



City Council Minutes

Regular Meeting 12/19/90

City of Naples

City Council Chambers
735 Eighth Street South
Naples, Florida 33940

-SUBJECT-	ORD. NO.	RES. NO.	PAGE
ANNOUNCEMENTS:			
Mayor Crawford read a proclamation honoring the Junior Pee Wee Gators Cheerleaders. He also noted a special workshop would be held on January 16, 1991, relative to the spatial perception ordinance.			2
Councilman Barnett asked the citizens to ignore propaganda from unknown persons alleging that the City would retroactively charge customers for revenue lost from zero consumption meters.			2
City Manager Jones: None.			2
APPROVAL OF MINUTES: October 15, 1990, Workshop October 17, 1990, Special November 21, 1990, Regular			2
PURCHASING			
-AWARD one utility vehicle for the Fire Department.		90-6257	3
-TABLE award of two 2 1/2 ton trucks with trash cranes, Utilities		90-_____	3
-FAILED award for two investigative vehicles, Police Dept.		90-_____	4
RESOLUTIONS			
-APPROVE conditional use petition for radio broadcast studio, 3337 Ninth Street North.		90-6261	13
-APPROVE conditional use petition for 2,250 s.f. addition, First Church of Christ Scientist.		90-6262	14
-APPROVE variance petition for 2'4" encroachment, First Church of Christ Scientist.		90-6263	14
-APPROVE appointment of Kim Anderson to the TDC.		90-6264	21
-APPROVE contract for Naples Bay Waterfront Study.		90-6265	21
-APPROVE changing street name to Rachel Lane.		90-6266	22
-APPROVE execution of Joint Stipulation, Agreement, and Final Motion for Power Corporation.		90-6267	22
ORDINANCES - First Reading			
-APPROVE planned development, River Point Drive and U.S. 41.	90-_____		15
-APPROVE rezone to R1-7.5, Harry Cunningham.	90-_____		16
-TABLE bond ordinance for improvements to the City Dock.	90-_____		18
-APPROVE bond ordinance relating to dredging projects.	90-_____		19
-APPROVE waiving fee for home child care services.	90-_____		20
ORDINANCES - Second Reading			
-ADOPT idle speed/no wake zone adjacent to beach.	90-6258		6
-ADOPT water and sewer rate increase.	90-6259		7
-ADOPT increase in beach parking meter rates.	90-6260		12

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CITY COUNCIL MINUTES

Time 9:00 a.m.

Date December 19, 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

David W. Rynders,
City Attorney

Mark W. Wiltsie,
Asst. City Manager

Rand-Scott Coggan,
Fire Chief

Sheldon Reed,
Fire Marshal

Mary Kay McShane,
Personnel Director

Stewart K. Unangst,
Purchasing Agent

Chuck Thomas,
Asst. Utilities Dir.

Sandy Exum,
Secretary

Jodie O'Driscoll,
Recording Secretary

Ann (Missy) McKim,
Community Dev. Director

John Cole,
Chief Planner

Jon C. Staiger, Ph.D.,
Natural Resources Mgr.

Paul C. Reble,
Police Chief

John Reble,
Fire Lieutenant

Kevin Ramboek,
Police Captain

James L. Chaffee,
Utilities Director

Gerald L. Gronvold,
City Engineer

Debbie Harris,
Secretary

George Henderson,
Sergeant-At-Arms

See Supplemental Attendance List - Attachment #1.

INVOCATION

ITEM 1

Reverend Bruce Scott
First Presbyterian Church

City Council Minutes

Date 20 Dec 1999 15 13 19

[illegible]

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

A RESOLUTION AUTHORIZING THE PURCHASE OF ONE (1) UTILITY VEHICLE FOR THE FIRE DEPARTMENT UNDER THE FLORIDA STATE-NEGOTIATED CONTRACT; WAIVING THE REQUIREMENT FOR COMPETITIVE BIDDING THEREON; 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, excluding Items 3-a and 3-b.

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

---RESOLUTION NO. 30----

Item 3-a

A RESOLUTION AWARDDING CITY BID #31-30 FOR TWO (2) TWO AND ONE-HALF TON TRUCKS WITH TRASH CRANES AND DUMP BODIES; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Councilman Herms expressed concern that this purchase would not only increase the current fleet by one vehicle, but would replace an 1982 Ford truck with approximately 25,000 miles. He asked for clarification relative to the condition and exact odometer reading of this vehicle.

Utilities Director Charfee explained that this truck would be kept in the fleet for special collection, such as was required for furniture and larger discarded items. This type of collection, he explained, was not required on a continual basis, but just as requested by the public.

In response to Councilman Herms, Mr. Charfee advised that staff was able to meet its pick-up

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requests, but with great difficulty since crews must now take all horticultural clippings to the County landfill.

Councilman Herms then asked staff to provide the following: odometer reading for the 1952 Ford truck; use of the vehicle, once replaced; maintenance report for the vehicle; and number of days it would be used per week. Utilities Director Chaffee advised that he would have to provide the foregoing information to Council at a later date as he did not know the answers at the present time. He pointed out, however, that many of the engine miles would not be recorded on the odometer as these trucks often sit for several hours idling at the landfill.

Councilman Passidomo asked if Mr. Herms had contacted staff relative to his concerns. Mr. Herms replied negatively and noted that he would be willing to approve one of the vehicles, but wanted to obtain answers to the aforementioned questions prior to approving the purchase of the second vehicle.

MOTION: To TABLE this item until the Council's next meeting, January 2, 1951.

---RESOLUTION NO. 90-_____

Item 5-b

A RESOLUTION AUTHORIZING THE PURCHASE OF TWO (2) INVESTIGATIVE VEHICLES FOR THE POLICE DEPARTMENT UNDER THE FLORIDA STATE-NEGOTIATED CONTRACT; WAIVING THE REQUIREMENT FOR COMPETITIVE BIDDING THEREON; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Councilman Herms asked what was the present mileage on the vehicles to be replaced and their maintenance records. Police Chief Reble advised

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

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that the vehicles had in excess of 30,000 pursuit miles. In fact, he continued, one vehicle has just recently been damaged in an accident.

Councilman Herms further asked what use these vehicles would be considered for after they were taken out-of-service from the Police Department. City Manager Jones explained that the normal procedure was to notify all the various departments that these vehicles would be available for further use to determine whether a need existed.

Referring to the proposed acquisition, Councilman Herms said that he would support such a purchase, but only in the event Council review the possibility of implementing a "motor pool."

MOTION: To APPROVE the resolution as presented.

During vote, Councilman Anderson said that she could not support this purchase at this time, because the results of the City's Vehicle Utilization Committee had not yet been reviewed by Council. There may be a change in the administrative use of City vehicles, she said, which could eliminate the need for this purchase.

Councilman Herms said that he would support the purchase as he believed criminal inspectors required good quality vehicles. He further noted that a workshop by Council on the matter was needed.

Councilman Passidomo voted yes, but asked that in the future, staff provide accurate odometer readings, manufacturer's estimated useful term of life, and maintenance records.

Councilman Sullivan concurred with Mrs. Anderson and Mr. Muenzer and voted no on this purchase. He said that he believed it was premature to purchase these vehicles when it was conceivable that two low mileage administrative vehicles could be utilized in this area.

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		
Herms					X
Muenzer		X			X
Passidomo			X		
Sullivan					X
Crawford			X		
(3-4)					
FAILED					

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COUNCIL
MEMBERSM
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VOTE

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Mayor Crawford said that he trusted Police Chief Reble to make the right decision as to whether or not this purchase was necessary prior to Council's decision relative to the use of administrative vehicles, therefore, he would vote yes.

Councilman Herms advised that he had decided to change his vote, and would now vote no on the matter at hand.

This resolution failed by a vote of (3-4).

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

---ORDINANCE NO. 90-6238

ITEM 6

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

Title read by City Attorney Rynders.

PUBLIC HEARING: Opened: 9:47 a.m.
Closed: 9:51 a.m.

Assistant City Manager Wiltsie advised that Council had previously tabled the second reading of this ordinance until further information could be obtained relative to the anchoring techniques for buoys. There are two issues which must be decided, Mr. Wiltsie continued, first, as to whether this zone should be designated idle speed/no wake, and secondly, the type of markers to be used.

In response to Councilman Herms, Mr. Wiltsie advised that the buoy manufacturer recommends the use of 1/2 inch cable or polyethylene rope to secure the buoys. Staff has suggested that in addition to the polyethylene rope, stainless steel

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			Y E S	N O	
Anderson			X		
Barnett		X	X		
Herns			X		
Muenzer			X		
Passidomo			X		
Sullivan	X		X		
Crawford			X		
(7-0)					

cable and connections also be used. Mr. Wiltsie further advised that a 400 pound weight would equate to approximately 145 pounds underwater weight. Staff has also requested Council approve the expenditure of approximately \$683 for the placement of two buoys.

Mr. Ron Pennington, President of the Moorings Property Owner's Association, spoke in support of the ordinance and placement of wooden pilings to mark the restricted zone.

Mayor Crawford suggested that Council spend an additional \$900 for three more buoys in order to provide a better test for the buoys to determine if they would, in fact, work. It was the consensus of Council to direct staff to purchase five buoys to test such a procedure for marking the restricted idle speed/no wake zone.

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

---ORDINANCE NO. 50-6253

ITEM 7

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.

PUBLIC HEARING: Opened: 10:20 a.m.
Closed: 11:05 a.m.

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			Y E S	N O	

City Manager Jones reviewed previous discussions concerning this matter, and further advised that he recommended Council approve a one year rate in order to evaluate revenue generated from replacement of zero consumption meters. If the City recognized excess revenue during that period, then it could approve a decrease in the water and sewer rates during its next review.

Mr. Jones further advised that the replacement of zero consumption water meters was proceeding exceedingly well and should be completed by the end of January, 1991. This includes all meters which have recorded at least twice in the billing system as zero consumption. The additional revenue received from the replaced meters, he continued, would help offset the cost of additional personnel required in the meter replacement program.

Referring to use of a conservation rate, City Manager Jones advised that such a rate could be further explored and possibly implemented when Council reviews the funds received by this proposed rate increase.

City Attorney Mynders then distributed a letter (Attachment #3) from Mr. Ron Wood, the City's auditor, advising of the City's financial condition as it relates to the water and sewer bond covenants.

Attorney Jack McWilliams, the City's bond counsel, advised that he has also reviewed the bond covenants and concurred with the auditor's findings. The bond covenants, he continued, have been complied with and the reserve account has been maintained at the required level as stipulated by the bond documents.

Mr. McWilliams further advised that there has been idle conversation regarding a possible covenant breach which he said he believed could affect the City's overall bond rating. Currently, the City enjoys a triple "A" rating, he noted. Councilman Passidomo asked Mr. McWilliams to provide the City

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			Y E S	N O	

mailings proposed to be mailed with the bills. Mr. Pennington suggested that the City return to the postcard mailings as well as review the feasibility of placing a one-page ad in the newspaper periodically advising its citizens of any required correspondence.

Mr. Richard H. Miller of 617 Binnacle Drive was called upon but did not speak.

Mr. Ed McMahon of 611 13th Avenue South suggested the City review the feasibility of a one-time surcharge on its users to fund current expenditures and allow the revenues received from the replaced zero consumption meters to pay for future expenses.

City Manager Jones, however, advised that the proposed water and sewer rates were adjusted to meet the expense of commodities, personnel, billing, etc. A one-time surcharge on the users would not appropriately address the City's needs.

Mrs. Sue A. Smith of 13 11th Avenue South asked for clarification as to who Mr. Jack McWilliams was and his affiliation with the City. City Attorney Rynders advised that he was the City's bond counsel and was responsible for reviewing bond issues and providing an opinion as to the legality of such issues.

Mr. John Anson Smith of 13 11th Avenue South asked what volume of the water and sewer service was used by residential and commercial customers. City Manager Jones estimated that approximately 75% of the City's water was delivered to residential accounts and 25% to commercial.

Mr. Jim McGrath, former City Councilman, spoke in opposition to the new mailing process for utility bills. He said that he believed it cost the citizens more money and was inefficient.

Mrs. F. Hearst of Los Angeles, California, advised that her father was a resident of the City on a fixed income. She urged the City Council to

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			Y E S	N O	

reconsider imposing the proposed water and sewer rates until such time as staff and Council could review and determine an actual need for the increase. She suggested a 90-day continuance of the matter would suffice.

RECESS: 11:05 A.M. UNTIL 11:20 A.M.

Councilman Passidomo said that he believed the Council had the obligation to set a financially responsible rate for water and sewer service, implement a program to replace all malfunctioning meters, address the issue of conservation rates and review of the water and sewer system, and restore the public's confidence in City government.

Councilman Herms said that he did not believe he could support an 15% increase in the rates because of the revenues which would be received from the replaced zero consumption meters. He said that he believed such revenue would more than compensate for the proposed expenditures.

Councilman Muenzer then made the following motion:

MOTION: To ADOPT a rate increase of 15% for one year subject to a monthly financial review which would begin in March, 1991. A service review and number of meters in operation and replaced, including large compound meters, shall begin in February, 1991. In November, 1991, the City Council shall again review the rates with the possibility of approving a decrease, in the event revenues from the zero consumption meters have resulted in a considerable profit.

Councilman Herms seconded the foregoing motion.

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			Y E S	N O	
Anderson					
Barnett			X		
Herms			X		
Muenzer			X		
Passidomo		X	X		
Sullivan	X		X		
Crawford			X		
(7-0)					

City Manager Jones, however, pointed out that a percentage increase would be difficult to implement. The proposed rates in the ordinance have been evaluated against actual expenses and revenue expected to be received and costs of operating the system throughout the entire year, he said. Mr. Jones cautioned the Council that the proposed rates have been developed based on recovering the cost of this operation. Mayor Crawford said that he would support the proposed rates in the ordinance to ensure that the City has sufficient revenue as required by its bond covenants.

After a brief discussion, Councilman Muenzer withdrew his motion.

Councilman Sullivan said that he agreed with the proposed rates for a one-year time period only. After that period, if additional revenues have been realized from the water meter replacement program, then Council could consider a decrease in the rates.

MOTION: To ADOPT the ordinance as presented at second reading with the directive that a quarterly review of the financial status and maintenance of this enterprise operation shall be conducted, and the findings of which shall then be reported to Council in a timely manner.

LUNCH BREAK: 12:00 NOON UNTIL 1:00 P.M.

---ORDINANCE NO. 90-6260

ITEM 9

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.

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			Y E S	N O	
Anderson					
Barnett	X	X	X		
Herms			X		
Muenzer			X		
Passidomo					X
Sullivan			X		
Crawford			X		
(6-0)					

Title read by City Attorney Rynders.

PUBLIC HEARING: Opened: 1:05 p.m.
Closed: 1:05 p.m.

No one present to speak for or against.

Councilman Herms supported previous comments made by Councilman Anderson that a more aggressive collection method should be implemented to collect past due fines.

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

*** *** ***

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

---RESOLUTION NO. 90-6261

ITEM 3

A RESOLUTION GRANTING CONDITIONAL USE PETITION 90-CU17 TO ALLOW FOR A RADIO BROADCAST STUDIO IN THE HIGHWAY COMMERCIAL ZONING DISTRICT AT 3337 NINTH STREET NORTH; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Community Development Director McKim advised that this use was permitted only by conditional use approval in the highway commercial district. Both staff and the Planning Advisory Board (PAB) have recommended approval of the petition.

In response to Councilman Sullivan, Mrs. McKim said she believed this use should continue as a conditional use because of the varying degrees of broadcast studios. This proposal provides that there will be no live disc jockeys on-site and, therefore, the intensity of use has been decreased.

Councilman Herms asked what would occur if the broadcast studio changed its format and had live

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			Y E S	N O	
Anderson			X		
Barnett			X		
Hermes		X	X		
Muenzer	X		X		
Passidomo					X
Sullivan			X		
Crawford			X		
(6-0)					

disc jockeys. City Attorney Rynders advised that the petitioner could not do that without first obtaining an amendment to his conditional use approval.

MOTION: To APPROVE the resolution as presented.

---RESOLUTION NO. 90-6262

ITEM 10

A RESOLUTION GRANTING CONDITIONAL USE PETITION 90-CU18 TO ALLOW FOR A 2,250 SQUARE FOOT ADDITION TO THE FIRST CHURCH OF CHRIST SCIENTIST, LOCATED IN PUBLIC SERVICE ZONING AT 649 CENTRAL AVENUE; AND PROVIDING AN EFFECTIVE DATE.

---RESOLUTION NO. 90-6263

ITEM 10

A RESOLUTION GRANTING VARIANCE PETITION 90-V12 FROM THE PROVISIONS OF SECTION 7-4-23(F) OF THE COMPREHENSIVE DEVELOPMENT CODE WHICH REQUIRES A FRONT YARD SETBACK THE SAME AS THE MOST RESTRICTIVE ADJACENT ZONE, BUT NOT LESS THAN 20 FEET, IN THE PUBLIC SERVICE ZONING DISTRICT, IN ORDER TO PERMIT AN ADDITION TO THE FIRST CHURCH OF CHRIST SCIENTIST, 649 CENTRAL AVENUE, WHICH WILL ENCRDACH 2'4" INTO THE 23 FOOT SETBACK REQUIRED BY THE ADJACENT ZONING DISTRICT; AND PROVIDING AN EFFECTIVE DATE.

Titles read by City Attorney Rynders.

Community Development Director McKim advised that the proposed petition was to allow for an expansion of the existing Church facility for a restroom, office area, and foyer. Both the staff and Planning Advisory Board (PAB) have recommended approval subject to the installation of landscaping along the north parking lot boundary.

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Councilman Muenzer asked if the petitioner had contacted Naples Community Hospital (NCH) in an effort to cooperatively place landscaping. NCH has requested use of the area adjacent to this site on a short-term basis for parking. The required landscaping for the site, he continued, could be delayed until such time as NCH did not require that short-term parking.

City Attorney Rynders suggested that language could be added to Section 1 of the resolution indicating the landscaping would be installed within a reasonable time (six months) after the hospital has finished using the adjacent area for short-term parking.

Mrs. Janice McBride Ward of McWard Architects advised that the building overhang would encroach into the residential setback by 2 feet 4 inches. The proposed overhang was needed, she explained, to protect the glazed windows of the foyer.

Mayor Crawford asked if staff believed this approval could possibly set a precedent for future requests. Community Development Director McKim advised that staff believed this was a unique situation inasmuch as the site location was adjacent to public service and residential districts. (The Collier County Public Library is across the street from the Church.)

MOTION: To APPROVE the resolution with the foregoing amendment to Section 1 providing for a delay in the placement of landscaping.

---ORDINANCE NO. 30-_____

ITEM 11

AN ORDINANCE AMENDING A PLANNED DEVELOPMENT LOCATED AT THE SOUTHWEST CORNER OF RIVER POINT DRIVE AND U.S. 41, APPROVED BY ORDINANCE NO. 30-6109, PASSED BY THE CITY COUNCIL OF NAPLES, FLORIDA, ON MAY 2, 1930, FOR A 33-SLIP

11

COUNCIL MEMBERS	MOTION	SECTION	VOTE		ABSENT
			YES	NO	
Anderson					
Barnett			X		
Hermes			X		
Muenzer	X	X	X		
Passidomo			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	
<p>CONDOMINIUM MARINA AND CLUBHOUSE AMENITY, SUBJECT TO THE CONDITIONS SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO AMEND A PREVIOUSLY APPROVED PLANNED DEVELOPMENT TO CONFORM TO STATE DEPARTMENT OF ENVIRONMENTAL REGULATION REQUIREMENTS.</p> <p>Title read by City Attorney Rynders.</p> <p>Community Development Director McKim advised that this amendment was required since the State Department of Environmental Regulation (DER) allowed only 33 slips in order to improve flushing, Council previously approved 38 slips. The ordinance further provides that the 30-inch retaining wall would be included in this approval as well as in the original ordinance.</p> <p>In response to Councilman Muenzer, Mrs. McKim further advised that the original approval included possible vacation of the adjacent alleyway. However, the adjoining property owners have objected to said vacation, but supported use of the alleyway to accommodate "backing" into it from parking spaces adjacent to the public overlook. Councilman Muenzer asked it be clear in the record that the petitioner would be responsible for maintaining the alley adjacent to their property.</p> <p>Mr. Kris Dane of Coastal Engineering Consultants, Inc., representing the petitioner, advised that his client was prepared to maintain the alley if that was Council's desire.</p> <p>MOTION: To <u>APPROVE</u> the ordinance as presented at first reading.</p> <p>***</p> <p>---ORDINANCE NO. 90-____</p> <p>AN ORDINANCE REZONING PROPERTY LOCATED IN THE 600 BLOCK OF EIGHTH AVENUE SOUTH, MORE PARTICULARLY DESCRIBED HEREIN, FROM</p>	Anderson Barnett Herms Muenzer Passidomo Sullivan Crawford (6-0)	X	X	X X X X X X		X

ITEM 12

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

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

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

---ORDINANCE NO. 90-----

ITEM 13

AN ORDINANCE OF THE CITY OF NAPLES, FLORIDA, PROVIDING FOR THE ACQUISITION AND CONSTRUCTION OF CERTAIN IMPROVEMENTS TO THE CITY'S MUNICIPAL BOAT DOCK; AUTHORIZING THE EXECUTION AND DELIVERY OF A PROMISSORY NOTE TO LRI FINANCIAL CORPORATION IN THE AMOUNT OF \$220,000 TO FINANCE THE COST THEREOF; PROVIDING FOR THE PAYMENT OF SUCH NOTE FROM THE REVENUES OF THE MUNICIPAL BOAT DOCK; FIXING THE FORM, DATE, MATURITY, AND INTEREST RATE WITH RESPECT TO SUCH NOTE; AUTHORIZING FURTHER OFFICIAL ACTION IN CONNECTION WITH THE DELIVERY OF SUCH NOTE; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: ELECTRICAL AND FUEL TANK IMPROVEMENTS AT THE DOCK.

Title not read.

City Manager Jones requested this item be tabled because LRI Financial Corporation has since withdrawn their proposal.

MOTION: To TABLE the ordinance as presented at first reading until the January 2, 1931, regular meeting.

---ORDINANCE NO. 90-----

ITEM 14

AN ORDINANCE PROVIDING FOR THE CONSTRUCTION AND INSTALLATION OF

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

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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	

RENOVATIONS AND THE REFINANCING OF CERTAIN DEBTS RELATING TO A MAINTENANCE DREDGING PROJECT OF THE CITY OF NAPLES, FLORIDA; AUTHORIZING THE ISSUANCE BY THE CITY OF NOT EXCEEDING \$1,100,000 CAPITAL IMPROVEMENT REVENUE BONDS TO FINANCE THE COST THEREOF; COVENANTING TO BUDGET AND APPROPRIATE CERTAIN FUNDS FOR THE PAYMENT OF THE BONDS AND PLEDGING ALL MONEYS ON DEPOSIT TO THE CREDIT OF THE SINKING FUNDS AND THE REVENUE FUND CREATED HEREUNDER AND THE EARNINGS ON THE INVESTMENT THEREOF TO SECURE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BONDS; MAKING CERTAIN COVENANTS AND AGREEMENTS FOR THE BENEFIT OF THE OWNERS OF THE BONDS; AUTHORIZING A NEGOTIATED SALE OF THE BOND; AWARDING THE BONDS TO THE PLACEMENT AGENT THEREOF; APPOINTING THE REGISTRAR AND PAYING AGENT FOR THE BONDS; PROVIDING FOR A STATEMENT OF PURPOSE BY THE CITY THAT THE PROJECT IS UNDERTAKEN TO IMPROVE THE CANAL AND WATERWAYS FOR THE MOORINGS BAY AND EAST NAPLES BAY TAKING DISTRICTS; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

City Manager Jones advised that the ordinance had been received and distributed this morning prior to these proceedings. The Florida League of Cities has provided a mechanism by which local governments can obtain tax free bond rates. He noted that this was the first reading of the ordinance, a second reading would be held on January 2, 1931.

Councilman Herms said that he was very uncomfortable considering an item which he has not had sufficient time to review. City Attorney Rynders, however, pointed out that this item would come back for a second reading at which time the Council had the option to table the matter if it so desired.

CITY OF NAPLES, FLORIDA

December 13, 1990

City Council Minutes

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

Councilman Passidomo said that he was very comfortable with the matter-at-hand and believed he could endorse the concept at first reading.

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

During vote, Councilman Hermes advised that he would support the motion, but asked the record to reflect his previous comments.

---ORDINANCE NO. 90-____

ITEM 15

AN ORDINANCE AMENDING SUBSECTION (113) OF SECTION 12-47 OF THE CODE OF ORDINANCES BY ADDING THERETO A NEW PARAGRAPH (c), ESTABLISHING A SPECIFIC FEE FOR FAMILY DAY CARE HOMES, AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO ESTABLISH A FEE FOR THE OCCUPATIONAL LICENSE OF FAMILY DAY CARE SERVICES IN THE HOME.

Title read by City Attorney Rynders.

Community Development Director McKim advised that the Collier County Family Day Care Association has asked the City to reduce their occupational fee from \$31.50 to \$10.00 in order to be more compatible with the County's fee. They hope to encourage home day care facilities to obtain the necessary licenses and certifications by reducing the amount of the fee. Mrs. McKim further advised that if this item was approved, a second reading would be held on January 16, 1991, so that a representative from the Association could be present.

Councilman Barnett said that he would support waiving the fee entirely if it would encourage home day care facilities to step forward and identify themselves. Councilman Muenzer concurred.

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MOTION: To APPROVE the ordinance at first reading with the elimination of a fee.

-----FIRST READING-----

---RESOLUTION NO. 90-6264

ITEM 16

A RESOLUTION APPOINTING ONE MEMBER OF CITY COUNCIL TO THE COLLIER COUNTY TOURIST DEVELOPMENT COUNCIL; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

MOTION: To APPOINT Kim Anderson to the Collier County Tourist Development Council.

---RESOLUTION NO. 90-6265

ITEM 17

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A CONTRACT WITH A. GAIL BOORMAN AND ASSOCIATES, P.A., AND THE WAETIMAN PLANNING GROUP FOR THE NAPLES BAY WATERFRONT STUDY; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Community Development Director McKim advised that the proposed contract between the City and Gail Boorman and Associates, P.A., has been negotiated through the consultant selection committee process.

Referring to the contract and its notations relative to insurance, Councilman Anderson asked that the contract be amended to reflect the required statutory limit for employers liability as well as the current aggregate and per occurrence amounts.

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

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Attorney Kim Kobza, representing the Waterfront Property Owners Association, thanked the staff and Council for their support in this matter.

MOTION: To APPROVE the resolution subject to the foregoing clarification of insurance amounts in the contract.

---RESOLUTION NO. 90-6266

ITEM 18

A RESOLUTION CHANGING THE NAME OF A PRIVATE STREET IN "THE MEWS OF NAPLES" SUBDIVISION TO RACHEL LANE; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

There was no discussion either for or against.

MOTION: To APPROVE the resolution as presented.

---RESOLUTION NO. 90-6267

ITEM 19

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO EXECUTE A JOINT STIPULATION, AGREEMENT AND MOTION FOR FINAL JUDGMENT TO SETTLE THE LAWSUIT FILED BY THE POWER CORPORATION AGAINST THE CITY OF NAPLES; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

City Attorney Rynders advised that in September, this item had been continued for 60 days in September to allow the State Department of Natural Resources (DNR) an opportunity to decide whether they wanted to enjoin the litigation. They have not shown an interest in such action, therefore, he has recommended the City settle the matter. There have been substantial improvements made to the site plan, Mr. Rynders continued, such as, reduced

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

CITY OF NAPLES, FLORIDA

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

building size, increased landscaping, and the transfer of public access easements to the City.

Attorney Tom Maloney, representing the Power Corporation, asked that Council refund monies previously paid for building permits. The petitioner would then be required to pay whatever building permit fees were in place at the time of application. City Attorney Rynders advised that he had no objection to that request.

MOTION: To APPROVE the resolution with the addition that all building permit fees previously paid by the petitioner would be refunded.

Councilman Sullivan said that this was one example where placing a time specific on a planned development would have prevented costly litigation.

CORRESPONDENCE AND COMMUNICATIONS:

Councilman Muenzer asked that a workshop item be scheduled with Community Services Director Holley to discuss the declining revenues, policies, and sale of vendor items at the City Dock.

Councilman Hermes asked that staff ensure the appropriate financial disclosures were filed with the Internal Revenue Service relative to employees' use of City vehicles.

ADJOURN: 2:17 P.M.

Alden R. Crawford, Jr.

ALDEN R. CRAWFORD, JR.
Mayor

Janet Cason
Janet Cason
City Clerk

SUPPLEMENTAL ATTENDANCE LIST

Dave Dampier	Marjorie Jones	Betty VanArsdale
Harry Cunningham	Ron Wood	Sue B. Smith
Rev. Bruce Scott	Norman Reinertsen	Allen Walburn
Ron Pennington	George Williams	Carmen Accordino
Dora Wright	Blair Foley	W.W. Haardt
James Kessler	Toivo Tammerk	Edgar McCleery
O.C. Richardson	Betty Jean Banks	Wilton Frazier
Mary Ellen Frazier	Bob Tiffany	Jim McGrath
Roy Hill	Mary Peterson	Doug Shepardson
Ann Colabrese	Kris Dane	Lee Layne
John Anson Smith	J. Dudley Goodlette	Karen Peterson
Marcy Flinn	Bill Hanley	Dick Sykes
Lyle Richardson	Ned Putzell	Janice Ward
Wheeler Conkling	Ed McMahon	Gilbert Weil
Herb Anderson	Charles Andrews	Willie Anthony
Jim Smiley	Richard Miller	Jerome Smith
Carlton Case	Ron Sanson	Bea Youker
Joseph Accordino	Robert Stephenson	Gene Vendigo
John Horvoth		

Other interested citizens and visitors.

NEWS MEDIA

Tom Morgan, The Express	Wendy Fullerton, News-Press
Sally Kidd, WINK-TV	Traci Griffith, WNOG
John Lunsford, Naples Daily News	Eric Strachen, Naples Daily News
Jerry Pugh, Palmer TV-10	



City of Naples

ALDEN R. CRAWFORD, JR.
MAYOR

(813) 434-4601

P R O C L A M A T I O N

WHEREAS, the City of Naples has great pride in its youth and their outstanding accomplishments; and

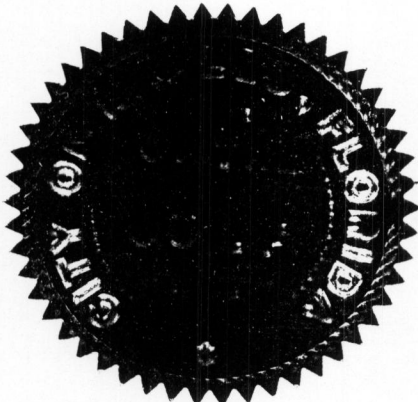
WHEREAS, through countless hours of dedicated practice, teamwork, fund raising events, and wide community support and contributions, the Naples Police Athletic League Junior Pee Wee "Gator" Cheerleaders were able to participate in the National Pop Warner Cheerleading Competition; and

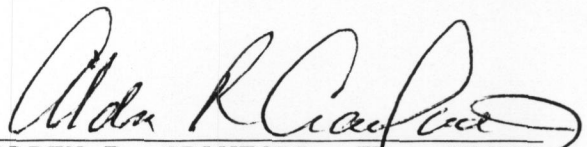
WHEREAS, the seventeen Junior Pee Wee Gators Cheerleaders from Naples met stiff competition from all regions of the United States and presented an exciting and flawless routine to more than 2,000 spectators; and

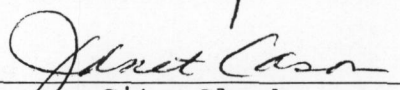
WHEREAS, the Naples Junior Pee Wee Gators Cheerleaders won Second Place in the National Pop Warner Cheerleading Competition held in San Jose, California, December 7, 1990;

NOW, THEREFORE, I, ALDEN R. CRAWFORD, JR., by virtue of the authority vested in me as Mayor of the City of Naples, Florida, do hereby congratulate each and every member of the Naples Junior Pee Wee Gators Cheerleaders; their parents; and their Advisors, Donna Crawford, Debbie Harris, and Diana Lee, on the remarkable succession of victories leading up to and including their excellent performance in winning Second Place in National Pop Warner Cheerleading Competition.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Naples, this 19th day of December, 1990.




ALDEN R. CRAWFORD, JR., MAYOR

Attest: 
Janet Cason, City Clerk

WALTER R. ROGERS, CPA
RONALD A. WOOD, CPA
JOHN R. HILL, CPA
SHeldon Y. STARMAN, CPA
RONALD W. GUSTASON, CPA
MICHAEL J. BODAN, CPA

Attachment #3



Rogers Wood Hill Starman & Gustason

PROFESSIONAL ASSOCIATION
Certified Public Accountants

Please reply to:

- ☐ Naples
☐ Marco Island
☐ Ft. Myers
☐ Bonita Springs

December 19, 1990

David Rynders, City Attorney
City of Naples
Naples, Florida

Dear David:

The Bond resolutions of the Water and Sewer Revenue Bonds, Series 1987, contain certain restrictions and covenants, as to revenues and assets held in reserve, to satisfy the bond resolutions.

The Water and Sewer Funds of the City of Naples were in compliance with these restrictions and covenants, for the year ended September 30, 1990.

Yours truly,

Ronald A. Wood, C.P.A.

RAW/ew