



City of Naples

City Council Minutes

Regular Meeting 12/05/90

City Council Chambers
735 Eighth Street South
Naples, Florida 33940

-SUBJECT-	ORD. NO.	RES. NO.	PAGE
ANNOUNCEMENTS:			
Mayor Crawford: None.			2
City Manager Jones: Recognized several employees, Chris Peacock, Nathaniel Ward, and Dan Crisp.			2
APPROVAL OF MINUTES: See attached minutes for listing.			2
PURCHASING:			
-BID AWARD for printing and mailing utility bills.		90-6241	2
-APPROVE purchase of firefighting equipment.		90-6242	3
RESOLUTIONS:			
-APPOINT seven members to a Mini-Grace Committee.		90-6243	4
APPROVE dredge and fill request, 1001 10th Avenue South.		90-6244	4
-APPROVE alley vacation, 10th Street and 10th Avenue South.		90-6246	8
-APPROVE Franchise Agreement for Naples Water Taxi.		90-6247	20
-APPROVE easement for FPL across Airport property.		90-6248	2
-APPROVE conditional use permit extension, 650 Central Avenue.		90-6249	2
ORDINANCES - First Reading:			
- APPROVE ordinance increasing meter rates for beach parking.	90-		18
ORDINANCES - Second Reading:			
-CONTINUE idle speed/no wake zone within specified areas.	90-		6
-CONTINUE water and sewer rate increase.	90-		7
-APPROVE rezone of property , Old OMC site.	90-6245		8
DISCUSSION/REVIEW/COMMENT:			
-Comprehensive Plan Amendments.			13

City Council Chambers
735 Eighth Street South
Naples, Florida 33940



Time 9:00 a.m.

Date December 5, 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	Jon C. Staiger, Ph.D., Natural Resources Mgr.
Mark W. Wiltsie, Asst. City Manager	Frank (Bill) Hanley, Finance Director
Rand-Scott Coggan, Fire Chief	John Cole, Chief Planner
Paul C. Reble, Police Chief	Kevin Rambosk, Police Captain
Tom Smith, Asst. Fire Chief	Karen Wilson, City Accountant
Glen Chesebrough, Fire Captain	Stewart K. Unangst, Purchasing Agent
Sheldon Reed, Fire Marshal	James L. Chaffee, Utilities Director
Michael Fernandez, Planner III	Christopher L. Holley, Community Svc. Dir.
Jodie O'Driscoll, Recording Secretary	George Henderson, Sergeant-At-Arms

See Supplemental Attendance List - Attachment #1.

INVOCATION

ITEM 1

Pastor Peter Lyberg
Shepherd of the Glades Church

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ANNOUNCEMENTS

ITEM 3

MAYOR CRAWFORD: None.

CITY MANAGER JONES: Recognized Officer Chris Peacock for earning the Elk's Club 1990 Police Officer of the Year award. Officer Peacock was recognized for his actions and valor in the face of personal danger.

Mr. Jones also recognized two firefighter recruits who had recently finished their training in Fort Myers. Nathaniel Ward graduated with a 90.8 class average, while Dan Crisp graduated top of his class with a 96.6 average.

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

APPROVAL OF MINUTES

ITEM 4

August 13, 1990, Workshop
 August 28, 1990, Workshop
 September 4, 1990, Workshop
 September 17, 1990, Workshop
 September 17, 1990, Workshop (Candidate Int.)
 September 19, 1990, Special
 September 19, 1990, Workshop
 October 1, 1990, Workshop
 October 3, 1990, Special
 October 13, 1990, Workshop
 November 7, 1990, Regular
 November 14, 1990, Town Meeting

PURCHASING

ITEM 5

---RESOLUTION NO. 90-6241

Item 5-a

A RESOLUTION AWARDDING CITY BID #91-34
 FOR THE CITY'S ANNUAL REQUIREMENTS FOR
 PRINTING AND MAILING UTILITY BILLS;

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AUTHORIZING THE CITY MANAGER TO ISSUE A
BLANKET PURCHASE ORDER THEREFOR; AND
PROVIDING AN EFFECTIVE DATE.

Title not read.

Councilman Muenzer asked why the City was proposing this change in utility billing. City Manager Jones explained that the previous billing process required mailing of postcards to customers for water, sewer, and garbage collection. This new process will provide a printed form with an information section as well as a return envelop. Staff has anticipated, he said, the additional capability of inserting mailings such as the annual report and Mayor's newsletters to the citizens through this billing process. In the past, such mailings to the citizenry have cost approximately \$7,300 each.

Councilman Herms said that he understood during the budget hearing process total costs for this program would be offset by the reduction of mailings. City Manager Jones advised that it would, however, it would take a few billing cycles before a complete transition could take place.

---RESOLUTION NO. 90-6242

Item 3-b

A RESOLUTION AUTHORIZING THE CITY
MANAGER TO PURCHASE ADDITIONAL
FIREFIGHTING EQUIPMENT FOR THE FIRE
DEPARTMENT FROM A PREVIOUSLY AWARDED
BID; AUTHORIZING THE CITY MANAGER TO
ISSUE A PURCHASE ORDER THEREFOR; AND
PROVIDING AN EFFECTIVE DATE.

Title not read.

MOTION: To APPROVE the Consent Agenda as
presented.

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

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---RESOLUTION NO. 90-6243

ITEM 6

A RESOLUTION APPOINTING SEVEN MEMBERS TO
A CITIZEN'S ADVISORY COMMITTEE
ESTABLISHED BY THE MAYOR AND CITY
COUNCIL TO REVIEW, STUDY, AND GIVE
POLICY RECOMMENDATIONS ON BROAD ISSUES
REGARDING CITY FINANCES; AND PROVIDING
AN EFFECTIVE DATE.

Title read by City Manager Jones.

Mayor Crawford pointed out that there has been a
general disquiet among the citizenry relative to
the level of service provided by the national
government which has also affected the way
citizens of Naples view their own municipal
government. During the election process, he
continued, one of his promises was to establish a
citizens committee to review the efficiency of
City government, also to get citizen involvement
in government.

MOTION: To APPROVE the resolution as presented
appointing the following individuals to
the committee: Dick Young, Mary Connor,
Art Krieger, William Morris, Sewell
Corkran, William G. Roy, and Bob Rier.

Councilman Herms said that he fully supported this
group as he believed it would provide positive
information and recommendations to Council.

Councilman Sullivan said that he hoped this
committee would serve the City better than
previously established committees whose members
have become frustrated by the lack of information
provided to them and their roles on the Board.

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

---RESOLUTION NO. 90-6244

ITEM 7

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

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

Title read by City Manager Jones.

PUBLIC HEARING: Opened: 9:33 a.m.
Closed: 9:48 a.m.

Natural Resources Manager Staiger explained that this dredge and fill permit request was an integral part of the petitioner's program to convert the "DMC" property to a commercial enterprise. The original State Department of Environmental Regulation (DER) permit provided for the construction of a 38-slip transient use marina; however, the petitioner has requested an amendment to that permit to allow for privatization of those slips to be sold as individual units (condominium). Staff has recommended approval subject to the stipulation that any modification of the previously approved DER permit and conditions would require review by the City Council.

Councilman Sullivan asked why Council should consider this request prior to receipt of DER's comments. Dr. Staiger advised that the petitioner had requested the City address this request to provide them some degree of comfort that the Council would also approve the marina.

Mr. Kris Dane of Coastal Engineering Consultants, Inc., representing the petitioner, asked Council to consider amending the resolution to include a provision that if the dock was required to be shortened by 30 feet or permanent mooring was permitted by DER, then the Council would not have to revisit this item.

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Mayor Crawford asked staff to contact DER as to whether its position has changed relative to that agency's policy regarding transient and permanent mooring of boats.

Discussion then ensued relative to DER's requirements for the prevention of hazardous material spills and contamination. Natural Resources Manager Staiger explained that the DER would require a spill containment plan be submitted to them as well as the appropriate local agencies. Mr. Dane also noted that the dock master would be responsible for maintenance and upkeep of the equipment required to handle such spills.

Councilmen Muenzer and Sullivan said that they would prefer the City of Naples' Fire Department also inspect that equipment on a regular basis, as it now does for fire extinguishers. City Manager Jones suggested that an ordinance requiring such inspections could be drafted and extended to other marinas in the City of Naples.

MOTION: To APPROVE the resolution with an amendment to Section 1(4), at the end of the second sentence insert the following: "exception would be if the dock was shortened by 30-feet or if permanent mooring of vessels was allowed.

---ORDINANCE NO. 30-_____

ITEM 8

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

Title not read.

Anderson
Barnett
Herms
Muenzer
Passidomo
Sullivan
Crawford
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Councilman Herms asked that information relative to the anchoring and cabling of the buoys be provided prior to second reading on December 13, 1990.

MOTION: To CONTINUE this item as requested by staff until December 13, 1990, regular meeting.

---ORDINANCE NO. 90-_____

ITEM 3

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 not read.

Mayor Crawford advised that staff has requested a continuance of this matter until December 13, 1990, to provide additional time to respond to several of Council's concerns relative to the proposed rate increase.

MOTION: To CONTINUE this item as requested by staff until December 13, 1990, regular meeting.

Councilman Herms expressed concern that the City could possibly endanger its bond rating and continually lose revenues if this item was continued for much longer.

City Manager Jones, however, assured Council that if a rate increase was warranted and approved by Council, it could be in place prior to January 1, 1991, as previously indicated.

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

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Anderson
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---ORDINANCE NO. 90-6245

ITEM 10

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

---RESOLUTION NO. 90-6246

A RESOLUTION VACATING AND ABANDONING THE EASTERLY 266.67 FEET OF A TWENTY FOOT WIDE EAST-WEST ALLEY LOCATED WEST OF, AND PERPENDICULAR TO, TENTH STREET SOUTH, BETWEEN NINTH AND TENTH AVENUES; AND PROVIDING AN EFFECTIVE DATE.

Titles read by City Manager Jones.

PUBLIC HEARING: Opened: 11:20 a.m.
Closed: 11:20 a.m.

No one present from the general public to speak for or against.

Chief Planner Cole explained that the petitioner has submitted information previously requested by Council at first reading which has also been incorporated into the ordinance submitted for Council approval.

Attorney Pam MacKie of Cummings and Lockwood, representing the petitioner, pointed out that the notation on the site plan of parking spaces provided and required was inaccurate, it should

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indicate that 174 spaces have been provided and 163 are required.

Ms. Mac'Kie further asked Council's favorable consideration relative to the provision for public slips. If the petitioner is unable to obtain five "tie-up" slips for patron use by the State Department of Environmental Regulation (DER), then the petitioner has agreed to provide two boat slips in the marina to be designated by the dock master. In response to Councilman Anderson, Ms. Mac'Kie advised that the petitioner would commit to provide those two, or five, slips even if the proposed dock was shortened 30 feet during the DER review process.

Referring to Councilman Muenzer's request of a complete list of dock master duties, Ms. Mac'Kie pointed out that the petitioner was not far enough along in the process to identify a job description for the dock master. Mr. Kris Dane of Coastal Engineering Consultants, Inc., representing the petitioner, pointed out that the dock master would be responsible for management of transient traffic at the facility as well as assignment of parking for visitors.

Discussion then ensued as to whether the dock master would be on-site during normal operating hours of the facility. Ms. Mac'Kie advised she would commit that the petitioner would provide a person, either dock master or security, during normal operating hours for the purpose of security and use of patron only slips.

Regarding proposed language for limiting the PD (planned development) approval to three years, Ms. Mac'Kie strongly opposed such a restriction as she did not believe Council had discussed this issue in depth. Councilman Anderson, however, disagreed and pointed out that the Council has been considering such restrictions on PD approvals since July, 1990.

Mayor Crawford then pointed out that the petitioner was receiving considerable benefit from

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this PD approval because of the many non-conformities relative to setbacks for the existing building. The proposed park adjacent to the site, he continued, was one mitigating factor for this approval.

Councilman Passidomo suggested that the ordinance be amended to include the following under Section 1(1) of the ordinance: "Public Access Easement and Drainage Easement tendered by the petitioner would be forthwith executed and delivered to the City in escrow and released from escrow and recorded upon issuance of a certificate of occupancy. The City Attorney shall review the easement documents as to form and legality."

He further recommended that Section 1(2) of the ordinance be amended to include the following language after the last sentence: "such covenants and restrictions shall run in favor of the City and the City shall have enforcement rights, and the document cannot be unilaterally modified or revoked without City Council approval."

Referring then to the petitioner's proposal to provide a park on City property at Tenth Avenue South, Councilman Passidomo suggested that the City receive a sum certain and place it in escrow to ensure that the park would be built. In addition, he said, the City should have design rights for such a project.

After considerable discussion relative to the costs associated with such park improvements, Councilman Anderson asked what would be included in the park design. Ms. Mac'Kie advised that the park would be designed and constructed in accordance with the site plan displayed at these proceedings. In response to Mrs. Anderson, Ms. Mac'Kie further advised that a sprinkler system would be provided by the petitioner eventhough it was not represented on the site plan. She said that her client believed the City would receive "more for its money" if it would allow the developer to construct the park. The petitioner does not intend to expend any more than \$35,000

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for the entire improvements to the City site, she said.

Councilman Sullivan pointed out that this was not the forum to discuss a park and/or its design. The City has a Parks and Recreation Advisory Board which should have the opportunity to review these plans and comment. Mayor Crawford, however, pointed out that the petitioner was expecting consideration of their request at this meeting and there would be no opportunity for that Board to review the proposed park design.

It was the consensus of Council that the petitioner, his representatives, and City staff would meet during the break to discuss design of the park and what the petitioner was willing to provide in order to come to some terms relative to the proposed park.

RECESS: 10:30 UNTIL 11:10 A.M.

City Manager Jones reported that the City had estimated to spend approximately \$100,000 for improvements to the proposed park area, that amount included a cantilevered deck extending over Naples Bay. The petitioner, however, only intended to provide right-of-way landscaping, mulch boardwalk through the site, and other miscellaneous improvements estimated to be \$32,000.

Ms. MacKie then distributed a site plan analysis for the proposed pocket park to be constructed (Attachment #2) for Council's edification. She then committed that her client would provide the items on that list including an automatic irrigation system at whatever cost it may take to construct. However, if the petitioner was asked to submit a check for such improvements, she continued, then the amount of the check would be limited to \$33,000.

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designations would be reviewed and developed in accordance with the Central Core Study findings.

Discussion then ensued relative to Exhibit "1-30-CFA2", page 2, of the packet material regarding water management requirements. Councilman Herms asked for clarification of Section 3.2.2.2.a.2, dry detention. Community Development Director McKim advised that while her department does make recommendations for approval of such requirements within development and land use applications. However, during the departmental review process, those departments which are more knowledgeable of the technical aspect of such requirements (in this case Engineering and Utilities) would be responsible for making recommendations relative to such requirements.

Councilman Herms further asked that staff provide clarification relative to drainage and flood protection as proposed on page 1 of the foregoing Exhibit under Section 3.2.1.3.

Mrs. Sue R. Smith of 13 11th Avenue South said that she was confused relative to the application of mixed use designations. She asked if such an application could be used in residential neighborhoods such as Old Naples. Community Development Director McKim explained that there were three areas outlined in the Comprehensive Plan which allows for the use of limited commercial in multi-family zoned areas, Old Naples was not included in those areas. Mrs. McKim further advised that staff has only encouraged mixed use applications within commercial developments as an attempt to reduce its density. The only areas now designated for mixed use application, she continued, are those properties located in the waterfront district.

In response to Councilman Herms, Community Development Director McKim advised that those properties in the mixed use district were properly notified during the original Comprehensive Plan hearing process.

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LUNCH BREAK: 12:30 P.M. UNTIL 1:30 P.M.

DISCUSSION/REVIEW/COMMENT

ITEM 13

ANNUAL COMPREHENSIVE PLAN REVIEW
(WINDSTAR).

Chief Planner Cole explained that the property owner, Windstar, has some objections to the staff initiated Comprehensive Plan amendment. The developer has requested a small band of land adjacent to the proposed low density residential be designated as Conservation - Limited Development; however, staff has requested it be designated Conservation - Vital instead. The State Department of Environmental Regulation (DER) has expressed some concern that this transitional area is used as a corridor by small animals at night, and if disturbed, it could jeopardize that habitat.

Natural Resources Manager Staiger concurred with the foregoing and added that if the band was disturbed, the mangroves could not migrate upland as sea level rises. DER understood this site has been disturbed, he continued, but further believed it did serve a useful purpose as a wildlife corridor.

Attorney J. Dudley Goodlette of Cummings and Lockwood, representing the property owner, said that his client supported the staff's recommendations relative to low density residential for the uplands; however, it could not support the designation of Conservation - Vital adjacent to the proposed residential zoning. He said that he believed that zoning designation should be Conservation - Limited Development.

Councilman Muenzer asked for clarification relative to white and black mangroves and where that vegetation appeared on the property. Dr.

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Staiger advised that the white mangroves were farthest inland, with black mangroves in the middle, and red mangroves offshore. This particular property, he continued, contains mostly white mangroves in the currently designated Conservation - Vital area.

Natural Resources Manager Staiger pointed out that the Conservation - Limited Development category provided for some conditional uses which could be developed in that band or corridor of property, such as: marinas, lighted tennis courts, hiking paths, boardwalks, nature trails, and similar uses.

Community Development Director McKim added that the property owner has asked for approximately 26 residential units to be placed in the low density residential portion of the property. In return for that density, she explained, staff has suggested the band or corridor surrounding this residential property be designated Conservation - Vital to prevent further development in that area. The Comprehensive Plan currently provides for only two units per acre to be constructed which would equate to less than 26.

City Attorney Rynders advised that he had not yet reviewed the proposed designation of Conservation - Limited Development and its ramifications. He suggested that he could meet with staff and Attorney Goodlette to discuss the matter further prior to Council's consideration at second reading, December 12, 1990.

DISCUSSION/REVIEW/COMMENT

ITEM 14

REQUEST TO AMEND THE COMPREHENSIVE PLAN
LAND USE DESIGNATION AND RELATED TEXT
FROM LOW DENSITY RESIDENTIAL TO MEDIUM
DENSITY RESIDENTIAL TO ALLOW A MORE
INNOVATIVE PLACEMENT OF HISTORIC
DWELLINGS PROPOSED TO BE RELOCATED.

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Community Development Director McKim advised that this Comprehensive Plan amendment has been changed to allow for the rezoning of property from Public Service, "PS", to low density residential. The original request was to provide for medium density residential for the placement of historic homes scheduled to be razed.

Discussion then ensued relative to the configuration of the property and its total square footage. Councilman Herms asked for clarification relative to the number of lots which could be allowed from the existing configuration. He further expressed concern that the property owner would not be able to meet the City's requirements relative to lot size. Mrs. McKim, however, respectfully noted that the Comprehensive Plan did not address such issues, it merely was the mechanism by which to identify the zoning designation for these properties. The Comprehensive Development Code was the vehicle by which lot size would be addressed and if the property owner could not conform to the lot size requirements, then no building permit could be issued for the property.

Mrs. Sue B. Smith of 13 11th Avenue South said that she represented the property owners from that area, and further that she believed the proposed amendment was not in keeping with the ambience of the neighborhood and would be too intense. The Third Street South area has already experienced problems associated with parking and maintaining its quality of life, she said.

DISCUSSION/COMMENT/REVIEW

ITEM 15

REQUEST TO AMEND THE COMPREHENSIVE PLAN
LAND USE DESIGNATION AND RELATED TEXT
FROM HIGHWAY COMMERCIAL (250 FEET OF
DEPTH FROM U.S. 41) AND MEDIUM DENSITY
RESIDENTIAL TO HIGHWAY COMMERCIAL (WITH
A DEPTH FROM U.S. 41 RANGING FROM 383
FEET TO 663 FEET WITH THE REMAINING

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ACREAGE DESIGNATED PUBLIC, SEMI-PUBLIC,
INSTITUTIONAL).

Community Development Director McKim advised that the foregoing Comprehensive Plan amendment was in accordance with a previously approved Development Agreement.

Mr. Wayne Barwise of Cooper Development, Inc., partial owner of the Troy property, thanked staff for their cooperation and professionalism during this very long process.

DISCUSSION/REVIEW/COMMENT

ITEM 16

REQUEST TO AMEND THE COMPREHENSIVE PLAN LAND USE DESIGNATION AND RELATED TEXT TO INCORPORATE LANDS TO BE VOLUNTARILY ANNEXED WHICH ARE ADJACENT TO THE COMMONS OFFICE PARK ON GOODLETTE-FRANK ROAD. IT IS BEING REQUESTED THAT THE SUBJECT PROPERTY (APPROXIMATELY FIVE ACRES) BE DESIGNATED LIMITED COMMERCIAL WITH APPROPRIATE CONSERVATION EASEMENTS.

There was no discussion by Council relative to this item.

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

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

---ORDINANCE NO. 30----

ITEM 17

AN ORDINANCE AMENDING SECTION 23-13(a) OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO PROVIDE FOR AN INCREASE IN METER RATES FOR BEACH PARKING METERS.

Title read by City Attorney Rynders.

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City Manager Jones explained that during discussions with Collier County relative to their portion of the beach sticker and maintenance program, the County had expressed some concern over their required contribution. Staff, therefore, has reviewed the feasibility of increasing meter rates, and now recommends an increase of 25 cents per hour.

Councilman Muenzer said that he believed the parking violators were making a mockery of the system and should be required to pay their outstanding fines. He asked staff to provide a compilation relative to the collection of such fines in June for Council's review.

In response to Councilman Sullivan, City Manager Jones advised that in the past, the City was required to pay by the minute for information it obtained via modem from the Bureau of Motor Vehicles relative to the names and addresses of certain tag numbers. However, since that time, the State of Florida has required the Bureau of Motor Vehicles to provide such information to governmental agencies free-of-charge.

Councilman Sullivan suggested that the signage relative to the fine amount should be clear and posted on the meters.

Councilman Anderson asked how long it would be before the City could realize revenue through the collection of unpaid fines. Assistant City Manager Wiltsie advised that the collection agency would begin immediately and would also be entitled to half the amount collected; however, the City would still receive the full amount for the violation in accordance with Code. If a fine has remain unpaid and must be "collected", then it can be doubled, he pointed out.

Councilman Herms asked what was the norm relative to other cities and their collection efforts. Assistant City Manager Wiltsie explained that it varied depending upon the type of fines collected. The City of Naples is unique, he said, inasmuch as

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those who violate the parking meters are from out-of-town and not residents of Collier County.

Councilman Anderson said she believed more stringent methods of collection should be implemented to insure that the City could achieve 100% collection of these fines. She said that she was a proponent of using a flagging or boot system, whereby an officer must be called to remove the device and then collect the fine.

Councilman Passidomo said that he believed the City should explore other alternatives of revenue sources and remove the meters completely.

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

Councilman Herms said that he hoped the City would become very efficient in its collection efforts so that funds could be set aside for future beach renourishment projects.

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

---RESOLUTION NO. 90-6247

ITEM 18

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A FRANCHISE AGREEMENT BETWEEN THE CITY OF NAPLES AND NAPLES WATER TAXI, DIVISION OF KLM INTERNATIONAL, INC., FOR THE OPERATION OF WATER TAXIS IN THE CITY OF NAPLES; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Assistant City Manager Wiltsie advised that the petitioner had previously discussed the proposed water taxi franchise with Council in July, 1990. Council at that time required the petitioner to notify all the waterfront property owner associations in an effort to solicit a response

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

X

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relative to such activity in Naples and Moorings Bays.

Mr. Locke Galbraith, president of the Park Shore Property Owners Association, advised that his group had great reservations relative to the proposed franchise. He said that they did not believe the use was appropriate in their residential neighborhood and would, in fact, promote noise and other nuisances not compatible with the community.

Petitioner Kenneth Matthews, president of KLM International, Inc., advised that his water taxi would add to the ambience of Naples Bay and would not detract from the value of waterfront property. Referring then to the proposed franchise agreement, Mr. Matthews asked that the following be amended: clarification of Section 15 regarding submission of letters from private property owners allowing the water taxi to access their slips; Section 17, permission to allow consumption, but not sale, of alcoholic beverages; and Section 20, provide for the review of the agreement, not termination after a one year period. Mr. Matthews further asked that reduction of the proposed \$1-million insurance coverage be considered.

In response to Councilman Barnett, Assistant City Manager Wiltsie advised that the City would be named additional insured, and he believed that the additional liability was therefore warranted. Currently, charter boats are required to only provide \$300,000 liability insurance, but the City is not named as additional insured. City Attorney Rynders advised that he would be comfortable with the petitioner providing \$300,000 insurance. The City's exposure would not be more than that amount in the event of an accident, he said.

Discussion then ensued relative to the prohibition of this franchise in Moorings and Venetian Bays. Mr. Matthews said that he could agree to such prohibition only if it could be reconsidered during the review process at the end of one year.

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Mrs. Sue B. Smith of 15 11th Avenue South said that her associations, Old Naples Preservation Society and Third Street South Property Owners Association, did not receive notice of this request. Mrs. Smith expressed concern that this proposed use would place additional parking problems on her neighborhood.

MOTION: To APPROVE the resolution with the following amendments to the Franchise Agreement: Section 1, operate Naples Bay only; Section 13, "letters from private 'commercial' property owners"; and Section 20, review of Agreement in May, 1992.

Councilman Passidomo said that he could not support this request inasmuch as it represented commercial encroachment into residential neighborhoods.

---RESOLUTION NO. 90-6248

ITEM 13

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A TEN FOOT EASEMENT TO FLORIDA POWER & LIGHT COMPANY ACROSS AIRPORT PROPERTY; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

There was no discussion either for or against by Council.

MOTION: To APPROVE the resolution as presented.

---RESOLUTION NO. 90-6249

ITEM 20

A RESOLUTION EXTENDING A CONDITIONAL USE PERMIT TO ALLOW CONSTRUCTION OF A 25,800 SQUARE FOOT ADDITION TO THE EXISTING PUBLIC LIBRARY AT 650 CENTRAL AVENUE,

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

X

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X

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X

X

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

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TOGETHER WITH ASSOCIATED PARKING,
LOADING AND LANDSCAPING, SUBJECT TO THE
CONDITIONS AS SET FORTH IN RESOLUTION
NO. 89-3934; AND PROVIDING AN EFFECTIVE
DATE.

Title read by City Attorney Rynders.

There was no discussion either for or against by
Council.

MOION: To APPROVE the resolution as presented.

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

X

X

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CORRESPONDENCE AND COMMUNICATIONS:

Mayor Crawford asked that staff not place
anticipated times for consideration of items on
the City Council agendas.

Councilman Muenzer asked that the City Manager
contact members of the Mayor's Blue Ribbon
Committee established to review salary and
benefits of City Council and advise that it was
time for them to meet and review the
forementioned benefits.

It was the consensus of Council that the City
Manager should contact the members of the newly
appointed Mini-Grace committee to set up a
mutually agreeable time to meet, possibly after
the first of the new year.

ADJOURN: 4:13 p.m.

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

Janet Eason
Janet Eason
City Clerk

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Jodie O'Driscoll
Recording Secretary

These minutes of the Naples City Council were
approved on January 2, 1991.

SUPPLEMENTAL ATTENDANCE LIST

W.W. Haardt
Robert Rier
Lee Layne
Nick Turner
Herb Anderson
Pam Mac'Kie

Egon Hill
J. Dudley Goodlette
Ann Colabrese
C.A. Reinbolt
Kris Dane
Gilbert Weil

Sue B. Smith
Toivo Tammerk
Bob Galloway
Dick Sykes
Tom Brousseau

Other interested citizens and visitors.

NEWS MEDIA

Jerry Pugh, Palmer TV-10
Wendy Fullerton, News-Press
Tonya Vinas, News-Press
Traci Griffith, WNOG

Item 10
ATTACHMENT #2

II. POCKET PARK - SITE WORK

Item No.	Description	Quantity	Unit	Unit Price	Total
1.	Remove existing asphalt pavement	320	SY	L.S.	\$ 375.00
2.	12" stabilized subgrade	520	SY	\$ 2.75	\$1,170.00
3.	8" limerock base	460	SY	\$ 5.00	\$2,300.00
4.	1-1/2" asphaltic concrete Type S-1	420	SY	\$ 4.25	\$1,785.00
5.	Concrete promenade w/ bomanite finish and railing	1,000	SF	\$ 5.25	\$5,250.00
6.	6" vertical curb	60	LF	\$ 8.00	\$ 480.00
7.	8' concrete sidewalk	640	SF	\$ 2.50	\$1,600.00
8.	Park benches	6	Ea.	\$400.00	\$2,400.00
9.	Bicycle racks	2	Ea.	\$375.00	\$ 750.00
10.	Signing and striping	1	L.S.	L.S.	\$ 350.00
11.	Landscaping*				
	a. St. Augustine sod	5,500	SF	\$ 0.25	\$1,375.00
	b. coconut palms	9	Ea.	\$1,000.00	\$9,000.00
	c. mulch	550	SF	\$0.30	\$ 165.00
	SUBTOTAL				\$27,000.00
	15% Contingency				<u>\$4,050.00</u>
	TOTAL				<u>\$31,050.00</u>

* In-place cost

BAF\90110CON.EST

+ automated irrigation system.

(5)

Dockmaster Duties regarding Patron Slips

In order to afford access by boat for patrons of the project, the Dockmaster's responsibilities shall include the following:

- Identify slips that are to remain unoccupied for 24 hours or more with signage indicating that the slip is "AVAILABLE FOR PATRON USE" for mooring of boats for a maximum 3-hour time period while patronizing the adjacent restaurants and retail shops.
- Monitor and control the use of the patron slips in a manner to protect the public health, safety and welfare, and to protect and preserve the integrity and safety of the restaurants and retail shops. *At this Shopper Center area.*
- Maintain at all times a minimum of two (2) slips available for temporary use by patrons of the restaurants and retail shops.

Schedule dates

- *allways* Create and manage the Ferry Out station, ~~in the area~~
- Be responsible for proper maintenance and condition of materials for Anti Spill or Pollution control.
- Monitor and control all agreements concerning Engine - Boat repair and maintenance
- Be responsible to enforce the non Line a boat agreements.

d:psmdock