



City Council Chamber  
735 Eighth Street South  
Naples, Florida 33940

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**City Council Regular Meeting - July 20, 1994 - 9:00 a.m.**

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Mayor Muenzer called the meeting to order and presided.

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**ROLL CALL**

**ITEM 2**

**Present:** Paul W. Muenzer, Mayor  
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  
Kevin Rambosk, Assist. City Mgr.  
Maria J. Chiaro, City Attorney  
John Cole, Chief Planner  
Missy McKim, Community Dev.  
Director Susan Golden, Planner II  
Flinn Fagg, Planner I  
Dr. Jon Staiger, Natural Resources Mgr.  
Mary Kay McShane, Hum. Res. Dir.  
William Harrison, Finance Director  
Dan Mercer, Utilities Director  
Bob Middleton, Operations Supr.  
Mark Thornton, Community Services Dir.  
Terry Fedelem, Operations Supr.  
Richard Gatti, Engineering Manager  
Marilyn McCord, Deputy City Clerk

Katie Gibson-Jones, Recording Sec.  
George Henderson, Sergeant at Arms

**Media:**

Eric Staats, Naples Daily News  
Jerry Pugh, Colony Cable Vision

**Others present:**

See Attachment #1 Supplemental  
Attendance Sheet

**CONSENT AGENDA**

**APPROVAL OF MINUTES**

**ITEM 21**

June 13, 1994      Workshop Meeting  
June 13, 1994      Budget Workshop Meeting  
June 14, 1994      Budget Workshop Meeting  
June 15, 1994      Regular Meeting

**ITEM 22**

**BUDGET AMENDMENT TO APPROPRIATE FUNDS FOR LEGAL SERVICES ON LAWSUIT WITH FORMER AUDITORS, TO OFFSET LEGAL SERVICES COSTS AGAINST THE SETTLEMENT RECEIVED**

**ITEM 23**

**BID AWARD 94-58 - TRAILER-MOUNTED DIESEL PUMP TO BE USED IN WASTEWATER PLANT TANK MAINTENANCE AND REPAIR.**

**ITEM 25**

**BID AWARD 93-71 - FURNISH AND INSTALL A CLARIFIER WEIR CLEANING SYSTEM ON FOUR SECONDARY CLARIFIERS AT THE WASTEWATER TREATMENT PLANT.**

**ITEM 26**

**WAIVER OF BIDS - AFTER-THE-FACT AUTHORIZATION TO WAIVE BIDS FOR THE PURCHASE OF ONE SUBMERSIBLE PUMP AND MOTOR TO REPLACE EQUIPMENT IN THE GOLDEN GATE WELLFIELD.**

**RESOLUTION NO. 94-7219**

**ITEM 28**

**A RESOLUTION ACCEPTING A PROPOSAL FROM HARTMAN & ASSOCIATES, INC., IN SUBSTANTIALLY THE FORM ATTACHED HERETO, TO CONDUCT SPECIFIC CAPACITY TESTS, WIRE TO WATER EFFICIENCY TESTS AND WELL REHABILITATION ON RAW WATER SUPPLY WELLS; AND PROVIDING AN EFFECTIVE DATE.**

**RESOLUTION NO. 94-7220**

**ITEM 29**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A JOINT PROJECT AGREEMENT FOR THE CONSTRUCTION OF AN EXTENSION TO A TWELVE INCH WATER MAIN ALONG DAVIS BOULEVARD FROM AIRPORT ROAD TO LAKEWOOD BOULEVARD BETWEEN FLORIDA DEPARTMENT OF TRANSPORTATION AND THE CITY OF NAPLES; AND PROVIDING AN EFFECTIVE DATE.**

**RESOLUTION NO. 94-7221**

**ITEM 31**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE TASK ORDER NO. 94-13 IN SUBSTANTIALLY THE FORM ATTACHED HERETO BETWEEN HOLE, MONTES AND ASSOCIATES, INC. AND THE CITY OF NAPLES, FOR CONSULTING WORK ASSOCIATED WITH PROVIDING GRAVITY SEWER SERVICE TO SEAGATE SUBDIVISION UNIT NO. 1; AND PROVIDING AN EFFECTIVE DATE.**

Referring to Item 22, funds for legal services, City Manager Woodruff told Council that the settlement had been \$500,000.00; total bills paid for various consultants had totaled. \$181,981.77. The balance remaining, \$318,018.23, is in the Water and Wastewater Fund reserve account.

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With respect to Item 27, Dr. Woodruff reported that \$77,790.00 remained in the Contingency Fund. In the future, staff reports will indicate Contingency Fund previous balance, the amount requested, and Contingency Fund balance remaining.

**MOTION:** To **APPROVE** the Consent Agenda, consisting of Items 21, 22, 23, 25, 26, 28, 29, and 31; remove Items 24, 27, 30, and 32 from the Consent Agenda for further discussion.

### END CONSENT AGENDA

#### RESOLUTION NO. 94-

**A RESOLUTION APPROVING ALLEY VACATION PETITION 94-AV3 VACATING THE TWENTY FOOT WIDE, EAST-WEST PUBLIC ALLEY SEGMENT LOCATED WITHIN BLOCK 11, TIER 7 OF THE ORIGINAL PLAN OF NAPLES COMMENCING AT THE 7TH STREET, SOUTH RIGHT-OF-WAY AND ENDING AT THE NORTH-SOUTH ALLEY RIGHT-OF-WAY, 200 FEET WEST; SUBJECT TO THE CONDITIONS SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE.**

Dr. Woodruff advised that the petitioner in this matter had asked that the item be continued for two weeks.

Korest	Y
Pennington	S
	Y
Prolman	Y
Sullivan	M
	Y
Tarrant	Y
Van Arsdale	Y
<b>ITEM 6</b>	Y
Muenzer	Y

(7-0)

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

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**MOTION:** To **CONTINUE** Item 6 to August 3, 1994.

### ANNOUNCEMENTS

Naples Area Chamber of Commerce Government Liaison Justyna Ford presented the "Spruce Up" award to the City. That award has been presented to various businesses in the downtown area who have made efforts to improve the appearance of their facilities. The City's award was presented for landscaping endeavors at "Four Corners." Mayor Muenzer accepted the award on behalf of the City and in turn presented it to Parks & Parkways Operations Superintendent Terry Fedelem. The Mayor noted that Mr. Fedelem's creativity and his staff had made the improvements possible. The award will be presented in Mr. Fedelem's office.

Local artist Elizabeth Sully was acknowledged by Dr. Woodruff for the paintings of a patriotic nature she had loaned to the City. Two of her paintings are displayed in the Council Chamber; they will be displayed at other appropriate places and times.

Dr. Woodruff congratulated Sergeant-At-Arms George Henderson on his 80th birthday and presented him with a card signed by members of Council and staff.

### ORDINANCE NO. 94-7222

### ITEM 5-a

**AN ORDINANCE APPROVING REZONE PETITION 94-R2, REZONING APPROXIMATELY TWENTY FIVE ACRES OF PROPERTY LOCATED AT THE SOUTHEAST CORNER OF GORDON DRIVE AND 21ST AVENUE, SOUTH, MORE PARTICULARLY DESCRIBED HEREIN, FROM "R1-10", SINGLE FAMILY RESIDENCE, TO "PD", PD PLANNED DEVELOPMENT, TO PROVIDE FOR THE**

Korest	Y
Pennington	S
	Y
Prolman	M
	Y
Sullivan	
	Y
Tarrant	
	Y
Van Arsdale	<b>ITEM 6</b>
	Y
Muenzer	
	Y
(7-0)	

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

**DEVELOPMENT OF THIS PARCEL AS 34 SINGLE FAMILY LOTS TOGETHER WITH A GUARD HOUSE, PRIVATE ACCESS DRIVES, OPEN SPACE AND A COMMUNITY BOAT DOCK FACILITY SUBJECT TO CERTAIN SPECIFIED DEVELOPMENT STANDARDS AND CONDITIONS; AND PROVIDING AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

**Public Input: None.**

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

**RESOLUTION NO. 94-7223**

**A RESOLUTION APPROVING PLAT VACATION PETITION 94-PV1 VACATING PORTIONS OF THE EXISTING REPLAT OF THE SAGAMORE BEACH SUBDIVISION AND THE PLAT OF THE PHILLIP G. RUST DEVELOPMENT, INCLUDING THE VACATION OF A DEDICATED DRAINAGE EASEMENT AND DEDICATED STREET RIGHT OF WAY WITHIN SAID SUBDIVISIONS, SUBJECT TO CONDITIONS; AND PROVIDING AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

The item was reviewed by Chief Planner John Cole, who reported on recommendations of the Planning Advisory Board (PAB). The PAB believed that the City should grant a fifteen foot landscape easement to the developer within the City right-of-way so that the developer would be responsible for maintaining the buffer. Staff has no objection to that concept, although the City Attorney and City Engineer should review the contents of the easement.

The City's Sidewalk Improvement Fund was discussed. The Fund is established within the

Korest	Y
Pennington	M
	Y
Prolman	Y
Sullivan	S
	Y
Tarrant	Y
Van Arsdale	Y
Muenzer	Y
(7-0)	

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Comprehensive Development Code to allow a developer to pay funds into a restricted account when a sidewalk is impractical. In this situation, the developer would be given a choice between providing a sidewalk along the 21st Avenue right-of-way or contributing an equivalent amount to the Fund. Those funds may be utilized to install a sidewalk elsewhere in the City. Council Member Pennington said that in his opinion it is not appropriate for a developer to pay into a fund utilized to build sidewalks elsewhere. Mr. Cole explained that in this instance staff is suggesting that a contribution to the Sidewalk Improvement Fund is appropriate, rather than require sidewalks adjacent to the development.

Attorney John Passidomo, representing the applicants, answered Council's questions about the development. In response to Council Member Pennington, Attorney Passidomo said that the paved portion of 21st Avenue South is not titled in the City; it is titled in Mr. Silliman's name. The applicant is requesting a landscape easement in order to fulfill recommendations contained in the PD (Planned Development) document. The applicants hope to perpetuate the landscaping for the betterment of the City and ask that the easement be validated. Maintenance will be the developer's perpetual responsibility.

Council Member Van Arsdale commented about sidewalks: "I'd like us to adopt a plan that makes sense, and install a sidewalk system throughout the community. I'm concerned about keeping the option open for the future." Attorney Passidomo countered, "The option is always open."

**Public Input: None.**

**MOTION:** To **APPROVE** the resolution as presented, providing for a fifteen foot landscape buffer.

### **RESOLUTION NO. 94-7224**

**A RESOLUTION APPROVING THE SUBDIVISION PLAT FOR A 25 ACRE, 34 LOT SINGLE-FAMILY SUBDIVISION LOCATED AT THE SOUTHEAST CORNER OF GORDON DRIVE AND 21ST AVENUE, SOUTH, SUBJECT TO CONDITIONS; DESIGNATING THE SUBDIVISION AS A LAND DEVELOPMENT INNOVATION THEREBY WAIVING THE REQUIREMENTS FOR PUBLIC STREETS, SIDEWALKS AND STREET TREE PLANTING; AND PROVIDING AN EFFECTIVE DATE.**

Korest	S
	Y
Pennington	M
	Y
Prolman	
	Y
Sullivan	
	Y
Tarrant	
	Y
<b>ITEM 5-c</b>	
Van Arsdale	
	Y
Muenzer	
	Y
(7-0)	

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

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Title read by City Attorney Chiaro.

**MOTION:** To **APPROVE** the resolution as presented, amended Section 1(3) to add the word "plants."

### RESOLUTION NO. 94-7225

**A RESOLUTION GRANTING A WAIVER FROM DISTANCE REQUIREMENTS BETWEEN LIQUOR LICENSEES IN ORDER TO PERMIT THE SALE OF ALCOHOLIC BEVERAGES AT ASTI RISTORANTE IN NEAPOLITAN SHOPPING CENTER WITHIN 500 FEET OF AN EXISTING LICENSEE; AND PROVIDING AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

Chief Planner Cole reviewed the request for a waiver from distance requirements, noting that the proposed restaurant location is within 500 feet of the existing Palm Restaurant. The staff recommendation was: Both Asti Ristorante and the Palm Restaurant are full service restaurants. The "bar area" in each location is a minor component of the respective floor area. The nature of their clientele and operations lead staff to the conclusion that the 500 foot distance separation is not necessary for the protection of the public health, safety, or welfare and recommends approval.

Attorney Dennis Cronin, representing the petitioners, advised Council that the restaurants are

Korest	Y
Pennington	Y
Prolman	S
Sullivan	M
Tarrant	Y
Van Arsdale	Y
Muenzer	Y
(7-0)	

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



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approximately 350 to 400 feet apart, walking from door to door. There is no "bar" component in the proposed facility, and Attorney Cronin said that he did not envision a compatibility problem with the Palms Restaurant.

### Public Input:

#### Florents Malo, 173 Ninth Street South

Mr. Malo, owner of the Palms Restaurant, expressed his opposition to the waiver request. He said, "First, it's the law. (Distance requirement) Plus, when we signed the lease agreement with the landlord, he told us there would be no other restaurants in the shopping center; so far there are four." Mr. Malo asked about square footage requirements for obtaining a liquor license.

Dr. Woodruff pointed out that actual square footage standards are governed by the State for liquor license purposes. He explained that Council's charge was to determine whether the waiver is appropriate and not detrimental. Commitments that may have been made to the Palms Restaurant by the landlord would be a private, legal issue, stated Dr. Woodruff.

City Attorney Chiaro advised Council that they are required to make a determination as to whether waiving of the distance requirement has a negative impact. The waiver may be granted if Council finds no negative impact.

Vice Mayor Korest commented, "Competition exists whether we like it or not. In some cases it is a benefit to have clusters of the same type of businesses." He mentioned the food court at Coastland Mall as an example.

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

Council Member Tarrant voted in the negative, stating, "Regarding the impact on business, if his business was inside the community redevelopment area he'd get a much more sympathetic audience."

#### RESOLUTION NO. 94-7226

**A RESOLUTION GRANTING A PERMIT TO CONSTRUCT A NEW BEDROOM, WITH BATH AND COVERED PORCH, AND AN UNWALLED, ROOFED PORCH OVER A LAKE AT 2211 SOUTHWINDS DRIVE; AND PROVIDING AN EFFECTIVE DATE.**

Korest	M
	Y
Pennington	
	Y
Prolman	
	Y
Sullivan	S
	Y
Tarrant	
	N
Van Arsdale	
	Y
Muenzer	
	Y

#### ITEM 8

(6-1)

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

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Title read by City Attorney Chiaro.

The permit request was reviewed by Natural Resources Manager Dr. Jon Staiger, who pointed out that the proposed construction presents no problem with stormwater management. The lake is privately owned and totally contained within the property.

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

Korest

Y

Pennington

M

Y

Prolman

Y

Sullivan

S

Y

Tarrant

Y

Van Arsdale

Y

Muenzer

Y

(7-0)

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

**BREAK: 10:17 a.m. - 10:30 a.m.**

**ORDINANCE NO. 94-**

**AN ORDINANCE AMENDING SECTIONS 102-501 THROUGH 102-541, OF DIVISION 17., "C2-A," WATERFRONT COMMERCIAL DISTRICT, OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, AMENDING THE LIST OF PERMITTED AND CONDITIONAL USES AND REVISING THE PERFORMANCE STANDARDS APPLICABLE WITHIN THIS DISTRICT; AMENDING SECTION 106-104, "NUMBER OF PARKING SPACES," OF ARTICLE IV., "PARKING AND LOADING," OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, REDUCING THE PARKING REQUIREMENTS FOR MARINAS AND BOAT STORAGE FACILITIES TO**

**ENCOURAGE THE RETENTION AND DEVELOPMENT OF MARINE SERVICE FACILITIES AND PUBLIC ACCESS TO THE WATERFRONT; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION, AND AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

City Manager Woodruff reviewed the right-of-way parking plan. Chief Planner Cole explained that staff hopes to utilize parking incentives as a way to encourage marina use. Council Member Tarrant referred to the parking incentives as "a carrot and stick operation that throws parking into a totally different configuration and creates a bureaucratic approach.

**MOTION:** To **CONTINUE** Item 9 to August 3, 1994.

Korest	M
	Y

Pennington	S
Y	
Prolman	
Y	
Sullivan	
Y	

**ORDINANCE NO. 94-**

**AN ORDINANCE AMENDING CERTAIN SECTIONS RELATING TO OCCUPATIONAL LICENSES; AMENDING SECTIONS 58-68 AND 58-71 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES FOR THE PURPOSE OF CLARIFICATION; AMENDING SECTION 58-76 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES TO INCLUDE CHANGE OF NAME INFORMATION; ADDING SECTION 58-76 (4) TO THE CODE OF ORDINANCES OF THE CITY OF NAPLES TO SPECIFY FEES; AMENDING SECTION 58-81 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES TO REVISE THE SCHEDULE OF TAXES; PROVIDING A**

Tarrant	
<b>ITEM 17</b>	Y
Van Arsdale	
	Y
Muenzer	
	Y
(7-0)	

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

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**SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

Dr. Woodruff announced that second reading of this ordinance would be held at a Special Meeting on August 8, 1994, at 9:00 a.m., in order to comply with all requirements. Staff will begin the process of mailing occupational license renewal requests in August.

**Public Input: None.**

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

**ORDINANCE NO. 94-**

**AN ORDINANCE AMENDING SECTION 50-187 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES FOR THE PURPOSE OF CLARIFICATION OF THE GENERAL EMPLOYEES RETIREMENT SYSTEM'S DEFINITION OF "ACTUARIAL EQUIVALENT"; ADDING SECTION 50-255 TO SATISFY THE QUALIFICATION REQUIREMENTS OF THE INTERNAL REVENUE CODE; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.**

Korest	Y
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Pennington	S
Y	
Prolman	
Y	
Sullivan	M
Y	

<b>ITEM 18</b>	
Tarrant	Y
Van Arsdale	Y
Muenzer	Y
(7-0)	

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

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Title read by City Attorney Chiaro.

Finance Director Bill Harrison reviewed the ordinance language and informed Council that pre-tax items are being utilized for employees under the Section 125 Plan. This is accomplished at no cost to the City.

**Public Input: None.**

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

### **RESOLUTION NO. 94-7227**

**A RESOLUTION APPOINTING ONE MEMBER TO THE CODE ENFORCEMENT BOARD TO FILL THE UNEXPIRED TERM OF JOHN M. HUSTLER; AND PROVIDING AN EFFECTIVE DATE.**

Korest	Y
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Pennington	S
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Y	
Prolman	
Y	

Sullivan	M
Y	

### **ITEM 19**

Tarrant	Y
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Van Arsdale	Y
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Muenzer	Y
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(7-0)

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

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Title read by City Attorney Chiaro.

**Public Input: None.**

**MOTION:** To **APPOINT** Bonnie R. MacKenzie to the Code Enforcement Board.

Korest

Y

Pennington

M

Y

Prolman

Y

Sullivan

Y

**RESOLUTION NO. 94-7228**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE BETWEEN WINGER-BUETELL BUILDING, A CO-PARTNERSHIP AND THE CITY OF NAPLES, IN SUBSTANTIALLY THE FORM ATTACHED HERETO; AND PROVIDING AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

City Manager Woodruff reviewed Item 20, noting that because the City is in the midst of redevelopment, landscaping and streetscaping improvements are scheduled and staff presence on Fifth Avenue would be beneficial. The proposed location for the Planning Department is 708, 710, and 712 Fifth Avenue South. Dr. Woodruff described the proposed temporary arrangements involving the Planning Division and Fire Department administration, which are necessary until Fire Station #1 is renovated. He explained that by October, 1994, staff will present plans to Council regarding expansion of the physical space which the City staff works from. Responding to Council's questions, Dr. Woodruff said, "There is the possibility of expanding the number of people, but this City Council did not give us that direction. How do we operate so that the customer is served to the best extent? Space might help us to better function, but our plans are not necessarily to expand the number of employees. My pledge to you is that the plan will be based on customer service and functionality." Dr. Woodruff explained further that once construction at the Fire Station is complete, the Planning Division would move

Tarrant

**ITEM 20**

S

Y

Van Arsdale

Y

Muenzer

Y

(7-0)

**M=Motion S=Second**

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

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back to City Hall and Fire Department administration would move back to the Fire Station. The objective, stated Dr. Woodruff, is to improve the City's method of handling permits.

During discussion about the lease, it was noted by the City Attorney that termination terms are unclear. She will clarify that with the realtor.

**Public Input: None.**

**MOTION:** To **APPROVE** the resolution, with the addition of language clarifying lease termination.

Korest	Y
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Pennington	M
Y	
Prolman	
Y	
Sullivan	S
Y	

### **PURCHASE ORDER**

**AFTER-THE-FACT AUTHORIZATION TO ISSUE PURCHASE ORDER FOR CHEMICALS TO BE UTILIZED IN A ONE MONTH PILOT PROGRAM STUDY TO EVALUATE THE EFFECTIVENESS OF POTASSIUM PERMANGANATE FOR COLOR REMOVAL.**

Utilities Director Dan Mercer and Water Production Operations Superintendent Robert Middleton presented an explanation of the color problem in the City water, which is governed by a State consent order. Although potassium permanganate is expensive, chlorine usage has been cut almost in half, so savings are being realized in other areas.

Tarrant	<b>ITEM 27</b>
	Y
Van Arsdale	
	Y
Muenzer	
	Y
(7-0)	
<b>M=Motion S=Second</b>	
<b>Y=Yes N=No A=Absent</b>	

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Mayor Muenzer commented that telephone calls from citizens will reflect any complaints about water color and taste.

**Public Input: None.**

**MOTION:** To **APPROVE** the purchase order for chemicals to be utilized in a one month pilot program study to evaluate the effectiveness of potassium permanganate for color removal.

**ORDINANCE NO. 94-**  
**AN ORDINANCE AMENDING SECTION 66-108 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, REVISING THE RATES FOR SEWER SERVICE; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

Finance Director Harrison reviewed this ordinance and City Manager Woodruff provided overheads to enhance the presentation. Dr. Woodruff outlined the process for compliance with the State Consent Order and indicated the terms the City must allow to accommodate future expansion needs. He noted that the estimated cost of the project was approximately \$18,000,000.00 with expansion and improvements amounting to approximately \$9,000,000. He indicated that the last expansion phase was in 1985.

Dr. Woodruff explained the reasons behind the City's choice of Advanced Wastewater Treatment, noting that the end product improves the quality of the discharge and that the technology is there. Improvement will continue and eventually it will be permissible to have a closed loop. Dr. Woodruff added that this will substantially increase the quality of the discharge. He pointed out that this system is the leading way DEP (Department of Environmental Protection) prefers treatment to the effluent and it also provides a long-term solution. In conclusion, Dr. Woodruff explained that the Advanced Wastewater Treatment removed any limit as to how many days the City can discharge into the Bay. He further explained that under other options the 90 day clause is applied. Dr.

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



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Woodruff stated that as per City Council direction, the City will borrow as little as possible with the hope that it will need less than \$18,000,000.00 when approaching the bond market.

Discussion ensued concerning the discharge plant production and discharge into the Golden Gate canal. Dr. Woodruff stated that it had been pointed out to DEP that the Golden Gate Canal is the #1 enemy of Naples Bay.

Council Member Tarrant expressed his concern over the fact that the Hole, Montes & Associates, Inc., a firm with a large vested interest in City projects, is spending time negotiating to extend the time window of compliance. His concern focused on the huge affect this has on dollars spent by the City. Mr. Tarrant expressed further opposition to being pushed into a billing cycle and urged Council to go back to the State to request more time for this project. He added that the City owed that much to its taxpayers.

Mayor Muenzer pointed out that the time frame is mandated by the State. He noted that many other cities and counties in the State have previously and unsuccessfully tried to negotiate. He pointed out that as far as influence in Tallahassee, Naples is not very influential. The State is dictating the mode, not negotiating it. Mayor Muenzer stated that he had no doubt that the City will be fined if it is not in compliance.

Dr. Woodruff informed Council that it was State law that sets the maximum time period in which a City may reach compliance and at this point State law states the City has five years. He stated that the City was given five years following its request for time extension and the best answer obtainable was five years. Vice Mayor Korest reported that he recently attended an area legislative meeting attended by many State representatives. He said that when this subject came up many complaints were voiced. Mr. Korest added that U.S. Congressman, Porter Goss and various other legislative delegates had indicated that no room exists for interpretation and there is no ability to grant exemptions.

Dr. Woodruff recommended to avoid customer rate shock and in order to fund this on as large a cash basis as possible, that financing be processed in increments of a series of two or three rate increases. Finance Director Harrison noted that a 12% rate increase amounts to approximately \$3.00 a month for an average residential customer. He indicated that the next rate increase would follow in approximately two years. Mr. Harrison stated that prior to the second reading of this ordinance, staff would provide a comparison chart indicating the projection of additional time periods, and total

costs.

Council Member Van Arsdale stated that he favored no stormwater runoff or sewage going into the Bay. Dr. Woodruff responded to this position noting that it would cost the City approximately \$40,000,000. to totally stay out of the Bay and this cost alone would greatly impact the community in a negative manner. He added that this was not an approach favored by the majority of City Council nor was it one staff wanted to follow. Dr. Woodruff stated that the discharge with the AWT (Advanced Wastewater Treatment) Plan will be much cleaner than it is today and it will also be cleaner than the vast majority of potable water intake points nationwide.

**Public Input:**

**Gregory Zak, 1724 Bald Eagle Drive, Marco Island, Florida,**

Mr. Zak challenged Dr. Woodruff's presentation. He referred to previous experience that he had encountered in dealing with the auditing of State government books in Ohio. He indicated that massive fraud was found in a situation similar to the one presently confronting the City of Naples as far as negotiating with the State in terms of the mandated time frame. Mr. Zak argued that there was always room for negotiation. He stated that he had tried to meet with Dr. Woodruff, Utilities Director Mercer, and representatives from Hole, Montes. He noted that regarding injection wells, his company had a proposal in front of the County today, representing one of the premier well drillers in the country for \$2.9 million. Mr. Zak stated that he could have two wells drilled at \$2.9 million each. He stated that in his opinion, users of effluent water should be paying more of their share of the expense. Mr. Zak recommended that the City continue to review this issue because it is his belief that there are numerous alternatives to off set a time limitation. That will allow the City to comply within the five years without spending \$18,000,000. He stated that he could drill the well for \$350,000.

**Sue B. Smith, 15 11th Avenue South, Naples, Florida,**

Mrs. Smith, following some dialogue and questions directed to Council Members, noted for the record that three to four years ago the City was considering many problems emanating from the Water and Sewer Division. She noted that many citizens had come forward asking explanations of these things. She brought out that the City is asking its citizens to pay increases in water and sewer costs and yet has never addressed this publicly in the sense of revealing backup accounting, to explain how an opportunity for money to be made cannot compare water projects in Naples to those in any other area. She stated that as citizens, it was disappointing to see an operation that does not

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give more respect to its citizens. Mrs. stated that the City seems to think it can reach into citizens' pockets at any time. "Only a \$3.00 increase," she added that she had heard that so often. Ms. Smith stated that she did not understand why Council is not more concerned about where water and sewer monies go. She pointed out that she did not hear any talk about the lawsuit that was recently finalized and all taxpayers such be privy to such information. "You ask for more and more money but you don't take us into the catacombs of your wisdom and interpretatives of why you constantly go into our pockets." She stated that she was both sad and disappointed, and added that City Council Members should be embarassed and ashamed before their public.

MOTION: To APPROVE the ordinance at first reading.

Council Member Tarrant reiterated his regret that Council has chosen to move ahead. He expressed his firm belief that more intensive discussions with the County Commissioners should take place first.

Korest	S Y
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Pennington Y Prolman Y Sullivan Y	S
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### RESOLUTION NO. 94-

**A RESOLUTION GRANTING CONDITIONAL USE PETITION 94-CU5 ALLOWING FOR THE OPERATION OF A BED & BREAKFAST AT 287 11TH AVENUE SOUTH AND 281 11TH AVENUE SOUTH SUBJECT TO CONDITIONS; AND PROVIDING AN EFFECTIVE DATE.**

### ITEM 10

Tarrant	N
Van Arsdale	M Y
Muenzer	Y

Title read by City Attorney Chiaro.

Chief Planner Cole utilized visual aids to review this item. He explained how staff deals with historic structures. The prospective buyer of Inn By The Sea has stated that she is interested in operating the facility in its present condition. At this time, the Inn manager lives in the guest house, which is a violation of the existing conditional use permit.

(6-1)

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

In response to Mayor Muenzer, Mr. Cole reviewed parking requirements, noting that in his opinion

language in the Code provides for flexible parking standards. It is possible that offsite parking could be utilized. Mr. Cole described the proposed use for the total properties. Should the petitioner acquire the Inn By The Sea, she would be interested in renting out six transient bedrooms at 287 11th Avenue South, and the guest house at 287 11th Avenue South would be leased on a long-term basis.

City Manager Woodruff said that the main building would not qualify for the rental of six bedrooms if that was the only structure being included in the square footage total. In this situation, the total area of all the dwellings is considered.

Council Member Pennington brought attention to the fact that the petitioner hopes to make the pool at 281 11th Avenue South available to transient guests at 287 11th Avenue South. He stated that he considers that further commercial intrusion into the residential area and could not be supportive. Mayor Muenzer added that the bedroom of the guest house is not exempted from the total count, yet the square footage of the guest house is counted.

Council Member Sullivan said that he too had concerns about this situation, noting that it appears to be a rather significant increase in the expansion of a conditional use. There are a number of issues that should be examined, he stated, and it was more appropriate to do so in a workshop setting.

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The applicant, Margaret Cormier, informed Council that she only wants to continue to the run the bed and breakfast. To change the historical climate would be a shame, she commented. Ms. Cormier said that allowing transient guests to use the swimming pool was simply a suggestion and not a necessity. She agreed to continuance of the matter.

**MOTION:** To **CONTINUE** Item 10 to August 3, 1994.

Staff will review the resolution language prior to the August 3rd City Council Meeting.

### RESOLUTION NO. 94-7229

**A RESOLUTION APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF NAPLES AND BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, IN SUBSTANTIALLY THE FORM ATTACHED HERETO, TO ENSURE COORDINATION BETWEEN THE CITY AND THE COUNTY REGARDING THE DEVELOPMENT OF AFFORDABLE HOUSING IN THE URBAN AREA; AND PROVIDING AN EFFECTIVE DATE.**

Title read by City Manager Woodruff.

Collier County Housing and Urban Improvement Director Greg Mahalek was present to answer Council's questions about the Affordable Housing Interlocal Agreement, which was adopted unanimously by the Board of County Commissioners on July 19th. He explained how funds are administered and utilized for a number of items and not solely for impact fee waiver.

Council discussed State affordable housing requirements. City Manager Woodruff said that if the DCA (Department of Community Affairs) would determine that the City was not in compliance with its Comprehensive Plan, it could withhold State assistance. The DCA could also refuse to approve any private housing within the corporate limits that was requesting DCA support for funding. In addition, the City could run the risk of having an individual citizen or an agency that represents a group of people sue for non-compliance. Dr. Woodruff emphasized, "We can't ignore what's in our own Comp Plan." He said that approval of this Interlocal Agreement was a positive step. City Attorney Chiaro agreed with Dr. Woodruff, noting that the City cannot ignore its Comprehensive

Korest	S Y
Pennington Y Prolman Y Sullivan Y	<b>ITEM 11</b> M
Tarrant  Van Arsdale  Muenzer  (7-0)	Y  Y  Y
<b>M=Motion S=Second Y=Yes N=No A=Absent</b>	

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**City Council Regular Meeting - July 20, 1994**

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Plan.

Council Member Tarrant said that a recent affordable housing meeting, Mrs. Jane Varner, who is with the Tax Action Group (TAG) was denied the opportunity to distribute information. Mr. Tarrant commented, "They didn't want to see TAG's figures." Mr. Mahalek said that the meeting referenced was a Leadership Collier, and not a County, meeting. Mr. Tarrant said that TAG has always supported affordable housing for those in income brackets of \$20,000 per year or less. However, he said that those people being targeted, namely Hospital, City, and County employees do not want affordable housing.

**Public Input: None.**

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

**LUNCH RECESS: 2:00 p.m. - 2:25 p.m.**

**NOTE: Deputy City Clerk Marilyn McCord acted as recording**

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

secretary from commencement of the meeting until lunch recess, when she was relieved by Administrative Assistant Katie Gibson-Jones.

**ORDINANCE NO. 94-**

**ITEM 12-a**

**AN ORDINANCE ADOPTING 94-CPA1 AMENDING TEXT WITHIN THE CITY OF NAPLES' COMPREHENSIVE PLAN AND THE COMPREHENSIVE PLAN MAP SERIES IN ORDER TO INCORPORATE THE ANNEXATION OF AN 11.5 ACRE TRACT OF LAND LOCATED ON THE SOUTH SIDE OF NORTH ROAD, APPROXIMATELY 2500 FEET WEST OF AIRPORT ROAD; DESIGNATING FUTURE LAND USE FOR THIS PROPERTY AS A COMBINATION OF "MEDIUM DENSITY RESIDENTIAL" AND "CONSERVATION"; AND PROVIDING AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

In reference to Items 12a,b,c,d,e and f, Dr. Woodruff explained that the City is permitted to have two cycles annually to present changes to the Comprehensive Plan and the six items offered here are the changes proposed for consideration within those cycles. He noted that some changes have already been approved as reflected in Item 12b and c. Dr. Woodruff further explained the approval cycle noting that once the items are dealt with affirmatively by City Council, they will be transferred to ~~DCA (Department of Community Affairs), who review and concur. If they do not concur, he~~ explained the Items come back for further consideration, and if they concur, the items come back for second reading. Dr. Woodruff pointed out that no action taken today will be a final action and a second procedure will follow some time in December, 1994.

Dr. Woodruff recommended that if Council chose not to approve this item today, appropriate action would be to vote "not to approve" rather than "to continue" thus avoiding the high cost of repeated advertising requirements.

Planner I Golden gave a brief review of this request from Affordable Housing Partners, Inc. to amend the City's Comprehensive Plan and Map series to allow for the potential future annexation of this 11.5 acre vacant parcel on the south side of North Road. Upon annexation, this site's designation on the Future Land Use Map would be "Medium Density Residential" and "Conservation". Ms. Golden noted that until an affordable Housing Interlocal Agreement is approved by both Collier County and the City of Naples, the City must continue its efforts to meet affordable housing needs as identified in the Comprehensive Plan and the Comprehensive Housing Affordability Strategy. She added that staff finds medium density residential to be compatible and

## **City Council Regular Meeting - July 20, 1994**

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appropriate for this site and staff recommends approval of 94-CPA1 up to a maximum of 127 housing units being developed on the entire 11.5 acre parcel.

Following some inquiries by Council Member Tarrant concerning the density of the proposed project, Ms. Golden explained that at the PAB meeting the developer did ask to continue to pursue the 160 unit development. She further explained that in order to have a lower density, the developer needed to reduce the per unit land cost. Mr. Tarrant expressed concern that the unit number could be 160 instead of 80 units and Ms. Golden recommended that the developer be asked to clarify his position to City Council.

Vice Mayor Korest expressed his concern over the direction being taken on this issue. He recommended that Council table this matter pending future outcome of the interlocal agreement. He further stated that the City has seen a great effort on the part of the County Commissioners to work in harmony toward meeting the affordable housing goals.

Council Member Pennington noted that the primary purpose with the County is to remove the City's need to annex and he added that Council has taken this action to assist the developer toward land acquisition. He further explained that in his opinion, to move toward this annexation is in violation of the interlocal agreement.



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**MOTION:** To TABLE Item 12-a.

**Public Input:**

**Ann Murray, 2233 D Anchorage Lane, Naples, Florida,**

Ms. Murray thanked the City Council for enacting the interlocal agreement. She indicated that she was not against affordable housing, just the density it would impose. She stated that she approved of the action to table this Item.

**Dr. Christian Moglevang, 2950 North Road, Naples, Florida,**

Dr. Moglevang said that he approved of the action to table this item.

**Ivy Jean Nebus, 3100 North Road,**

Ms. Nebus stated that she appreciated Council's efforts and supported tabling this item.

**Everett Thayer, 1690 Avion Place, Naples, Florida,**

Mr. Thayer stated that he approved of the action to table this item.

**Bryan Warner, Affordable Housing Partners, Naples, Florida**

Mr. Warner stated that to table this motion would put him out of the ballpark to further the proposed affordable housing project. He pointed out that the extended time period imposed by this tabling action would cause a loss of the HUD funding. He further explained that if the County should break their agreement, he would be left with no recourse if approval of this item did not occur today.

Council Member Van Arsdale commented that by tabling this Item Council seemed to be saying that they did not want to pursue this project further. He questioned Council Members present by asking "Do you want to consider a parcel of land for affordable housing with or without the County in our plans?" He pointed out limiting factors imposed by HUD and DCA and noted that Council was not dealing with those complications when making the statement that they do not want this action to happen. Mr. Van Arsdale indicated that it was important to put this issue into perspective. He

Korest	M Y
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Pennington Y Prolman Y Sullivan N	S
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Tarrant	Y
Van Arsdale	N
Muenzer	Y
(5-2)	

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

recommended that Council clearly state their intentions.

Council Member Sullivan noted his agreement with Mr. Van Arsdale and added that a vote to table indicates a negative approach to the project intended to provide some affordable housing. He stated that the City had moved forward significantly in negotiations with the Chairman of the County Commissioners in reaching a density level that would be acceptable to the rest of the community. He explained that by moving forward with the amendment to the Comprehensive Plan the City is simply holding open an option that will be available to us if at some point and time it is necessary to pursue annexation. He pointed out that it was a matter of good business to protect one's interest and to allow to hold options that might be needed at some future time. He asked that Council consider moving forward.

Council Member Tarrant stated that he was clearly distressed over the fact that there were no longer clear assurances that this property would not be annexed and that there would be no more than 80 units. In his opinion, he said that approval of this item and the allowance of annexation would turn the City's land use on its head. He also noted the large group of residents unhappy with this petition.

Council Member Pennington stated that he did not agree that a vote to table is a vote to abandon this project. He stated that he was very supportive of affordable housing and he recognized Council's commitment to support affordable housing. Mr. Pennington stated that in his opinion, to proceed with annexation in case the County does not live up to their end of the agreement is inconsistent with the interlocal agreement.

Council Member Korest explained that the City got into this situation prior to the interlocal agreement and since that instrument is in place now, the City can move ahead as a community. He said that he did not agree that by tabling this Item the City is implying that it is not in favor of affordable housing. However, he pointed out that the City is now allowed to proceed with a degree of comfort.

Council Member Prolman stated that she was in agreement with Mr. Korest.

Mayor Muenzer added that he wanted to see the 80 units become reality. He recognized this decision as a tough call and noted he was in agreement to table the item at this time.

**ORDINANCE NO. 94-ITEM 12-b**  
**AN ORDINANCE ADOPTING 94-CPA2 AMENDING THE COMPREHENSIVE PLAN**

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

Title read by City Attorney Chiaro.

**Public Input:** None.

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

Korest	S Y
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Pennington Y Prolman Y Sullivan Y	M
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**ORDINANCE NO. 94-**

**AN ORDINANCE ADOPTING COMPREHENSIVE PLAN AMENDMENT 94-CPA3 AMENDING THE COMPREHENSIVE PLAN LAND USE ELEMENT AND COMPREHENSIVE PLAN MAP SERIES TO RECOGNIZE THE ANNEXATION OF A 2.75 ACRE PARCEL OF LAND LOCATED AT 900 GOODLETTE-FRANK ROAD, MORE PARTICULARLY DESCRIBED HEREIN; ESTABLISHING THE FUTURE LAND USE FOR THIS PROPERTY AS "HIGHWAY COMMERCIAL"; AND PROVIDING AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

**ITEM 12-c**

Tarrant	Y
Van Arsdale	Y
Muenzer	Y
(7-0)	

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

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**Public Input: None.**

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

Korest	Y
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Pennington	M
Y	
Prolman	
Y	
Sullivan	
Y	

**ORDINANCE NO. 94-**

**AN ORDINANCE ADOPTING COMPREHENSIVE PLAN AMENDMENT 94-CPA4 AMENDING THE COMPREHENSIVE PLAN LAND USE ELEMENT, TRAFFIC CIRCULATION ELEMENT, PARKS RECREATION AND OPEN SPACE ELEMENT AND RELATED COMPREHENSIVE PLAN MAPS IN ORDER TO ESTABLISH OBJECTIVES, POLICIES AND PROGRAMS SUPPORTING THE SOUTHWEST FLORIDA LAND PRESERVATION TRUST PEDESTRIAN/BICYCLE PATHWAY LOCATED GENERALLY EAST OF THE GORDON RIVER AND ADJACENT TO GOODLETTE-FRANK ROAD; AND PROVIDING AN EFFECTIVE DATE.**

<b>ITEM 12-d</b>	
Tarrant	Y
Van Arsdale	S
	Y
Muenzer	Y
(7-0)	
<b>M=Motion S=Second</b>	
<b>Y=Yes N=No A=Absent</b>	

**City Council Regular Meeting - July 20, 1994**

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Title read by City Attorney Chiaro.

**Public Input:** None.

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

**ORDINANCE NO. 94-**

**AN ORDINANCE ADOPTING COMPREHENSIVE PLAN AMENDMENT 94-CPA5 AMENDING THE COMPREHENSIVE PLAN CAPITAL IMPROVEMENT ELEMENT, IN ORDER TO INCLUDE A VARIETY OF NEWLY PROPOSED SIDEWALK IMPROVEMENTS, STREET RESURFACING AND RECONSTRUCTION PROJECTS AND RELATED RIGHT OF WAY IMPROVEMENTS; AND PROVIDING AN EFFECTIVE DATE.**

Korest	Y
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Pennington Y Prolman Y Sullivan Y	S
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**ITEM 12-e**

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

## City Council Regular Meeting - July 20, 1994

Title read by City Attorney Chiaro.

**Public Input:** None.

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

**NOTE:** Administrative Assistant Jones was relieved by Deputy City Clerk McCord at this point in the meeting.

**~~ORDINANCE NO. 94-~~**

**~~AN ORDINANCE ADOPTING COMPREHENSIVE PLAN AMENDMENT 94-CPA6 AMENDING THE LAND USE ELEMENT AND FUTURE LAND USE MAP IN ORDER TO CHANGE THE FUTURE LAND USE CLASSIFICATION ASSIGNED TO LOTS 8-12 AND 13-18 OF BLOCK 6, TIER 3 OF THE ORIGINAL PLAN OF NAPLES FROM LOW DENSITY RESIDENTIAL TO LIMITED COMMERCIAL; AND PROVIDING AN EFFECTIVE DATE.~~**

Title read by City Attorney Chiaro.

Chief Planner Cole reviewed the proposed Comprehensive Plan Amendment 94-CPA6, providing historical information about the property involved, which is owned by Mrs. Harriet MacDonald. In 1985, Council had required that a buffer wall and landscaping be installed; those attempts at mitigation have not worked to the McDonald's satisfaction.

Council Member Pennington expressed his opposition to the zoning change, noting that Council had an obligation to prevent further intrusion of commercial use into residential areas.

Korest	Y
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Pennington	M
Y	
Prolman	S
Y	
Sullivan	
Y	

Tarrant	Y
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Van Alsdale	ITEM 12-f
Y	

Muenzer	Y
(7-0)	

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

Council discussed the fact that the dumpster belonging to Chef's Garden Restaurant has been an ongoing problem for the Mrs. MacDonald. Dr. Woodruff stated, "I pledge to City Council and Mrs. MacDonald that I will work with the restaurant on the dumpster."

The possibility of reopening the alley was discussed. City Attorney Chiaro advised that should Council wish to put an access easement into place, an agreement with the property owner would be needed, or the property could be taken by eminent domain.

**Public Input:**

**Bruce A. MacDonald, 241 14th Avenue South**

Mr. MacDonald, representing Harriet MacDonald, said that all of the City's nuisance codes are violated in this situation. He reviewed the zoning history of the property, noting that should the proposed amendment be approved, his mother's property would be surrounded by commercial uses. If proper setbacks or buffers were created, the problem probably would not exist, said Mr. MacDonald.

**Virginia Shepard, 6860 San Marino Drive**

Ms. Shepard expressed her outrage at the proposed changes, emphasizing that she has always been concerned when an individual's rights have been tread upon. Ms. Shepard continued, "She (Mrs. MacDonald) is surrounded by commercial; you have already created a dominoe effect. She is 78 and already has had much aggravation."

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**MOTION:** To **DENY** the proposed ordinance.

Council Member Pennington promised to pursue finding some other means by which to resolve this problem for Mrs. MacDonald. Council Member Tarrant asked for this matter to be scheduled for Council discussion at a Workshop meeting, with input by all parties involved in order to ensure that the problem has been solved. City Manager Woodruff told Council that he would meet with the Fleischmann interests to explore possible options and will provide Council both a written and a verbal report.

**RESOLUTION NO. 94-7230**

**A RESOLUTION TRANSMITTING TO THE STATE OF FLORIDA, DEPARTMENT OF COMMUNITY AFFAIRS, PROPOSED AMENDMENTS TO THE CITY OF NAPLES COMPREHENSIVE PLAN, 94-CPA2, 94-CPA3, 94-CPA4, AND 94-CPA5, AS REQUIRED BY THE GROWTH MANAGEMENT ACT; AND PROVIDING AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

Korest	Y
Pennington Y Prolman Y Sullivan Y	M
<b>ITEM 13</b>	
Tarrant	Y
Van Arsdale Y	S
Muenzer  (6-1)	N
<b>M=Motion S=Second</b> <b>Y=Yes N=No A=Absent</b>	



**City Council Regular Meeting - July 20, 1994**

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**Public Input: None.**

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

Korest	A
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Pennington	S
Y	
Prolman	
Y	
Sullivan	M
Y	

**RESOLUTION NO. 94-7231**

**A RESOLUTION RATIFYING AND CONFIRMING THE CONTRACT BETWEEN THE CITY OF NAPLES AND THE FRATERNAL ORDER OF POLICE, LODGE #38; AND PROVIDING AN EFFECTIVE DATE.**

Tarrant	<b>ITEM 14</b> Y
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Van Arsdale
Y

Muenzer	N
(6-0)	

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

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Title read by City Attorney Chiaro.

Human Resources Director Mary Kay McShane publically commended the negotiating team.

**Public Input: None.**

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

### NOTIFICATION OF RECEIPT OF A FRANCHISE APPLICATION FROM ITI TECHNICAL SERVICES, INC.

Assistant City Manager Kevin Rambosk announced that the City had received an application for franchise and the \$10,000.00 fee from Interactive Cable Vision, Inc. He distributed copies of the franchise application (on file in the City Clerk's Office). Mr. Rambosk reviewed the ordinance pertaining to franchises currently in effect. He informed Council that the Advisory Committee for Evaluation of Franchise/Cable Television Issues had already begun the review and evaluation process. The Committee does not have the technical ability to evaluate some areas, such as technical capability. Staff requests that Council authorize contracting technical assistance.

Underground cable was discussed. When Florida Power & Light installs underground utilities, the cable companies do likewise.

Council Member Tarrant requested that staff verify that the cable company is receptive to providing a studio, camera, necessary training or oversight, for reasonable public access so that local civic groups can present their point of view. Mr. Rambosk said that the Committee also strongly favored that concept.

Mr. Mac A. Qurashi, President and CEO of ITI, told Council that since this process began two years ago, things have changed and tremendous opportunities for competitive systems presently exist. He

Korest

A

Pennington

S

Y

Prolman

Y

Sullivan

M

Y

#### ITEM 15

Tarrant

Y

Van Arsdale

Y

Muenzer

Y

(7-0)

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

## City Council Regular Meeting - July 20, 1994

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envisions at least two cable companies in every city. Mr. Qurashi reported that he has been able to convince some investors that this is a very viable project. A one-year construction plan is included in the application. Mr. Qurashi requested that the franchise be granted so that preliminary work and ordering of materials can begin.

In response to Council Member Pennington, Mr. Rambosk said that the franchise application appears reasonable. Mr. Rambosk said that more information will be provided so that Council can make a decision.

**Public Input: None.**

**MOTION:** To accept the franchise application and authorize staff to proceed with the review and evaluation process.

Korest	M Y
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Pennington Y Prolman Y Sullivan Y	
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Tarrant	Y
<b>ITEM 24</b>	

### BID AWARD 94-42 - PAINTING OF SOLANA ROAD WATER STORAGE TANK.

Utilities Director Dan Mercer said the second lowest bidder was recommended for this project, since disparities were presented by the low bidder. Operations Superintendent Middleton described the process which will be used.

Van Arsdale Y	S
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Muenzer  (7-0)  <b>M=Motion S=Second Y=Yes N=No A=Absent</b>	Y
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**City Council Regular Meeting - July 20, 1994**

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**Public Input: None.**

**MOTION:** To **APPROVE** award of Bid #94-42.

Korest	Y
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Pennington	M
Y	
Prolman	S
Y	
Sullivan	
Y	

**RESOLUTION NO. 94-7232**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT NO. 2 TO TASK ORDER NO. HMA 93-2 IN SUBSTANTIALLY THE FORM ATTACHED HERETO BETWEEN HOLE, MONTES AND ASSOCIATES, INC. AND THE CITY OF NAPLES, FOR PROFESSIONAL ENGINEERING SERVICES ASSOCIATED WITH PROVIDING WASTEWATER TREATMENT PLANT UPGRADES; AND PROVIDING AN EFFECTIVE DATE.**

Tarrant	<b>ITEM 30</b> Y
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Van Arsdale	Y
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Muenzer	Y
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(7-0)

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

Title read by City Attorney Chiaro.

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Engineering Manager Dick Gatti reviewed Item 30. He explained that certain parts of the project will be new and some parts will be in a remodeling mode. It was noted that the City already has an existing contract with Hold, Montes & Associates, Inc. Staff negotiated with Hole, Montes on the cost of their services. The fee will be fixed; the only costs above and beyond would be for any sub-consulting work, including some survey work. Mr. Gatti pointed out that this is a very complicated project requiring specialists. He further described the selection process and bid process which will occur.

**Public Input:** None.

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

**RESOLUTION NO. 94-**

**A RESOLUTION APPROVING A 15-YEAR LEASE BETWEEN HOLE-IN-THE-WALL GOLF CLUB AND THE CITY OF NAPLES FOR FOUR WELL SITES; AND PROVIDING AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

Dr. Woodruff reviewed the proposed lease with Hole-In-The-Wall Country Club. Recently the property was appraised to determine the value of the well sites; it was found that all four well sites had a fair market value for rent of \$3,500.00 per year. The Country Club has also asked the City to pay an access fee based upon the amount of water removed from the aquifer below

Korest	S Y
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Pennington Y Prolman Y Sullivan Y	M
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Tarrant	N
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Van Arsdale Y
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<b>ITEM 32</b>	
Muenzer  (6-1)	Y
<b>M=Motion S=Second Y=Yes N=No A=Absent</b>	

their property. In subsequent discussions, it was determined that if the City relocated the four well sites, the cost of relocation would be approximately \$160,000.00 to \$180,000.00 for all four sites. Dr. Woodruff recommended that Council authorize staff to enter into final lease negotiations based upon an annual fee of \$11,000.00, a 15-year lease period, and other considerations of a non-monetary value still to be determined.

Council discussed the proposed lease and Dr. Woodruff explained that as the real estate assessment of the property rises, an escalator clause would reflect that increase in value. At this time the City has one well located at Wilderness Country Club; the City is not charged for that use.

## City Council Regular Meeting - July 20, 1994

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Vice Mayor Korest suggested that since this is not a minor issue and involves a considerable amount of money, it should be investigated further.

**MOTION:** For staff to reopen negotiations with Hole-In-The-Wall Country Club concerning lease of the four well sites.

Korest	S Y
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Pennington Y Prolman Y Sullivan Y	M
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### OPEN PUBLIC INPUT

#### Sue B. Smith, 15 11th Avenue South

Mrs. Smith commented on Item 20, which involves moving the Planning Division to a temporary location near Fifth Avenue. Mrs. Smith said, "To put that department in an area like Fifth Avenue...I don't remember ever seeing that done. It seems at cross-purposes that you would do that, to put that department there when there has been so much friction from the Community Development Department in this place the last few years." She called Council's decision to approve the move a lack of judgment on their part.

Tarrant	N
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Van Arsdale Y	
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Muenzer  (7-0)	Y
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### CORRESPONDENCE/COMMUNICATIONS

Mayor Muenzer announced that there would be a Workshop Meeting on Monday, July 25. Budget Review Workshop Meetings will be held on July 25 and 26, and July 27 if necessary, at 5:00 p.m.

<b>M=Motion S=Second</b> <b>Y=Yes N=No A=Absent</b>	
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**City Council Regular Meeting - July 20, 1994**

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**ADJOURN:** 5:17 p.m.

Janet Cason  
City Clerk

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**PAUL W. MUENZER, MAYOR**

Marilyn A. McCord  
Deputy City Clerk

Katie Gibson-Jones  
Administrative Assistant

These minutes of the Naples City Council were approved on August 3, 1994.





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**City Council Regular Meeting**  
**July 20, 1994**  
 Convened 9:00 a.m. / Adjourned 5:17 p.m.

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Clarifier weir cleaning system/Wastewater Treatment Plant.....	2
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94-CPA3/annex parcel of land/900 Goodlette-Frank Road .....	23
94-CPA4/Southwest Florida Land Preservation Trust.....	24
94-CPA5/CIP Element .....	24

94-CPA6/McDonald property future land use classification .....	25
Amend Code/definition of "Actuarial Equivalent" .....	11
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RESOLUTION NO. 94-7226	
Construction over a lake at 2211 Southwinds Drive .....	8
RESOLUTION NO. 94-7227	
Appoint Bonnie MacKenzie to Code Enforcement Board .....	11
RESOLUTION NO. 94-7228	
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RESOLUTION NO. 94-7229	
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Transmit proposed amendments to DCA .....	26
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ROLL CALL .....	1
WAIVER OF BIDS	
Purchase one submersible pump and motor .....	2

**ATTACHMENT #1**

**SUPPLEMENTAL ATTENDANCE LIST**

**CITY COUNCIL REGULAR MEETING - JULY 20, 1994 - 9:00 A.M.**

John Passidomo  
Dudley Goodlette  
Dennis Cronin  
Kim Kobza  
Falconer Jones  
Robert Noble  
Werner Haardt  
Tom Taylor  
Sue B. Smith  
Gregory Zak  
Greg Mahalek  
Bryan Warner  
Bruce McDonald  
Harriet McDonald  
Evertt Thayer  
Christian Mogelvang  
Ann Murray  
Ivy Jean Nebus  
Justyna Ford