



City Council Chamber
735 Eighth Street South
Naples, Florida 33940

City Council Regular Meeting - December 20, 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 (Arrived at 9:10 a.m.)
Fred L. Sullivan
Fred Tarrant
Peter H. Van Arsdale

Also Present:

Dr. Richard L. Woodruff, City Manager
Maria J. Chiaro, City Attorney
William Harrison, Assistant City Manager
Missy McKim, Planning Director
Dr. Jon Staiger, Natural Resources Mgr.
Ron Lee, Planner III
Dan Mercer, Utilities Director
Mark Thornton, Comm. Services Director
Virginia Neet, Deputy City Clerk
George Henderson, Sergeant-at Arms
Charles Andrews
Charles Dauray
Bonnie MacKenzie
Bill Barnett
Donald A. Pickworth
Richard Klaas

Brian Klaas
Brett Klaas
Richard Kepley
Michael Redd
Gary Exner
Brett Moore
Sergio Montes

See also Supplemental Attendance List
(Attachment 1)

Media:

Jerry Pugh, Continental Cablevision
Michael Cote, Naples Daily News
David Taylor, Continental Cablevision
Carl Loveday, WNOG

INVOCATION and PLEDGE of ALLEGIANCEITEM 1

Council Member Fred L. Sullivan

ITEMS TO BE ADDEDITEM 3

City Manager Richard Woodruff requested the following changes to the agenda:

ADD Item 36 - Bid Award (Landscape Maintenance at Wastewater and Water Treatment Facilities).

ADD Item 37 - Request for Authorization Relating to River Park Apartments.

DELETE Item 13 - (Municipal Service Taxing Unit) Based on Collier County Board of Commissioner's vote not to proceed on this issue.

CONSENT AGENDA

APPROVAL OF MINUTES.....ITEM 24

November 15, 1995 Regular Meeting; December 4, 1995 Workshop Meeting

RESOLUTION 95-7585.....ITEM 25

A RESOLUTION CONFIRMING THE APPOINTMENT OF ONE MEMBER TO THE CITY OF NAPLES PUBLIC EMPLOYEES RELATIONS COMMISSION FOR A TERM OF FOUR (4)YEARS COMMENCING ON DECEMBER 20, 1995, AND ENDING DECEMBER 19, 1999; AND THE APPOINTMENT OF ONE MEMBER TO COMPLETE THE UNEXPIRED TERM COMMENCING ON DECEMBER 20, 1995, AND ENDING ON DECEMBER 6, 1996; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 95-7586ITEM 26

A RESOLUTION AUTHORIZING THE CITY MANAGER AND CITY CLERK TO AMEND A CONTRACT WITH COASTAL PLANNING AND ENGINEERING, INC., TO DEVELOP THE SECOND PHASE OF THE GORDON PASS INLET MANAGEMENT PLAN; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 95-7587.....ITEM 30

A RESOLUTION AUTHORIZING A PURCHASE ORDER BE ISSUED TO COLLIER COUNTY, NOT TO EXCEED \$80,000.00, FOR PAYMENT FOR THE RELOCATION OF A NUMBER OF CONFLICTS WITH THE CITY'S POTABLE AND RECLAIMED WATER LINES ON GOLDEN GATE PARKWAY; AND PROVIDING AN EFFECTIVE DATE. Title not read. (See related item below)

.....ITEM 31

APPROVAL OF BUDGET AMENDMENT IN THE AMOUNT OF \$35,000 FOR RELOCATION OF VARIOUS POTABLE AND RECLAIMED WATER LINE IN CONJUNCTION WITH GOLDEN GATE PARKWAY SIX-LANING. (See related item above.)

RESOLUTION 95-7588.....ITEM 32
A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE SUBORDINATIONS OF CITY UTILITY INTERESTS TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION A COPY OF WHICH IS ATTACHED HERETO AND MADE A PART HEREOF; 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 not read.

.....ITEM 33
AUTHORIZATION TO ISSUE A PURCHASE ORDER FOR ANNUAL REQUIREMENTS FOR SODIUM SILICOFLUORIDE UNDER A CURRENT COLLIER COUNTY CONTRACT. Vendor: Van Waters & Rogers, Tampa, Florida / Estimated Annual Expenditure: \$10,707.00 / Funding: Water Treatment 52-80 account.

.....ITEM 34
CONSIDER GRANTING TEMPORARY USE PERMITS FOR THE FOLLOWING EVENTS: Chamber of Commerce Fundraiser - January 5, 1996
Gulf Coast Runners 1/2 Marathon - January 28, 1996
MOTION by Pennington to SET AGENDA and ADD ITEMS 36 AND 37 and DELETE ITEM 13 and to APPROVE CONSENT AGENDA ITEMS 24, 25, 26, 30, 31, 32, 33, 34 and to REMOVE ITEMS 27, 28, 29, 35 FOR SEPARATE DISCUSSION; seconded by Sullivan and carried 6-0 (Korest-yes, Pennington-yes, Prolman-absent, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Muenzer-yes).

ANNOUNCEMENTS.....ITEM 4
City Manager Richard Woodruff announced the retirement of Janice Carter, assistant to the Collier County Tax Assessor, and asked that the minutes of this City Council Regular Meeting recognize Ms. Carter's dedicated service to the citizens of Collier County and the Citizens of the City of Naples. A "job well-done" to Janice.

It is noted for the record that Council Member Prolman arrived at the meeting at 9:10 a.m.

RESOLUTION 95-7589.....ITEM 5
A RESOLUTION GRANTING A COASTAL CONSTRUCTION SETBACK LINE VARIANCE TO CONSTRUCT A TOE-SCOUR REVETMENT IN FRONT OF A CONCRETE SEAWALL AT 4550 GORDON DRIVE, GULFWARD OF THE COASTAL CONSTRUCTION SETBACK LINE; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Chiaro. (9:11 a.m.)

City Manager Richard Woodruff relayed the recommendation of staff to approve this petition subject to the conditions set forth in the resolution.

Public Input: None (9:12 a.m.)

MOTION by Pennington to ***APPROVE*** Resolution 95-7589 as submitted; seconded by Van Arsdale and unanimously carried, all members present and voting. (Korest-yes, Pennington-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Muenzer-yes).

ORDINANCE 95-7590ITEM 8
AN ORDINANCE ADOPTING COMPREHENSIVE PLAN AMENDMENT PETITION 95-CPA3 AMENDING THE CITY OF NAPLES COMPREHENSIVE PLAN FUTURE LAND USE MAP FROM MIXED USE TO MEDIUM DENSITY RESIDENTIAL FOR MARINER'S COVE, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Chiaro. (9:13 a.m.)

City Manager Richard Woodruff explained that adoption of this ordinance would correct the conflict between this property's present zoning and its Comprehensive Plan designation.

Public Input: None (9:14 a.m.)

MOTION by Pennington to ***ADOPT*** Ordinance 95-7590 on second reading; seconded by Van Arsdale and unanimously carried, all members present and voting. (Korest-yes, Pennington-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Muenzer-yes).

ORDINANCE 95-7591.....ITEM 11
AN ORDINANCE APPROVING REZONE PETITION 95-R13, AMENDING AN EXISTING "PD" PLANNED DEVELOPMENT TO ALLOW THE ENCROACHMENT OF AIR CONDITIONING AND MECHANICAL EQUIPMENT UP TO 48 INCHES IN HEIGHT INTO REQUIRED YARDS AT COLONIAL SQUARE, LOCATED IN THE 1000 BLOCK OF GOODLETTE ROAD, MORE PARTICULARLY DESCRIBED HEREIN, ; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Chiaro. (9:14 a.m.)

Public Input: None (9:15 a.m.)

MOTION by Korest to ***ADOPT*** Ordinance 95-7591 on second reading; seconded by Pennington and unanimously carried, all members present and voting. (Korest-yes, Pennington-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Muenzer-yes).

ORDINANCE 95-7592.....ITEM 12
AN ORDINANCE AMENDING SECTION 106-39 OF THE COMPREHENSIVE DEVELOPMENT CODE, "EXEMPTIONS FROM PERMIT REQUIREMENT," IN ORDER TO DEFINE ADDITIONAL STANDARDS FOR SIGNS THAT ARE EXEMPT FROM PERMIT REQUIREMENTS; PROVIDING A SEVERABILITY CLAUSE, A

REPEALER PROVISION AND AN EFFECTIVE DATE. Title read by City Attorney Chiaro. (9:15 a.m.)

Planning Director Missy McKim confirmed that the proposed ordinance incorporated the corrections discussed at first reading.

Public Input: None (9:17 a.m.)

MOTION by Pennington to ***ADOPT*** Ordinance 95-7592 on second reading; seconded by Van Arsdale and carried 6-1. (Korest-yes, Pennington-yes, Prolman-yes, Sullivan-yes, Tarrant-no, Van Arsdale-yes, Muenzer-yes).

RESOLUTION 95-7593.....ITEM 6
A RESOLUTION GRANTING CONDITIONAL USE PETITION 95-CU15 TO ALLOW STAGED ENTERTAINMENT AT MICHAEL'S CAFE IN THE HIBISCUS CENTER, 2950 9TH STREET NORTH, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO THE CONDITIONS LISTED HEREIN; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Chiaro. (9:17 a.m.)

Referring to the prior Regular Meeting wherein Council requested clarifications and additions to this conditional use, Planning Director Missy McKim reviewed the conditions set forth in Section 2 of the resolution. (A copy of this material is contained in the file for this meeting in the City Clerk's Office.) City Attorney Chiaro then explained how the owner of Michael's Cafe assisted in developing these conditions and had agreed to the terms of the conditional use. After further Council discussion, it was determined that the word "considered" (last Paragraph of Section 2) would be changed to "granted".

Public Input: None (9:26 a.m.)

MOTION by Korest to ***APPROVE*** Resolution 95-7593, ***AS AMENDED***; seconded by Sullivan and unanimously carried, all members present and voting. (Korest-yes, Pennington-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Muenzer-yes).

ORDINANCE 95-7594.....ITEM 10
AN ORDINANCE AMENDING SUBSECTIONS 86-52(a) AND (b); 86-53(1), (2), (3), (6), (7), (8), (9), (10), (11) AND (12); 86-201.1(c)(1); 86-202(b)(1) AND (c)(6); 86-203(c)(1); 86-205(d)(1)d., (e), (e)(4) AND (5); 86-208(b)(1), (b)(1)f., (b)(2)g. (b)(3)c., (b)(4)b., AND (b)(5); 86-209 (a)(1), (b), (b)(1), (2), (3), (6), (7), (8), (9), (c), (c)(1) AND (d); 86-210(1), (3), (4) AND (5); 94-32; 94-33; 94-34; 94-37; 94-39; 94-40; 94-41; 94-71(a), (b) AND (c); 94-72(a); 94-73; 94-74(a) (b), AND (c); 94-234(a)(2); 94-302(c); 102-116(4)(c); 106-34(a), (b) AND (d); 106-73(a); 114-65; 114-73(1), (2), (3), (4), (5), (6), (7) AND (8); 114-74; 114-77(3)e,g,h,i; 118-100(a); 118-161; ADDING NEW SUBSECTIONS 86-208(b)(2)h. AND (b)(3)c.; AND 94-72(c); ADDING NEW SECTIONS 94-42 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES BY ADOPTING THE STANDARD AMUSEMENT DEVICE CODE; THE 1994 EDITIONS

OF THE STANDARD BUILDING CODE CONGRESS INTERNATIONAL, INC.; STANDARD PLUMBING CODE, STANDARD MECHANICAL CODE, STANDARD GAS CODE, SWIMMING POOL CODE, STATE OF FLORIDA ACCESSIBILITY CODE FOR BUILDING CONSTRUCTION, THE 1993 ENERGY EFFICIENCY CODE FOR BUILDING CONSTRUCTION; PROVIDING THAT THE DESIGNATED AGENT OF A LICENSED CONTRACTOR MUST BE A SALARIED EMPLOYEE OF THE CONTRACTOR FOR CERTAIN PURPOSES; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE. Title read by City Attorney Chiaro. (9:27 a.m.)

City Manager Richard Woodruff noted that the additional language requested by Council had been incorporated into Section 94-74 (c) which states, "The designated agent must be a regular salaried employee who will receive a W-2 form from the licensed contractor."

Public Input: None (9:29 a.m.)

MOTION by Korest to ADOPT Ordinance 95-7594 on second reading; seconded by Pennington and carried 6-1. (Korest-yes, Pennington-yes, Prolman-yes, Sullivan-yes, Tarrant-no, Van Arsdale-yes, Muenzer-yes).

**ORDINANCE 95-7595..... ITEM 9-a
AN ORDINANCE PROVIDING FOR REGULATORY AND MAINTENANCE
AUTHORITY OVER ALL CITY OWNED TREES ALONG STREET RIGHTS-OF-WAY,
PARKS AND PUBLIC AREAS; ESTABLISHING REGULATORY AUTHORITY OVER
TREES ON PRIVATE PROPERTY BEGINNING TO BE A HAZARD; ESTABLISHING
REGULATIONS PROTECTING CERTAIN NATIVE TREES; ESTABLISHING AN
APPEALS PROCESS; ESTABLISHING LAND CLEARING REGULATIONS; AND
ESTABLISHING FEES FOR PERMITS TO ALTER PROTECTED TREES; PROVIDING
A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.**
Title read by City Attorney Chiaro. (9:30 a.m.)

City Manager Richard Woodruff described recent meetings between City staff and Florida Power & Light management which included a tour of recent FP&L tree pruning locations. FP&L conceded that their dramatic tree pruning techniques did not meet the City's standards and expressed a willingness to cooperate with staff. Community Services Director Mark Thornton stated that staff would continue to work with FP&L officials in order to develop proposals for Council's consideration which would prevent this type of radical tree trimming. Dr. Woodruff indicated that future discussions would include: 1) FP&L providing an advance monthly trimming schedule to the City, and; 2) the possibility of FP&L coordinating a contract with the City which would permit the City's arborist or contractor to do the pruning.

Dr. Woodruff then referred to Section 70-36 (b)(4) which included the additional language requested by Council, "except specimens of those species of noxious plants listed in Section 106-235 of the

Code of Ordinances." He also stated that staff would be working with FP&L regarding the fee arrangement per parcel.

Public Input: None (9:35 a.m.)

MOTION by Prolman to ADOPT Ordinance 95-7595 on second reading; seconded by Pennington and carried 6-1. (Korest-yes, Pennington-yes, Prolman-yes, Sullivan-yes, Tarrant-no, Van Arsdale-yes, Muenzer-yes).

Prior to voting, Council Member Tarrant commented that the City should not get involved with noxious plants on private property and should concentrate on reducing regulations.

**ORDINANCE 95-7596..... ITEM 9-b
AN ORDINANCE AMENDING SECTION 46-38 OF THE CODE OF ORDINANCES OF
THE CITY OF NAPLES, ADDING TO THE DUTIES OF THE COMMUNITY SERVICES
ADVISORY BOARD TO ACT AS THE CITY'S TREE BOARD; PROVIDING A
SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.**
Title read by City Attorney Chiaro. (9:36 a.m.)

Public Input: None (9:36 a.m.)

MOTION by Sullivan to ADOPT Ordinance 95-7596 on second reading; seconded by Prolman and carried 6-1. (Korest-yes, Pennington-yes, Prolman-yes, Sullivan-yes, Tarrant-no, Van Arsdale-yes, Muenzer-yes).

Council Member Tarrant stated, for the record, that he could not support this ordinance for the reasons stated in Item 9-a above.

Break 9:38 a.m. - 9:47 a.m. It is noted for the record that the same Council Members were present when the meeting reconvened.

**ORDINANCE 95-7597..... ITEM 7-a
AN ORDINANCE ADOPTING COMPREHENSIVE PLAN AMENDMENT PETITION 95-CPA1 AMENDING THE TEXT WITHIN THE CITY OF NAPLES COMPREHENSIVE PLAN TO ALLOW LIMITED RESIDENTIAL DEVELOPMENT ON KEY ISLAND AND SPECIFIED USES ON THE SHORE STATION TO SUPPORT THE LIMITED RESIDENTIAL DEVELOPMENT ON KEY ISLAND; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE. Title read by City Attorney Chiaro. (9:50 a.m.)**

Donald Pickworth, attorney for Key Island Partners, the prospective developer of Key Island, addressed Council and introduced members of the partnership and the project's consultants in attendance (Attachment 1). Land planner and landscape architect, Michael Redd of Team Plan, Inc., used aerial renderings to illustrate the design of each of the project's components. (A copy of this material is contained in the file for this meeting in the City Clerk's Office.) In his presentation, Mr.

Redd noted the importance of the Island Side Arrival Station, since Key Island is not accessible by automobile, and stated that it would provide a covered boat and covered island transportation. He also stated that the existing pool would be upgraded and pointed out the locations of the proposed 20 homesites, 11 covered boat slips, 20 open slips (along Keewaydin Cove), tennis area, and operations/service areas. "Vias" or open areas would afford the residents beach access and would also enhance the housing area's front elevation. Mr. Redd indicated that development was not anticipated south of the COBRA line, established by Congress (Coastal Barrier Resources Act), since development and flood insurance are prohibited in this area. Mr. Redd also displayed renderings of the residential compounds, each named after an historic cabin on Keewaydin, and assured Council that the architecture would be strictly controlled. He described plans to establish planting zones in order to restore vegetation on the island and relayed the developer's vision to establish an entrance to Naples from the Gulf of Mexico.

Planner Ron Lee explained that this Comprehensive Plan amendment establishes the fundamental framework for Key Island and Shore Station development and outlines permitted uses, in general terms, along with the maximum number of residential units that can be built on the island. Mr. Lee then reviewed the process by which this Comprehensive Plan amendment, approved by Council on first reading on September 20, 1995, was transmitted to the Department of Community Affairs for review and confirmed that concerns expressed by the D.C.A. had been addressed. Mr. Lee then relayed staff's recommendation to approve the proposed Comprehensive Plan amendment. Attorney Pickworth clarified that the D.C.A. concerns were technical in nature and also confirmed that proposed Comprehensive Plan amendment before Council addressed and incorporated the requests of the D.C.A.

Public Input: (10:12 a.m.)

Jim Weigel, 2825 Leeward Lane

Mr. Weigel, speaking on behalf of the Executive Board of The Citizens to Preserve Naples Bay, Inc., requested that Council postpone adoption of this ordinance for 30 days. Mr. Weigel stated that his organization was unprepared for second reading at this time and desired further discussions with the developers and staff to determine potential impacts to Naples Bay. He also relayed concerns about the removal of the fueling facility at the end of Gordon Drive and requested that staff notify the president of The Citizens to Preserve Naples Bay of future issues involving Naples Bay.

Council Member Tarrant stated that, in consideration of the tremendous contributions made by this organization in protecting the integrity of Naples Bay, Inc., he would support their request for a continuance.

In response to Council, Planner Ron Lee explained that if the Comprehensive Plan amendment was not adopted by the end of the year, the City would be unable to make any amendments until March 1996 due to the current Evaluation and Appraisal Report process. He also pointed out that the Comprehensive Plan must be amended prior to Key Island's Planned Development rezoning

approval.

Harry Timmins, 555 Kingston Drive

Mr. Timmins stated that he was speaking as a Naples Bay boater and an ex-member of the Planning Advisory Board. He expressed concerns about the Keewaydin gas dock and noted that the property owners associations were not notified that it would be removed.

Planning Director Missy McKim clarified that agendas for the Planning Advisory Board meetings had been sent to the property owners associations and they were aware of the Key Island discussions. She stated, however, that the removal of the fueling facility was not specifically referenced in the P.A.B. agenda.

Mr. Timmins pointed out that if this fueling facility was removed, it would force boat owners from southern end of Naples Bay to travel to the City Dock for fuel and would increase boat traffic in an already congested section of the Bay. He said there was a significant public interest in the Keewaydin gas dock and its removal should be considered carefully.

K.A. Main, 300 Cove Lane

Mr. Main clarified that the Port Royal Homeowners Association was specifically notified of the Keewaydin fueling facility's removal and pointed out that when the issue was discussed at the P.A.B. hearing, no one from the public objected.

Attorney Pickworth then responded by reminding Council that the Keewaydin fueling facility is privately owned and the owner has a right to go in or out of business as he chooses. He conceded that the availability of fueling facilities is a valid concern, but questioned whether the issue was within Council's purview when considering this land use petition. Attorney Pickworth reiterated the developer's offer to donate the facility's equipment to the City and stated that the proposed use of Key Island was less intensive than past proposals and would not change the number of boats on Naples Bay.

Further Council discussion focused on Bayview Park as a possible fueling facility. Council Member Pennington commented on the need to accommodate large boats and noted that since Bayview Park's waters are shallow, further research regarding a fueling pier was necessary. He also suggested a joint County and City approach to finding a solution. Council Member Van Arsdale agreed that Council could not force the Keewaydin gas dock to stay open and requested that staff work with the County regarding the use of Bayview Park as fueling facility.

Public Input Closed: (10:43 a.m.)

MOTION by Sullivan to ADOPT Ordinance 95-7597 on second reading; seconded by Prolman and carried 6-1. (Korest-yes, Pennington-yes, Prolman-yes, Sullivan-yes, Tarrant-no, Van Arsdale-yes, Muenzer-yes).

ORDINANCE (First Reading)..... ITEM 7-b
AN ORDINANCE APPROVING REZONE PETITION 95-R14, REZONING THE
PROPERTY DESCRIBED HEREIN, FROM R3T-12 MULTI-FAMILY AND "PD"
PLANNED DEVELOPMENT TO "PD" PLANNED DEVELOPMENT, PROVIDING FOR
REDEVELOPMENT OF PROPERTY COMMONLY KNOWN AS KEEWAYDIN CLUB
FROM A TRANSIENT LODGING FACILITY TO A SINGLE-FAMILY RESIDENTIAL
DEVELOPMENT; PROVIDING FOR THE SUPERSESSION OF ALL PREVIOUS PD
ZONING REGULATIONS APPLICABLE TO THE PROPERTY; PROVIDING A
SEVERABILITY CLAUSE AND AN EFFECTIVE DATE. Title read by City Attorney Chiaro.
(10:46 a.m.)

Planner Ron Lee reviewed the Planned Development approval process and relayed staff's and the Planning Advisory Board's recommendation for approval. He stated that the P.A.B. made five changes to the conditions outlined by staff: 1) petitioner to provide financial sureties to pay for post disaster restoration relating to the dune system; 2) removal of staff's recommendation for off-site mitigation related to the project; 3) P.D. to require the City Manager's approval of the construction staging plan prior to construction; 4) allowing non-habitable architectural enhancements up to 40 feet in height, and; 5) any detached accessory building within the building compound envelope must comply to the existing zoning ordinances limiting them to 100 square feet. (A copy of the material referenced by Planner Ron Lee is contained in the file for this meeting in the City Clerk's Office.) In response to Council inquiries regarding the 40 foot height allowance, Mr. Lee noted that it would be measured from the required 18 foot first floor elevation to the midpoint of the roof. Vice Mayor Korest commented that scale is important in a community and questioned the necessity for additional height. Council Member Pennington, however, stated that since there is considerable distance between the homes and the waterways, the height should not impact the community.

Donald Pickworth, attorney for the petitioner, Key Island Partners, referred to the PD and stated that the petitioner would commit to retaining the historic lodge structure and would include appropriate language in this regard prior to second reading. He further clarified that size limitations of the project are expressed in terms of maximum square footage for first floor, habitable, air conditioned space (102,462 total square feet). This would include the 20 residences, the lodge, Bayview Cottage, Cove House, and the maintenance areas.

Public Input: (11:08 a.m.)

John H. Fitch (The Conservancy), 1450 Merrihue Drive

Mr. Fitch, president and CEO of The Conservancy, commented on progress relating to the short and long term environmental concerns of the project and relayed The Conservancy's support for the ordinance. He said The Conservancy would continue to monitor particular concerns such as storm plans, wastewater treatment plans, dock construction in the cove, dune construction, and protection of sea turtle nesting areas. The Conservancy was also working with the owners on an agreement to resolve the outstanding issues and lawsuits involving Key Island.

Public Input Closed: 11:15 a.m.

MOTION by Sullivan to **APPROVE** this ordinance on first reading **IN ACCORDANCE WITH THE CONDITIONS STIPULATED BY THE PLANNING ADVISORY BOARD AND WITH LANGUAGE TO BE ADDED BY SECOND READING ASSURING THAT THE ORIGINAL HISTORIC LODGE STRUCTURE WOULD BE RETAINED. PETITIONER TO PROVIDE RENDERINGS AT SECOND READING TO ILLUSTRATE THE HEIGHT OF THE PROPOSED STRUCTURES;** seconded by Van Arsdale and carried 6-1 (Korest-yes, Pennington-yes, Prolman-yes, Sullivan-yes, Tarrant-no, Van Arsdale-yes, Muenzer-yes). During the vote, Council Member Tarrant stated that his negative vote did not reflect dissatisfaction with the project, only his sensitivity to the Citizens to Preserve Naples Bay's request for a 30-day continuance (see related Item 7-a). Vice Mayor Korest noted that the Comprehensive Plan amendment was passed on first reading on September 20, 1995 which provided ample time for the public to obtain information and respond to the project.

Break 11:18 a.m. - 11:26 a.m. It is noted for the record that the same Council Members were present when the meeting reconvened.

ORDINANCE 95-7598.....ITEM 14
AN ORDINANCE AMENDING SECTION 82-10, "DEFINITIONS" OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES ADDING A DEFINITION FOR "GARAGE SALE"; AMENDING SECTION 86-208(b)(1)f. OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES BY ADDING SUBSECTIONS 1. AND 2. TO PROVIDE FOR PARKING AND EXEMPTION OF SIGNS; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE. Title read by City Manager Richard Woodruff. (11:27 a.m.)

Public Input: None (11:28 a.m.)

MOTION by Pennington to **ADOPT** Ordinance 95-7598 on second reading; seconded by Sullivan and carried 6-1 (Korest-yes, Pennington-yes, Prolman-yes, Sullivan-yes, Tarrant-no, Van Arsdale-yes, Muenzer-yes). After the vote, Council Member Tarrant stated that this ordinance was another example of over-regulation.

ORDINANCE 95-7599.....ITEM 15
AN ORDINANCE AMENDING THE COMPREHENSIVE DEVELOPMENT CODE TO ESTABLISH NEW PROCEDURES FOR PERMITTING CONSTRUCTION SEAWARD OF THE COASTAL CONSTRUCTION SETBACK LINE; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE. Title read by City Attorney Chiaro. (11:29 a.m.)

City Manager Richard Woodruff stated that adoption of this ordinance would substantially reduce

the number of petitions presented to Council relating to coastal construction setback variances and would speed up the construction permitting process in high hazard impact zones. Dr. Woodruff further explained that Council would continue to consider variances relating to new construction and those variance petitions which Natural Resources Manager Jon Staiger determines to be non-routine.

Public Input: None (11:30 a.m.)

MOTION by Pennington to ***ADOPT*** Ordinance 95-7599; seconded by Sullivan and unanimously carried, all members present and voting. (Korest-yes, Pennington-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Muenzer-yes).

ORDINANCE (Continued).....ITEM 16
AN ORDINANCE AMENDING ARTICLE III., "PLANNING ADVISORY BOARD FEES, SECTION 118-61., "PETITION FEES," OF THE COMPREHENSIVE DEVELOPMENT CODE OF THE CITY OF NAPLES RELATING TO PROCESSING FEES FOR PLANNING ADVISORY BOARD PETITIONS; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION, AND AN EFFECTIVE DATE. Title read by City Attorney Chiaro. (11:31 a.m.)

City Manager Richard Woodruff stated that, pursuant to Council's request, staff had reviewed personnel costs, advertising fees, and recording costs relating to Planning Advisory Board petitions and compared them to fees charged by other cities. Based upon this review, staff recommended a 15% increase in the portion of the fee allocated to staff personnel costs along with an increase in the advertising costs, and recording costs for certain petitions. (A copy of the material referenced by City Manager Woodruff is contained in the file for this meeting in the City Clerk's Office.) Dr. Woodruff explained, however, that the proposed fees were conservative and did not reflect the City's actual total costs relating to these petitions.

Public Input: None (11:32 a.m.)

Vice Mayor Korest suggested additional increases which would cover actual costs yet keep the fees proportionate to the sense of the petition. He also requested information regarding the projected revenue from the revised petition fees relative to the Planning Department's operational costs. Planning Director Missy McKim explained how the proposed fees were determined by using the average staff time expended on a straight-forward, simple petition but added that this time would increase substantially for more complicated petitions. Dr. Woodruff suggested continuing this item until the January 3, 1996 Regular Meeting in order for staff to submit information regarding their total budget relating to PAB petitions and to provide a comparison of the revenue at the current fee schedule and the recommended fee schedule.

Public Input: None (11:42. a.m.)

MOTION by Korest to ***CONTINUE ITEM 16 TO THE JANUARY 3, 1996***

REGULAR MEETING; seconded by Prolman and unanimously carried, all members present and voting. (Korest-yes, Pennington-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Muenzer-yes).

ORDINANCE (First Reading).....ITEM 17
AN ORDINANCE AMENDING CHAPTER 50-207, "RETIREMENT SYSTEM RECORDS; ANNUAL REPORT; ADOPTION OF EXPERIENCE TABLES," OF DIVISION 2, "BOARD OF TRUSTEES," IN ORDER TO CHANGE THE PERIOD FOR RENDERING ANNUAL REPORTS TO THE CITY COUNCIL; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION, AND AN EFFECTIVE DATE. Title read by City Attorney Chiaro. (11:44 a.m.)

City Manager Richard Woodruff explained that this ordinance would change the reporting period from May 1st to December 1st of each year. Council Member Sullivan, Chairman of the Board of Trustees of the General Retirement System, stated that the information required by the Code of Ordinances is contained in the annual actuarial valuation report and is available by December 1st of each year.

Public Input: None (11:46 a.m.)

MOTION Sullivan to **APPROVE** this ordinance on first reading; seconded by Pennington and unanimously carried, all members present and voting. (Korest-yes, Pennington-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Muenzer-yes).

.....**ITEM 19**
AUTHORIZATION TO SUBMIT THE FOLLOWING REQUIRED END-OF-YEAR REPORTS REGARDING COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT: (11:46 a.m.)
Grantee Performance Report - 10/1/94 - 9/30/95
CHAS Annual Performance Report - 10/1/93 - 9/30/95

Planner Susan Golden explained that these reports were required by the U.S. Department of Housing and Urban Development. The Grantee Performance Report documents expenditures of Community Development Block Grant funds and the CHAS Annual Performance Report documents the housing accomplishments for each year. Ms. Golden then reported that the City had assisted 80 families with housing during the last year, primarily through the Jasmine Cay development.

Public Input: None (11:47 a.m.)

MOTION by Pennington to **APPROVE** Item 19 as submitted; seconded by Sullivan and unanimously carried, all members present and voting. (Korest-yes, Pennington-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Muenzer-yes).

.....ITEM 20
**AUTHORIZATION TO ISSUE A PURCHASE ORDER FOR AVION PARK SUBDIVISION
SANITARY SEWER CONSTRUCTION.** Contractor: D.N. Higgins, Inc., Naples, Florida / Price
\$227,344.00 / Funding: CIP Project 95Y20. (11:48 a.m.)

City Manager Richard Woodruff stated that D.N. Higgins, Inc., was the lowest of three bidders and there were no exceptions to the City's specifications. Dr. Woodruff also indicated that if Council authorizes this purchase order, installation of the sanitary sewers in the Avion Park area would commence by January 31, 1996.

It is noted for the record that Item 20 was continued until later in the meeting in order for staff to provide additional information.

RESOLUTION 95-7600.....ITEM 21
A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT,
IN SUBSTANTIALLY THE FORM ATTACHED HERETO, IN AN AMOUNT NOT TO
EXCEED TWENTY MILLION FOUR HUNDRED SEVENTY-TWO THOUSAND
DOLLARS (\$20,472,000), BETWEEN WHARTON-SMITH, INC. AND THE CITY OF
NAPLES, FOR THE CONSTRUCTION OF THE NAPLES WASTEWATER TREATMENT
AND RECLAMATION FACILITY PROJECT PURSUANT TO THE FLORIDA STATE
REVOLVING LOAN FUND PROGRAM, SUBJECT TO APPROVAL BY THE FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION; AND PROVIDING AN
EFFECTIVE DATE. Title read by City Attorney Chiaro. (11:51 a.m.)

City Manager Richard Woodruff stated that this bid award was advertised in accordance with Environmental Protection Agency, Department of Environment Protection and the City of Naples purchasing requirements and relayed staff's recommendation to award the construction contract to Wharton-Smith, Inc. who was the lowest bidder at \$20,472,000.00. Dr. Woodruff confirmed that Wharton-Smith's financial abilities and references had been verified and their references indicated that they had done substantial work in Florida for several years.

Public Input: None (11:54 a.m.)

***MOTION* by Korest to APPROVE Resolution 95-7600 as submitted; seconded by Sullivan and unanimously carried, all members present and voting. (Korest-yes, Pennington-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Muenzer-yes).**

RESOLUTION 95-7601.....ITEM 22
A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT
DOCUMENT BETWEEN THE STATE OF FLORIDA, DEPARTMENT OF
ENVIRONMENTAL PROTECTION, DIVISION OF LAW ENFORCEMENT, OFFICE OF
WATERWAY MANAGEMENT AND THE CITY OF NAPLES FOR A GRANT FOR THE

NAPLES LANDING BOATING IMPROVEMENTS; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Chiaro. (11:54 a.m.)

City Manager Richard Woodruff reviewed the background regarding the proposed rebuilding of the boat launching slips at Naples Landing Park and stated that additional funds were required to meet the lowest bid of \$117,000. The Community Services Department had received approval for a \$100,000 grant, which is administered by the Office of Waterway Management (Department of Environmental Protection), to assist in the three phase redevelopment of Naples Landing Park and approval of this resolution would accept this grant. (The material referenced by City Manager Woodruff is contained in the file for this meeting in the City Clerk's Office.) Council Member Van Arsdale requested that an independent landscape architect review the City's plans for the park; however, Council Member Pennington contended that the City's landscape architect was qualified.

Community Services Director, Mark Thornton, clarified that only \$35,000 of the \$100,000 grant would be applied to the boat ramp improvements with the remainder of the grant applied to other park renovations. Further Council discussions focused on how the grant funds and the funds authorized by Collier County would be allocated to the three-phases redevelopment and Mr. Thornton explained that, although there should be sufficient funding for priority items scheduled in Phase I, including the boat ramps, additional funding would be necessary for Phases II and III. Council Member Pennington commented on the importance of a commercial loading area at the Naples Landing Park and Council Member Van Arsdale agreed to further Council discussion, during a February Workshop Meeting, relating to the use of a landscape architect in municipal projects.

Public Input: None (12:03 p.m.)

MOTION by Sullivan to APPROVE Resolution 95-7601 as submitted; seconded by Prolman and unanimously carried, all members present and voting. (Korest-yes, Pennington-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Muenzer-yes).

RESOLUTION (Denied)ITEM 23
A RESOLUTION OF THE MAYOR AND COUNCIL RECOMMENDING MODIFICATIONS TO THE CITY COUNCIL'S SCHEDULING AND MEETING PROCEDURES; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Chiaro. (12:06 p.m.)

Referring to the suggestions of Vice Mayor Korest at a previous Workshop Meeting, City Manager Richard Woodruff explained that this resolution would, in part, recommend to the future Council that: 1) workshops be conducted after 4:00 p.m. on Mondays; 2) one Regular Meeting per month be conducted after 4:00 p.m., and; 3) establish a 5 minute limit per speaker during public input. Council Member Pennington questioned the need for this resolution when three to five of the present Council Members may remain on Council after the February 6th election.

Public Input: None (12:09 p.m.)

MOTION by Korest to ***APPROVE*** Item 23 as submitted; seconded by Prolman. This motion failed 3-4. (Korest-yes, Pennington-no, Prolman-yes, Sullivan-no, Tarrant-no, Van Arsdale-yes, Muenzer-no).

RESOLUTION 95-7602..... ITEM 27-a
A RESOLUTION ENDORSING SUPPORT FOR LEGISLATION RELATED TO EXEMPTING INDIVIDUALS FISHING ON THE NAPLES PIER FROM FISHING LICENSE REQUIREMENTS; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Chiaro. (12:10 p.m.)

City Manager Richard Woodruff explained that it was Council's practice to consider proposed legislation, which is in the best interest of Naples citizens, and to authorize its conveyance to the State Representative's office. Dr. Woodruff explained that this resolution supports legislation which would exempt the Naples Fishing Pier from current State law requiring an admission fee to cover a blanket fishing license.

Public Input: (12:19 p.m.)

MOTION by Sullivan to ***APPROVE*** Resolution 95-7602 as submitted; seconded by Korest and unanimously carried, all members present and voting. (Korest-yes, Pennington-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Muenzer-yes).

RESOLUTION 95-7603..... ITEM 27-b
A RESOLUTION ENDORSING SUPPORT FOR LEGISLATION RELATED TO CONDEMNATION OF BEACH FRONT PROPERTY FOR RECREATIONAL PURPOSES IN COLLIER COUNTY; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Chiaro. (12:19 p.m.)

City Manager Richard Woodruff explained that it was Council's practice to consider proposed legislation, which is in the best interest of Naples citizens, and to authorize its conveyance to the State Representative's office. Dr. Woodruff then stated that the purpose of this proposed legislation was to remove the ability to condemn property for beach access from the eminent domain powers of the City of Naples and Collier County. Dr. Woodruff referred to the private beach accesses within the City (Park Shore, Seagate, Moorings, and Port Royal), and others that may be annexed, and stated that this legislation would guarantee that they remained private. He also stated that this legislation would be in the best interest of the Naples citizens regardless of the Pelican Bay annexation issue. Council Member Pennington expressed support for the proposed legislation but suggested language requiring the affirmative vote of a majority plus one rather than three-fourths (3/4) of the members of the governing body. In response to Council, City Attorney Chiaro explained

that the City's and the County's power of eminent domain was derived from the Florida Constitution and this legislation would, in essence, limit the home rule powers of these governments.

MOTION by Korest to **APPROVE** Resolution 95-7603 **AS AMENDED IN SECTION (1) TO REQUIRE AN AFFIRMATIVE VOTE OF A MAJORITY PLUS ONE**; seconded by Van Arsdale and carried 6-1. (Korest-yes, Pennington-yes, Prolman-yes, Sullivan-yes, Tarrant-no, Van Arsdale-yes, Muenzer-yes).

.....ITEM 28
CONCURRENCE TO ENTER INTO A CONTRACT WITH DR. HERB MARLOWE FOR SERVICES AS COMPREHENSIVE PLANNING FACILITATOR. (12:30 p.m.)

Planning Director Missy McKim stated that this was a request by staff for Council's concurrence to engage Dr. Herb Marlowe as comprehensive planning facilitator. Vice Mayor Korest commented that he was satisfied with Dr. Marlowe's references and specifically noted his ability to implement a comprehensive plan.

MOTION by Korest to **CONCUR WITH THE RECOMMENDATIONS OF STAFF TO ENTER INTO A CONTRACT WITH DR. HERB MARLOWE FOR SERVICES AS A COMPREHENSIVE PLANNING FACILITATOR**; seconded by Van Arsdale and carried 6-1. (Korest-yes, Pennington-yes, Prolman-yes, Sullivan-yes, Tarrant-no, Van Arsdale-yes, Muenzer-yes).

.....ITEM 36
CONSIDER AWARD OF BID FOR LANDSCAPE MAINTENANCE OF UTILITIES PROPERTIES (BID #96-24) UTILITIES. Contractor: Grounds Management, Inc., Naples, Florida / Annual Total: \$22,470.00 / Funding: \$15,970.00 (Water Treatment Operational Budget); \$6,500.00 (Wastewater Treatment Operational Budget). (12:33 p.m.)

City Manager Richard Woodruff stated that the City currently maintains the grounds for the water treatment and wastewater treatment plants, three remote water storage tank sites, and several associated vacant lots at an approximate annual cost of \$50,000.00. Dr. Woodruff added that privatization of this maintenance would result in one less City employee.

MOTION by Pennington to **APPROVE** Item 36 as submitted; seconded by Sullivan and unanimously carried, all members present and voting. (Korest-yes, Pennington-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Muenzer-yes).

.....ITEM 37
CONSIDER AUTHORIZATION REGARDING RIVER PARK APARTMENTS. (12:35 p.m.)

City Manager Richard Woodruff referred to a previous request by Mayor Muenzer for staff to enter

into discussions with the River Park Apartments' owners to determine possible plans for renovation or replacement of the apartment units. Dr. Woodruff stated that staff had met with representatives of the property owners and relayed their interest in selling all or a portion of the 104 units known as River Park. Based on these discussions, Dr. Woodruff indicated that the City may want to consider purchasing the 54 oldest units and either rehabilitate them, using Community Development Block Grant funds, or work with a private developer to rehabilitate or replace the units with new ones similar to those in Jasmine Cay. He then requested Council's authorization for the following: 1) secure two competitive quotes for appraisals on the oldest 54 units of River Park; 2) proceed to discuss specific terms with the River Park owners which may lead towards purchase; 3) staff to work with HUD officials to determine eligibility and funding approaches through the Community Development Block Grant Program; 4) staff to discuss management of the apartments with management companies should the City proceed with acquisition. Dr. Woodruff stated that this authorization would provide the data necessary to properly analyze the options available to the City and was not a request for authorization to purchase the property. Dr. Woodruff also clarified that the Community Development Block Grant Program would fund appraisal costs, not the City.

Council Member Van Arsdale commented that Council should consider the impact to the 41-10 redevelopment area before taking any action and suggested that the first step was to develop a plan to deal with the property. Vice Mayor Korest asserted that the issue required workshop discussion prior to any Council action and suggested more emphasis on private development. Mayor Muenzer stated that the City's involvement in the River Park Apartments would somewhat extend the role of the Carver Apartments and questioned the wisdom of "slamming the door" at the owners first offer to work with the City. He also suggested going ahead with the appraisals and allowing to next Council to explore the options regarding the property. Council Member Pennington expressed reluctance at the City becoming a landlord but stated that the City must become involved to some extent if anything is going to happen with the property. Council Member Tarrant described the issue as important and suggested postponement pending complete workshop discussions between the property owners and the new Council. Council Member Prolman stated that she felt uninformed about the matter and suggested a workshop discussion in early January. Council Member Sullivan observed that this could become the catalyst for 41-10 redevelopment and it was essential to know the value of the property before the City could consider any proposals. He also stated that this may be the first step toward the betterment of the River Park Apartment's which would be a betterment to the community.

Dr. Woodruff reminded Council that this was the property owner's first willingness to relinquish a portion of the units and reiterated that, in order to have a meaning workshop discussion, it was important to know the property's value.

Public Input None (1:00 p.m.)

MOTION by Tarrant to **TABLE ITEM 37 UNTIL THE NEW COUNCIL IS SEATED;** seconded by Korest and carried 4-3 (Korest-yes, Pennington-no, Prolman-yes, Sullivan-no, Tarrant-yes, Van Arsdale-yes, Muenzer-no).

A previous motion by Prolman not to proceed with the appraisals and schedule this matter for the first available Workshop Meeting in January, 1996 failed 3-4 (Korest-yes, Pennington-no, Prolman-yes, Sullivan-no, Tarrant-no, Van Arsdale-yes, Muenzer-no).

Break 1:08 p.m. - 2:08 p.m. It is noted for the record that the same Council Members were present when the meeting reconvened.

RESOLUTION 95-7604.....ITEM 18
A RESOLUTION ADOPTING THE EVALUATION AND APPRAISAL REPORT FOR THE CITY OF NAPLES COMPREHENSIVE PLAN; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Chiaro. (2:09 p.m.)

City Manager Richard Woodruff stated that the Evaluation and Appraisal Report was required by the State Comprehensive Planning Act which mandates periodic evaluation of the City's Comprehensive Plan. Dr. Woodruff then publicly commended Virginia Corkran, Bonnie MacKenzie and other members of the public for their efforts during the E.A.R. process.

Planner Ron Lee summarized the E.A.R. process to date which included four Planning Advisory Board public hearings, P.A.B.'s official adoption of the E.A.R., two City Council Workshop Meetings, and a sufficiency review of the E.A.R. by the Regional Planning Council. He reported that the Regional Planning Council had verified the E.A.R.'s compliance with Florida Statutes, however, further expansion and explanation was requested. These concerns were addressed in Attachment #1 of the staff report to be adopted as a part of the E.A.R. The second attachment, he explained, was the result of Council requests at a Workshop Meeting. (A copy of the material referenced by Planner Ron Lee is contained in the file for this meeting in the City Clerk's Office.) He stated that the E.A.R., with attachments, will again be forwarded to the Regional Planning Council for their final determination.

Further Council discussion focused on the need for specificity and implementation planning in the new Comprehensive Plan.

Public Input: (2:16 p.m.)

Virginia B. Corkran, President of the Old Naples Association

Mrs. Corkran stated, for the record, that members of the Old Naples Association substantially contributed in this evaluation process. She distributed copies of the public notice for this hearing and pointed out two purposes of the E.A.R.: 1) assess and evaluate the performance of the adopted comprehensive plan; 2) identify future courses of action. Mrs. Corkran also identified other participants in the E.A.R. process including the Naples Garden Club, The Historical Society, The League of Women Voters, Collier County Audubon Society, The Conservancy, and neighborhood associations within the City. She then suggested that a better ongoing means of achieving

performance and results from the Comprehensive Plan was necessary.

Public Input Closed: (2:23 p.m.)

MOTION by Van Arsdale to ***APPROVE*** Resolution 95-7604 as submitted; seconded by Sullivan and unanimously carried, all members present and voting. (Korest-yes, Pennington-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Muenzer-yes).

It is noted for the record that at 2:24 p.m., Council returned to Item 20 which had been continued earlier in the meeting.

As requested by Council, City Manager Richard Woodruff distributed a bid spread sheet showing the three companies that submitted bids and the bid amounts. He reiterated that Avion Park is an assessment district and explained the payment options available to the residents.

Public Input: None (2:25 p.m.)

MOTION by Korest to ***APPROVE*** Item 20 as submitted; seconded by Sullivan and unanimously carried, all members present and voting. (Korest-yes, Pennington-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Muenzer-yes).

RESOLUTION (Continued).....ITEM 29
A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF NAPLES AND NAPLES CROWDSTOPPER, INC., IN SUBSTANTIALLY THE FORM ATTACHED HERETO, TO OPERATE A PASSENGER VEHICLE RESEMBLING A TROLLEY AND TWO MINI-BUSES; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Chiaro. (2:25 p.m.)

City Manager Richard Woodruff explained that the City has the jurisdiction to establish a non-exclusive franchise for this type of activity and stated that, if approved, this would be the second trolley-type transportation in Naples to operate on a limited route basis.

Planning Director Missy McKim referred to a brochure provided by the petitioner which outlined the proposed route and trolley stops and stated that most of the trolley stop locations were on private property. (A copy of this material is contained in the file for this meeting in the City Clerk's Office.)

Ms. McKim explained that the vehicle would be a London double-decker bus and suggested that the proposed trolley stop at Fifth Avenue South and Sixth Street South be on a trial basis since passengers board only on the left side. She also stated that issues relating to trolley stop signage and the amount of vehicles should be addressed and clarified. Council Member Van Arsdale asked if staff had considered consolidating the stops for all transportation services and also questioned whether Council could adopt vehicle standards. City Attorney Chiaro explained that Council could establish those criteria to the extent granted in the agreement. Further Council discussion focused on

the safety issues relating to left-side boarding at the proposed stops.

Petitioner Craig Patterson, President of the Naples Visitor Center, responded to Council inquiries and stated that the 75 passenger, double-decker bus measured 36' by 13' 3". Mr. Patterson said the use of public roads for boarding was minimized due to the left-hand door and described plans to add a right-hand door to the bus by next season. He quoted the Naples Crowdstopper fares of \$1.00 and \$.50 which, he said, would provide much needed inexpensive transportation in the Naples community. He then described the proposed routes which would be limited to the Old Naples area between 9:00 a.m. and 4:00 p.m. after which there would be service to the Coastland Mall. Staff clarified that the Coastland Mall route would require another franchise agreement. Dr. Woodruff suggested that Council either continue this matter until the petitioner provides more information regarding the additional route or limit the discussion to the proposal before Council. When asked, Mr. Patterson explained that a December 19th advertisement for the Naples Crowdstopper in the "Naples Downtown" publication had been purchased to support the Fifth Avenue South Merchants Association. Crowdstopper had informed those who responded to the ad that it was not yet operating.

Further Council discussion pertained to the distinction between public and private transportation to which City Attorney Chiaro clarified that current trolley transportation and the proposed Crowdstopper would be considered private, not public transportation. Council Member Pennington noted that the merchants supported this type of transportation and that no public funds were required; however, he expressed concerns about the impact to residential neighborhoods. Council Member Sullivan suggested changing the proposed 12th Avenue South stop to Broad Avenue to avoid residential areas.

Public Input: (2:45 p.m.)

Joanne Harris, 556 12th Avenue South

Mrs. Harris said the trolley would violate residents' peace and quiet because the diesel engine is very noisy and dirty.

Donald L. Stafford, 560 12th Avenue South

Mr. Stafford questioned whether \$1 million of liability insurance was sufficient and noted that the present trolleys in Naples are rarely full.

Mr. Patterson addressed the public's concerns by stating the 12th Avenue South stop could be changed to Broad Avenue, but distinguished the Crowdstopper as a people mover as opposed to the educational tours provided by Naples Trolley Tours.

Randy Smith, 74 Fountain Circle (representing the Naples Trolley Tours)

Mr. Smith said that Naples Trolley Tours has provided service in the City since 1988 and serves the same route as the proposed Crowdstopper. He said Naples Trolley Tours had worked with the City

planners to establish the best and safest trolley stops on City streets and asserted that the Crowdstopper would duplicate their service and confuse customers. Mr. Smith then noted the importance of back-up trolleys which Naples Trolley Tours provides and commented that the double decker bus would detract from the quality of Old Naples. He also cited safety issues relating to left-hand boarding, size of the vehicle, and lack of transportation experience by the proposed operator. While conceding that most riders are tour customers, Mr. Smith noted that Naples Trolley Tours does provide transportation. He added that Naples Trolley Tours is privately owned, not government subsidized, and revenue is derived from passenger fares and advertising.

After further Council discussion, it was determined that while statutory requirements regulate liability insurance based in industry standards, Council could regulate routes, stops, types of vehicles, hours of operation, and other safety issues. City Attorney Chiaro clarified that Council could impose reasonable restrictions but could not deny an agreement because there is another similar service within the City. Council Member Van Arsdale commented that the City had not established standards for this type of service and expressed concerns about approving this agreement without such standards.

MOTION by Van Arsdale to CONTINUE Item 29 and DIRECT STAFF TO DEVELOP STANDARDS TO ADDRESS THIS TYPE OF SERVICE; seconded by Korest. After the discussion which appears below, this motion carried 7-0 (Korest-yes, Pennington-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Muenzer-yes).

Vice Mayor Korest observed that the height of the double decker bus may conflict with overhanging trees. Council Member Prolman said that while she was not opposed to the concept, a bus of this size was inconsistent with the character of Naples.

**RESOLUTION 95-7605.....ITEM 35
A RESOLUTION PROVIDING FOR A WAGE ADJUSTMENT FOR NON-BARGAINING
EMPLOYEES; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney
Chiaro. (3:30 p.m.)**

Pursuant to Council's request at the previous Workshop Meeting, City Manager Richard Woodruff distributed copies of the "Consumer Price Index for All Urban Consumers". (A copy of this material is contained in the file for this meeting in the City Clerk's Office.) Human Resources Director Susan Wiesing explained how the City reviews compensation for its employees not otherwise covered by a bargaining unit contract. This review covers 104 employees including professional, supervisory, and confidential clerical support personnel. Ms. Wiesing then relayed the following recommendations which would provide a non-bargaining wage package comparable to the to the 1996 increase for A.F.S.C.M.E. bargaining unit employees:

Effective January 1, 1996, provide a 3% increase for all non-bargaining employees

who are currently not in a step pay plan, have completed their initial probationary period, and who meet or exceed satisfactory performance. Employees may also receive additional performance bonuses that do not impact base pay and are reflective of the City's current performance measurement instrument. The bonus pool will represent 1% of payroll and these recommendations do not exceed the City's budgeted amount of salary increases.

Council Member Pennington pointed out the increase for social security and Federal retirees was 2.7% and expressed concerns about exceeding that standard. He suggested that the automatic increase not exceed the current 2.8% CPI and that further adjustments be made for merit. Ms. Wiesing indicated that she had researched other organizations and municipalities with over 200 employees and that the average wage increase was 4.08%, although some did include merit pay. Dr. Woodruff explained how the performance bonus was calculated and confirmed that the A.F.S.C.M.E. employees were not eligible for this bonus.

Council Member Van Arsdale cautioned against treating one group of employees differently from another. Vice Mayor Korest suggested limiting the increase to the 2.8% CPI and increasing the bonus pool to 1.2%. Council Member Sullivan stated that since the 3% increase was granted to A.F.S.C.M.E. employees, there was an implied commitment to non-bargaining employees which he was reluctant to renege upon. He agreed, however, that future increases should be restricted to the CPI.

MOTION by Sullivan to APPROVE Resolution 95-7605 and ESTABLISH A FUTURE POLICY WHICH WILL RESTRICT INCREASES TO THE CURRENT CONSUMER PRICE INDEX AS PROVIDED FOR IN THE CONTRACTS AND AGREEMENTS; seconded by Korest and unanimously carried, all members present and voting. (Korest-yes, Pennington-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Muenzer-yes).

OPEN PUBLIC INPUT.....
None (3:50 p.m.)

CORRESPONDENCE and COMMUNICATIONS.....
Council Member Sullivan wished a Merry Christmas to all.

ADJOURNED.....
3:50 p.m.

Paul W. Muenzer, Mayor

Tara A. Norman
Chief Deputy City Clerk

Virginia A. Neet
Deputy City Clerk

Minutes approved: 1/17/96.

Attachment 1
12/20/95 Regular Meeting

Supplemental Attendance List

Lu Drackett
Bolton Drackett
Chris Ott
Virginia Corkran
Jim Weigel
Harry Timmins
K.A. Main
John Fitch
Donald Stafford
Joanne Harris
Randy Smith

Other interested citizens and visitors.



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December 20, 1995

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