



City Council Chamber
735 Eighth Street South
Naples, Florida 33940

City Council Regular Meeting - September 6, 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
Missy McKim, Planning Director
Dan Mercer, Utilities Director
Tara Norman, Deputy City Clerk
Virginia A. Neet, Administrative Assistant
George Henderson, Sergeant-at-Arms
Mark Thornton, Comm. Services Director
William Overstreet, Building Official
William Harrison, Assistant City Manager
Anne Middleton
Gil Sherburne, Zoning Enf. Officer
Ann Walker, Planner II
The Reverend Dr. Bob N. Wallace

News Media:

Michael Cote, Naples Daily News
Jerry Pugh, Continental Cablevision

See also Supplement Attendance List
(Attachment 1)

INVOCATION and PLEDGE OF ALLEGIANCE ITEM 1

The Reverend Dr. Bob N. Wallace

ITEMS TO BE ADDED ITEM 3

None

MOTION by Sullivan to SET AGENDA, APPROVE consent agenda items 18, 20, 21, 22, 23, 25, 26, 29, 30, 31, 32, and REMOVE items 19, 24, 27, 28 from the consent agenda for separate consideration; seconded by Pennington and unanimously carried, all members present and voting.

CONSENT AGENDA

APPROVAL OF MINUTES.....ITEM 18

August 2, 1995 Regular Meeting; August 14, 1995 Workshop

RESOLUTION 95-7497.....ITEM 20

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND COLLIER COUNTY WHICH WILL RECOGNIZE THE RESPONSIBILITIES FOR FUNDING ASSISTANCE FROM THE COUNTY FOR THE NAPLES PIER RECONSTRUCTION, THE NAPLES LANDING BOAT RAMP RECONSTRUCTION AND THE NAPLES LANDING PARK IMPROVEMENTS; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 95-7498.....ITEM 21

A RESOLUTION AUTHORIZING SUSAN B. WIESING, HUMAN RESOURCES DIRECTOR, TO PARTICIPATE IN THE DEFERRED COMPENSATION PLAN THROUGH THE INTERNATIONAL CITY MANAGEMENT ASSOCIATION RETIREMENT CORPORATION; PROVIDING THAT SHE SHALL BE EXEMPTED FROM PARTICIPATING IN THE RETIREMENT SYSTEM OF THE CITY; AND PROVIDING AN EFFECTIVE DATE. Title not read.

.....ITEM 22

AUTHORIZATION TO TRANSFER \$10,000, RECEIVED FROM CONTINENTAL CABLEVISION INTO GENERAL FUND CABLE T.V. FRANCHISE REVENUES, TO THE CITY ATTORNEY'S BUDGET.

.....ITEM 23

AUTHORIZATION TO ISSUE A PURCHASE ORDER FOR A 37" DIAMETER RAW WATER MASTER FLOW METER FOR THE WATER TREATMENT PLANT. VENDOR: TECHN-QUIP, PALM HARBOR, FLORIDA / PRICE \$9,890.00 / FUNDING: CIP PROJECT #95K06.

.....ITEM 25

AUTHORIZATION TO PURCHASE SOD ON AN ANNUAL BASIS. CONTRACTOR: SOD BUSTERS, ARCADIA, FLORIDA / ESTIMATED ANNUAL EXPENDITURE \$30,000.00 / FUNDING: CAPITAL IMPROVEMENT AND OPERATING AND MAINTENANCE ACCOUNTS.

.....ITEM 26
AUTHORIZATION TO PURCHASE MICROCOMPUTERS UNDER FLORIDA STATE CONTRACT. VENDOR: GATEWAY 2000, NORTH SIOUX CITY, S.D. / ESTIMATED PURCHASES \$63,000.00 / FUNDING: CIP PROJECT #96T10 AND VARIOUS DEPARTMENTAL CIP ACCOUNTS.

.....ITEM 29
AUTHORIZATION TO PURCHASE TRAFFIC AND STREET SIGNS ON AN ANNUAL BASIS. VENDORS: MUNICIPAL SIGN & SUPPLY, NAPLES, FLORIDA AND UNIVERSAL SIGNS, FT. PIERCE, FLORIDA / ESTIMATED ANNUAL EXPENDITURE \$23,000.00 / FUNDING: OPERATING ACCOUNTS.

.....ITEM 30
AUTHORIZATION TO PURCHASE THERMOPLASTIC MATERIAL ON AN ANNUAL BASIS. VENDOR: FLORIDA TRANSCOR, JACKSONVILLE, FLORIDA / PRICE: \$790\TON (WHITE) \$700\TON (YELLOW) / FUNDING: OPERATING ACCOUNTS.

.....ITEM 31
AUTHORIZATION TO PURCHASE PLANT MATERIALS IN CONJUNCTION WITH THE FIFTH AVENUE AREA REDEVELOPMENT. VENDOR: PALMCO, PINELAND, FLORIDA / TOTAL PRICE \$19,260.00 / FUNDING: CIP PROJECT #94I01.

.....ITEM 32
AUTHORIZATION TO PURCHASE WASTE RECEPTACLES IN CONJUNCTION WITH THE FIFTH AVENUE AREA REDEVELOPMENT. VENDOR: AMERICAN SITE FURNITURE, CONCORD, MASSACHUSETTS. / TOTAL PRICE \$33,784.00 / FUNDING: CIP PROJECT #94I01.

RESOLUTION 95-7499.....
ITEM 33

A RESOLUTION GRANTING THE CONSENT OF THE CITY COUNCIL OF THE CITY OF NAPLES, FLORIDA TO THE TRANSFER OF CONTROL OF CABLEVISION INDUSTRIES CORPORATION AND ITS CABLE TELEVISION SYSTEM FROM CABLEVISION INDUSTRIES CORPORATION ("CVI") TO TIME WARNER, INC. ("TWI"); AND PROVIDING AN EFFECTIVE DATE. Title not read.

ANNOUNCEMENTS.....ITEM 4
Mayor Paul W. Muenzer recognized the Naples Senior League Braves Girls' Softball Team for winning their 7th consecutive World Championship title and presented a certificate and commemorative mug to each member of the team and to the team manager, Bob Iamurri and team coach, Tom Cook.

RESOLUTION 95-7500.....ITEM 5
A RESOLUTION GRANTING CONDITIONAL USE PETITION 95-CU12, PERMITTING STAGED ENTERTAINMENT AT THE FIFTH AVENUE CAFE, LOCATED AT 625 FIFTH AVENUE SOUTH, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Chiaro.

Planning Director Missy McKim stated that the Staff Action Committee, the Planning Advisory Board, and staff all recommended approval of this request subject to limitations. The conditions recommended by the P.A.B. are reflected in the resolution along with the condition requested by Council stating: "Music shall not be audible from any residential properties." (A copy of City Manager Richard Woodruff's memorandum dated 8/17/95 and the Staff Report dated 7/27/95 are contained in the file for this meeting in the City Clerk's office.) Council Member Sullivan questioned why the final version of the resolution did not refer to amplification. After further discussion, it was determined that the nearest residential property is 120 to 150 feet away and, although the word "audible" imposes a high standard, it should remain in the resolution.

Public Input: (9:32 a.m.)

Jane Rogers (speaking for Anna Rogers), 454 6th Street South

Ms. Rogers spoke on behalf of her mother who, she claimed, is the nearest resident to the Fifth Avenue Cafe. She stated that it would be detrimental to her mother's quality of life to hear music every day and evening from her residence. Ms. Rogers said that she likes the "audible" word in the resolution.

MOTION by VanArsdale to APPROVE Resolution 95-7500, as amended; seconded by Pennington and unanimously carried, all members present and voting.

**ORDINANCE (First Reading)(Withdrawn)ITEM 17
AN ORDINANCE AMENDING SECTIONS 34-39, 34-40, AND APPENDIX A OF THE
CODE OF ORDINANCES OF THE CITY OF NAPLES FOR THE PURPOSE OF
REVAMPING THE PROCESS FOR CHARGING AND COLLECTING FEES FOR
POLICE RESPONSE TO FALSE ALARMS; PROVIDING A SEVERABILITY CLAUSE, A
REPEALER PROVISION AND AN EFFECTIVE DATE. Title read by City Attorney Chiaro.**

This item was withdrawn by staff for further administrative research and legal review prior to first reading.

**)ORDINANCE (First Reading).....ITEM 6
AN ORDINANCE APPROVING REZONE PETITION 95-R10, IN ORDER TO REZONE A
1.85 ACRE PORTION OF THE NAPLES BEACH HOTEL GOLF COURSE, MORE
PARTICULARLY DESCRIBED HEREIN, FROM "R1-15" SINGLE-FAMILY
RESIDENTIAL TO "PD" PLANNED DEVELOPMENT, IN ORDER TO
ACCOMMODATE THE DEVELOPMENT OF A TENNIS FACILITY; AND PROVIDING
AN EFFECTIVE DATE. Title read by City Attorney Chiaro.**

Planning Director Missy McKim explained that this was a request to add tennis courts to a portion of the golf course adjacent to Golf Drive. Ms. McKim stated that staff recommended approval of this petition with certain conditions (A copy of the Staff Report dated 7/27/95 is contained in the file for this meeting in the City Clerk's office.) Ms. McKim also noted that the comprehensive plan requires this petition be submitted as a planned development.

Mike Watkins, General Manager of the Naples Beach Hotel and Golf Club, stated that the concerns of adjacent residents have been addressed and the hotel would be available to meet with residents on an "as need" basis. Mr. Wadkins displayed an artist's rendering and site location of the new facility

to illustrate the modifications to the golf course and explain how the facility would be accessed.

Public Input: None (9:54 a.m.)

MOTION by Sullivan to ***APPROVE*** this ordinance on first reading; seconded by VanArsdale and unanimously carried, all members present and voting.

City Manager Richard Woodruff stated, for the record, that the City appreciated the Beach Club Hotel's cooperation in re-use water improvements and the easement given by the hotel along U.S. 41.

ORDINANCE (First Reading).....ITEM 16
AN ORDINANCE ADOPTING AN INVESTMENT POLICY FOR THE CITY OF NAPLES;
PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN
EFFECTIVE DATE. Title read by City Attorney Chiaro.

City Manager Richard Woodruff explained that this ordinance contained the provision, requested by Council, acknowledging its compliance with Florida Statute. In response to Council's requests for clarification, Dr. Woodruff stated that the present City of Naples Investment Policy includes 85-90% of the requirements of state law. Bill Harrison, Assistant City Manager, stated that language of the policy has been brought up to date and it has been reviewed and approved by the City Council's investment advisor, Palm Beach Investment Advisors, and the policy committee of the National Municipal Treasurer's Association. Mr. Harrison said they will change the policy to require monthly reporting, as requested by Council, however, that amendment should be added to the motion. Mr. Harrison explained how the policy safeguards against speculation and limits the City to extremely high grade and conservative investments. In response to inquiries from Council Members, Mr. Harrison further described the bid process and the eligible dealer list requirement.

Public Input: None (10:07 a.m.)

MOTION by Sullivan to ***APPROVE*** this ordinance, as amended and incorporating the monthly reporting requirement, on the first reading; seconded by Pennington and carried 6-1, all members present and voting (Tarrant dissenting).

During the vote, Council Member Tarrant expressed his opposition to the City using an investment advisor and investing in anything other than T-Bills, T-Notes and T-Bonds with full faith and value.

.....**ITEM 24**
AUTHORIZATION TO PURCHASE ANNUAL SUPPLIES OF WATER AND
WASTEWATER TREATMENT CHEMICALS FROM VARIOUS VENDORS-
ESTIMATED ANNUAL EXPENDITURES \$584,900 / FUNDING: OPERATING AND
MAINTENANCE ACCOUNTS.

City Manager Richard Woodruff explained that this was a bid award for water and wastewater chemicals and relayed the recommended vendors's names to Council. (This material is contained in the file for this meeting in the City Clerk's office.) Dr. Woodruff stated that the City has projected and budgeted almost \$600,000 per year for these chemicals. Council Member Pennington explained that he had asked that this item be pulled from the Consent Agenda due to the amount of money involved and suggested that expenditures exceeding \$100,000 not be on the Consent Agenda. Dr. Woodruff also stated that vendors are obtained by advertising in the market and a vendor with a history of unsatisfactory products would not be recommended to Council. He further stated that prices are compared with other governmental agencies such as Collier County.

Public Input: None (10:12)

MOTION by Sullivan to authorize TO PURCHASE ANNUAL SUPPLIES OF WATER AND WASTEWATER TREATMENT CHEMICALS; seconded by Korest and unanimously carried, all members present and voting.

RESOLUTION 95-7501.....ITEM 7
A RESOLUTION GRANTING VARIANCE PETITION 95-V7 IN ORDER TO PERMIT TWO ADDITIONAL "CLASS A" SIGNS AT TIN CITY, LOCATED AT 1200 FIFTH AVENUE SOUTH, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Chiaro.

Planning Director Missy McKim stated that this was a request for a variance from the comprehensive development code which limits signage for commercial properties. Ms. McKim used photographs of the property to illustrate that the current number of signs exceeds that permitted by code. Ms. McKim explained that if the petition is denied, the excess signs (2) would have to be removed. Staff recommended denial of the petition stating that the two additional signs were not critical to identification. The Planning Advisory Board, however, voted unanimously to approve the variance.

Arthur W. Jacob, manager of Tin City, spoke for the petitioner. Mr. Jacobs stated that Tin City Partners Ltd. was attempting to replace "Old Marine Market Place" signs with "Tin City" signs and was informed of the signage violation when their a sign permit application was denied. Tin City's primary reason for changing the signs was to reduce confusion and let customers know what out buildings are a part of the Tin City complex. Mr Jacob also explained that one of the signs in question was placed on the building to hide unsightly and leaking windows. Mr. Jacob assured Council that they were not planning to erect any additional signs and were nearing completion of their sign program. In response to questions from Council, Mr Jacob clarified the locations of the signs pointing out those considered to be exterior. Ms. McKim explained that Tin City is allowed its two free standing signs because of its frontage on two streets. She also stated that the two signs on 12th Street South are permitted under the code and the signs in question were interior oriented.

Public Input: None (10:46 a.m.)

MOTION by VanArsdale to APPROVE Resolution 95-7501; seconded by Sullivan. Following the discussion which appears below, this motion carried 5-2, all member present and voting (Prolman and Pennington dissenting).

Council Member Pennington stated that the signage permitted by code was sufficient and granting an after the fact variance would be excessive. Council Member VanArsdale noted that the Tin City property itself is unique and non-conforming.

RESOLUTION 95-7502.....ITEM 8
A RESOLUTION GRANTING CONDITIONAL USE PETITION 95-CU11, IN ORDER TO PERMIT A REDUCTION IN THE REQUIRED NUMBER OF PARKING SPACES FOR AN EXPANSION OF THE NAPLES MOTOR LODGE, LOCATED AT 250 9TH STREET SOUTH, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EXPIRATION DATE AND AN EFFECTIVE DATE. Title read by Planning Director Missy McKim.

Planning Director Missy McKim explained that this was a request for conditional use approval of a parking needs analysis in order to permit the Naples Motor Lodge to increase its transient lodging units to 33. The proposed site plan indicates 36 parking spaces, however, the comprehensive development code would require 42 spaces. Ms. McKim stated that the staff recommended approval subject to conditions and recording with the County Clerk's office. (A copy of this material is contained in the file for this meeting the City Clerk's office.) Ms. McKim pointed out that the resolution has been revised to require upgrading of the potable water service and approval of the utilities plan prior to issuance of a building permit.

Public Input: None (11:02 a.m.)

MOTION by Pennington to APPROVE Resolution 95-7502; seconded by Sullivan and carried 6-0 (Prolman absent).

**RESOLUTION 95-7503.....ITEM 14
A RESOLUTION GRANTING VARIANCE PETITION 95-V9 IN ORDER TO PERMIT
THE EXISTENCE OF A GROUND SIGN CLOSER THAN FIVE FEET TO A RIGHT-OF-
WAY AT THE THIRD STREET PLAZA, LOCATED AT 1170 THIRD STREET SOUTH,
MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE
DATE.** Title read by City Manager Woodruff.

Planning Director Missy McKim showed Council a video of the subject sign and other ground signs in the Third Street South area built within 5 feet of the property line. Ms. McKim explained that the Third Street Overlay District does permits this, however, it requires a smaller sign than the one in question. She stated both staff and the Planning Advisory Board recommended denial of the petition.

Attorney John Passidomo, speaking for the petitioner, asked Council to relax the code so the merchants affected by the sign could have the same visual accessibility as other businesses in the area. Mr. Passidomo stated there were unique site considerations such as elevation and the distance between the businesses and the street. He explained the sign is substantially located in the same area as the existing sign and was under construction when the petitioner was apprised of its non-conformity. The specific intent of the petitioner is to list all plaza businesses on this new sign. He maintained the present location is the only one providing visibility from the north and south and suggested that the variance was within the comprehensive plan directive to insure economic viability on Third Street South.

Public Input: None (11:26 a.m.)

Discussions between Council Members and Mr. Passidomo clarified that although the building permit is in compliance, the sign was built 3 feet closer to the right-of way than permitted by code. In response to inquiries of Vice Mayor Korest, Missy McKim explained that the City was assisting area businesses through the Third Street Special Overlay District which provides for signs not permitted by code.

MOTION by Sullivan to APPROVE Resolution 95-7503; seconded by Korest. Following the discussion which appears below, this motion carried 4-3, all member present and voting (Prolman, Pennington, VanArsdale dissenting).

During the vote, Vice Mayor Korest stated that the City's highest priority should be the maintenance and enhancement of commercial areas. Council Member Sullivan stated that the sign was in keeping with the intent of the general sign program for the Third Street South district. Council

Member Pennington maintained that since the sign's placement was a mistake, it had nothing to do with cooperation between the City and the merchants. Council Member VanArsdale said the sign would be just as effective if built to code and questioned why the contractor did not correct the mistake. Mayor Muenzer said approval of the variance would make things better for the consumers and the merchants.

It is noted for the record that Council Member VanArsdale left the meeting at 11:40 a.m.

RESOLUTION 95-7504 ITEM 9
A RESOLUTION GRANTING VARIANCE PETITION 95-V8 IN ORDER TO PERMIT THE CONSTRUCTION OF AN ADDITION IN THE FRONT YARD SETBACK OF THE RESIDENCE LOCATED AT 1620 GULF SHORE BOULEVARD SOUTH, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.
Title read by City Attorney Chiaro. See related Item 10.

Planning Director Missy McKim explained that the home was constructed in 1926, prior to setbacks and zoning, and currently encroaches into the setback area. Ms. McKim stated that the new construction would have little impact on adjoining properties and it was the recommendation of staff and the Planning Advisory Board to approve the variance.

Public Input: None (1:47 p.m.)

MOTION by Pennington to APPROVE Resolution 95-7504; seconded by Sullivan and carried 6-0 (VanArsdale absent).

RESOLUTION 95-7505.....ITEM 10
A RESOLUTION GRANTING A COASTAL CONSTRUCTION SETBACK LINE VARIANCE TO CONSTRUCT A 70.4 SQ. FT. ADDITION TO THE NORTHWEST CORNER OF A SINGLE-FAMILY RESIDENCE, SEAWARD OF THE COASTAL CONSTRUCTION SETBACK LINE; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Chiaro.

Public Input: None (1:48 p.m.)

MOTION to APPROVE Resolution 95-7505 by Pennington; seconded by Sullivan and carried 6-0 (VanArsdale absent).

MOTION by Pennington to DESIGNATE additional item as Item 15-D and add to the agenda by Pennington; seconded by Sullivan and carried 6-0 (VanArsdale absent).

ORDINANCE (First Reading)..... ITEM 15-A
AN ORDINANCE AMENDING DIVISION 3, SECTIONS 2-171 AND 2-172; DIVISION 6, SECTION 2-227 OF ARTICLE IV, DEPARTMENTS, OF CHAPTER 2 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES; ADDING DIVISION 7, SECTIONS 2-228 AND 2-229 OF ARTICLE IV, DEPARTMENTS, OF CHAPTER 2 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES; AND AMENDING SECTION 58-70(b) OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES FOR THE PURPOSE OF RENAMING THE DEPARTMENT OF COMMUNITY DEVELOPMENT TO THE PLANNING DEPARTMENT; AMENDING THE RESPONSIBILITIES OF THE

COMMUNITY DEVELOPMENT DIRECTOR AND UTILITIES DIRECTOR; CREATING A NEW DEVELOPMENT SERVICES DEPARTMENT; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE. title read by City Attorney Chiaro.

City Manager Woodruff stated this deals with reorganization of the Planning and Engineering Departments which would become the Department of Developmental Services. This new structure, Dr. Woodruff explained, isolates the Planning Department which would specifically focus on the planning efforts of the community. The Building, Natural Resources and Engineering Departments would be combined and become Developmental Services responsible for all aspects of development in the community. Council Member Pennington reminded Council that the ordinance (paragraph 5, page 3) should be amended to read "propose, evaluate and process amendments to the Comprehensive Development Code".

MOTION by Pennington to APPROVE this ordinance, as amended, on first reading; seconded by Sullivan and carried 6-0 (VanArsdale absent).

**ORDINANCE (First Reading).....ITEM 15-B
AN ORDINANCE AMENDING DIVISION 5, DEPARTMENT OF POLICE, OF ARTICLE IV, DEPARTMENTS, OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, FLORIDA; AMENDING DIVISION 3, BUREAU OF FIRE PREVENTION, OF ARTICLE II, ADMINISTRATION, AND ARTICLE III, STANDARDS, OF CHAPTER 38, FIRE PREVENTION AND PROTECTION, OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES IN ORDER TO EFFECTUATE NAME CHANGES OF THE FIRE AND POLICE DEPARTMENTS; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.** Title read by City Attorney Chiaro.

City Manager Richard Woodruff stated that the City is 5 months into an 18 month trial period for this reorganization. Dr. Woodruff expressed satisfaction and recommended Council adopt the ordinance and codify the reorganization. He based his recommendation on the upcoming election and budget adoption stressing that the present Council is the Council that reviewed the documentation and worked towards the restructuring. Council Member Prolman stated that, although she did not anticipate any problems with the restructuring, she thought the trial period should be longer than 5 months. City Attorney Chiaro described the trial period as an administrative trial with no official agreement by this Council to date. Council Member Pennington pointed out that the proposed budget is based on this restructuring and, if not codified, a budget may be passed that is not in alignment with the official organization. City Attorney Chiaro stated that a notation on the budget aligning it with functional organization rather than actual organization should be made. After further discussion, it was agreed that the organizational change progressed faster than expected due to the cooperative efforts of the personnel. Council Member Pennington suggested Council move forward with the ordinance but asked that the Chief provide an update for Council review prior to second reading.

Public Input: None (2:11 p.m.)

MOTION by Korest to APPROVE this ordinance on first reading; seconded by Pennington and carried 6-0 (VanArsdale absent).

ORDINANCE (First Reading)..... ITEM 15-C

AN ORDINANCE REPEALING DIVISION 2, DEPARTMENT OF FIRE, OF ARTICLE II, ADMINISTRATION, OF CHAPTER 38, FIRE PREVENTION AND PROTECTION, OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES; AND PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE. Title read by City Attorney Chiaro.

City Manager Richard Woodruff explained that this was a companion ordinance necessary to complete the reorganization described in Item 15-C.

Public Input: None (2:13 p.m.)

MOTION by Sullivan to APPROVE this ordinance on first reading; seconded by Pennington and carried 6-0 (VanArsdale absent).

ORDINANCE (First Reading)..... ITEM 15-D
AN ORDINANCE AMENDING SECTION 2-146 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 Richard Woodruff distributed the new organizational chart reflecting the restructured departments.

Public Input: None (2:14 p.m.)

MOTION by Sullivan to APPROVE this ordinance on first reading; seconded by Pennington and carried 6-0 (VanArsdale absent).

RESOLUTION 95-7506.....ITEM 11
A RESOLUTION AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF NAPLES AND THE 41-10 ASSOCIATION, IN SUBSTANTIALLY THE FORM ATTACHED HERETO, PROVIDING FOR A MAXIMUM GRANT IN AN AMOUNT NOT TO EXCEED THIRTY-THREE THOUSAND THREE HUNDRED TEN DOLLARS (\$33,310), IN CONJUNCTION WITH THE DESIGN OF A MASTER DEVELOPMENT PLAN AND RELATED SERVICES FOR THE ESTABLISHED COMMUNITY REDEVELOPMENT AREA, WITH THE EXCEPTION OF THE 300 THROUGH 800 BLOCKS OF FIFTH AVENUE SOUTH; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Chiaro.

City Manager Richard Woodruff explained that the resolution was amended to reflect only the maximum grant for the first of 3 phases. Dr. Woodruff described the procedure whereby the money is granted through the Community Redevelopment Area and explained how the money would be tracked in the City's budget. Planning Director Missy McKim also pointed out modifications to the resolution as a result of the previous day's workshop. Council Member Tarrant expressed concerns about the consultant involved in this project and questioned whether taxpayer's money should be spent on someone the Council did not interview or hire. Dr. Woodruff explained that although the City authorizes a private individual group to hire a consultant, final authority rests with Council; not the private group or consultant. Vice Mayor Korest contended that when government directs redevelopment efforts, it is not very successful and the private sector should be emphasized. He also stated there were sufficient safeguards to protect the taxpayers and applauded the efforts of the 41-10 Association.

Public Input: None (2:30 p.m.)

MOTION by Korest to APPROVE Resolution 95-7506; seconded by Sullivan. Following the discussion which appears below, this motion carried 5-1 (Tarrant dissenting and VanArsdale absent).

Council Member Sullivan said that Council should provide the impetus for this type of change and agreed with the expansion of the project to include other areas. Council Member Tarrant again questioned the wisdom in hiring a consultant when various City departments could do the work and stated it was a bad use of the taxpayer's money.

John Nocera, treasurer of the 41-10 Association, applauded Council for their support. He stated that once this project is complete, he feels the tax base will more than make up for the \$75,000 contributed by the City.

ORDINANCE (Second Reading/Continued).....ITEM 12
AN ORDINANCE ADOPTING SMALL SCALE COMPREHENSIVE PLAN
AMENDMENT 95-CPASS3 AMENDING THE COMPREHENSIVE PLAN FUTURE LAND
USE ELEMENT TO PERMIT A PROFESSIONAL USE IN CONJUNCTION WITH THE
SINGLE FAMILY RESIDENTIAL USE FOR PROPERTY LOCATED AT 395 6TH
STREET SOUTH, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING
AN EFFECTIVE DATE. Title read by City Attorney Chiaro.

Council Member Prolman stated that the palette of professional services permitted by this ordinance was too broad and asked that more consideration be given to the implications. City Manager Richard Woodruff suggested the language of the ordinance be amended to limit the types of uses and the hours of operation. Vice Mayor Korest agreed with Mrs. Prolman's concerns noting the strong possibilities of future problems for the area if a commercial business is allowed in a residential area. Council Member Pennington stated he did not want to hold the owner hostage over this, but agreed this item required more workshop consideration.

MOTION by Korest to CONTINUE this item for additional consideration at the Workshop scheduled for September 18, 1995 and the Regular Meeting scheduled for September 20, 1995; seconded by Prolman. Following the discussion which appears below, this motion carried 6-0 (VanArsdale absent).

In response to Council Members inquiries, Dr. Woodruff cautioned that if a new type of zoning was developed, it would have numerous applications to other properties as well. Planning Director Missy McKim stated that area was one of the primary concerns to be addressed in the upcoming comprehensive planning process and suggested it be addressed at that time. After further discussion, it was determined that if approved today and a business is established in the residence, its use would be sanctioned even though the comprehensive plan designates residential use. City Attorney Maria Chiaro cautioned that allowing commercial use of the property increases its value. Should future comprehensive plan amendments take away the commercial use and reduce the value, the City would be responsible.

Wafaa Assaad, representing petitioner Alessandra Higgs, addressed Council on the continuance. He conceded that there was no perfect solution at this time and asked Council what concessions would be necessary in order to proceed. He stated that the petitioner would agree to limit the hours of operation and other limitations imposed by the Council. Mr. Assaad agreed, for the record, to

comply with future criteria if Council could provide a solution now.

City Attorney Chiaro clarified that, despite earlier comments, the owner does have the ability to develop the property pursuant to the current comprehensive plan. She stated that no permits have been requested or denied. For the record, Dr. Woodruff disagreed with the City Attorney's clarification. Dr. Woodruff stated that this item could be considered at the next Workshop (September 18, 1995), however, if Council wished to create a new district and establish venue in the Code, staff would need at least 30 days. Council agreed to address the present situation at the September 18th Workshop.

ORDINANCE 95-7507.....ITEM 13
AN ORDINANCE APPROVING REZONE PETITION 95-R1, REZONING PROPERTY MORE PARTICULARLY DESCRIBED HEREIN, FROM "C1-A", COMMERCIAL CORE, TO "R3-12" MULTIFAMILY RESIDENTIAL, TO BRING THE PROPERTY INTO COMPLIANCE WITH THE COMPREHENSIVE PLAN'S FUTURE LAND USE MAP DESIGNATION OF MEDIUM DENSITY RESIDENTIAL; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Chiaro.

Planning Director Missy McKim explained the areas affected by the rezoning and stated both staff and the Planning Advisory Board recommended approval.

Public Input: None (3:21 p.m.)

MOTION by Korest to ***ADOPT*** Ordinance 95-7507 on second reading; seconded by Pennington and carried 6-0 (VanArsdale absent).

.....ITEM 19
ISSUANCE OF PERMIT FOR 24-HOUR OPERATIONS DURING THE COLLIER COUNTY BEACH RESTORATION PROJECT. Title read by City Attorney Chiaro.

City Manager Richard Woodruff explained that a section of the code prohibits working in the evening and Sundays and this was a request for Council to waive that prohibition. Mayor Muenzer stated that he had visited a similar operation in Pinellas County and heard only positive comments from the nearby residents. Council Member Pennington reminded Council that the contractor is under severe time constraints to get this project done. He also stated that Thanksgiving, Christmas and Easter Sunday were exempt.

Public Input: None (3:26 p.m.)

_____It is noted for the record
that Council Member Prolman left the meeting at 3:27 p.m.

MOTION by
Pennington to ***AUTHORIZE ISSUANCE OF PERMIT***; seconded by Sullivan and carried 4-1 (Tarrant dissenting, Prolman and VanArsdale absent).

.....ITEM 27
AUTHORIZATION TO REPLACE CURRENT FUEL DISPENSING FACILITY AT EQUIPMENT SERVICES. CONTRACTOR: COASTAL ENVIRONMENTAL SERVICES, SAFETY HARBOR, FLORIDA / PRICE \$129,768.00 / FUNDING: CIP PROJECT #95S05.
Title read by City Attorney Chiaro.

City Manager Richard Woodruff stated that concerns were raised at the Workshop and previous Council meeting regarding purchasing versus privatization. Dr. Woodruff said the fueling point must be eliminated in order to meet E.P.A. requirements. He explained the bid to build a new fueling point does not include the excavation and clean-up but does include building new above grounds tanks that would meet the new requirements. Utilities Director Dan Mercer explained this would tie into the present computer system for tracking the vehicles and further described the negotiation process and pricing structure. (A copy of this material is contained in the file for this meeting in the City Clerk's office).

It is noted for the record that Council Member Prolman returned to the meeting at 3:31 p.m.

MOTION by Korest to APPROVE AUTHORIZATION TO REPLACE CURRENT FUEL DISPENSING FACILITY; seconded by Sullivan and carried 6-0 (VanArsdale absent).

.....ITEM 28
AUTHORIZATION TO PURCHASE A METAL CANOPY ADDITION TO THE EQUIPMENT SERVICES BUILDING. CONTRACTOR: GULF COAST CONSTRUCTION, NAPLES, FLORIDA / TOTAL PRICE \$53,475 / FUNDING: CIP PROJECT #94S04.

Council Member Prolman noted that the price reflects a 6% increase from the original bid and suggested that the contractor keep to the original bid price or re-bid. City Manager Richard Woodruff explained that this project was not awarded when bid last year and the higher bid reflects increased costs for materials. City Attorney Maria Chiaro stated that it would be against City purchasing policy to award the bid with the 6% increase. Dr. Woodruff suggested awarding the bid at last year's price and let the vendor reject it.

MOTION by Prolman to ACCEPT TO ORIGINAL BID OF GULF COAST CONSTRUCTION IN THE AMOUNT OF \$53,475; seconded by Sullivan and carried 6-0 (VanArsdale absent).

OPEN PUBLIC INPUT.....

None.

CORRESPONDENCE and COMMUNICATIONS.....

None.

ADJOURN.....

3:41 p.m.

Paul W. Muenzer, Mayor

Marilyn A. McCord
City Clerk

Tara A. Norman
Deputy City Clerk

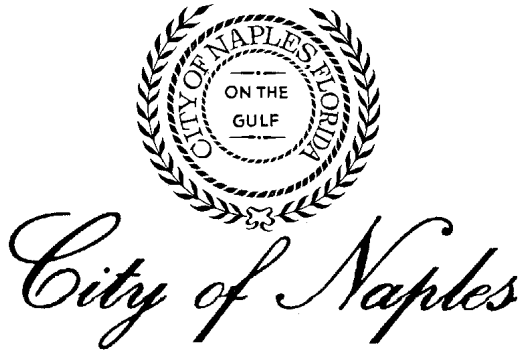
Virginia A. Neet
Administrative Assistant

These minutes of Naples City Council approved on 9/20/95.

Attachment 1
9/6/95 Regular Meeting

Supplemental Attendance List

Bob Iamurri
Tom Cook
Naples Senior League Braves Girl's Softball Team
Herb Anderson
Alessandra Higgs



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**City Council Regular Meeting
September 6, 1995**

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