



City Council Chamber  
735 Eighth Street South  
Naples, Florida 33940

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**City Council Regular Meeting -November 17, 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 Chiaro, City Attorney  
William Harrison, Finance Director  
Ann Walker, Planner II  
Dan Mercer, Utilities Director  
Mark Thornton, Community Services Director  
Charles Vandavelde, Interim Eng. Manager  
Danielle Curry, Administrative Assistant  
Ann Middleton, Financial Analyst  
John Cole, Chief Planner  
Nick Long, Dock Master  
David Lykins, Recreation/Enterprise Superintendent  
Susan Golden, Planner I  
Jon Staiger, Natural Resources Manager  
George Henderson, Sergeant At Arms  
Marilyn McCord, Deputy City Clerk

Willie Anthony  
Charles Andrews  
Marilyn Andrews  
Robert Noble  
Lodge McKee  
Ed Dering  
Mr. & Mrs. Joseph Rideoutte  
Mr. & Mrs. Fred Tarrant  
Tim O'Riley  
Marjorie Jones  
Norman de la Chapelle  
Peggy Sealfon  
Tom Taylor  
Edwin J. Putzell

Other interested citizens and visitors

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**ITEM 1**

**INVOCATION AND PLEDGE OF ALLEGIANCE**

Reverend Dr. John A. Lindell  
St. Matthew's House

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**ITEM 3**

**ITEMS TO BE ADDED**

The following should be added to the agenda: Item 31, continuation of Conditional Use Petition 91-CU11 for six months. Petitioner, Humane Society.

**MOTION:** To amend the agenda as follows; add Item 31 and remove Items 6 and 12.

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

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

**ITEM 21**

**APPROVAL OF MINUTES**

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**ITEM 22**

**BUDGET AMENDMENTS: CAPITAL PROJECTS INCOMPLETE BY END OF 1992-93 FISCAL YEAR.**

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**ITEM 23**

**AWARD OF ANNUAL CONTRACT FOR LARGE WATER METERS. (BID #94-16/UTILITIES)**

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**ITEM 24**

**CONSTRUCTION SERVICES FOR FINANCE DEPARTMENT REMODELING. (BID #94-13/FINANCE)**

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**ITEM 25**

**AUTHORIZATION TO CONTRACT FOR ARCHITECTURAL SERVICES FOR OFFICE AND STORAGE SPACE AT THE UTILITIES WAREHOUSE IN ORDER TO HOUSE THE PURCHASING DIVISION.**

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**RESOLUTION NO. 93-7047**

**ITEM 26**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A ONE-YEAR CONTRACT BETWEEN EMPLOYEE ASSISTANCE SERVICES OF SOUTHWEST FLORIDA AND THE CITY OF NAPLES FOR THE EMPLOYEE ASSISTANCE PROGRAM, IN THE AMOUNT OF \$8,330.00; AND PROVIDING FOR AN EFFECTIVE DATE.**

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**RESOLUTION NO. 93-7048**

**ITEM 27**

**A RESOLUTION AMENDING THE EMPLOYEE HEALTH BENEFIT PLAN ENTERED INTO BETWEEN THE CITY OF NAPLES AND COMMUNITY HEALTH CARE, INC. (NAPLES COMMUNITY HOSPITAL) TERTIARY CARE DATED OCTOBER 26, 1993; AND PROVIDING AN EFFECTIVE DATE.**

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**RESOLUTION NO. 93-7050**

**ITEM 28**

**A RESOLUTION AUTHORIZING THE LUTGERT COMPANIES TO PLACE A TEMPORARY SALES OFFICE TRAILER ON LOT 15, PARK SHORE UNIT 5, TO SUPPORT THE PRECONSTRUCTION SALE OF UNITS IN A CONDOMINIUM TO BE BUILT ON LOT 19, FOR A PERIOD NOT TO EXCEED 30 MONTHS; AND PROVIDING AN EFFECTIVE DATE.**

**MOTION:** To **APPROVE** the consent agenda, consisting of Items 21, 22, 23, 24, 25, 26, 27, and 28.

Anderson		Y
Hermes	S	Y
Korest		Y
Pennington		Y
Sullivan	M	Y
Van Arsdale		Y
Muenzer		Y
(7-0)		

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

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**ITEM 4**

**ANNOUNCEMENTS**

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City Manager Woodruff invited Financial Analyst Ann Middleton and Finance Director Bill Harrison to the podium, where he recognized Mrs. Middleton for her efforts related to the City's investments. Mr. Harrison told Council, "I promised you if you approved an additional employee, we would improve the investments. Ann (Middleton) has returned much more than her salary to the City. I add my thanks to Ann for the hard work she's given to the City." Reference was made to the Annual Investment Report (copy available in original file for this meeting, in the City Clerk's Office).

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Local high school students who participated in the CASE Program (City Action Seminars for Education) were introduced to Council and recognized for their efforts. Each participant received a certificate and a T-shirt. They will be submitting a student's point of view on several City issues. Dr. Woodruff thanked Administrative Assistant Danielle Curry for assisting the students during the project.

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**ORDINANCE NO. 93-7051**

**ITEM 5-a**

**AN ORDINANCE APPROVING REZONE PETITION 93-R7, REZONING PROPERTY OCCUPIED BY THE CITY PIER PARKING LOT AND THE PALM COTTAGE HISTORIC HOME MUSEUM, LOCATED AT THE SOUTHEAST CORNER OF 12TH AVENUE SOUTH AND GULF SHORE BOULEVARD SOUTH, MORE PARTICULARLY DESCRIBED HEREIN, FROM "R3T-12," MULTIFAMILY RESIDENTIAL, AND "R1-10," SINGLE FAMILY RESIDENTIAL, TO "PS," PUBLIC SERVICE, TO BRING THE PROPERTIES INTO COMPLIANCE WITH THE COMPREHENSIVE PLAN'S FUTURE LAND USE MAP DESIGNATION OF PUBLIC AND SEMI-PUBLIC INSTITUTIONAL; AND PROVIDING AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

**NOTE: Council discussed Items 5-a, 5-b, and 5-c together.**

Planner Ann Walker reviewed the items concerning Palm Cottage and described those changes

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which had been made in the resolution for conditional use. In response to Council's questions, City Attorney Chiaro said that the proposed legislation will not alter the property line. Council Member Anderson requested that staff state very clearly that the property is one foot farther to the west than previously noted, and in no way at a future date shall property lines be affected.

**Public Input:**

**Marilyn L. Andrews, 111 12th Avenue South**

Mrs. Andrews, who lives adjacent to the subject property, requested that the fence between their properties be six feet high in order to act as a buffer for Palm Cottage activities. She commented that after numerous complaints, it appears that the City was finally addressing some of the problems which occur when the Historical Society uses Palm Cottage. Mrs. Andrews asked about supervision by a member of the Historical Society when the Cottage is used for functions, and about the use and sale of alcoholic beverages on the property. Dr. Woodruff clarified that the City's ordinance does not prohibit the use of alcoholic beverages at facilities zoned "Public Service."

**Lodge McKee, 53 Broad Avenue South**

Mr. McKee, representing the Historical Society, addressed Council. He confirmed that the Society will give up a portion of the Palm Cottage property for parking purposes. Although the Society's preference for fencing would be of the white picket variety, said Mr. McKee, it would abide by whatever Council deems appropriate. He asked that the requirement that dinner parties be limited to forty people be deleted from the conditions.

Council Member Herms requested that staff obtain a written interpretation from the State with regard to prohibition of alcoholic beverages at facilities such as Palm Cottage. It was agreed that a fence shall be installed at Palm Cottage according to mutual agreement by the parties involved, with the City Manager's approval. The maximum number of guests allowed for any event will be 75.

**MOTION:** To **ADOPT** the ordinance at second reading.

Anderson		Y
Herms	S	Y
Korest		Y
Pennington	M	Y
Sullivan		Y
Van Arsdale		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. 93-7052**

**ITEM 5-b**

**A RESOLUTION APPROVING CONDITIONAL USE PETITION 93-CU18, ALLOWING THE COLLIER COUNTY HISTORICAL SOCIETY THE CONTINUED USE OF PALM COTTAGE, 137 12TH AVENUE SOUTH, AS A HISTORIC HOME MUSEUM, SUBJECT TO THE CONDITIONS AS SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

**NOTE:**      **Public Input heard during consideration of Item 5-a.**

**MOTION:**    To **APPROVE** the resolution, with the following changes: The maximum number of guests allowed is 75. Add the condition that a fence separation shall be installed and maintained in accordance with the agreement of the property owners and the City Manager.

Anderson		Y
Herms		Y
Korest	S	Y
Pennington	M	Y
Sullivan		Y
Van Arsdale		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. 93-7053**

**ITEM 5-c**

**A RESOLUTION GRANTING VARIANCE PETITION 93-V18 FROM SUBSECTION 7-4-23 OF THE COMPREHENSIVE DEVELOPMENT CODE, ESTABLISHING MINIMUM LOT SIZE AND LOT WIDTH STANDARDS WITHIN THE "PS", PUBLIC SERVICE, ZONING DISTRICT, PERMITTING THE REZONING OF THE PALM COTTAGE HISTORIC HOME MUSEUM, LOCATED AT 137 12TH AVENUE SOUTH, ON A PARCEL OF GROUND WHICH DOES NOT MEET THESE STANDARDS; AND PROVIDING AN EFFECTIVE DATE.**

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Title read by City Attorney Chiaro.

**NOTE:**        **Public Input heard during consideration  
                 of Item 5-a.**

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

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

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**ORDINANCE NO. 93-**

**ITEM 6-a**

**AN ORDINANCE GOVERNING THE PROCEDURES AND STANDARDS  
FOR THE REGULATION OF CABLE TELEVISION RATES PURSUANT  
TO THE RULES OF THE FEDERAL COMMUNICATIONS COMMISSION  
AND THE CABLE TELEVISION CONSUMER PROTECTION AND  
COMPETITION ACT OF 1992; PROVIDING A SEVERABILITY CLAUSE,  
A REPEALER PROVISION AND AN EFFECTIVE DATE.**

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**ORDINANCE NO. 93-**

**ITEM 6-b**

**AN ORDINANCE ESTABLISHING REGULATIONS AND PROVIDING  
PROCEDURES FOR THE ISSUANCE OF FRANCHISES TO CONSTRUCT,  
INSTALL AND OPERATE LINES, WIRES, POLES, COAXIAL CABLE,**



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**FIBER OPTICS CABLE, TRANSMITTERS, RECEIVERS AND APPURTENANCES FOR ORIGINATING, RECEIVING, DISTRIBUTING AND SUPPLYING RADIO, TELEVISION, TELEPHONE, VOICE, DATA AND/OR OTHER COMMUNICATIONS SERVICES ALONG, ACROSS AND UPON THE PUBLIC STREETS, PUBLIC UTILITY EASEMENTS, WAYS, ALLEYS AND PLACES WITHIN THE CITY OF NAPLES, FLORIDA; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.**

**NOTE:** Items 6-a and 6-b were removed from the agenda by Council vote at the onset of this meeting.

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**ORDINANCE NO. 93-7054**

**ITEM 7-a**

**AN ORDINANCE AMENDING SUBSECTION 8-9-5 AND SUBSECTION 11-1-8 OF THE COMPREHENSIVE DEVELOPMENT CODE OF THE CITY OF NAPLES, FLORIDA, TO AMEND THE REGULATIONS FOR COLLECTION OF REFUSE WITHIN THE CITY OF NAPLES AND TO AMEND THE FEES CHARGED FOR THE COLLECTION OF REFUSE; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

**Public Input:** None.

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

Anderson		Y
Hermes	M	Y
Korest		Y
Pennington		Y
Sullivan		Y
Van Arsdale	S	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. 93-7055**

**ITEM 7-b**

**A RESOLUTION OF THE CITY OF NAPLES, FLORIDA ESTABLISHING**

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**THE FEES CHARGED FOR THE COLLECTION OF SOLID WASTE  
REFUSE TYPES I AND II; PROVIDING AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

City Manager Woodruff emphasized that there would be no changes in the solid waste collection rates as a result of this action.

**Public Input: None.**

Anderson		Y
Herms		Y
Korest	S	Y
Pennington	M	Y
Sullivan		Y
Van Arsdale		Y
Muenzer		Y

(7-0)

**M=Motion S=Second**

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

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

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**ORDINANCE NO. 93-7056**

**ITEM 8**

**AN ORDINANCE AMENDING SUBSECTION 2(b) OF SECTION 13.3 OF PART A, ARTICLE 13 (NOMINATIONS AND ELECTIONS) OF THE CHARTER OF THE CITY OF NAPLES, FLORIDA ADJUSTING THE LANGUAGE OF THE DESIGNATED MEMBERS OF THE CANVASSING BOARD OF THE CITY OF NAPLES TO PROVIDE FOR THE "SUPERVISOR OF ELECTIONS" TO BE TITLED AS THE "CHIEF ELECTION OFFICIAL" OF THE CITY OF NAPLES; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

**Public Input:** None.

**MOTION:** To **ADOPT** the ordinance at second reading.

Anderson		Y
Herns		Y
Korest		Y
Pennington	M	Y
Sullivan	S	Y
Van Arsdale		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-**

**ITEM 9**

**A RESOLUTION RELATED TO JASMINE CAY DEVELOPMENT, AN AFFORDABLE HOUSING PROJECT, AUTHORIZING THE CITY MANAGER TO EXECUTE A SALES CONTRACT FOR THE TRANSFER OF APPROXIMATELY 4.9 ACRES LOCATED NORTH OF THE NAPLES DAILY NEWS AND AUTHORIZING THE CITY MANAGER TO TAKE THE NECESSARY ACTION TO PROVIDE FOR A WAIVER OF THE DEVELOPMENT'S WATER AND SEWER HOOK-UP FEE ASSESSMENTS; AND PROVIDING AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

City Manager Woodruff informed Council that the parties involved had been unable to reach an agreement with regard to the price of the subject property. Mr. Ed Dering of Robb, Dering &

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Associates announced that the Jasmine Cay development would be different from the typical affordable housing project and that maximum quality will be utilized. He said that the development could be an anchor for the City's redevelopment efforts. Those people most likely to need assistance will be targeted, and the reduced rents will make the apartments available to a wider range of incomes. Mr. Dering thanked everyone who has been involved in this project.

Next Mr. Dering reviewed the property value issue, pointing out that the higher quality units which are proposed have a direct bearing on the value of the land. He commented, "Is there any other use that could go on this site that would give such beneficial impact? I think not. City Council has done well in purchasing this site." Mr. Dering informed Council that his firm must present a workable loan package to Florida National Bank on December 15th; in order to do so a workable land price must be agreed upon.

### **Public Input:**

#### **Willie Anthony, 559 14th Street North**

Mr. Anthony suggested that the City lease, rather than sell, the subject property. He said that in his opinion the resulting project would then be longer lasting and better kept.

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### **BREAK: 10:45 a.m. - 11:00 a.m.**

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City Manager Woodruff and Mr. Dering reviewed the different cost proposals and answered Council's questions. Vice Mayor Sullivan reminded Council that the proposed Jasmine Cay development would probably become a role model, and would definitely become a cornerstone for redevelopment. Mr. Sullivan stated, "I think the \$140,000 being used as a base line is low, but I think there are other parameters that have been considered which are too high. I feel we can negotiate where we can reach agreement and offer it to Council. I hope to see us continue those negotiations at this time." He said further, "To go back to ground zero today does a tremendous disservice to the developer, to the City, and to our staff, but mostly to this entire community. This is a viable, working project which can come to fruition, and when it does it will be a quality job reflective of what we expect in Naples."

Mayor Muenzer pointed out that part of Council's responsibility is to obtain funds for reinvestment. Council Member Pennington expressed distress at the possibility of this project not being developed. He said that although it is desirable to obtain enough funds to use for further rehabilitation programs, first and foremost is getting this project completed.

Council Member Korest agreed that any funds realized from the sale of this property should be

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utilized to the best extent possible. He suggested, if the City's financial benefit is to be relatively small, that the developer should be required to maximize quality and utilize some type of lease arrangement. Mr. Korest also stressed the importance of this project for the City's redevelopment efforts. Council Member Van Arsdale said that in his opinion having a lease would be the equivalent of starting the process over.

Council Member Herms reminded Council that another developer had previously offered the City \$550,000 for the property. He said that in his opinion all parties involved should meet again and the City should ask for fair market value of the property.

Council discussed the project further and Council Member Korest suggested that since negotiations had been conducted over a very short period of time, perhaps it would be advisable to continue the matter in order to allow for more thorough review.

**MOTION:** To **CONTINUE** Item 9 until the December 1, 1993, Regular City Council Meeting.

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

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**ITEM 20**

**REVIEW OF SPECIAL EVENTS: THIRD STREET SOUTH ACTIVITIES;  
1993 CHRISTMAS IN THE PARK; 5TH AVENUE CHRISTMAS WALK.**

Council Member Van Arsdale suggested tabling this item until after the meeting of the Old Naples Association (scheduled for the evening of November 17th). City Manager Woodruff noted that some of the events will occur during the holiday season, so the Third Street participants need some direction. He proposed that Council approve those events scheduled from now until Christmas, and after Christmas the remaining events can be considered.

Special Events Committee Chairman David Lykins reviewed those events scheduled between the present time and January 1, 1994 which have not already been approved by Council.

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**Public Input:**

**Robert E. Noble, 1100 Ninth Street South**

Mr. Noble told Council that the list of proposed Third Street events had just been received by the Old Naples Association the previous Monday, November 15th. He stated, "We aren't really complaining, we just need to be better informed. Please give us as much time as possible so we can talk to our members."

City Manager Woodruff assured Mr. Noble that in the future the Special Events Committee would not bring any items to Council without first being reviewed by the Old Naples Association, as a courtesy.

**Marjorie Jones, 205 11th Avenue South**

Mrs. Jones suggested that a representative of the Third Street Association attend Old Naples Association meetings, and vice versa, in order for both groups to maintain communication.

**MOTION:** To **APPROVE** those events scheduled prior to January 20, 1994 not previously approved by Council.

Council Member Anderson suggested that Council consider placing a cap of \$1,200 or \$1,500 on the City's co-sponsorship amount, as compared to the present \$1,000 limit. Staff will do so during the preparation of next year's budget.

Anderson		Y
Herns		Y
Korest		Y
Pennington	M	Y
Sullivan	S	Y
Van Arsdale		Y
Muenzer		&
(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 SECTION 1.2 OF THE CHARTER OF THE CITY OF NAPLES, RELATING TO THE BOUNDARIES OF THE CITY, TO REDEFINE THE BOUNDARIES OF THE CITY OF NAPLES TO INCLUDE BEAR'S PAW; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

**Public Input: None.**

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**MOTION:** To **APPROVE** the ordinance at first reading.

Anderson	S	Y
Herms		Y
Korest		Y
Pennington		Y
Sullivan	M	Y
Van Arsdale		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. 93-7057**

**ITEM 14**

**A RESOLUTION PROVIDING FOR A REFERENDUM ON FEBRUARY 1, 1994, TO AMEND THE APPLICATION OF AD VALOREM TAX LEVY FUNDS FROM THE PARK SHORE SPECIAL TAXING DISTRICT BY ELIMINATING THE REQUIREMENTS FOR MAINTENANCE DREDGING OF THE DOCTORS PASS JETTIES, AND ADDING THE REQUIREMENT FOR MAINTENANCE DREDGING OF THE APPROACHES TO DOCTORS PASS; AND TO MERGE THE PARK SHORE SPECIAL TAXING DISTRICT WITH THE MOORINGS BAY SPECIAL TAXING DISTRICT TO ELIMINATE DUPLICATION OF TAXING DISTRICT ADMINISTRATION; PROVIDING FOR BALLOTS; AND PROVIDING AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

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A revised resolution was distributed by Natural Resources Manager Jon Staiger, who reviewed the matter and answered Council's questions.

**Public Input:** None.

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

Anderson		Y
Herms		Y
Korest		Y
Pennington	M	Y
Sullivan	S	Y
Van Arsdale		Y
Muenzer		Y

(7-0)

**M=Motion S=Second**

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

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**RESOLUTION NO. 93-7058**

**ITEM 10**

**A RESOLUTION GRANTING CONDITIONAL USE PETITION 93-CU20 FOR THE EXISTING CITY FACILITIES OF CITY HALL, FIRE STATION #1, THE PARKING LOT AT THE SOUTHEAST CORNER OF 8TH STREET AND 8TH AVENUE SOUTH, AND CAMBIER PARK, INCLUDING A PARKING NEEDS ANALYSIS FOR CITY HALL AND FIRE STATION #1; PROVIDING FOR THE CITY CLERK TO RECORD SAID CONDITIONAL USE; AND PROVIDING AN EXPIRATION DATE AND AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

**Public Input:** None.

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

Anderson		Y
Herms	M	Y
Korest		Y
Pennington		Y
Sullivan	S	Y
Van Arsdale		Y
Muenzer		Y

(7-0)

**M=Motion S=Second**

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

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**RESOLUTION NO. 93-7059**

**ITEM 11**

**A RESOLUTION GRANTING VARIANCE PETITION 93-V19 FROM SUBSECTION 7-4-23(F) OF THE COMPREHENSIVE DEVELOPMENT CODE WHICH REQUIRES A MINIMUM FRONT YARD SETBACK OF 20 FEET IN THE PUBLIC SERVICE ZONING DISTRICT, IN ORDER TO PERMIT AN ADDITION TO THE EXISTING FIRE STATION #1, 835 8TH AVENUE SOUTH, IN LINE WITH THE EXISTING BUILDING WHICH ENCROACHES TO WITHIN 14.5 FEET OF THE FRONT PROPERTY LINE ALONG 8TH AVENUE SOUTH; AND PROVIDING AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

**Public Input: None.**

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

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

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**LUNCH RECESS: 12:30 p.m. - 1:17 p.m.**

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**It is noted for the record that Marilyn McCord acted as recording secretary from 9:00 a.m. until the lunch recess; Tara Norman acted as recording secretary when the meeting reconvened through adjournment.**

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**RESOLUTION NO. 93-**

**ITEM 15**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A LETTER OF PROPOSAL FROM BARR, DUNLOP & ASSOCIATES, INC., TO PERFORM A TRAFFIC STUDY IN THE NAPLES BAY WATERFRONT DEVELOPMENT AREA; AND PROVIDING AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

City Manager Woodruff noted that during previous discussions of the Naples Bay Waterfront Development Area, concerns had been raised about traffic impacts and the overall utilization of the roadway system in Old Naples. In order to determine these impacts and utilizations, a scope of work for a traffic study had been drafted to include several scenarios of development. Council Members Van Arsdale and Herms, however, questioned the advisability of proceeding with this traffic study because the Waterfront District had not been finalized. They proposed that the item be tabled.

**Public Input: None.**

**MOTION:** To **TABLE** this item until more definite plans for the Waterfront Development Area are finalized.

Anderson		Y
Herms		Y
Korest		Y
Pennington		Y
Sullivan	M	Y
Van Arsdale	S	Y
Muenzer		Y
(7-0)		

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

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**RESOLUTION NO. 93-7060**

**ITEM 16**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE SUBORDINATION OF CITY UTILITY INTERESTS TO THE STATE OF**

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**FLORIDA DEPARTMENT OF TRANSPORTATION; DIRECTING THE CITY CLERK TO FORWARD A CERTIFIED COPY OF THIS RESOLUTION TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION; AND PROVIDING AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

City Manager Woodruff noted that the easement subordination requested was due to the widening of U.S. 41 from Davis Blvd. to Airport Road.

**Public Input:** None.

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

Anderson		Y
Herms		Y
Korest		Y
Pennington	S	Y
Sullivan	M	Y
Van Arsdale		Y
Muenzer		Y

(7-0)

**M=Motion S=Second**

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

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**RESOLUTION NO. 93-7061**

**ITEM 17**

**A RESOLUTION APPOINTING ONE MEMBER TO THE AFFORDABLE HOUSING COMMISSION; AND PROVIDING AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

**Public Input:** None.

**MOTION:** To **APPOINT** Carl Kuehner to the Affordable Housing Commission.

Anderson		Y
Herms	S	Y
Korest		Y
Pennington		Y
Sullivan	M	Y
Van Arsdale		Y
Muenzer		Y

(7-0)

**M=Motion S=Second**

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

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**RESOLUTION NO. 93-7062**

**ITEM 18**

**A RESOLUTION APPOINTING ONE MEMBER TO THE BEACH  
RENOURISHMENT/MAINTENANCE COMMITTEE; AND PROVIDING  
AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

**Public Input: None.**

**MOTION:** To **APPOINT** R. Bruce Anderson to the  
Beach Renourishment/Maintenance  
Committee.

Anderson		Y
Herns		Y
Korest		Y
Pennington	M	Y
Sullivan	S	Y
Van Arsdale		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. 93-7063**

**ITEM 19**

**A RESOLUTION APPOINTING TWO MEMBERS TO THE CITY OF  
NAPLES AIRPORT AUTHORITY; AND PROVIDING AN EFFECTIVE  
DATE.**

Title read by City Attorney Chiaro.

Members of Council expressed their appreciation for the work of the two members whose terms were expiring, and commended them for their efforts. It was noted in further discussion that it was desirable to now provide a new, positive direction on the Airport Authority. Members of Council also reflected on the high qualifications and abilities which were reflected among all applicants interviewed for these vacancies and, in particular, expressed the hope that James Rideoutte would maintain his interest in serving on the Airport Authority as other vacancies occur.

Vice Mayor Sullivan stated, however, that he would not vote to replace the current two members, expressing concern that such an action would send a negative message to other members of boards and committees. He said he felt these two members had done the job requested of them and had in essence been terminated without cause.

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**City Council Regular Meeting - November 17, 1993**

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**Public Input: None.**

**MOTION:** To **APPOINT** Edwin J. Putzell and Joseph Freni, Jr., to the Airport Authority.

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

**It is noted for the record that Council Member Anderson initially voted "no" on this motion, preferring to appoint Messrs. Putzell and Rideoutte; however, upon the concurrence of City Attorney Chiaro, Mrs. Anderson changed her vote to "yes."**

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**RESOLUTION NO. 93-7064**

**ITEM 31**

**A RESOLUTION AMENDING RESOLUTION 92-6821 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.**

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Title read by City Attorney Chiaro.

City Manager Woodruff noted that this resolution would continue a previous Council approval with the same conditions in effect.

**Public Input: None.**

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

Anderson		Y
Herms	M	Y
Korest		Y
Pennington		Y
Sullivan	S	Y
Van Arsdale		Y
Muenzer		Y

(7-0)

**M=Motion S=Second**

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

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**ITEM 29**

**APPROVAL OF TASK ORDERS WITH HOLE, MONTES & ASSOCIATES, INC.**

It is noted for the record that Items 29-a through 29-e were discussed together and action was taken by one motion.

**RESOLUTION NO. 93-7065**

**ITEM 29-a**

**AMENDMENT TO TASK ORDER NO. 4 - ENGINEERING SERVICES TO EXTEND 12 INCH REUSE MAIN ALONG U.S. 41 BETWEEN MOORINGLINE DRIVE AND NAPLES HIGH SCHOOL.**

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**RESOLUTION NO. 93-7066**

**ITEM 29-b**

**TASK ORDER NO. 5 - DESIGN OF ANDERSON DRIVE WATER DISTRIBUTION SYSTEM.**

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**RESOLUTION NO. 93-7067**

**ITEM 29-c**

**TASK ORDER NO. 6 - PUMP STATION AND FORCE MAIN**

**RELOCATION EVALUATION AND COST ANALYSIS IN CONJUNCTION  
WITH WIDENING GORDON RIVER BRIDGE.**

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**RESOLUTION NO. 93-7068**

**ITEM 29-d**

**TASK ORDER NO. 7 - DESIGN OF ACADIA LANE WATER MAIN.**

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**RESOLUTION NO. 93-7069**

**ITEM 29-e**

**TASK ORDER NO. 9 - DESIGN OF WATER MAIN EXTENSION ALONG  
DAVIS BOULEVARD FROM AIRPORT ROAD TO LAKEWOOD BLVD.**

In discussion of these items, it was noted that due to under-staffing in the Engineering Division, outside engineers were needed. Interim Engineering Manager Charles Vandeveld explained that the City had been unsuccessful in attempts to hire an individual engineer on a temporary basis, although with full staff, the projects noted in this item could be accomplished in-house in approximately six months.

Mayor Muenzer expressed concern that extending utilities outside the city limits would reduce incentives to annex and that it would take a considerable period of time to recoup costs of extending lines which would serve only a few customers. Council Member Herms suggested that on future requests of this kind, information be provided so that costs can be compared with anticipated income.

**Public Input: None.**

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**MOTION:** To **APPROVE** Resolutions 93-7065, 93-7066, 93-7067, 93-7068, and 93-7069 as presented.

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

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**ITEM 30**

**WASTEWATER OPERATIONS PERMIT RENEWAL**

**(The following discussion concerns both Items 30-a and 30-b. Both items were approved via one motion.)**

Tom Taylor of Hole, Montes & Associates reviewed the historical background of the City's wastewater treatment plant operation and enumerated the various steps in the feasibility study for the proposed reclaimed water master plan reuse system improvements. (Attachment 1) Mr. Taylor also reviewed a schedule of workshops with the Council as the feasibility study commences.

Mr. Taylor explained that since 1988, the City has not extended its reuse water system and therefore cannot meet wet weather discharge standards. Currently the requirement applied to the discharge of effluent into the Gordon River is 91 calendar days, or 25% of the year. It is expected, however, that standards will become more and more stringent in the future. The City's wastewater treatment plant is not now complying with the 91-day standard and therefore must execute a consent order with the Florida Department of Environmental Protection to set out a schedule of activities to bring the plant into compliance, Mr. Taylor explained.

Dr. Woodruff also pointed out that pumping effluent into the river can be in any amount in order to count as one day's discharge in the total number of allowable days. Mr. Taylor also noted that the City could be considered in compliance as long as it was meeting the schedule of activities enumerated in the consent order. Noncompliance could result in the State and Environmental Protection Agency taking over the system and building it to their standards. If terms of the consent order are not met, there could be a fine of \$100 per day, and if full compliance is not achieved in the



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**City Council Regular Meeting - November 17, 1993**

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prescribed five years, a fine of up to \$10,000 per day is possible.

In a discussion of cost impacts, Council Member Korest asked whether the required improvements could necessitate the City's instituting a 50% surcharge to users outside of the City limits. City Manager Woodruff indicated that this element would be considered in the rate analysis to be accomplished. The Council also discussed possible areas in which to expand the effluent reuse system, and it was pointed out that increased use of effluent for irrigation could eventually cause a shortfall in the water utility because of a decreasing irrigation demand for potable water.

Council Member Herms noted that Mr. Taylor had estimated the effluent application rate at Naples Airport as being less than golf courses. Mr. Taylor indicated that testing would be required to determine how much reuse water could actually be disposed of on this site, although his estimates were based on what he believed to be soil composition and ground cover.

It was noted that a change would be made on Page 3 of the consent order as follows: "Operations Reports indicate effluent discharges to the Gordon River occur ~~daily~~ even when natural rainfall does not preclude or reduce the application rate to less than 2 inches per week on the reuse sites or when the sites can physically accept storage of additional flows for irrigation."

With reference to the amendment to Task Order 2 of the engineering contract, City Manager Woodruff noted that a previous estimate of \$82,000 shown in the staff report had been revised to \$115,000 as reflected in the task order amendment.

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**RESOLUTION NO. 93-7070**

**ITEM 30-a**

**AUTHORIZATION TO ENTER INTO A CONSENT ORDER WITH THE  
FLORIDA DEPARTMENT OF ENVIRONMENT PROTECTION.**

Title read by City Attorney Chiaro.

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**RESOLUTION NO. 93-7071**

**ITEM 30-b**

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**City Council Regular Meeting - November 17, 1993**

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**AUTHORIZATION TO EXECUTE AMENDMENT NO. 1 TO TASK ORDER  
NO. 2 FOR A CAPACITY ANALYSIS REPORT AND AN OPERATION  
AND MAINTENANCE PERFORMING REPORT BY HOLE, MONTES AND  
ASSOCIATES, INC.**

Title read by City Attorney Chiaro.

**MOTION:** To approve Resolutions 93-7070  
and 93-7071 as presented.

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

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**OPEN PUBLIC INPUT: None.**

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**CORRESPONDENCE AND COMMUNICATIONS**

It was noted that City Clerk Janet Cason was finishing her 29th year with the City.

Council Member Pennington pointed out that Thanksgiving and Christmas donations were falling behind expectations and urged Members of Council to contribute. Dr. Woodruff noted that Airport Authority minutes are supplied to the City Clerk's Office; copies could either be provided to Council Members individually or one copy could be left on the conference table in the Council office, whichever is preferred.

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**ADJOURN: 3:21 p.m.**

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**PAUL W. MUENZER, MAYOR**

Janet Cason  
City Clerk

Marilyn McCord  
Deputy City Clerk

Tara A. Norman  
Deputy City Clerk

These minutes of the Naples City Council were approved on \_\_\_\_\_.



# *City of Naples*

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**November 17, 1993**

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