



City Council Chamber  
735 Eighth Street South  
Naples, Florida 33940

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**City Council Regular Meeting - April 7, 1993 - 9:00 a.m.**

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Mayor Muenzer called the meeting to order and presided.

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**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  
Maria J. Chiaro, City Attorney  
Tom Smith, Fire Chief  
Mark Thornton, Comm. Services Director  
Dan Mercer, Public Works Director  
William Harrison, Finance Director  
John Cole, Chief Planner  
Ann Walker, Planner II  
Sheldon Reed, Fire Marshal  
Stewart Unangst, Purchasing Agent  
Tara Norman, Deputy City Clerk  
George Henderson, Sergeant At Arms

Werner Haardt  
Charles Andrews  
Edward Morton  
Mark Weakley  
Kenneth Abernathy  
Mary Combs

**News Media:**

Eric Staats, Naples Daily News  
Wendy Fullerton, Fort Myers News-Press

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**INVOCATION AND PLEDGE OF ALLEGIANCE**

**ITEM 1**

Council Member Anderson

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**ITEMS TO BE ADDED**

**ITEM 3**

City Manager Woodruff explained that public notice had been published regarding consideration at this meeting of the issuance of refunding revenue bonds for Naples Community Hospital. This item should, therefore, be added to the agenda. Another item the administration was requesting be added was authorization to repair storm damage to the beach at Lowdermilk Park.

**MOTION:** To **ADD** the following items to the agenda of this meeting:

- 29-a First Reading of an ordinance authorizing the issuance of Hospital Refunding Revenue Bonds, Series 1993, for Naples Community Hospital.
- 29-b A resolution expressing the intention of the City to issue the above bonds.
- 30. Authorization to repair storm damage to the beach at Lowdermilk Park.

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

Dr. Woodruff also requested that the Council set a time certain (11:00 a.m.) for consideration of Items 29-a and 29-b, as the public notice had stated that these items would be acted upon at 9:00 a.m.

**MOTION:** To consider Items 29-a and 29-b at a time certain: 11:00 a.m.

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

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**ANNOUNCEMENTS**

**ITEM 4**

**4-a Mayor Muenzer**

Mayor Muenzer reviewed the speaker registration procedure.

**4-b City Manager Woodruff**

Dr. Woodruff noted that there would be no City Council Workshop on Monday, April 12th.

Community Services employee Robert Jones was recognized for his prompt response in reporting a fire at a location near where he was working. In addition to reporting the fire, Mr. Jones also took appropriate actions to minimize damage to the structure which was a multi-family dwelling. Fire Chief Tom Smith presented Mr. Jones with a plaque; City Manager Woodruff expressed the City's appreciation and recognized members of Mr. Jones' family who were present at the meeting.

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**\*\*\*\* CONSENT AGENDA \*\*\*\***

**It is noted that Items 21, 22 and 26 were removed from the Consent Agenda to be considered separately.**

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**APPROVAL OF MINUTES**

**ITEM 19**

City Council Workshop Meeting	March 1, 1993
City/County Joint Special Meeting	March 10, 1993
City Council Workshop Meeting	March 15, 1993
City Council Regular Meeting	March 17, 1993
City Council Special Meeting	March 24, 1993

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**RESOLUTION NO. 93-6880**

**ITEM 20**

**A RESOLUTION GRANTING CONDITIONAL USE PETITION 93-CU5  
FOR ADDITIONAL PARKING REQUIRED BY AN EXISTING**

**AUTOMOBILE DEALERSHIP, SHELTON IMPORTS, IN THE "HC", HIGHWAY COMMERCIAL, ZONING DISTRICT ON PROPERTY MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING EXPIRATION AND EFFECTIVE DATES.**

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**ITEM 23**

**BID AWARD--TEN MOTOR CONTROLLERS: INSTALLATION OF TEN MOTOR CONTROLLERS AT THE WATER TREATMENT PLANT TO EXTEND THE LIVES OF VARIOUS PUMPS AND REDUCE POWER COSTS.**

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**ITEM 24**

**BID AWARD--SEVEN FLOW METERS: INSTALLATION OF SEVEN FLOW METERING DEVICES ON THE WATER PRODUCTION WELLS IN THE GOLDEN GATE WELL FIELDS.**

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**ITEM 25**

**BID AWARD--ODOR AND CORROSION CONTROL FOR CITY'S PUMP STATIONS AND FORCE MAINS: DISCONTINUANCE OF USING FERROUS SULFATE TO CONTROL ODORS AND CORROSION IN 7 PROBLEM LIFT STATIONS THROUGHOUT THE CITY'S SEWER SYSTEM. AFTER TESTING HYDROGEN PEROXIDE, IT WAS DETERMINED THAT THIS SYSTEM CLEANED THE EQUIPMENT AND FORCE MAINS AND REDUCED AND/OR ELIMINATED SULFIDES THAT ARE A SOURCE OF ODORS AND CORROSION.**

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**ITEM 27**

**BUDGET AMENDMENT--UPGRADE PUMPS AT PORT ROYAL TANK**

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**SITE: TRANSFER \$4,470 FROM WATER & SEWER CONTINGENCY RESERVE ACCOUNT FOR THE PURPOSE OF UPGRADING PUMPS AT THE PORT ROYAL TANK SITE.**

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**RESOLUTION NO. 93-6881**

**ITEM 28**

**A RESOLUTION APPROVING AN INCREMENT INCREASE FOR CITY MANAGER RICHARD L. WOODRUFF PURSUANT TO THE EMPLOYMENT AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.**

**MOTION:** To **APPROVE** the Consent Agenda consisting of Items 19, 20, 23, 24, 25, 27 and 28.

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

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

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**ITEM 26**

**BID AWARD--AUTOMOTIVE AND LIGHT TRUCK OIL CHANGES, LUBRICATIONS AND PREVENTIVE MAINTENANCE: ELIMINATION OF A FULL TIME MECHANIC'S POSITION IN THE EQUIPMENT SERVICES DIVISION, UTILITIES DEPARTMENT, TO REDUCE THE OUT-OF-SERVICE TIME OF AUTOS AND LIGHT TRUCKS TO RESULT IN AN ANNUAL SAVINGS OF \$9,292.00. WITH THE ELIMINATION OF A FULL TIME MECHANIC'S POSITION, THE ANNUAL SAVINGS COULD RISE TO \$25,471.00.**

Dr. Woodruff explained that it would be necessary for Council to first rescind its previous motion (March 3, 1993 - Agenda Item #27) to reject all bids for the above item prior to consideration of

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awarding the bid on the current agenda.

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

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**MOTION:** To **RESCIND** the motion to reject all bids made at the Regular Meeting of March 3, 1993 under Agenda Item #27.

It is noted for the record that Council Member Herms abstained from voting on both this and the next motion. He has filed Form 8B "Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers" for each vote. (Attachments 1 and 2)

**MOTION:** To **APPROVE** award of this bid as recommended by staff.

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

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**RESOLUTION NO. 93-6882**

**ITEM 22**

**A RESOLUTION AMENDING THE COASTLAND CENTER DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER APPROVED THROUGH RESOLUTION NO. 92-6809 AS IT PERTAINS TO THE PROVISION OF AFFORDABLE HOUSING MITIGATION FUNDS BY INCREASING THE AMOUNT OF MONEY PROVIDED TO AN AFFORDABLE HOUSING TRUST FUND FROM 19.02 CENTS PER SQUARE FOOT TO 41.97 CENTS PER SQUARE FOOT OF ADDED GROSS LEASABLE AREA, PROVIDING ADDITIONAL DEFINITION TO THE ADMINISTRATION OF THE TRUST FUND; AND PROVIDING EXPIRATION AND EFFECTIVE DATES.**

Title read by City Attorney Chiaro.

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During the discussion, it was indicated by staff that this action would amend the Coastland Center Development of Regional Impact (DRI) order to increase the rate of contribution to the Affordable Housing Trust Fund from 19.02 cents to 41.97 cents per square foot of added gross leasable area. The new rate was based on deliberations of the Southwest Florida Regional Planning Council and the Florida Department of Community Affairs. The full amount is held in trust and, when a building permit is issued, it is disbursed to the City for use in addressing affordable housing needs such as mortgage assistance, land acquisition, housing rehabilitation and the like. This process is designed to distribute the impact of large projects on a cross-jurisdictional basis so that affordable housing assistance is available to whichever county is affected, not necessarily where the project is located.

It was also indicated in the discussion that contributions toward affordable housing were required of all DRI's subject to regional approval, and that the Gateway shopping center development, north of Coastland Center, had also been required to contribute to provision of affordable housing, but at a lower rate.

**Public Input:** None

**MOTION:** To **APPROVE** this resolution.

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

(6-1)

**M=Motion S=Second**

**Y=Yes N=No A=Absent**

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**ORDINANCE NO. 93-**

**ITEM 5**

**AN ORDINANCE ADOPTING 93-CPA1 AMENDING THE LAND USE ELEMENT AND FUTURE LAND USE MAP OF THE CITY OF NAPLES' COMPREHENSIVE PLAN RECOGNIZING THE PALM COTTAGE HISTORIC HOUSE MUSEUM, LOCATED AT 137 12TH AVENUE, SOUTH, AND PROVIDING FOR CONFORMITY PROCEDURES TO PRESERVE LOCAL HISTORIC RESOURCES; PROVIDING INTERNAL CONSISTENCY WITHIN THE PLAN; AND PROVIDING AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.



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It was explained that following approval on First Reading this amendment would be transmitted to the State Department of Community Affairs for approval; when that approval is received, final enactment by the City at Second Reading could occur. A specific action to rezone Palm Cottage to "Public Service" (PS) would then be brought before the Council. Because all activities in the PS zoning designation are approved individually as conditional uses, issues such as parking, setback, hours of operation and compatibility with surrounding properties, are considered that time. Nevertheless, complaints regarding overflow parking in the alley adjacent to Palm Cottage are currently being addressed through signage. Because of concerns expressed by the Planning Advisory Board, language was inserted in the proposed Comprehensive Plan amendment to the effect that approvals granted by the City for Palm Cottage are valid only while the property continues to function as a museum.

**Public Input:** None

**MOTION:** To **APPROVE** this ordinance on First Reading.

Anderson		Y
Herns		Y
Korest		Y
Pennington	M	Y
Sullivan	S	Y
VanArsdale		Y
Muenzer		Y
(7-0)		
<b>M=Motion S=Second</b>		
<b>Y=Yes N=No A=Absent</b>		

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**ORDINANCE NO. 93-**

**ITEM 6**

**AN ORDINANCE ADOPTING 93-CPA2 AS REQUESTED BY THE CITY OF NAPLES TO AMEND THE LAND USE AND HOUSING ELEMENTS OF THE CITY OF NAPLES' COMPREHENSIVE PLAN IN ORDER TO PROVIDE GUIDELINES AND STANDARDS FOR THE IDENTIFICATION OF LOCAL HISTORIC RESOURCES OUTSIDE OF THE HISTORIC DISTRICT, STRENGTHEN THE COORDINATION BETWEEN THE HOUSING ELEMENT AND THE LAND USE ELEMENT AND TO SUPPORT THE IMPLEMENTATION OF AD VALOREM TAX RELIEF FOR QUALIFYING HISTORIC PROPERTIES; TO PROVIDE FOR INTERNAL CONSISTENCY WITHIN THE PLAN AND TO FURTHER THE INTENT OF THE PLAN; DIRECTING STAFF TO SUBMIT 93-CPA2 TO THE STATE OF FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.**

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Title read by City Attorney Chiaro.

Dr. Woodruff commended Chief Planner John Cole for his work in drafting this amendment which was designed to fulfill mandates of the State Department of Community Affairs for historic preservation, while being reflective of desires expressed by local citizens. Planner Cole explained that the proposed amendment would provide zoning variances on properties being renovated to preserve their historic value. This includes possible exemption from Federal Emergency Management Agency (FEMA) regulations which limit the dollar value of improvements before a structure must be rebuilt in compliance with current flood elevation requirements. In addition, the Council may grant ad valorem tax relief from up to 100% of the value of improvements which can be made on certain properties of historic significance.

Council Member Herms observed that FEMA regulations often require demolition of a structure which is comparatively new while, under this proposal, many improvements could go forward on historic properties at similar elevations.

**Public Input:** None

**MOTION:** To **APPROVE** this ordinance on First Reading.

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

(7-0)  
**M=Motion S=Second**  
**Y=Yes N=No A=Absent**

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**RESOLUTION NO. 93-6883**

**ITEM 7**

**A RESOLUTION TRANSMITTING TO THE STATE OF FLORIDA,  
DEPARTMENT OF COMMUNITY AFFAIRS, PROPOSED AMENDMENTS  
TO THE COMPREHENSIVE PLAN  
FOR THE CITY OF NAPLES, AS  
REQUIRED BY THE STATE OF  
FLORIDA'S GROWTH  
MANAGEMENT ACT; AND  
PROVIDING AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

**Public Input:** None

**MOTION:** To **APPROVE** this resolution.

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**

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**RESOLUTION NO. 93-6884**

**ITEM 8a**

**A RESOLUTION GRANTING CONDITIONAL USE PETITION 93-CU4  
FOR A PARKING LOT LOCATED WITHIN AN R3T-12 MULTIFAMILY  
RESIDENCE ZONE DISTRICT ON PROPERTY MORE PARTICULARLY  
DESCRIBED HEREIN; SUBJECT TO THE CONDITION SET FORTH  
HEREIN; AND PROVIDING AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

Staff explained that the actions listed under Items 8-a and 8-b had been presented to the Planning Advisory Board (PAB) when it was brought to the staff's attention that the City did not comply with its own requirements for the operation of a parking lot in the R3T-12 (multi-family) zoning district. The PAB had recommended approval of continued use of the lot but with landscaping upgraded in accordance with current City requirements. One member of the Planning Advisory Board, Ron Sanson, had also questioned whether the revenue derived from the parking meters was sufficient to underwrite the costs of collection. (It was noted that approximately \$100,000 was generated in Fiscal Year 1992 from the parking meters in the beach zone which includes the pier parking lot.) Public comment to the PAB had centered around a request for additional police patrols after 11 p.m. when the lot is officially closed.

Dr. Woodruff indicated that the City was already taking steps to improve landscaping at the parking lot and that consideration was being given to allowing it to remain open after 11 p.m. to accommodate those who fish on the pier throughout the night. Council Member Korest recommended that the City attempt to exceed minimum landscaping requirements at the lot, and Council Member Herms observed that allowing parking in the early morning before 7 a.m. would best accommodate people who go to the pier to fish.

**Public Input:**

**Mary Combs, 60 12th Avenue South**

Mrs. Combs urged that the parking lot remain closed after 11 p.m. because of the noise and disturbance experienced by surrounding residents.

**MOTION:** To **APPROVE** this resolution.

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

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**RESOLUTION NO. 93-6885**

**ITEM 8b**

**A RESOLUTION APPROVING VARIANCE PETITION 93-V6 FROM SUBSECTION 7-4-8(C)(3) OF THE COMPREHENSIVE DEVELOPMENT CODE WHICH PROHIBITS THE USE OF PARKING METERS IN CONJUNCTION WITH PARKING LOTS LOCATED WITHIN "R3T-12" MULTI-FAMILY RESIDENCE ZONES IN ORDER TO PERMIT THE USE OF SUCH PARKING METERS AT THE MUNICIPAL PARKING LOT LOCATED AT THE SOUTHEAST CORNER OF GULF SHORE BOULEVARD AND 12TH AVENUE, SOUTH; AND PROVIDING AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

Chief Planner John Cole reported that it has been determined that the pier parking lot meets the variance criteria and that the Planning Advisory Board had recommended approval, with Board Member Sanson dissenting.

**Public Input:** None

**MOTION:** To **APPROVE** this resolution.

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

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**RESOLUTION NO. 93-6886**

**ITEM 9**

**A RESOLUTION APPROVING SETTLEMENT OF CIRCUIT COURT CASE ANJO DEVELOPMENT CORP. V. CITY OF NAPLES FOR THE SUM OF \$34,000; AND PROVIDING AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro

City Attorney Chiaro recommended approval of this settlement which involves the applicability of treble damages assessed for an illegal water connection. This particular suit involved the time

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

(7-0)

**M=Motion S=Second**

**Y=Yes N=No A=Absent**

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of enactment of the ordinance in relation to when treble damages were assessed against Anjo Development. However, the City Attorney explained, the ordinance would now apply if any other illegal connections are found.

**Public Input:** None

**MOTION:** To **APPROVE** this resolution.

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**ORDINANCE NO. 93-**

**ITEM 10**

**AN ORDINANCE AMENDING SECTION 15.10 OF THE CHARTER OF THE CITY OF NAPLES, ENTITLED "INDEPENDENT AUDIT", FOR THE PURPOSE OF EXTENDING THE TIME LIMIT REQUIRED FOR THE COMPLETION AND PRESENTATION OF THE REPORT OF INDEPENDENT AUDIT TO THE CITY MANAGER AND CITY COUNCIL FROM NINETY (90) DAYS TO ONE HUNDRED AND EIGHTY (180) DAYS FROM THE END OF THE FISCAL YEAR; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

Dr. Woodruff explained that in order for the City's annual audit to include a report on the actuarial soundness of the various employee pension funds, it is necessary to extend the deadline from 90 to 180 days after the close of the fiscal year.

As suggested by Council Member Herms, Section 1(c) was amended to include the following "Review of billed versus unbilled water for reasonability."

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Mr. Herms also noted that his research had indicated that unbilled water rates escalate markedly during the dry season when irrigation is taking place. He asked staff to analyze this situation.

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

(7-0)

**M=Motion S=Second**

**Y=Yes N=No A=Absent**



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City Manager Woodruff indicated that the staff was already working on this problem and that the age of meters at the water plant could have contributed to possible incorrect readings of water pumped. The meters vary from 12 to 30 years in service at the plant.

**Public Input:** None

**MOTION:** To **APPROVE** this ordinance on First Reading, as amended.

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**ORDINANCE NO. 93-**

**ITEM 11**

**AN ORDINANCE AMENDING SECTION 15.12 (b) OF THE CHARTER OF THE CITY OF NAPLES TO ALLOW THE CITY TO PARTICIPATE IN COOPERATIVE PURCHASING PURSUANT TO A VALID INTERLOCAL AGREEMENT; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.**

Title read by City Manager Woodruff.

Purchasing Agent Stewart Unangst explained that this authorization of joint purchasing with other area governmental agencies was a natural expansion of current cooperative purchasing of such commodities as automotive items. This ordinance amendment would allow joint purchasing on any item in any amount.

**Public Input:** None

**MOTION:** To **APPROVE** this ordinance on First Reading.

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

(7-0)

**M=Motion S=Second**

**Y=Yes N=No A=Absent**

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**ORDINANCE NO. 93-6887**

**ITEM 12**

**AN ORDINANCE AMENDING SECTION 10-6, WATER RESOURCES, OF THE COMPREHENSIVE DEVELOPMENT CODE OF THE CITY OF NAPLES, ADDING A NEW SUBSECTION, 10-6-6, ESTABLISHING THE MOORINGS BAY SYSTEM ACCESS CHANNEL, ESTABLISHING PROCEDURES FOR PERMITTING ENCROACHMENTS INTO THE CHANNEL, AND ESTABLISHING A PERMIT PROCESSING FEE; PROVIDING A SEVERABILITY CLAUSE; A REPEALER PROVISION AND AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

It was noted that no docks currently encroach into the designated access channel.

**Public Input:** None

**MOTION:** To **APPROVE** this ordinance on Second Reading.

Anderson		Y
Herns		Y
Korest	M	Y
Pennington	S	Y
Sullivan		Y
VanArsdale		Y
Muenzer		Y
(7-0)		
<b>M=Motion S=Second</b>		
<b>Y=Yes N=No A=Absent</b>		

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**ORDINANCE NO. 93-**

**ITEM 13**

**AN ORDINANCE AMENDING SUBSECTION 5-2-10 OF THE COMPREHENSIVE DEVELOPMENT CODE OF THE CITY OF NAPLES FOR THE PURPOSE OF ADOPTING THE ENERGY EFFICIENCY CODE FOR BUILDING CONSTRUCTION, 1993 EDITION, AS PUBLISHED BY THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS; AND PROVIDING AN EFFECTIVE DATE.**

This item was removed from the agenda at the request of staff and will be scheduled for a subsequent City Council workshop discussion.

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**ORDINANCE NO. 93-**

**ITEM 14-a**

**AN ORDINANCE AMENDING SECTIONS 18-23, 18-72(a) AND 18-103(a) OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES IN ORDER TO PERMIT PENSION BOARD MEMBERS TO SERVE ON MORE THAN ONE PENSION BOARD OF THE CITY AT THE SAME TIME; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

Dr. Woodruff explained that this ordinance would allow for the three pension plans (General, Police and Fire) to share expertise and achieve potential savings by sharing directors. City Attorney Chiaro said that she was preparing an additional ordinance to provide further clarification of dual office holding. (Although this second ordinance was considered later in the meeting, it appears below.)

**Public Input:** None

**MOTION:** To **APPROVE** this ordinance on First Reading.

Anderson		Y
Herns		Y
Korest		Y
Pennington		Y
Sullivan	M	Y
VanArsdale	S	Y
Muenzer		Y
(7-0)		
<b>M=Motion S=Second</b>		
<b>Y=Yes N=No A=Absent</b>		

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**ORDINANCE NO. 93-**

**ITEM 14-b**

**AN ORDINANCE AMENDING SECTION 1A-201(b) OF ARTICLE XI, APPOINTED BOARDS, OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, FOR THE PURPOSE OF AMENDING THE DEFINITION OF DUAL OFFICE HOLDING; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.**

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Title read by City Attorney Chiaro.

**Public Input:** None

**MOTION:** To **APPROVE** this ordinance on First Reading.

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

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**ORDINANCE NO. 93-**

**ITEM 15**

**AN ORDINANCE AMENDING SECTION 1A-28 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES FOR THE PURPOSE OF ADOPTING A REVISED ORGANIZATIONAL CHART; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

City Manager Woodruff explained that the Charter requires that the City's organizational chart be approved by the Council; the one presented for their consideration reflects reassignment of the sanitation function from the Public Works Department to the Community Services Department. These changes result in a reduction of two full-time positions.

In further clarification, Dr. Woodruff stated that changes in the officially adopted organization chart are necessary when functions are reorganized, but not for personnel changes.

Council Member Herms requested that the Council discuss the reassignment of the City Clerk's function to the Council's jurisdiction in order to afford the checks and balances of three divisions of government; namely, the Council, City Manager and City Clerk. Dr. Woodruff indicated that there would be no objection from management to this change and that the necessary ordinance would be prepared for the Council to discuss in workshop session.

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

(7-0)

**M=Motion S=Second**

**Y=Yes N=No A=Absent**

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**MOTION:** To **APPROVE** this ordinance on First Reading.

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**Break:** 10:36 a.m. to 10:45 a.m.

It is noted for the record that all members were present when the meeting reconvened.

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**ORDINANCE NO. 93-**

**ITEM 16**

**AN ORDINANCE AMENDING SECTION 3-2(b) OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, FLORIDA, FOR THE PURPOSE OF ALLOWING THE SALE OF ALCOHOLIC BEVERAGES ON SUNDAYS BETWEEN THE HOURS OF 7:00 A.M. AND MIDNIGHT; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.**

Title read by City Attorney.

It was noted that this amendment would allow vendors to sell alcoholic beverages for consumption off premises between 7:00 a.m. and midnight on Sunday. Various members of the Council indicated that they had received little comment from the public, and the comments which had been received were primarily supportive of this action.

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**City Council Regular Meeting - April 7, 1993**

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

(7-0)

**M=Motion S=Second**

**Y=Yes N=No A=Absent**

**MOTION:** To **APPROVE** this ordinance on First Reading.

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**RESOLUTION NO. 93-6888**

**ITEM 17**

**A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF NAPLES AND THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY TO RECEIVE EMERGENCY MEDICAL SERVICES TRUST FUND GRANT MONIES TO BE USED SOLELY TO IMPROVE AND EXPAND PRE-HOSPITAL EMERGENCY MEDICAL SERVICES; AND PROVIDING AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

In discussion with Fire Chief Tom Smith, the Council determined that these funds were provided by the State and distributed by the County. Use is restricted to the purchase of rescue equipment for pre-hospital care. The rate of award is \$3.758 per rescue run and is applied equally to all fire jurisdictions in Collier County. In past years, the City has not shared in this revenue due to other equipment needs which the County had determined to be of high priority.



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**City Council Regular Meeting - April 7, 1993**

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

(7-0)

**M=Motion S=Second**

**Y=Yes N=No A=Absent**

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**City Council Regular Meeting - April 7, 1993**

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**MOTION:** To **APPROVE** this resolution.

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**RESOLUTION NO. 93-6889**

**ITEM 18a**

**A RESOLUTION APPOINTING MEMBERS TO THE BEACH RENOURISHMENT/MAINTENANCE COMMITTEE TO FILL VACANCIES CREATED BY THE EXPIRED TERMS OF ARTHUR NEUMANN AND JOHN WADSWORTH; AMENDING SECTION 2 OF RESOLUTION NO. 93-6853 TO SET EXPIRATION DATES FOR THE FIVE COUNTY APPOINTEES AND TO CLARIFY LENGTH AND SUCCESSION OF MEMBERS' TERMS; AND PROVIDING AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

Dr. Woodruff pointed out that in Section 2 of the resolution language had been revised to clarify that all appointments, at the end of the initial term, would be for a period of two years. Mayor Muenzer noted that the assignment of particular candidates to various term lengths had been done by chance lottery with two witnesses present.

**Public Input:** None

**MOTION:** To **APPOINT** Arthur Neumann and John Wadsworth to the Beach Renourishment/Maintenance Committee.

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

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**City Council Regular Meeting - April 7, 1993**

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**RESOLUTION NO. 93-6890**

**ITEM 18b**

**A RESOLUTION APPOINTING MEMBERS TO THE COMMUNITY SERVICES ADVISORY BOARD TO FILL VACANCIES CREATED BY THE EXPIRED TERMS OF WILLIE ANTHONY, BRUCE GREEN AND ROBERT RIER; AND PROVIDING AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

Dr. Woodruff advised that two members, Robert Rier and Bruce Green, had requested reappointment; Willie Anthony, who had occupied the third expired term, was not eligible for reappointment.

**MOTION:** To **APPOINT** Robert Rier and Bruce Green; to move alternate member George Dondanville to the third vacant regular seat; and to appoint Phil DePasquale to serve as the alternate member. (The resolution is to be amended accordingly.)

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

(7-0)

**M=Motion S=Second**

**Y=Yes N=No A=Absent**

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**RESOLUTION NO. 93-6891**

**ITEM 21**

**A RESOLUTION AUTHORIZING THE TRAIL'S END MOTEL, 309 9TH STREET SOUTH, TO USE A TEMPORARY FACILITY CONSISTING OF ONE 60' BY 12' MOBILE OFFICE FOR A PERIOD NOT TO EXCEED NINE MONTHS IN ACCORDANCE WITH THE SITE PLAN ATTACHED HERETO; AND PROVIDING AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

City Attorney Chiaro responded to a question which had been posed by Council Member Hermes earlier in the meeting when Agenda Item 21 was removed from the Consent Agenda. Council Member Hermes' question had centered around whether a setback could be changed by the Planning Advisory Board (PAB) in its General Development Site Plan (GDSP) review if the Council had

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**City Council Regular Meeting - April 7, 1993**

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approved a plan with a different setback. Ms. Chiaro explained that she had reviewed Council's approval of the Planned Development (PD) and had determined that the approval had been based upon a conceptual site plan. If the updated plan approved by the PAB

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**City Council Regular Meeting - April 7, 1993**

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did not represent a substantial change, she said, that change would be allowed. On the other hand, Ms. Chiaro noted, if the Council approved a Planned Development with a specific site plan, there would be no provision for approval of a GDSP by the PAB.

Mr. Herms said that he felt that in the future the term "conceptual" should be understood in that changes to a PD could be made by the PAB. He cited such projects as the Neapolitan Enterprise parking garage and the Coastland Mall expansion where Planned Development approval had apparently reflected standards which were not equal to or greater than current applicable zoning. Mr. Herms requested clarification from staff on whether PD rezone standards "are wide open." He further cited his experience with the PD process on a building he had constructed in the industrial area where he had been required to meet or exceed each standard of that particular district.

**Public Input:** None

**MOTION:** To **APPROVE** this resolution.

Anderson	S	Y
Herms		N
Korest		Y
Pennington		Y
Sullivan	M	Y
VanArsdale		Y
Muenzer		Y
(6-1)		
<b>M=Motion S=Second</b>		
<b>Y=Yes N=No A=Absent</b>		

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**ITEM 30**

**AUTHORIZATION TO REPAIR STORM DAMAGE TO THE BEACH AT  
LOWDERMILK PARK.**

City Manager Woodruff reviewed a discussion which had occurred at the previous Monday's workshop regarding beach renourishment items, including repair of storm damage at Lowdermilk Park. He said that the City had received a proposal from a private company to donate 1,000 cubic yards of sand with the City being responsible for the following: permitting; distribution of the sand along the beach area; and for any necessary restoration of the area as a result of trucking the sand to the beach. It was noted that most likely it would be necessary to use some areas of private property in this activity. Because the City will be expending funds, the staff was requesting direction from the Council. Two additional companies have also come forward offering to donate 1,000 cubic yards of sand each.

Mayor Muenzer noted for the record that the Council had reached consensus only at the workshop and that the issue was being presented at this meeting for final action.

**Public Input:**

**Kenneth L. Abernathy, 4200 Belair Lane**

Mr. Abernathy, as a member of the Beach Renourishment/Maintenance Committee, communicated concerns expressed by two other members that putting sand on the beach in small amounts like that proposed for Lowdermilk Park would most likely wash away and, therefore, providing further ammunition to opponents of beach renourishment. However, Mr. Abernathy said that, personally, he took the position that the City was free to repair beaches as it saw fit.

Council Member Pennington pointed out that, from the City's perspective, this was an opportunity to derive free sand to accomplish this repair which, he said, included covering roots of vegetation which had been exposed by the storm.

Council Member Korest agreed, stating that this, too, was the basis of his support for the proposed work. He also noted that accepting offers of sand like these carry neither implication of future contracts nor the interpretation that the repair work would be a test of a particular sand source. It was merely a generous offer on the part of the donors to help the City, he concluded.

Council Member Herms noted that the beach is a constantly moving system and that the public should understand that regardless of how much sand is placed there, it could be lost to storms. Therefore, the beach must be constantly maintained.

**MOTION:** To **APPROVE** repair of the beach at Lowdermilk through utilization of donated sand.

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**

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**ORDINANCE NO. 93-**

**ITEM 29-a**

**ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF NAPLES, FLORIDA, HOSPITAL REFUNDING REVENUE BONDS (NAPLES COMMUNITY HOSPITAL, INC. PROJECT), SERIES 1993, IN A PRINCIPAL AMOUNT NOT EXCEEDING \$120,000,000 PURSUANT TO**

**THE PROVISIONS OF PART II OF CHAPTER 159, FLORIDA STATUTES, AS AMENDED; PROVIDING FOR THE LENDING OF THE PROCEEDS OF SAID BONDS TO NAPLES COMMUNITY HOSPITAL, INC. (A) TO REFUND, ON A CURRENT BASIS, ALL OR A PORTION OF THE OUTSTANDING PRINCIPAL AMOUNT OF CITY OF NAPLES, FLORIDA, HOSPITAL REVENUE BONDS (NAPLES COMMUNITY HOSPITAL, INC. PROJECT), SERIES 1992, (B) TO REFUND, ON AN ADVANCE BASIS, ALL OR A PORTION OF THE OUTSTANDING PRINCIPAL AMOUNT OF CITY OF NAPLES, FLORIDA, HOSPITAL REVENUE BONDS (NAPLES COMMUNITY HOSPITAL, INC. PROJECT), SERIES 1990, (C) TO REFUND, ON AN ADVANCE BASIS, ALL OR A PORTION OF THE OUTSTANDING PRINCIPAL AMOUNT OF CITY OF NAPLES, FLORIDA, HOSPITAL REVENUE BONDS (NAPLES COMMUNITY HOSPITAL, INC. PROJECT), SERIES 1986 AND (D) TO PAY ALL OR A PORTION OF THE COST OF ANY CREDIT ENHANCEMENT, IF NECESSARY, AND THE COSTS ASSOCIATED WITH THE ISSUANCE OF THE BONDS AND THE REFUNDING OF THE REFUNDED BONDS; AND PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE. PURPOSE: TO ISSUE "INDUSTRIAL DEVELOPMENT BONDS" FOR NAPLES COMMUNITY HOSPITAL, INC.**

Title read by City Attorney Chiaro.

It is noted for the record that a revised version of this ordinance was provided to the Council prior to its consideration of this item.

Edward Morton, Naples Community Hospital Chief Financial Officer and Senior Vice President, explained that the proceeds from this bond issue would not be for new projects or for new debt but would be used exclusively to refinance existing debt to achieve a lower interest rate. This would result in an annual savings to patients and the community. The amount of this refunding issue is \$100-million. In further discussion, it was determined that this would be a negotiated sale, not a competitive sale.

Mr. Morton also advised that the bonds in question were indemnified by the revenue stream of Naples Community Hospital. Finance Director Harrison pointed out that there is no financial risk to the City should the hospital default, although, if default should occur, the City's credibility could be damaged by having its name on the bonds. All costs to the City associated with this issue are to be reimbursed by the hospital.

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**City Council Regular Meeting - April 7, 1993**

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**Public Input:** None

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



**MOTION:** To approve this ordinance on First Reading.

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**RESOLUTION NO. 93-6892**

**ITEM 29-b**

**RESOLUTION EXPRESSING AN INTENTION OF THE CITY OF NAPLES TO ISSUE ITS CITY OF NAPLES, FLORIDA, HOSPITAL REFUNDING REVENUE BONDS (NAPLES COMMUNITY HOSPITAL, INC. PROJECT), SERIES 1993, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$120,000,000 PURSUANT TO THE PROVISIONS OF PART II OF CHAPTER 159, FLORIDA STATUTES, AS AMENDED, THE PROCEEDS OF WHICH ARE TO BE LOANED TO NAPLES COMMUNITY HOSPITAL, INC., (A) TO REFUND, ON A CURRENT BASIS, ALL OR A PORTION OF THE OUTSTANDING PRINCIPAL AMOUNT OF CITY OF NAPLES, FLORIDA, HOSPITAL REVENUE BONDS (NAPLES COMMUNITY HOSPITAL, INC. PROJECT), SERIES 1992 (B) TO REFUND, ON AN ADVANCE BASIS, ALL OR A PORTION OF THE OUTSTANDING PRINCIPAL AMOUNT OF CITY OF NAPLES, FLORIDA, HOSPITAL REVENUE BONDS (NAPLES COMMUNITY HOSPITAL, INC. PROJECT), SERIES 1990, (C) TO REFUND, ON AN ADVANCE BASIS, ALL OR A PORTION OF THE OUTSTANDING PRINCIPAL AMOUNT OF CITY OF NAPLES, FLORIDA, HOSPITAL REVENUE BONDS (NAPLES COMMUNITY HOSPITAL, INC. PROJECT), SERIES 1986 AND (D) TO PAY ALL OR A PORTION OF THE COST OF ANY CREDIT ENHANCEMENT, IF NECESSARY, AND THE COSTS ASSOCIATED WITH THE ISSUANCE OF THE BONDS AND THE REFUNDING OF THE REFUNDED BONDS; APPROVING THE ISSUANCE OF SAID BONDS, THE PLAN OF REFINANCING, THE REFUNDING AND THE LOCATION AND NATURE OF THE PROJECTS ; AUTHORIZING A MEMORANDUM OF AGREEMENT RELATING TO THE BONDS; AND**

**PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE. PURPOSE: TO ISSUE "INDUSTRIAL DEVELOPMENT BONDS" FOR NAPLES COMMUNITY HOSPITAL, INC.**

Title read by City Attorney Chiaro.

**Public Comment:** None

**MOTION:** To **APPROVE** this resolution.

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

**CORRESPONDENCE  
COMMUNICATIONS**

**AND**

Council Member Herms requested workshop discussions of the following topics:

1. Placing the office of the City Clerk under the direct jurisdiction of the City Council.
2. City sign regulations, their uniformity and how standards are applied.

Council Member Herms also reported that he had visited the chipping equipment at the horticultural landfill and noted that, through blade replacement, the operation was approaching a standard where a high quality of mulch could be achieved.

City Manager Woodruff reminded the public that beach parking permits are now being issued until 6:00 p.m. on Wednesday. Hours for other weekdays are 9:00 a.m. to 4:00 p.m.

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**City Council Regular Meeting - April 7, 1993**

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**OPEN PUBLIC INPUT**

None

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**ADJOURN: 11:50 a.m.**

**PAUL W. MUENZER, MAYOR**

Janet Cason  
City Clerk

Tara A. Norman  
Deputy City Clerk

Attachments: 2 pages

These minutes of the Naples City Council were approved on April 21, 1993.





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**April 7, 1993**  
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