes

November 21, 1990
Date _____COUNCIL
MEMBERSM
O
T
I
O
NS
E
C
O
N
D

VOTE

Y
E
SN
OA
B
S
E
N
T

requirements to provide adequate public access to the waterfront.

Discussion then ensued relative to an existing State Department of Environmental Regulation (DER) permit for transient use of the proposed boat slips. The petitioner has requested a change in use from DER to allow for those boat slips to be privately owned on a condominium basis. Staff has asked that if the Council approves this request, it reference State approval of the proposed slips as well.

Attorney Pam MacKie, representing the petitioner, advised that her client has agreed to provide the following relative to this project: additional canopy trees in the off-site parking area; removal or relocation of the existing bike rack to another location; grant of a Public Access Easement with the stipulation that the petitioner shall gain some control over the time said access shall be used; additional promenade area under the existing building where setbacks are only 8 1/2 feet from the waterfront; application for a submerged land lease from DER to allow for five public tie-up slips (in the event that request is denied, the petitioner shall provide two boat slips for public use); Dockmaster control and designation of use of the boat slips by patrons; and improvement of property at Tenth Avenue South for a public City park facility.

Discussion then ensued relative to the proposed public tie-up slips. Attorney MacKie advised that her client preferred that those slips be utilized only by patrons and that the Dockmaster would be in control over those tie-ups and supervise their use.

Councilman Sullivan asked if it was possible to increase the height under the building for patrons to walk on the promenade. Attorney MacKie replied negatively and pointed out that the design of the restaurant facility created the need for a two-tiered structure so that each table had a waterfront view. The greatest height available under the building, she said, would be approximately 3 1/2 feet.

City Council Minutes

COUNCIL MEMBERS

M
O
T
I
O
N

S
E
C
O
N
D

VOIE	
Y E S	N O

A
B
S
E
NT

Discussion then ensued relative to the possibility of placing a time restriction on this PD so that, in the event building permits were not obtained within a time certain, the PD approval would expire. Attorney MacKie strongly opposed this type of restriction on the petitioner. There are various constraints imposed upon this project which could impede its timely progress, she said. Mr. Tom Brousseau, the petitioner, said that he could

CITY OF NAPLES, FLORIDA

City Council Minutes

November 21, 1990
Date _____COUNCIL
MEMBERSM
O
T
I
O
NS
E
C
O
N
D

VOTE

Y
E
SN
OA
B
S
E
N
T

not accept a time limit of any less than three years for this project because of the various financial and receivership limitations for the property.

Councilman Passidomo said that he believed the City Council had the right to review any PD if the proposed project had varied from the original approval. He said that he could not support arbitrarily placing a time constraint on one project.

Attorney MacKie asked for the City Attorney's opinion as to whether he believed such action was arbitrary or legally binding. City Attorney Rynders advised that it was not uncommon for complex approvals relative to land use decisions to contain expiration provisions. He further noted that building permits, as well as conditional use permits, expire if they are not utilized within a specific time.

After considerable discussion, it was the consensus of Council to revisit the matter of placing time constraints on this project at its December 3, 1990, workshop session, if possible.

Councilman Passidomo asked that the petitioner provide assurances prior to second reading that the Dockmaster would be permitted to fill any slips over and above the amount allocated for patron use if they have not been previously leased or sold.

The petitioner was then directed by Council to address all of Council's concerns and provide answers prior to consideration at second reading.

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

CORRESPONDENCE AND COMMUNICATIONS:

Mayor Crawford asked that each member of Council submit to the City Manager their appointee for the

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

X

X
X
X
X
X
X
X

CITY OF NAPLES, FLORIDA

City Council Minutes

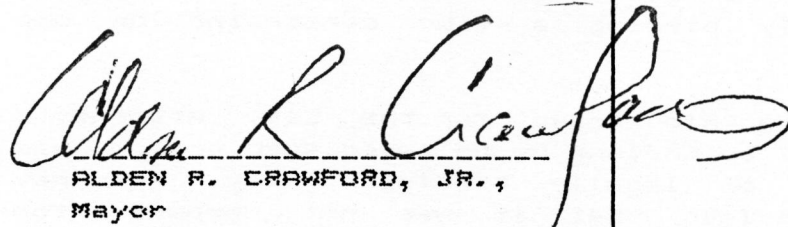
November 21, 1990
Date _____

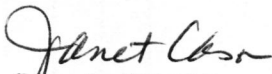
COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S E N T
			Y E S	N O	

Citizen's Ad Hoc Committee to Review City Efficiency.

Councilman Muenzer then asked that staff provide an update as to the progress of the Blue Ribbon Committee established to review compensation for the Mayor and Council.

ADJOURN: 12:10 p.m.


ALDEN R. CRAWFORD, JR.,
Mayor


Janet Eason
City Clerk

Jodie O'Driscoll
Recording Secretary

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

SUPPLEMENTAL ATTENDANCE LIST

Dick Sykes	Ann Colabrese	Gail Boorman
Ron Wood	Robert Rier	Kris Dane
Kim Kobza	Gilbert Weil	Pam Mac'Kie
Egon Hill	W.W. Haardt	Ron Pennington
Fran Stallings	Nick Turner	Sue B. Smith
Don Flock	Norman Reinertsen	George Vega
Lee Layne	John Anson Smith	Bill Roy
John Remington	Gary Litton	

Other interested citizens and visitors.

NEWS MEDIA

Jerry Pugh, Palmer TV-10
Wendy Fullerton, News-Press
Gina Ginole, Naples Daily News