



City Council Chamber
735 Eighth Street South
Naples, Florida 33940

City Council Regular Meeting - December 16, 1992 - 9:00 a.m.

Mayor Muenzer called the meeting to order and presided.

ROLL CALL

ITEM 2

Present: Paul W. Muenzer, Mayor
Fred L. Sullivan, Vice Mayor

Council Members:
Kim Anderson
R. Joseph Herms
Alan R. Korest
Ronald M. Pennington
Peter H. Van Arsdale

Also Present:

Dr. Richard L. Woodruff, City Manager	Werner W. Haardt
Maria J. Chiaro, City Attorney	Charles Andrews
Missy McKim, Community Development Dir.	Frank Gumpert
Jon Staiger, Ph.D., Natural Resources Manager	Tom O'Riley
William Harrison, Finance Director	Brad Estes
Leighton Westlake, Engineering Manager	Other interested citizens and visitors
Noah Standifer, Planning & Research Tech.	
James Byrne, Police Captain	

Dan Mercer, Public Works Director

Media:

Mary Kay McShane, Human Resources Dir.	Eric Staats, Naples Daily News
George Henderson, Sergeant-At-Arms	Jerry Pugh, Colony Cablevision
Marilyn McCord, Deputy City Clerk	

ITEM 1

INVOCATION AND PLEDGE OF ALLEGIANCE

Reverend Bruce Scott
First Presbyterian Church

ITEM 4

ANNOUNCEMENTS

4-a Mayor Muenzer

Mayor Muenzer announced that Items 15 and 17 would be removed from the Consent Agenda for discussion purposes. Item 18, a resolution authorizing staff to assist the Naples Art Association in the evaluation of properties for a permanent facility, will be added to the Consent Agenda. It was also noted that Item 6 was removed from the agenda at the petitioner's request.

4-b City Manager

City Manager Woodruff announced that the Employee Volunteers will be distributing between 45 and 50 Christmas food baskets to the community's elderly and needy. He also announced that the annual River Park children's Christmas party will be held on Friday, December 18th.

Dr. Woodruff reported that former City Councilman Lyle Richardson was recovering nicely and would be happy to receive visitors and cards at Naples Community Hospital.

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

ITEM 13

APPROVAL OF MINUTES

City Council Regular Meeting November 18, 1992
City Council Workshop Meeting November 20, 1992
City Council Workshop Meeting November 30, 1992
City Council Regular Meeting December 2, 1992

RESOLUTION NO. 92-6821

ITEM 14

A RESOLUTION AMENDING RESOLUTION 92-6568 EXTENDING THE EXPIRATION DATE OF CONDITIONAL USE PETITION 91-CU11 TO ALLOW THE CONSTRUCTION OF A VETERINARY HOSPITAL, ANIMAL CLINIC, AND NEW KENNELING FACILITIES AT THE HUMANE SOCIETY IN THE "C4", AIRPORT COMMERCIAL, ZONING DISTRICT; AND PROVIDING AN EFFECTIVE DATE.

RESOLUTION NO. 92-6822

ITEM 16

AUTHORIZATION TO ISSUE A PURCHASE ORDER FOR FOUR LOW MILEAGE RENTAL VEHICLES TO BE USED BY THE CRIMINAL INVESTIGATIONS BUREAU.

RESOLUTION NO. 92-6823

ITEM 18

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ASSIST THE NAPLES ART ASSOCIATION IN THE EVALUATION OF PUBLICLY AND PRIVATELY OWNED PROPERTIES APPROPRIATE FOR A PERMANENT FACILITY FOR THE ASSOCIATION TO HOUSE ITS OPERATIONS; AND PROVIDING AN EFFECTIVE DATE.

MOTION: To **APPROVE** the Consent Agenda, consisting of Items 13, 14, 16 and 18.

Anderson		Y
Herms	M	Y
Korest		Y
Pennington		Y
Sullivan	S	Y
VanArsdale		Y
Muenzer		Y
(7-0)		
M=Motion S=Second		
Y=Yes N=No A=Absent		

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

RESOLUTION NO. 92-

ITEM 6

A RESOLUTION AUTHORIZING A COASTAL CONSTRUCTION SETBACK LINE VARIANCE TO CONSTRUCT A NON-HABITABLE GARAGE AND AN ELEVATED WOODEN DECK ADJACENT TO AN EXISTING TWO-STORY FRAME RESIDENCE AT 1150 GULF SHORE BOULEVARD SOUTH; AND PROVIDING AN EFFECTIVE DATE.

NOTE: Item 6 was withdrawn at the petitioner's request.

RESOLUTION NO. 92-6824

ITEM 5

A RESOLUTION GRANTING A LAKE FILLING PERMIT TO CONSTRUCT A RIPRAP REVETMENT AT 4128 WILLOWHEAD WAY; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Chiaro.

Natural Resources Manager Jon Staiger reviewed the permit request noting that staff recommended approval. Although the City has a number of headwalls and one large drain on the lake, the lake is private. Dr. Staiger informed Council that the permitted revetment will stabilize the shoreline in its present position and earth fill will not be placed to advance the shoreline into the lake. A turbidity curtain or screen must be employed during the excavation and construction to prevent silt from spreading into the lake.

City Council Regular Meeting - December 16, 1992

No public input.

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

Anderson		Y
Hermes	M	Y
Korest		Y
Pennington		Y
Sullivan	S	Y
VanArsdale		Y
Muenzer		Y
(7-0)		
M=Motion S=Second		
Y=Yes N=No A=Absent		

RESOLUTION NO. 92-6825

ITEM 12

**A RESOLUTION AUTHORIZING THE CITY MANGER TO MAKE
APPLICATION FOR PERMITS TO ERECT SIGNS RESTRICTING
FISHING IN MAN-MADE SALT WATER CANALS IN THE CITY OF
NAPLES; AND PROVIDING FOR AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

City Manager Woodruff reported that Captain Moses Jordan, Department of Natural Resources (DNR) had requested that Council pass specific legislation authorizing the City Manager to apply for permits to erect signs restricting fishing in the man-made salt water canals within the City. After approval by Council, Captain Jordan will submit the permits to his agency for approval.

The City's original intent, said Dr. Staiger, was to post 35 signs, however, the State is may require 105 signs, making this a very expensive process. Engineering Manager Leighton Westlake further described the signs and answered Council's questions. Mr. Westlake assured Council that staff intended to continue its original request for 35 signs.

Dr. Staiger commented that, in his opinion, the local bill which established the ban on net fishing would never be modified. Although this bill had been appealed, the judges believed the signs should be posted. City Attorney Chiaro told Council, "The question of maximum protection goes to the issue of whether we are going to be able to support the citations that are issued. With all of the signs as suggested, that certainly is our best posture when our officers go in and testify that they cited the fishermen." When the signs are posted, she added, there can be no question whether the fishermen are informed. Council Member Korest voiced his support for this action, noting that the Marine

City Council Regular Meeting - December 16, 1992

Patrol needed to be able to enforce the ban.

Public Input:

Captain Frank Gumpert, 5146 Kristin Court

Mr. Gumpert read a letter he had written to Council (Attachment #1). He also quoted from a December 15, 1992 Naples Daily News article, which stated: "Southwest Florida is flooded with commercial fishermen during the roe season because it is the last region in the State where fish lay their eggs. Up to 75% of mullet roe caught every year in the State comes from this region."

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

Anderson	S	Y
Hermes	M	Y
Korest		Y
Pennington		Y
Sullivan		Y
VanArsdale		Y
Muenzer		Y

(7-0)

M=Motion S=Second

Y=Yes N=No A=Absent

Dr. Staiger addressed one issue that was raised, stating, "This is not a local ordinance. This is a law of the State of Florida. It is a law passed by the Legislature. It is not legal for cities or counties to regulate fishing; it has to be done by either the Marine Fisheries Commission or the Legislature. Neither Leighton (Westlake) nor I want to be charged with a misdemeanor under the Florida law that regulates placing signs in waterways and I don't care what the County did. There is a State law that regulates signage and if you disobey the law you can get....it's a misdemeanor. You get arrested by the Marine Patrol for the process, therefore, we're going through it in this manner."

NOTE: Council Member Anderson left the Meeting at 9:40 a.m.; she returned at 10:45 a.m.

RESOLUTION NO. 92-6826

ITEM 7

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A CONCURRENCY INTERLOCAL AGREEMENT BETWEEN COLLIER COUNTY AND THE CITY OF NAPLES; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Chiaro.

City Council Regular Meeting - December 16, 1992

City Manager Woodruff emphasized that this Interlocal Agreement established cooperation between the City and the County on concurrency issues. It does not set any moratorium.

Metropolitan Planning Organization (MPO) Coordinator Jeff Perry addressed Council and answered questions about the Agreement. He explained that should a level of service fall below an acceptable standard, then a land moratorium can be placed both inside and outside the City on those developments that would impact that roadway system. Mr. Perry said that the City, through its annual analysis, would determine whether any deficient conditions existed, then the moratorium process would begin.

Mr. Perry described the analysis of the Gordon River Bridge which had been done using the MPO's process. Presently, there are no level of service problems, however, there may be in the future, depending on where development occurs along Golden Gate Parkway. Timing of any road improvements is dependent upon the growth of the area. Council Member Herms said, "The only option for elected officials is to reduce the land use patterns. The City and County have to work cooperatively." Mr. Herms stated that, in his opinion, discussion of land use and concurrency issues should be held at a televised meeting, rather than at a workshop session.

No public input.

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

Anderson		A
Herms	Y	
Korest	Y	
Pennington	S	Y
Sullivan	M	Y
VanArsdale	Y	
Muenzer	Y	
(6-0)		
M=Motion S=Second		
Y=Yes N=No A=Absent		

RESOLUTION NO. 92-6827

ITEM 15

A RESOLUTION AUTHORIZING THE PURCHASE OF ITEMS OF EQUIPMENT FOR THE NAPLES POLICE DEPARTMENT OUT OF THE POLICE CONFISCATION TRUST FUND; AUTHORIZING THE CITY

City Council Regular Meeting - December 16, 1992

**MANAGER TO ISSUE PURCHASE ORDERS THEREFORE; AND
PROVIDING AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

Captain James Byrne of the Naples Police Department, reviewed this item and distributed copies of information requested by Council at the December 14th Workshop Meeting. (Available in the original packet for this Meeting, in the City Clerk's Office.) Included in the information distributed was a copy of the Florida State Statute which regulates spending of confiscated funds.

City Manager Woodruff noted that the Police Department had been very successful during the last several years in that approximately \$150,000.00 in confiscated funds has been taken in. However, he reminded Council that these are non-guaranteed funds, so although it certainly helps to offset ad valorem tax support, it cannot be relied on.

No public input.

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

Anderson			A
Hermes	S	Y	
Korest	M	Y	
Pennington		Y	
Sullivan		Y	
VanArsdale		Y	
Muenzer		Y	
(6-0)			
M=Motion S=Second			
Y=Yes N=No A=Absent			

RESOLUTION NO. 92-6828

ITEM 10

**A RESOLUTION AUTHORIZING THE DIRECTOR OF FINANCE TO PAY
TO ELIZABETH HERING THE AMOUNT OF TWENTY SEVEN
THOUSAND FIVE HUNDRED (\$27,500) DOLLARS, WITHOUT ANY
ADMISSION OF LIABILITY, IN FULL AND COMPLETE SETTLEMENT
OF ALL CLAIMS FOR DAMAGES AND RELEASING THE CITY FROM**

City Council Regular Meeting - December 16, 1992

ALL FURTHER DEMANDS FOR DAMAGES; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Chiaro.

The City Attorney reviewed the item and recommended to Council that they approve the expenditure of \$27,500.00 for full settlement of Elizabeth Hering's claim.

No public input.

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

Anderson		A
Herns	Y	
Korest	Y	
Pennington	S	Y
Sullivan	M	Y
VanArsdale	Y	
Muenzer	Y	
(6-0)		
M=Motion S=Second		
Y=Yes N=No A=Absent		

RESOLUTION NO. 92-6829

ITEM 11

A RESOLUTION AUTHORIZING DAN MERCER, UTILITIES DIRECTOR, TO PARTICIPATE IN THE DEFERRED COMPENSATION PLAN THROUGH THE INTERNATIONAL CITY MANAGEMENT ASSOCIATION RETIREMENT CORPORATION; PROVIDING THAT HE SHALL BE EXEMPTED FROM PARTICIPATING IN THE RETIREMENT SYSTEM OF THE CITY; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Chiaro.

No public input.

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

Anderson		A
Herns	M	Y
Korest		Y
Pennington	S	Y
Sullivan		Y
VanArsdale		Y
Muenzer		Y
(6-0)		
M=Motion S=Second		
Y=Yes N=No A=Absent		

ORDINANCE NO. 92-6830

ITEM 8

AN ORDINANCE DELETING SUBSECTIONS 5-7-8(A) (1) AND (2) OF THE COMPREHENSIVE DEVELOPMENT CODE; ADDING NEW SUBSECTIONS 5-7-8(A) (1), (2) AND (3) TO THE COMPREHENSIVE DEVELOPMENT CODE TO REVISE THE EXISTING IRRIGATION SCHEDULE TO INCLUDE ALL AREAS OF THE CITY OF NAPLES; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.

Title read by City Attorney Chiaro.

City Manager Woodruff reviewed the ordinance and changes to language as requested by Council at the December 14th Workshop. Council Member Pennington requested that Section 1(A)(4) be amended to read as follows: "Irrigation of newly planted landscape shall be exempted from these restrictions for the first thirty (30) days after planting." At Mr. Pennington's request, staff will provide information showing where increased water usage is occurring.

Council Member Korest emphasized that the City should investigate and encourage the use of water conservation devices such as moisture sensing. He noted that most people watered their lawns more than was necessary and steps could be taken to considerably reduce water consumption.

Vice Mayor Sullivan referred to a letter from the Greater Naples Civic Association addressed to Council dated December 14, 1992 (Attachment #2). The letter asked several questions with respect to water conservation and the involvement of the South Florida Water Management District. Mr. Sullivan requested that staff review the questions posed in the Civic Association's letter and provide the answers to Council. He also asked that staff research water usage at the Golden Gate wellfield over a period of time and report whether water usage is down this time of year.

Public Input:

Brad Estes, 378 Goodlette Road South

City Council Regular Meeting - December 16, 1992

Mr. Estes thanked Council for acknowledging the Civic Association's letter. Referring to the South Florida Water Management District, Mr. Estes asked, "Is this an issue of political clout, or what is our allocation going to be? Is there a problem with the Golden Gate wellfield?" Mr. Estes told Council that the Association supported any responsible use of water but believed that the issue in this case was waste.

MOTION: To **ADOPT** the ordinance at second reading with the changes to the language in Section 1 (A)(4) as stated above.

Council Member Herms suggested transmitting information to City residents with respect to water conservation devices. City Manager Woodruff reported that Mike Slayton of the South Florida Water Management District had donated samples of such devices to the City. Staff will report on the devices and their prices.

Anderson			A
Herms	M	Y	
Korest		Y	
Pennington		Y	
Sullivan	S	Y	
VanArsdale		Y	
Muenzer		Y	

(6-0)

M=Motion S=Second

Y=Yes N=No A=Absent

RESOLUTION NO. 92-6831

ITEM 9

A RESOLUTION ADOPTING THE COMPENSATION AND BENEFIT PLAN FOR NON-BARGAINING UNIT EMPLOYEES FOR 1993; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Chiaro.

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

Anderson			A
Herms	S	Y	
Korest		Y	
Pennington		Y	
Sullivan	M	Y	
VanArsdale		Y	
Muenzer		Y	

(6-0)

M=Motion S=Second

Y=Yes N=No A=Absent

City Council Regular Meeting - December 16, 1992

ITEM 17

BUDGET AMENDMENTS

Authorization was requested by staff to carry forward to the current fiscal year, 1992 budgeted funds for uncompleted projects utilizing available cash balances in those funds. Those Budget amendments are as follows:

General Fund	\$ 26,923
Utility Tax Fund	\$103,941
Beach Parking Fund	\$ 11,177
Moorings Bay Tax Fund	\$ 12,000
Streets Fund	\$ 12,693
Water & Sewer Fund	\$479,443
Solid Waste Fund	\$ 87,858
City Dock Fund	\$ 22, 323

MOTION: To **APPROVE** the requested budget amendments.

Anderson		A
Hermes		A
Korest		Y
Pennington	M	Y
Sullivan		Y
VanArsdale	S	Y
Muenzer		Y
(5-0)		

M=Motion S=Second
Y=Yes N=No A=Absent

OPEN PUBLIC INPUT

None.

CORRESPONDENCE AND COMMUNICATIONS

City Manager Woodruff invited City Hall employees into the Meeting where they sang a Christmas carol to Council and wished everyone a Happy Holiday.

City Council Regular Meeting - December 16, 1992



City of Naples

ADJOURN: 10:55 a.m.

Index

**City Council Regular Meeting
December 16, 1992
Convened 9:00 am / Adjourned 10:55 am**

Janet Cason
City Clerk

Marilyn McCord

Deputy City Clerk

These minutes of the Naples City Council were approved on 1/6/93.

ANNOUNCEMENTS	2
APPROVAL OF MINUTES	
11/18/92 Reg,11/20/92 Wks, 11/30/92 Wks, 12/2/92 Reg	2
BUDGET AMENDMENTS	11
CORRESPONDENCE AND COMMUNICATIONS.....	12
INVOCATION AND PLEDGE OF ALLEGIANCE.....	2
OPEN PUBLIC INPUT	11
ORDINANCE NO. 92-6830	
Revision of Existing Irrigation Schedule.....	9
RESOLUTION NO. 92- (First Reading)	
Variance Petition - 1150 Gulf Shore Blvd.....	4
RESOLUTION NO. 92-6821	
Conditional Use Petition 91-CU11 - Veterinary Hospital	3
RESOLUTION NO. 92-6822	
Authorize Purchase - Four Used Automobiles	3
RESOLUTION NO. 92-6823	
Authorize City Manager to Assist Art Association	3
RESOLUTION NO. 92-6824	
Permit to Construct a Riprap Revetment - 4124 Willowhead Way.....	4
RESOLUTION NO. 92-6825	
Authorization to make Application for Permits - Restrict Fishing	5
RESOLUTION NO. 92-6826	
Interlocal Agreement City/County - Adequate Trans. Facilities	6
RESOLUTION NO. 92-6827	
Authorize Purchase - Equipment for Police Department.....	7
RESOLUTION NO. 92-6828	
Personal Injury Claim - Hering v. City of Naples	8
RESOLUTION NO. 92-6829	
Adoption of Compensation and Benefit for Non-Bargaining Unit	10
Enrollment of Utilities Director in ICMA Deferred Compensation	9