

Regular Meeting
Time 9:00 a.m.

Date 4-01-92

Mayor Muenzer called the meeting to order and presided.

ROLL CALL

ITEM 2

Present: Paul W. Muenzer, Mayor

Fred L. Sullivan, Vice Mayor

Kim Anderson

R. Joseph Herms

Alan R. Korest

Ronald L. Pennington

Peter H. Van Arsdale

Council Members

Also Present:

Dr. Richard L. Woodruff, City Manager

Norris C. Ijams, Assistant City Manager

Maria J. Chiaro, City Attorney

Ann (Missy) McKim, Community Dev. Dir.

John Cole, Chief Planner

Bill Harrison, Finance Director

Larry Barnet, Director of Public Works

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

Kevin Rambosk, Interim Community Services
Director

Nick Long, Dockmaster

Leighton Westlake, City Engineer

Dan Mercer, Utilities Manager

Ann Walker, Planner II

George Henderson, Sergeant-At-Arms

Marilyn McCord, Deputy Clerk

See Supplemental Attendance List - Attachment #1

ITEM 1

INVOCATION AND PLEDGE OF ALLEGIANCE

Reverend Larry Hooper

Trinity by The Cove Episcopal Church

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ITEM 3

ANNOUNCEMENTS

Mayor Muenzer announced that several items on the agenda had been scheduled for times certain and that a Special Meeting would be held today at 3:30 p.m.

City Manager Woodruff announced that Public Works Department employee Robert Fuller would be presented with an Employee Suggestion monetary award. Due to scheduling conflicts, Mr. Fuller was not able to attend the meeting and will receive his award at a later date.

*******CONSENT AGENDA*******

NOTE: Items 22 and 25 were pulled from the consent agenda.

APPROVAL OF MINUTES

ITEM 17

Special Meeting	December 2, 1991
Neighborhood Town Meeting	January 8, 1992
Workshop Meeting	January 27, 1992
Special Meeting	February 12, 1992
Workshop Meeting	February 24, 1992
Workshop Meeting	March 2, 1992
Special Meeting	March 2, 1992
Regular Meeting	March 4, 1992
Neighborhood Town Meeting	March 11, 1992
Regular Meeting	March 18, 1992

RESOLUTION NO. 92-6611

ITEM 18

A RESOLUTION APPROVING A CONTRACT TO BE ENTERED INTO WITH THE INSURANCE CONSULTING FIRM OF RISK CONTROL ASSOCIATES, INC., FOR THE PURPOSE OF

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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
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SOLICITING BIDS AND ENTERING INTO A
CONTRACT WITH A FIRM FOR RISK
MANAGEMENT SERVICES; AND PROVIDING AN
EFFECTIVE DATE.

RESOLUTION NO. 92-6612

ITEM 19

A RESOLUTION AUTHORIZING THE EXECUTION
OF A BANKING SERVICE CONTRACT; AND
PROVIDING AN EFFECTIVE DATE.

RESOLUTION NO. 92-6613

ITEM 20

A RESOLUTION AWARDED CITY BID #92-48
FOR THE ESTABLISHMENT OF AN ANNUAL
CONTRACT FOR THE PURCHASE OF VARIOUS
PIPE FITTINGS AND ACCESSORIES;
AUTHORIZING THE CITY MANAGER TO ISSUE
BLANKET PURCHASE ORDERS THEREFOR; AND
PROVIDING AN EFFECTIVE DATE.

RESOLUTION NO. 92-6614

ITEM 21

A RESOLUTION AUTHORIZING THE REPAIR OF
LARGE WATER METERS FOR THE PUBLIC WORKS
DEPARTMENT, UTILITIES DIVISION; WAIVING
THE REQUIREMENTS FOR COMPETITIVE
BIDDING THEREON; AUTHORIZING THE CITY
MANAGER TO ISSUE A PURCHASE ORDER
THEREFOR; AND PROVIDING AN EFFECTIVE
DATE.

RESOLUTION NO. 92-6615

ITEM 23

A RESOLUTION AWARDED CITY BID #92-55
FOR THE ESTABLISHMENT OF AN ANNUAL
CONTRACT FOR PROVIDING JANITORIAL
SERVICES AT CITY HALL; AUTHORIZING THE

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

BUDGET AMENDMENTS

ITEM 24

PROFESSIONAL ATTORNEY FEES

ITEM 24-a

OVERTIME -- CITY CLERK'S OFFICE

ITEM 24-b

REDEVELOPMENT TASK FORCE EXPENSES

ITEM 24-c

POLICE DEPARTMENT SECURITY SERVICES
AND SPECIAL DUTY PAY ESTIMATES

ITEM 24-d

MOTION: To APPROVE the consent
agenda, consisting of Items
17, 18, 19, 20, 21, 23, and
24a, b, c and d.

With respect to Item 21, Council Member Herms
commended staff for the work involved in
rebuilding the meters.

Anderson
Herms
Korest
Pennington
Sullivan
VanArsdale
Muenzer
(7-0)

X

X

X

X

X

X

X

X

X

*****END CONSENT AGENDA*****

ORDINANCE NO. 92-

ITEM 9

AN ORDINANCE AMENDING THE DEFINITION OF
"SUBSTANTIAL IMPROVEMENT" IN SUBSECTION
10-3-1(F) OF THE COMPREHENSIVE
DEVELOPMENT CODE TO CONFORM WITH
REVISIONS TO FLORIDA STATUTES; AND
PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Chiaro.

City Manager Woodruff reviewed the proposed
ordinance. He explained that the State Law
contains specific language defining "Substantial
Improvement" in the Coastal Building Zone by
allowing improvements to be added cumulatively

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for five year periods. Staff believes that the City should adopt that language. Should staff determine through research that the non-structural improvements can be exempted from the 50% rule, staff will bring it back to Council as an amendment before second reading.

City Attorney Chiaro said that the intent of the Legislature was that improvements such as electrical, plumbing, etc. be included in the cumulative total. In answer to Mayor Muenzer's question, the City Attorney said that the ordinance is necessary, however, the resolution interpreting application of the ordinance is not. The Comprehensive Development Code must include those interpretations, she said adding that application of substantial improvement does in fact vary on a case-by-case basis. Community Development Director Missy McKim told Council that a survey of other communities indicated a wide span of interpretations.

Council Member Anderson noted that many coastal communities had gone through this exercise. Her concern was adopting a resolution that was in conflict with what the State wanted accomplished. Mrs. Anderson suggested delaying passage of a resolution until the City can work with Legislative authorities in amending their adopted regulations. She recommended getting some sort of coastal community organized action started.

Staff will report on State and Federal Historic Register criteria. Also the local health, safety and welfare aspects of the law will be reviewed to determine what latitude can be gained through those aspects of the Code. Dr. Woodruff said if Council is not going to adopt a resolution, it would be appropriate to clarify within the ordinance which Codes are designated. Given the report from the City Attorney, the City is required to go with a stricter interpretation.

Council Member Anderson requested, if Council agreed, that the resolution be drafted to show the intent of Council to interpret the

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application of the ordinance. It would then be Council's responsibility, rather than staff's. After review by the City Attorney to insure that the City has legal ground, Council could undertake, through a cooperative effort between the City Manager and the City Attorney, a program to coordinate with other coastal communities in Florida to lobby the State Legislature to adopt the more liberal interpretation originally submitted in February, 1992 for approval. Mrs. Anderson said, "We really would not go forward with adoption of a resolution. We would simply file it as not voted upon permanent legislation of the City but to be used as an interpretation, if we can legally do that. It would seem that would resolve the conundrum we are in with regard to the administration being in conflict with the Attorney's office."

Council Member Anderson expressed the hope that with all the affected cities combined, some type of relief could be obtained. The City Manager agreed with the concept of a lobbying effort. Mrs. Anderson said she was of the opinion that if this Council does not want to undertake giving direction to the Community Development Department through the administration of using more liberal application, then Council must be 100% responsible to the electorate. It should be Council's role to use the stricter interpretation until Legislative changes can go through. Council Member Anderson emphasized that she did not want staff to be blamed for something Council had "sidestepped" and not taken full responsibility for.

Council Member Herms agreed that it would not only be to Naples' benefit but to the benefit of other cities to liberalize this legislation. But at the same time, he said, there may be some exclusions in the stricter interpretation, i.e., paint, carpeting and demolition work. Mr. Herms said, "I propose that we adopt the ordinance today, instruct staff to come back with a review

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			Y E S	N O	
Anderson		X	X		
Herms			X		
Korest			X		
Pennington	X		X		
Sullivan			X		
VanArsdale			X		
Muenzer (7-0)			X		

of these three specific areas (health, safety and welfare) and how they would apply to it, then see in Workshop if we can put together some type of a resolution."

Community Development Director McKim told Council that further information would be submitted to them in time for second reading. City Manager Woodruff commented, "Let's not lose sight of the fact that this is a major step towards a more liberal policy."

MOTION: To APPROVE the ordinance at first reading.

ORDINANCE NO. 92-

ITEM 4

AN ORDINANCE AMENDING THE CITY'S WATER SERVICE AREA TO INCLUDE CLAM PASS PARK IN ACCORDANCE WITH ADDENDUM NO. 10 TO THE WATER/SEWER AGREEMENT BETWEEN THE CITY OF NAPLES AND COLLIER COUNTY; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Chiaro.

City Manager Woodruff reviewed the issue and Council discussed interpretation of the Code as it applies in this matter. Four items constitute the basis upon which the City Council must base its deliberations: present and future plant capacity; impact from the proposal; compactness and contiguity; and development schedule.

City Attorney Chiaro stated that language in this section of the Comprehensive Development Code is inclusive and not exclusive. That does not mean that Council would exclude the elements that would be included in consideration of any other legislations she explained. The health, safety and welfare of the citizens is that which Council is mandated to consider in the passage of any legislation. Council may therefore consider those general elements: health, safety, welfare,

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environment and the good of the citizens which are all of the things usually included in an ordinance. Ms. Chiaro said that was the substance of her interpretation.

Mr. Thomas E. Conrecode, Director of the Collier County Office of Capital Projects Management, addressed Council. He told Council that the County was interested in providing water service and fire protection to Clam Pass Park. Water consumption would be quite small - an estimated 4,400 gallons per day at peak usage.

Council Member Korest commented that although the amount of water would not impact the City's system, he was very concerned about placing the water line along the beach within the Coastal Construction Setback Line. Council Member Pennington noted that he also believed there would be a negative environmental impact.

Vice Mayor Sullivan said that there definitely was a negative price to be paid for damaging a living ecosystem. Even though restoration efforts would be made, he noted, "It's never quite the same."

In response to Council Member Van Arsdale's question, Mr. Conrecode said that should the City deny this request, the County would have to reapply for a DNR (Department of Natural Resources) permit. An alternate design would have to be submitted.

Mr. Tom Olliff of the Collier County Public Services Division said that he would prefer a water line that runs down a residential street, however, the option before Council was the only current option. Should Council deny the request, the County must pursue the entire original proposal again. City Attorney Chiaro confirmed that the only decision before Council was whether or not to approve the water service application.

MOTION: To table the ordinance.

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			Y E S	N O	
Anderson					X
Herms	X				X
Korest					X
Pennington					X
Sullivan		X			X
VanArsdale			X		
Muenzer					X
(6-1)					

Council Member Van Arsdale made the motion, noting that he would prefer that Council's fears about the environmental considerations be allayed before action was taken.

The motion failed for lack of a second.

MOTION: To ADOPT the ordinance at second reading.

NOTE: The motion FAILED by a vote of 1-6.

BREAK: 11:00 a.m. - 11:07 a.m.

RESOLUTION NO. 92-6616

ITEM 11

A RESOLUTION GRANTING VARIANCE PETITION 92-V6 TO ALLOW A FOUR FOOT HIGH ALUMINUM FENCE WITHIN THE GULF SHORE BOULEVARD SOUTH FRONT YARD TO THE PROPERTY LOCATED AT 40 13TH AVENUE SOUTH, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Chiaro.

Planner II Ann Walker reviewed the request for variance and said that both the PAB and staff were recommending denial since criteria had not been met. Community Development Director McKim explained that staff had not been able to take into consideration the aesthetics of the fence.

Petitioner Luanne Henderson, 40 13th Avenue South, described the fence she and Mr. Henderson hope to install. Mrs. Henderson reviewed the history of the property and said that the proposed fence would compliment the age and beauty of the house.

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<p>Attorney Frank Kowalski, representing the petitioners, told Council that the fence proposed by the Hendersons would be an improvement to the property. Attorney Kowalski described why he believed the criteria had been met. He said that should Council deny the variance request, the Hendersons could end up with three types of fencing on their property. Attorney Kowalski concluded by noting that the Hendersons probably were entitled to a permit without a variance.</p> <p>Ms. Shandon Land, 1350 Gulf Shore Boulevard, told Council that she was very supportive of the variance petition. None of the other alternatives would be nearly as attractive, said Ms. Land, who expressed the hope that Council would grant the variance.</p> <p>Council Member Herms complimented both Ms. Henderson and Ms. Land on the appearance of their properties. He said that he would support the variance to replace the wooden fence. Vice Mayor Sullivan noted that the proposed fence was an attempt to improve the area, although he did appreciate staff's situation.</p> <p>MOTION: To <u>APPROVE</u> the resolution as presented.</p> <p>***</p> <p>RESOLUTION NO. 92-6617</p> <p>A RESOLUTION GRANTING A FIVE (5) FOOT EASEMENT FROM THE CITY OF NAPLES TO FLORIDA POWER & LIGHT COMPANY FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF OVERHEAD AND UNDERGROUND ELECTRIC UTILITY FACILITIES AT THE NAPLES MUNICIPAL AIRPORT, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.</p> <p>Title read by City Attorney Chiaro.</p>					
Anderson	X		X		
Herms			X		
Korest			X		
Pennington			X		
Sullivan		X	X		
VanArsdale			X		
Muenzer			X		
(7-0)					

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Mr. Frank Mink, Florida Power & Light (FP&L) Construction Services Engineer, addressed Council. He explained what changes would be made and told Council that the pole had already been permitted by the FAA (Federal Aviation Authority).

MOTION: To APPROVE the resolution as presented.

RESOLUTION NO. 92-6618

ITEM 10

A RESOLUTION GRANTING VARIANCE PETITION 92-V5 TO ALLOW THE CONSTRUCTION OF A COMMERCIAL BUILDING WITH A ZERO REAR YARD SETBACK ON THE PROPERTY LOCATED AT 39 9TH STREET SOUTH, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Chiaro.

Planner Walker reviewed the variance petition and explained why the PAB had recommended denial. The PAB had reiterated staff's recommendation that the petitioner request a vacation rather than the variance, she said.

Attorney for the petitioner Vincent D. Sapp described the plans and said that the owner of the hotel abutting the property had given his "unqualified support" of the project. Mr. Sapp said further that the petitioner believed that everyone would gain from the renovation of this property. Vice Mayor Sullivan agreed, pointing out that this was an opportunity to create some action in an area of concern, the U.S. 41 corridor. Mr. Sullivan suggested that it would behoove Council to do all it could to expedite and assist the petitioner in accomplishing his goal.

In answer to Vice Mayor Sullivan's question, Community Development Director McKim said that

COUNCIL MEMBERS	MOTION	SECTION	VOTE		ABSENT
			YES	NO	
Anderson			X		
Herms		X	X		
Korest			X		
Pennington			X		
Sullivan	X		X		
VanArsdale			X		
Muenzer			X		
(7-0)					

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			Y	N	
Anderson			X		
Herms			X		
Korest		X	X		
Pennington			X		
Sullivan	X		X		
VanArsdale			X		
Muenzer			X		
(7-0)					

Council may want to consider approving the variance with instructions to prepare a vacation. If the vacation is not approved, the variance would still be in place.

MOTION: To APPROVE the variance and proceed with the vacation of the 20' x 25' area. The petitioner will demolish the existing building within the next 30 to 60 days. Construction of the building will be completed within one year.

Council Member Korest commented that he was pleased that staff, the PAB and Council would explore the alternative of a vacation. The Vice Mayor noted that follow-up action of the vacation will then make the variance nonexistent because the vacation will bring the property into conformance.

LUNCH RECESS: 12:20 p.m. - 1:35 p.m.

NOTE: Roll was called after the lunch recess. Council Member Anderson arrived at 1:50 p.m. Council Member Herms arrived at 2:10 p.m.

ORDINANCE NO. 92-6619

ITEM 6

AN ORDINANCE REVISING THE RATES FOR WATER AND SEWER SERVICE; AMENDING SUBSECTION 11-1-4 (C) AND (D) OF THE COMPREHENSIVE DEVELOPMENT CODE, ENTITLED "WATER SERVICE"; AMENDING SUBSECTIONS 11-1-3 (A), (B), AND (D) OF THE COMPREHENSIVE DEVELOPMENT CODE, ENTITLED "SEWER SERVICE - RATES AND CHARGES"; AND PROVIDING AN EFFECTIVE DATE.

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Title read by City Attorney Chiaro.

City Manager Woodruff reviewed the background and analysis of the rate revision. Council's direction had been to establish a rate which would increase the funding to the Enterprise Fund in the amount of \$1,500,000 annually and to provide several different options for consideration. The City's rate consultant, Hartman & Associates, had been directed to prepare these different options. At the March 30th Workshop four options were presented and Council narrowed its choices to Options #2 and #4.

At Mayor Muenzer's direction, a letter from the Greater Naples Civic Association was read and attached to these minutes as Attachment #2.

Mr. Fred Tarrant, 175 Third Street South, told Council that a great deal of work and thought had obviously gone into the rate revisions. He pointed out, "For every dollar the citizens of Naples have to pay additional in taxes, charges, fees, that means their standard of living is degraded by that exact same amount." Mr. Tarrant suggested spending an equal amount of "time and energy and enthusiasm and resources" to determine how the cost of running the Utility Department can be reduced. He urged Council to review the actual dollar costs of delivering the utility services before raising rates.

Mayor Muenzer noted that Council had spent over thirty hours workshopping the issue. In addition, the City had decreased its amount of unbilled water from 21 to 13 percent.

Mr. Willie Anthony, 559 14th Street North, said that he had "tried to digest" the Hartman report and expected it to recommend a rate increase. Mr. Anthony said that he understood the previous administration "didn't get the job done," but noted that at some point "we have to stop blaming the previous administration." He noted that those citizens who try to conserve water were

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being penalized under the new rate structure. Mr. Anthony concluded by saying, "The facts don't appear to be equitable. I hope some consideration will be given to the people who are struggling already. It seems this is all done for the sake of keeping property taxes down."

Mr. Oliver Durfey addressed Council. He referred to a recent Naples Daily News article which discussed the salaries of government employees. Mr. Durfey said that he had reviewed a City pay schedule and found that most of the salaries listed were above those paid in private industry. Mr. Durfey asked about the City's water reuse program. City Manager Woodruff assured Mr. Durfey that reuse water rates would increase in 1993 or 1994 when the City's contracts with local golf courses end. Mr. Durfey also commented on the water and sewer bond issue.

Mrs. Sue B. Smith, 15 11th Avenue South, told Council that she believed many Naples citizens had grown very disillusioned with their government. There were grave problems within the Utilities Department, she noted, and it seems as though citizens were now being required to pay additional monies to rectify those problems from the past. Mrs. Smith said that in many ways the residential single-family homeowner was being treated very unjustly. She recommended that the City continue to attempt collection of unbilled water. Said Mrs. Smith, "The bottom line is, I don't think you're dealing fairly with us as citizens again. You ran this place so poorly. Now you're running it poorly again." She referred to former Utilities Department employees Dan Wall and Haviland Johnson, and asked Council to send them a letter and ask their opinions of past problems in that department.

President of the Royal Harbor Property Owners' Association Ralph B. Martin addressed Council. He said that the Association was opposed to any rate increases, however, Council's efforts were appreciated and he would ask that increases be kept to a minimum. Mr. Martin asked for an

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explanation of utility taxes. City Manager Woodruff explained that the utility tax goes towards capital improvements of the general government. Water and sewer funds are enterprise funds, he said, and must be kept separate. Water and sewer funds must also produce their own capital improvements money.

Mr. Michael Slayton, 6167 Janes Lane, encouraged Council to adopt the conservation rate structure.

Vice Mayor Sullivan said that in his opinion the consultants had addressed the problems confronting the City very carefully. He admitted that he could not deny the fact that there were many horrendous past management problems and "no management at all in the Utilities Department." It is necessary now to repair the shortcomings of that previous management, noted Mr. Sullivan, and to put into place a system which would start putting money aside for replacement and regular maintenance.

The Vice Mayor suggested that there was often a great deal of confusion between "potable water" and "reuse water." He reminded Council that the City must sell as much reuse water as possible since, before long, the State and Federal governments will mandate certain provisions precluding the City from getting rid of that water as it does presently. Mr. Sullivan said that he would support Option #2.

Council Member Van Arsdale noted that Naples' water and sewer rates were lower than most, adding that the residents should realize how the City compared. He recommended Option #2, saying that it would help to make any imbalance more equitable.

Council Member Herms said that unfortunately, he had not foreseen the extent of repairs, maintenance and upgrading which were necessary throughout the water and sewer systems. He stated, "We have to start properly maintaining our system. I don't see any choice." Mr. Herms

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said that he would support Option #2 but would continue to give his opinions to staff as to how money could be saved. He continued, "Let's really analyze our supervisors. Do we have too many? I want a lean and mean organization. I think we're too top heavy. Do we really need every one of those 104 employees in Water and Sewer? When we do construction and improvements, please utilize our own people, in the most economical way possible. We need to continue to utilize our equipment and vehicles for longer periods of time. I'd love to see some type of incentive for our employees, either written achievement awards or financial awards. I'm not ready to go to the public and say we have a top-notch utility system although we are getting closer."

Council Member Korest stated that he was satisfied, after reviewing this issue from every standpoint, that the rate increase was necessary. By choosing Option #2, he said, Council would be encouraging people to maintain a "green Naples, something we all want to do."

Council Member Pennington said that he would recommend Option #4 as it would represent the least impact to the greatest number of people.

Council Member Anderson said that Option #2 would be acceptable. Mayor Muenzer also supported Option #2.

Council next discussed the implementation date of the new rates. City Manager Woodruff announced, for the record, that staff could not guarantee there would be no more rate increases. The increases will provide the City with funds for standard operations and maintenance. It would not provide funds for expansion of the water or sewer plants.

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MOTION: To ADOPT the ordinance at second reading, utilizing Rate Option #2, with an effective date of May 1, 1992.

After further discussion and clarification, Vice Mayor Sullivan amended the motion:

AMENDED MOTION: To ADOPT the ordinance at second reading, utilizing Rate Option #2. The new rates shall take effect immediately. Rates shall be applied to all accounts billed as of June 1, 1992.

Staff will issue a press release pertaining to irrigation meters.

NOTE: At 3:40 p.m. the meeting was delayed in order to hold a scheduled Special Meeting. The Regular City Council Meeting reconvened at 3:50.

ORDINANCE NO. 92-

ITEM 8

AN ORDINANCE SUPPLEMENTING ORDINANCE NO. 84-4448 OF THE CITY OF NAPLES, FLORIDA, ENACTED ON MARCH 21, 1984, AS AMENDED AND RESTATED BY ORDINANCE NO. 84-4564 ENACTED ON OCTOBER 3, 1984 BY AUTHORIZING THE REFUNDING OF CERTAIN PRESENTLY OUTSTANDING OBLIGATIONS OF THE CITY; AUTHORIZING THE ISSUANCE OF WATER AND SEWER REVENUE REFUNDING BONDS, SERIES 1992, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$17,000,000, TO FINANCE THE COST THEREOF; PROVIDING FOR THE PAYMENT OF THE SERIES 1992 BONDS FROM THE REVENUES OF THE CITY'S WATER AND SEWER SYSTEM; PROVIDING FOR THE

Anderson
Herms
Korest
Pennington
Sullivan
VanArsdale
Muenzer
(7-0)

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RIGHTS, SECURITY AND REMEDIES OF THE
HOLDERS OF SUCH BONDS; AND PROVIDING AN
EFFECTIVE DATE.

Title read by City Attorney Chiaro.

Using visual aides, Finance Director Harrison described the refunding series. He told Council that according to all projections, interest rates would not go lower than what they were currently, therefore, this is the best time to obtain permanent financing. Council Member Herms asked that before second reading, staff provide Council with documentation of all expenses involved in this refunding series.

MOTION: To APPROVE first reading of the ordinance.

BREAK: 3:55 p.m. - 4:20 p.m.

ORDINANCE NO. 92-

ITEM 7

AN ORDINANCE AMENDING SUBSECTION 9-1-9, "MECHANICAL EQUIPMENT LOCATED ON ROOFTOPS" AND SUBSECTION 9-1-22 "YARDS" OF THE COMPREHENSIVE DEVELOPMENT CODE BY REMOVING EXISTING LANGUAGE TO PERMIT THE ENCROACHMENT OF AIR CONDITIONING EQUIPMENT INTO REQUIRED YARDS; ADDING REQUIREMENTS FOR THE SCREENING OF MECHANICAL EQUIPMENT FROM ADJOINING RESIDENTIAL PROPERTIES; LOWERING THE BASE LEVEL FROM WHICH ALLOWABLE ENCROACHMENTS UNDER THIRTY INCHES (30") IN HEIGHT ARE MEASURED; PROVIDING A GRANDFATHER CLAUSE ALLOWING FOR THE REPLACEMENT OF EXISTING MECHANICAL EQUIPMENT; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Chiaro.

Anderson
Herms
Korest
Pennington
Sullivan
VanArsdale
Muenzer
(7-0)

X
X
X
X
X
X
X

X

CITY OF NAPLES, FLORIDA

City Council Minutes

Date 4-01-92

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		
Harms					
Korest	X		X		X
Pennington		X	X		
Sullivan			X		
VanArsdale			X		
Muenzer			X		
(6-1)					

Chief Planner John Cole reviewed the change in text request and the issues involved. He said that the PAB had recommended approval of the request.

No one was present to speak for or against the matter.

In response to Council Member Harms' comments, Mr. Cole said that in existing neighborhoods with smaller lot sizes, a prohibition of air conditioning units in sideyards would direct their location into rear yards. From a noise perspective, this might represent a concern. He noted that the PAB had dealt more with visual problems than with noise impacts. Mr. Cole told Council that there were a number of deed-restricted communities within the County which contain some requirements pertaining to enclosing air conditioning equipment.

Council Member Korest commented that should some of the smaller homes be torn up and much larger homes built in their place, the need for mechanical equipment would be intensified. The intent of the ordinance amendment, he said, was to protect those people living in existing homes from the effects of a "mega" house which might be built next them.

Council Member Van Arsdale requested that the local architects be asked for their opinions when further changes in the building ordinances are contemplated. Community Development Director McKim said that many of the local architects are on a mailing list. Staff will do a mailing on these proposed changes, she added.

MOTION: To APPROVE the ordinance at first reading.

Before second reading, staff will amend the language of the ordinance as follows: In Exhibit A, Subsection 9-1-22 Yards, the following sentence shall be revised: "Every part of every required yard shall be open and unobstructed...."

CITY OF NAPLES, FLORIDA

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Date 4-01-92

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Language will be amended in Subsection 8-9-6, Maintenance of Property, to read: (A) Buildings which are partially destroyed, left in a state of partial construction, a derelict condition, or disrepair.

Council Member Herms suggested that language in Subsection 8-9-7, Hazardous Obstructions, be amended in order to allow for some of the attractive landscaping in the City. Staff was directed to delete the first sentence in Subsection 8-9-7, Hazardous Obstructions, dealing with obstructions in the right-of-way.

NOTE: Council Member Herms left the meeting at 5:00 p.m.

Council Member Anderson suggested that certain areas could be used as "neighborhood" deposit sites, for horticultural waste. Vice Mayor Sullivan cautioned that at times small dump areas, originally intended to be places for horticultural cuttings, have turned into "absolute small dumps, which indicates to me that there are some people who just don't care."

Within the next thirty days, staff will send a reminder to lawn maintenance companies operating in the City that after July 1st they will be required to remove their horticultural trash. Vice Mayor Sullivan asked that at the same time those companies be reminded that lawn maintenance vehicles were not to be parked in City right-of-ways. Staff will discuss that matter with the Police Department in order to identify specific areas where parking of lawn maintenance vehicles should be prohibited.

Council returned to its discussion about horticultural trash pickup. City Manager Woodruff reminded Council that a great deal of the horticultural trash will be eliminated once lawn maintenance people are required to remove their trash. Council Member Van Arsdale

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COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S
			Y E S	N O	
<p>suggested that property owners be instructed as to the impact of placing trash piles too close to the drains.</p> <p>City Manager Woodruff said, "From one standpoint it's definitely simple and clean to have it all unbagged. On the other side, you may feel that there are parts of town where the unbagged horticultural is actually a negative. Some people do cut their grass, bag it, leave it in the garage until the day of the pickup and then they move it out there. Obviously, it would be definitely hazardous for a person to leave loose grass in a garage because of the natural process that goes on. What you could do is leave it where the person can continue to bag it. Let us operate it as you have proposed. We will bring you back, after six months of trying it this way. If it's not working we can change it again. The true impact, though, will be when, after July 1st, the lawn maintenance people will have to remove all their debris."</p> <p><u>Council Member Pennington requested that encouragement be offered to the public to use their grass clippings for their own mulch. Staff will develop a plan in order to educate the public. Mr. Pennington suggested that the matter also be addressed through the Presidents' Council and the various property owners' associations.</u></p> <p>MOTION: To <u>ADOPT</u> the ordinance at second reading. Language will be amended as follows:</p> <p>Subsection 8-9-5 (D)(2) - Trash piles on the right of way shall not be <u>adjacent to storm drains</u>, near shrubbery, mailboxes...</p> <p>Subsection 8-9-6 (A) - Buildings which are partially destroyed, left in a state of partial construction, left in a derelict condition or disrepair.</p>					
Anderson		X	X		
Hermes					X
Korest	X		X		
Pennington			X		
Sullivan			X		
VanArsdale			X		
Muenzer			X		
(6-0)					

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Subsection 8-9-7 - Hazardous
Obstructions - Delete the first
sentence.

ORDINANCE NO. 92-6621

ITEM 13-a

AN ORDINANCE AMENDING SECTION 5-4 OF
THE COMPREHENSIVE DEVELOPMENT CODE OF
THE CITY OF NAPLES PERTAINING TO THE
HOUSING CODE; AND PROVIDING AN
EFFECTIVE DATE.

Title read by City Attorney Chiaro.

City Manager Woodruff noted that Council's
requested changes had been included in this
ordinance.

MOTION To ADOPT the ordinance at
second reading.

ORDINANCE NO. 92-6622

ITEM 13-b

AN ORDINANCE AMENDING CHAPTER 5,
CONSTRUCTION AND REHABILITATION
STANDARDS, OF THE COMPREHENSIVE
DEVELOPMENT CODE OF THE CITY OF NAPLES
BY ADDING A NEW SECTION 5-11 TITLED
COMMERCIAL MAINTENANCE CODE; AND
PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Chiaro.

MOTION: To ADOPT the ordinance at
second reading.

ORDINANCE NO. 92-6623

ITEM 13-c

AN ORDINANCE AMENDING CHAPTER 5,
CONSTRUCTION AND REHABILITATION

Anderson
Herms
Korest
Pennington
Sullivan
VanArsdale
Muenzer
(6-0)

X

X

X

X

X

X

X

X

X

Anderson
Herms
Korest
Pennington
Sullivan
VanArsdale
Muenzer
(6-0)

X

X

X

X

X

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X

X

X

X

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Date 4-01-92

COUNCIL MEMBERS	MOTION	SECOND	VOTE		ABSEN
			YES	NO	
Anderson			X		
Herms					X
Korest		X	X		
Pennington			X		
Sullivan	X		X		
VanArsdale			X		
Muenzer			X		
(6-0)					
Anderson		X	X		
Herms					X
Korest			X		
Pennington			X		
Sullivan	X		X		
VanArsdale			X		
Muenzer			X		
(6-0)					

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Title read by City Attorney Chiaro.

MOTION: To ADOPT the ordinance at second reading.

ORDINANCE NO. 92-6625

ITEM 16

AN ORDINANCE AMENDING SUBSECTION 18-106(a) OF ARTICLE V, POLICE OFFICERS' PENSION AND RETIREMENT SYSTEM, OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, TO CHANGE THE REQUIREMENTS FOR AGE AND YEARS OF SERVICE FOR RETIREMENT AS REQUESTED BY THE POLICE OFFICERS' PENSION BOARD; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Chiaro.

MOTION: To ADOPT the ordinance at second reading.

NOTE: City Manager Woodruff announced that Items 22 and 25 would be delayed and would be rescheduled at a future time.

RESOLUTION NO. 92-

ITEM 22

A RESOLUTION AWARDED CITY BID #92-56 FOR THE PURCHASE OF NINE (9) FULL SIZE POLICE VEHICLES; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

COUNCIL MEMBERS	MOTION	SECTION	VOTE		ABSENT
			YES	NO	
Anderson			X		
Herms					X
Korest	X		X		
Pennington			X		
Sullivan		X	X		
VanArsdale			X		
Muenzer			X		
(6-0)					
Anderson				X	
Herms					X
Korest		X	X		
Pennington			X		
Sullivan	X		X		
VanArsdale			X		
Muenzer			X		
(6-0)					

SUPPLEMENTAL ATTENDANCE LIST

City Council Regular Meeting - April 1, 1991

Charles Andrews
Willie Anthony
Tom Olliff
Fred Tarrant
Michael Kennedy
Brad Estes
Vincent D. Sapp, Esq.
Ralph B. Martin
Michael Slayton
William Branan
Frank Kowalski, Esq.

Werner W. Haardt
Thomas Conrecode
Sue B. Smith
Odilie Tarrant
Oliver Durfey
Frank A. Mink
Shandon Land
Luanne Henderson
Wendy Rigg
Barbara Bova

Other interested citizens and visitors.

NEWS MEDIA

Jerry Pugh, Palmer Cablevision
Eric Staats, Naples Daily News
Wendy Fullerton, Fort Myers News-Press
Paul Kenney, WBBH-TV
Evan Bacon, WNPL-TV



GREATER NAPLES CIVIC ASSOCIATION

841 FOURTH AVENUE SOUTH
NAPLES, FLORIDA 33940
(813) 262-2424

March 30, 1992

Honorable Paul Muenzer
Members of City Council
City of Naples
735 Eighth St. S.
Naples, FL 33940

Dear Mayor Muenzer and Council Members:

Unfortunately, I will not be able to attend the City Council meeting Wednesday. We are hosting a visit by Education Commissioner Betty Castor which will extend to mid-afternoon. We have continued to follow the City Council's consideration of a water and sewer rate increase and have additional observations.

At yesterday's workshop meeting, we were encouraged by Option Number 2 which provides for a conservation rate of 20% but at a level which makes irrigation still affordable and reduces the risk of rising costs due to less use. It also eliminates "free" water which also is a conservation measure. We also were pleased to learn from the consultant that he had reduced the unbilled water factor in computing required rates from 13.7% to 11.7%. This number still seems high after the installation of over 3,200 new meters. City Council seems sincerely concerned about watching that figure closely. We believe once the City is able to see the impact on billing, the unbilled water figure can again be reduced in the calculation of additional rate increases.

There are still a number of outstanding issues we understand the City Council will consider in the future such as sale of bulk water, bi-monthly billing, re-claimed water rates and late penalties. We look forward to your consideration of these items.

We appreciate the opportunity to have been involved in this process and especially appreciate the assistance of City Manager Richard Woodruff and his staff.

Sincerely,

Dick Siegel
President

xc: Richard Woodruff

Serving all of Collier County