



City Council Chamber
735 Eighth Street South
Naples, Florida 33940

City Council Regular Meeting - April 5, 1995 - 9:00 a.m.

Mayor Muenzer called the meeting to order and presided.

ROLL CALL

ITEM 2

Present: Paul W. Muenzer, Mayor
Alan R. Korest, Vice Mayor

Council Members:
Ronald M. Pennington
Marjorie Prolman
Fred L. Sullivan
Fred Tarrant
Peter H. Van Arsdale

Also Present:

Dr. Richard L. Woodruff, City Manager
Maria J. Chiaro, City Attorney
Flinn Fagg, Planner I
Missy McKim, Planning Director
Bill Harrison, Assistant City Manager
Jon Staiger, Natural Resources Manager
Tara Norman, Deputy City Clerk
Marilyn McCord, Deputy City Clerk
George Henderson, Sergeant -At-Arms

Everett Thayer
Brett Moore
Tom Reed
Donald Pickworth
Juliana Marek
Dean Lopez
Jack Breeden
Jim Smith
Other interested citizens and visitors

Media:

Eric Staats, Naples Daily News
Jerry Pugh, Colony Cablevision

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INVOCATION AND PLEDGE OF ALLEGIANCE

ITEM 1

Pastor Hixon Helton, North Naples Baptist Church

ITEMS TO BE ADDED

ITEM 3

Item 20 will be added to the agenda: Bid award for trimming of hardwood trees. Staff also requested that Item 12 be continued and Item 14 be withdrawn.

ORDINANCE (Continued)

ITEM 12

AN ORDINANCE AMENDING CHAPTER 62 "TRAFFIC AND VEHICLES" OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES TO ADD SUBSECTION 62-39 "VEHICULAR BACKING ONTO PUBLIC RIGHT-OF-WAY"; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.

(Title not read.)

ORDINANCE (Withdrawn)

ITEM 14

AMEND SUBSECTIONS 86-205(c)(1) and 86-205(c)(3) OF THE COMPREHENSIVE DEVELOPMENT CODE TO REVISE THE METHODS AND STANDARDS FOR APPROVAL OF VARIANCES.

CONSENT AGENDA

APPROVAL OF MINUTES

ITEM 16

March 13, 1995	Workshop Meeting
March 15, 1995	Regular Meeting
March 27, 1995	Workshop Meeting

RESOLUTION NO. 95-7399

ITEM 17

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS FROM THE POLICE CONFISCATION TRUST FUND FOR THE PURCHASE OF FOUR (4) PERSONAL COMPUTERS FOR THE COMMUNICATIONS DIVISION OF THE POLICE DEPARTMENT; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR, IN THE APPROXIMATE AMOUNT OF \$13,071.00; AND PROVIDING AN EFFECTIVE DATE.

RESOLUTION NO. 95-7400

ITEM 18

A RESOLUTION CONFIRMING THREE APPOINTMENTS TO THE BEACH RENOURISHMENT/MAINTENANCE COMMITTEE; AND PROVIDING AN EFFECTIVE DATE.

(Reappoint Richard E. Lydon and Francis J. Blanchard; appoint Hubert E. Howard, Jr.)

ITEM 19

APPROVE SPECIAL EVENTS:

Tropicool Fest '95 April 28 - May 14, 1995
Via Colori April 22 - April 23, 1995

END CONSENT AGENDA

MOTION: To set the agenda (add Item 20, continue Item 12 and withdraw Item 14) and approve the consent agenda, consisting of Items 16, 17, 18, and 19.

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

RESOLUTION NO. 95-7401

ITEM 15

A RESOLUTION GRANTING VARIANCE PETITION 95-V1 IN ORDER TO PERMIT THE CONSTRUCTION OF A FIVE-FOOT FENCE IN A REQUIRED FRONT YARD SETBACK AT 2540 HALF MOON WALK, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Chiaro.

Planner Flinn Fagg reviewed the variance request, pointing out that the appearance of the yard on Gordon Drive would remain unchanged. The PAB (Planning Advisory Board) had recommended approval with the condition that the landscaping be maintained for the lifetime of the fence.

Public Input: None.

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

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

BID AWARD #95-20

ITEM 20

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AWARD BID FOR TRIMMING OF HARDWOOD TREES.

Contractor: Davey Tree Expert Co.
Tampa, Florida
Total Price: \$80,000.00
Funding: Parks & Parkways 340 Account

City Manager Woodruff reported that approximately 2,000 trees would be trimmed, at a cost not to exceed \$80,000.00.

Public Input: None.

MOTION: To authorize award of Bid #95-20.

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

RESOLUTION NO. 95-7402

ITEM 5

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF NAPLES ESTABLISHING AN ASSESSMENT DISTRICT TO PROVIDE CAPITAL IMPROVEMENTS INCLUDING CENTRAL SEWER, CANAL DREDGING, AND CURBING FOR AVION PARK SUBDIVISION AS REQUIRED IN FLORIDA STATUTES CHAPTER 170; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Chiaro.

Assistant City Manager Harrison reviewed the item and recommended that Council proceed to take the following actions:

- . Authorize by resolution the creation of a Special Assessment District for Avion Park Subdivision.
- . Call for the installation of central sewer throughout this subdivision and the dredging of the two canals within the subdivision and fund these improvements through special assessments.
- . Authorize the installation of curb and gutter on both Port Avenue and Airway Drive, but not on Avion Place, with these improvements being funded through the Special Assessment District.

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Mr. Harrison explained that the City would offer the Avion Park property owners payment options.

Public Input:

Everett Thayer, 1690 Avion Place

Mr. Thayer inquired about the project's time table. Mr. Harrison said that hopefully the canals would be dredged by the end of summer so that the residents once again may bring their boats up to their property. It was also explained that the sewer location map would be completed once the Assessment District was finalized. The sewer line location will depend upon the location of the water lines. Mr. Thayer did not previously vote for curb and gutter, however he said he would now be in favor. Mr. Harrison said that the City would be willing to entertain a new vote if enough neighbors changed their vote. City Attorney Chiaro advised that the attachment to the resolution would be modified to reflect the option of providing curb and gutter.

MOTION: To **APPROVE** the resolution, with the attachment amended to reflect the option of curb and gutter.

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

RESOLUTION NO. 95-7403

ITEM 13

A RESOLUTION GRANTING PRELIMINARY AND FINAL SUBDIVISION PLAT APPROVAL FOR AN EIGHT-LOT SUBDIVISION TO BE LOCATED AT 469 - 485 10TH AVENUE SOUTH, SUBJECT TO THE CONDITIONS HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Chiaro.

Planner Fagg reviewed the subdivision plat petition. Mr. Fagg described the units planned for the subdivision, noting that because no additional roads were required, the preliminary and final subdivision plats could be approved concurrently.

In response to Council Member Tarrant's question, Mr. Fagg said that confusion could possibly result because of the name of the subdivision. Council Member Sullivan agreed that confusion in reporting and dispatching could occur. City Attorney Chiaro said that she would not have a problem with Council approving the petition with the condition of changing the name.

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Public Input: None.

MOTION: To **APPROVE** the resolution with the conditions set forth by staff and by the PAB, and with the condition that the name be changed. Planning staff is authorized to approve the name change.

BREAK: 9:50 a.m. - 10:05 a.m.

Korest		N
Pennington	S	Y
Prolman		N
Sullivan	M	Y
Tarrant		Y
VanArsdale		N
Muenzer		Y
(4-3)		
M=Motion S=Second		
Y=Yes N=No A=Absent		

NOTE: All Members of Council were present after the break.

RESOLUTION NO. 95-7404

ITEM 6

A RESOLUTION GRANTING A COASTAL CONSTRUCTION SETBACK LINE VARIANCE TO ADD 1,036 SQUARE FEET OF AWNING-COVERED SCREENED TERRACES, AN 840 SQUARE FOOT STAFF BUILDING, A 96 SQUARE FOOT TOOL SHED, TO COVER A WALKWAY WITH AN AWNING, AND TO CARRY OUT INTERNAL REMODELING AT 2900 GORDON DRIVE, GULFWARD OF THE COASTAL CONSTRUCTION SETBACK LINE; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Chiaro.

Natural Resources Manager Jon Staiger reviewed the variance request and described the proposed construction, which includes erecting an awning above the entrance sidewalk. The building footprint will not be affected. Agent for the project, Breet D. Moore, P.E., of Humiston & Moore Engineers, was present to answer questions; there were none.

Public Input: None.

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

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

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ORDINANCE (First Reading)

ITEM 7

AN ORDINANCE APPROVING REZONE PETITION 95-R4, AMENDING AN EXISTING "PD" PLANNED DEVELOPMENT FOR COCONUT GROVE ON NAPLES BAY LTD. TO PERMIT RECONFIGURATION OF THE EXISTING DOCK LOCATED AT 1001 10TH AVENUE SOUTH, MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.

Title read by City Attorney Chiaro.

NOTE: Mayor Muenzer called a two-minute break at 10:25 a.m. so that Council could read a memorandum from the petitioner and view photographs which were taken at the park at the foot of Tenth Avenue. (Available in the file for this meeting, in the City Clerk's Office.)

Petitioner Tom Reed addressed Council, bringing attention to a few key points. He said that one of the goals of the dock reconfiguration was to enhance the view for the public; another goal was to make dockage at the facility more convenient and accessible by the public. Mr. Reed responded to Council's comments about the Naples Princess, which is docked at Coconut Grove. He explained that the Princess makes three to four cruises each day, averaging two hours each. The Key West vessel leaves at 8:00 a.m. and does not return until after 9:30 or 10:00 p.m. Because the commercial vessels are frequently not in port, the view is unobstructed a large part of the time. Mr. Reed spoke further about the public benefit associated with the dock reconfiguration. In summary, he said, the quality and appeal of the entire property as well as the City Park would be enhanced, adding to the enjoyment of the public. A significant commitment of funds will be utilized for beautifying the park.

Council Member Sullivan pointed out that a significant public benefit would also be realized by moving the dock to the south, opening up the right-of-way between Coconut Grove and Turners Marina.

Council Member Pennington emphasized the fact that in his opinion Council was being asked to give up a riparian right of the public into perpetuity. Council Member Tarrant pointed out that, much to the benefit of the general public, the property would be improved at great expense.

Council Member Van Arsdale, who had requested reconsideration of this issue, stated his belief that the proposal would enhance the overall viability and vitality of the waterfront, putting the City closer to its goals for the area.

Public Input: None.

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

Korest		N
Pennington		N
Prolman		N
Sullivan	S	Y
Tarrant		Y
VanArsdale	M	Y
Muenzer		Y

(4-3)

M=Motion S=Second

Y=Yes N=No A=Absent

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Vice Mayor stated that although he was sympathetic to the enhancement of Coconut Grove, he was concerned about the long-term benefits to the public. Mr. Korest did not support the motion.

Council Members Pennington and Prolman also voted in the negative. Mr. Pennington said that although he appreciated the innovations proposed by the applicants, it was incumbent upon Council to protect what belongs to the public.

Council Member Sullivan commented that no one had mentioned the fact that moving the dock also opened up a beautiful view to the north. "What is happening here is that we are giving up rights that really don't exist," said Mr. Sullivan. He stressed the importance of taking action to enhance true waterfront activities. Mr. Sullivan reminded everyone that several years ago the Coconut Grove site was an eyesore and its current owners are dedicated to good public and private relationships. He ~~voted in favor of the motion.~~

Council Members Tarrant and Van Arsdale supported the motion. Mr. Tarrant suggested that more people might be more enchanted by watching the boating activity than simply a water view. Mayor Muenzer allowed that this was a difficult situation however the view to the south and southeast would not be damaged in any way. He also voted in the affirmative. **(The motion passed by a vote of 4-3.)**

Recess: 10:45 a.m. to 1:15 p.m. It is noted for the record that the same Council Members were present when the meeting reconvened. Deputy City Clerk Marilyn McCord acted as recording secretary for the preceding portion of the meeting and Deputy City Clerk Tara Norman acted as recording secretary until 2:14 p.m.

RESOLUTION (withdrawn)

ITEM 11

A RESOLUTION GRANTING CONDITIONAL USE PETITION 95-CU2 TO ALLOW A DRY CLEANING ESTABLISHMENT WITH A DRIVE-UP WINDOW AT 109 9TH STREET SOUTH, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Planning Director Missy McKim noted that the petitioner for this item had requested that it be withdrawn.

MOTION: To **REMOVE** this item from the agenda.

This motion and vote occurred later in the meeting.

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

ORDINANCE 95-7405

ITEM 8

AN ORDINANCE ADOPTING 94-CPA2 AMENDING THE COMPREHENSIVE PLAN LAND USE ELEMENT AND FUTURE LAND USE MAP IN ORDER TO RECOGNIZE THE DEVELOPMENT AGREEMENT APPROVED BY RESOLUTION 94-7152 ESTABLISHING THE LAND USE DEVELOPMENT POTENTIAL FOR AN APPROXIMATELY 53 ACRE PARCEL OF LAND LOCATED AT THE NORTHEAST CORNER OF GOODLETTE-FRANK ROAD AND GOLDEN GATE PARKWAY; DESIGNATING FUTURE LAND USE FOR THIS PROPERTY AS A COMBINATION OF "HIGHWAY COMMERCIAL" "MEDIUM DENSITY RESIDENTIAL" AND "CONSERVATION"; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Chiaro.

Planning Director Missy McKim noted that this comprehensive plan amendment followed a development agreement which called for 23 acres of highway commercial and a maximum of 144 units of medium density residential. The remainder of the site would be devoted to wetlands. Both the staff and Planning Advisory Board recommended approval and the Florida Department of Community Affairs, after a full review, had registered neither comment nor objection.

Public Input: None (1:21 p.m.)

MOTION: To **APPROVE** this ordinance on second reading.

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

Because it was not yet reached the time advertised for Item 9, the Council entertained

correspondence and communications.)

Correspondence and Communications

Vice Mayor Korest reported that a bill was presently before the Florida Legislature which would provide for collection of parking fines as a provision of rental car agreements. Many other states have enacted similar legislation, Mr. Korest said, and it is hoped that this measure would pass in Florida.

Mayor Muenzer noted that the City and the Naples Art Association had the previous day finalized their lease for use of a portion of Cambier Park. As part of that arrangement, a Council Member is to serve on the Naples Art Association Board of Directors. **It was the consensus of Council that Council Member Prolman represent the City in this capacity.**

Council Member Tarrant commended Kevin Rambosk, Chief of Police and Emergency Services, for prompt response to a request by the Kiwanis Club to extend the hours of their seafood festival to enable them to recoup losses experienced due to inclement weather.

Mayor Muenzer noted that weather had also been a factor in the limited revenue realized by the Lake Park PTO for their annual carnival at Coastland Mall. He said that this group had intended to ask for relief from the amounts owed the City.

City Manager Woodruff noted that at the request of Council Member Tarrant, bid documents were being modified to add various clauses. Information obtained from the Lee County Utility Director had been helpful in this regard. He indicated that a City Council workshop discussion would be scheduled when all proposed revisions are finalized.

APPROVAL OF SIGNAGE PLAN FOR COASTLAND CENTER MALL

ITEM 9

Attorney Donald Pickworth, together with Dean Lopez, project manager, and Juliana Marek, graphics designer, presented the signage plan for City Council review in accordance with the requirements of the Planned Development approval for the project.

Ms. Marek then presented a review of the various signs to be incorporated in the project using overhead transparencies which corresponded with a booklet provided in the City Council packet. (A copy of this booklet is contained in the file for this meeting in the City Clerk's Office.)

Council discussed the type of lighting to be used on the project identity monument signs to be placed at the intersections of Golden Gate Parkway with U.S. 41 and with Goodlette Road. Council Member Prolman expressed concern that the neon used to provide the halo type illumination for lettering not be a cool white since she said she found this to be much more harsh than a warmer white. She referred to similar type lighting on signs at Grey Oaks and First Union Bank; Ms. Marek indicated that the Coastland sign lighting would resemble most closely that used at the Waterside Shops at U.S. 41 and Seagate Drive.

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Vice Mayor Korest stated that the Council expected the signage at Coastland Mall to be above average to reflect the quality of the community.

With reference to the palm frond used in the Coastland logo, various Council Members indicated their preference for redesign of this element so as to distinguish it from the feather appearance which was noted as a perception conveyed by the rendering provided. Council also expressed the desire to have stop signs and other traffic control signs mounted similarly to the wooden structures being introduced by the City. Council Member Pennington also suggested that the shank portion of arrows on small directional signs be extended for improved readability.

In a discussion of graphics for the anchor stores, it was noted that Burdines would use a pink tone hallo to highlight its letters, that the Sears sign will be lettered in dark blue rather than the red previously used by the company, and that JC Penney would have signs only on the north and west elevations. Planning Director McKim pointed out that because of larger building faces, slightly larger signs at main entrances would provide a more balanced appearance.

Council Member VanArsdale asked why identity monument signs were being placed only on two corners of the property. It was determined that two signs had been provided for when the project was approved and that this determination had been a compromise reached between the planning staff and Coastland. City Manager Richard Woodruff also noted that it was felt that a large sign was not appropriate on the southwest corner of the center to avoid conflict with the large Jungle Larry Zoological Park sign at the corner of U.S. 41 and Fleischmann Blvd. Dr. Woodruff also expressed concern for the apparent closeness of the proposed Coastland signs to the right-of-way. Ms. Marek ~~indicated that visibility would be taken into consideration when the signs are placed.~~ Project manager Dean Lopez also pointed out that a landscaping backdrop was already in place at U.S. 41 and Golden Gate Parkway which would provide a perspective with reference to placement of identity monument signs.

Council Member Tarrant expressed concern as to whether exterior lighting would remain on throughout the night. Mr. Lopez indicated that while he was not able to advise the precise schedule at that time, lighting would be synchronized among the various stores in the center.

It is noted for the record that Deputy City Clerk Marilyn McCord resumed as recording secretary at 2:14 p.m., through adjournment.

In response to Vice Mayor Korest's inquiry, Ms. McKim said that staff could give administrative approval to minor changes that did not involve significant change. Otherwise, changes will be presented to Council at a workshop. Guidelines for the smaller signs will be established. Mr. Korest expressed the desire for high levels of quality, and no neon.

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MOTION: To **APPROVE** the Coastland Center Mall signage plan; staff will handle small changes independently.

BREAK: 2:25 p.m. - 2:30 p.m.

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

RESOLUTION NO. 95-7406

ITEM 10

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF NAPLES ESTABLISHING AN ASSESSMENT DISTRICT TO PROVIDE REDEVELOPMENT STREETScape CAPITAL IMPROVEMENTS INCLUDING STREET LIGHTING, IRRIGATION AND LANDSCAPING, CONCRETE WORK, AND PROJECT AMENITIES FOR FIFTH AVENUE SOUTH FROM THIRD STREET TO NINTH STREET AS REQUIRED IN FLORIDA STATUTES CHAPTER 170; AND PROVIDING AN EFFECTIVE DATE.

Title read by Assistant City Manager Harrison.

Mr. Harrison reviewed the resolution, which would establish an assessment district on Fifth Avenue South to provide redevelopment streetscape capital improvements. Staff will be working with the Fifth Avenue property owners. Every property owner in the affected area has been notified. Mr. Harrison explained that staff recommended a ten-year repayment program. He pointed out that this assessment district was requested by the property owners.

Public Input:

Jack C. Breeden, 512 Fifth Avenue South

Mr. Breeden reported that he had the lowest rentals per square foot on Fifth Avenue and said that the proposed assessment would cost four months' worth of rent. Mr. Breeden said that he kept his rents low so that the tenants remain. People will move out if rents are too high, he noted. He drew attention to the fact that he did pay taxes on the property. City Manager Woodruff informed Mr. Breeden that should any property owner believe he was being assessed unfairly, Council's next action is to serve as a Board of Equalization, to hear any appeal.

Jim Smith, 3355 Gordon Drive

Mr. Smith, representing the Fifth Avenue South Property Owners Association, addressed Council.

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He agreed that Mr. Breeden had kept his rents at a fair level. Mr. Smith pointed out, however, that the restaurant occupying one of Mr. Breeden's units would remain on Fifth Avenue only as long as it is a viable place. The Association suggested this assessment, said Mr. Smith, to light the area and to extend the business hours. He told Council that the business owners also supported the assessment district, realizing that their rents would go up slightly because of the additional cost.

Vice Mayor Korest commended the Property Owners Association for accomplishing so much in so short a time in the redevelopment area.

MOTION: To **APPROVE** the resolution.

Council Member Tarrant voted in the negative, saying that he appreciated the work already done, however in his opinion it was better for a community to improve itself rather than have out-of-town experts come in, sell an idea, then tax property owners. That in turn is passed on to the consumers, he noted.

Korest	M	Y
Pennington		Y
Prolman	S	Y
Sullivan		Y
Tarrant		N
VanArsdale		Y
Muenzer		Y
(6-1)		
M=Motion S=Second		
Y=Yes N=No A=Absent		

OPEN PUBLIC INPUT: None.

ADJOURN: 3:20 p.m.

Paul W. Muenzer, Mayor

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Marilyn A. McCord
Deputy City Clerk

Tara A. Norman
Deputy City Clerk

These minutes of the Naples City Council were approved on May 17, 1995.

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