



City Council Chamber  
735 Eighth Street South  
Naples, Florida 33940

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**City Council Regular Meeting - October 5, 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	Werner W. Haardt
Maria J. Chiaro, City Attorney	Robert Noble
Janet Cason, City Clerk	Duke Turner
Dan Mercer, Utilities Director	Bruce D. Conley
Mary Kay McShane, Human Resources Dir.	Alex Kirkman
Dr. Jon Staiger, Ph.D., Natural Resources Mgr.	Mike Meeker
Missy McKim, Community Development Dir.	Larry K. Jones
Mark Thornton, Community Services Dir.	
Nick Long, Waterfront Operations Supervisor	
David Lykins, Recreation and Operations Supervisor	
George Henderson, Sergeant-At-Arms	
Marilyn A. McCord, Deputy City Clerk	

**Media:**

Jerry Pugh, Colony Cablevision  
Eric Staats, Naples Daily News  
Amy Chodroff, WNOG

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**INVOCATION AND PLEDGE OF ALLEGIANCE**

**ITEM 1**

Pastor David Mallory, First Assembly of God

**ITEMS TO BE ADDED**

**ITEM 3**

The following items were added to the agenda:

15. Authorize the City Manager to execute Task Order No. HMA 15-93 for Hole, Montes and Associates, Inc., for an amount not to exceed \$10,000.00 for Bear's Paw reuse feasibility study.
16. Approve a contract with Naples Ships Store for a concession at the Naples City Pier.
17. Special Events during October and November, 1994.
18. Resolution accepting the ballot results appointing two members to the Naples/Collier County Affordable Housing Commission.

**MOTION:** To add Items 15, 16, 17, and 18 to the agenda; remove Item 9 from the consent agenda for further discussion; remove Item 10, concerning purchase of the Pulling property, which will rescheduled for the October 19, 1994, Regular Meeting.

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

**ANNOUNCEMENTS**

**ITEM 4**

Utilities Department employees were recognized for achieving the following certifications:

- |                       |                                     |
|-----------------------|-------------------------------------|
| ○. Frank Jinian       | C-Stormwater Technician             |
| ○. Richard Chadderdon | C-Distribution Technician           |
| ○. Scott Lundgren     | C-Wastewater Collections Technician |
| ○. Mike Whitcavage    | B-Wastewater Collection Technician  |
| ○. Jimmy Anderson     | B-Distribution Technician           |
| ○. Robert Thomas      | C-Wastewater Technician             |
| ○. David McNair       | C-Wastewater Collections Technician |

Human Resources Director Mary Kay McShane and Training and Development Coordinator Becky Vice, were presented a proclamation (Attachment #1) designating the month of October "Quality Month." City Manager Woodruff announced that October is National Quality Month. Ms.

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McShane thanked the Mayor and Council for their support in quality improvement efforts. She named several quality teams formed during the past year, noting that quality was being mainstreamed into the regular work program.

Mayor Muenzer and Dr. Woodruff introduced the Naples Senior League Braves girls' softball team, their manager and coaches. The team won the World Series for the sixth year in a row. Each of the team representatives was given a mug imprinted with the team picture and a framed proclamation. (A copy of the proclamation and a list of those honored are included as Attachment #2.) The team's manager, Robert Iamurri, thanked Council and the City for supporting the team.

### **CONSENT AGENDA**

#### **APPROVAL OF MINUTES**

**ITEM 8**

**September 12, 1994 Workshop Meeting**  
**September 19, 1994 Workshop Meeting**  
**September 21, 1994 Regular Meeting**  
**September 22, 1994 Special Meeting**

#### **AUTHORIZATION TO ISSUE PURCHASE ORDERS**

**ITEM 11**

**Item 11-a**

**To Dr. Weidner in an amount not to exceed \$10,455.00 for medical services relative to new hires of the City, for Fiscal Year 1994/95.**

**Item 11-b**

**To Morgan, Lewis, and Bockius in an amount not to exceed \$30,000.00, for labor related services for Fiscal Year 1994/95.**

#### **PURCHASE ORDER**

**ITEM 12**

**Authorization to issue a purchase order for three (3) park shelters, to be installed at Anthony Park.**

#### **BID #94-2233**

**ITEM 13**

**Bid award for gasoline and diesel fuel (annual purchases).**

#### **BID #95-01**

**ITEM 14**

**Bid award for water treatment/wastewater treatment chemicals annual purchases.**

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**MOTION:** To **APPROVE** the consent agenda, consisting of Items 8, 11-a, 11-b, 12, 13, and 14.

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

### **ORDINANCE NO. 94-**

### **ITEM 5**

**AN ORDINANCE AMENDING SECTION 114-132 (A) "WATER RESOURCES GENERALLY" OF THE CODE OF ORDINANCES BY ADDING NEW SUBSECTIONS (AA) AND (12), REGULATING USE OF VESSELS AS RESIDENCES; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

Natural Resources Manager Dr. Jon Staiger reviewed the options available to the owners of live-aboard vessels in order to comply with this ordinance, which will require direct sewage pump-out hook-ups at all live-aboard piers, with implementation in three years. Dr. Staiger provided some background information on the Florida Clean Vessel Act. A new State law mandates that no sewage will be discharged into the waters of the State. Currently there are 21 live-aboards in Naples, primarily in the area of the Cove Inn and the City Dock. It was noted for the record that the City Dock itself does not allow live-aboards, does have central sewage, and does permit any vehicle to pump out holding tanks, at no charge. Prior to second reading of the ordinance, all of the local marinas will be contacted, by certified mail.

### **Public Input:**

#### **Bruce D. Conley, 820-A Meadowlark Drive**

Mr. Conley, who owns three slips at Cove Inn, asked why the City would set substantially similar standards to those of the State. He said that there appears to be an exclusion of marine sanitation devices. Mr. Conley also asked whether he had the right to run sewer lines to connect to the City's sewers. He inquired whether a portable system, similar to the one in use at the City Dock, would be acceptable. Mr. Conley also asked if impact fees would be charged on an individual basis or as a group. He commented, "I hope the City Dock must play by the same rules." City Manager Woodruff assured Mr. Conley that the City Dock would not be exempt from any regulations.

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Council discussed the definition of "live-aboard" and "transient." Dr. Staiger explained that the DER (Department of Environmental Regulations) defined live-aboard as ten consecutive days within any consecutive thirty day period. Dr. Staiger described in detail the three types of marine sanitation devices available.

Council Member Tarrant commented, "We often have a tendency to think that when the State passes a law, it will automatically improve the situation. That's not always true." In response to Mr. Tarrant, Dr. Staiger pointed out that because of improved technology, transfer pumps are available that isolate material quite effectively. He said that each marina will need to have a system engineered for its specific location; that system must be approved by the Utilities Department as part of the permit process.

### **Alex Kirkman, 121 Fifth Street North**

Mr. Kirkman, who keeps a large sailboat at the Cove Inn, said that he was not opposed to the new regulations, noting, "It's just another chapter in the book to clean up the Bay." He said that regardless of what people are called, transients or live-aboards, they will have to pump out their tanks. Mr. Kirkman asked about the possibility of a boat with the necessary equipment to pump out tanks, for a fee.

### **Mike Meeker, 1191 8th Street South**

Mr. Meeker, President of the Cove Inn Marina Association, also expressed the hope that the Cove Inn would not be required to meet higher standards than the City Dock. He suggested that although some people are charged transient rates at the Dock, the reality is that they stay for weeks and months at a time. Mr. Meeker told Council water quality was a definite concern and that the Cove Inn hires people who do nothing but remove trash from the water along the seawall at the Inn. He said that the Cove Inn residents would be happy to comply with whatever regulations were required of the Dock. A portable facility, similar to that at the Dock, could be installed at the Inn. Mr. Meeker concluded by saying that the Cove Inn would help and support the City.

Vice Mayor Korest said that he believed the essence of the ordinance was in the definition of a live-aboard. He recommended changing the definition of live-aboard to reflect the circumstances. A schedule of fees for hookups should also be provided. Dr. Woodruff told Council that staff would continue to work on the ordinance language, and repeated "We won't hold private slips to a standard that is higher than the City's."

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**MOTION:** To **TABLE** Item 5, pending revised language.

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

**ORDINANCE NO. 94-7282**

**ITEM 6-a**

**AN ORDINANCE AMENDING SECTION 114-134(a) OF THE CODE OF ORDINANCES BY ADDING WORDING; ADDING NEW SUBSECTION (l) TO SECTION 114-134 OF THE CODE OF ORDINANCES BY ADDRESSING MANATEE PROTECTION PLANS; AND ADDING NEW SUBSECTION (m) TO SECTION 114-134 OF THE CODE OF ORDINANCES ADDRESSING MARINA SITE RANKING CRITERIA; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

**Public Input: None.**

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

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

**RESOLUTION NO. 94-6283**

**ITEM 6-b**

**A RESOLUTION APPROVING AND SUPPORTING THE COLLIER COUNTY**

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**MANATEE PROTECTION PLAN; AND PROVIDING AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

**Public Input: None.**

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

Korest		Y
Pennington	S	Y
Prolman		Y
Sullivan	M	Y
Tarrant		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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**BREAK: 10:28 a.m. - 10:40 a.m.**

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**RESOLUTION NO. 94-**

**ITEM 7**

**A RESOLUTION APPROVING A WAIVER FROM THE FIFTH AVENUE OVERLAY DISTRICT PROHIBITION AGAINST TRANSLUCENT SIGNS IN ORDER TO PERMIT THE INSTALLATION OF A TRANSLUCENT SIGN AT FIRST UNION BANK.**

Title read by City Manager Woodruff

Community Development Director McKim provided background information, noting that the request is for a waiver from the Comprehensive Development Code which prohibits translucent signs within the Fifth Avenue Overlay District. The Staff Action Committee (SAC) reviewed and denied the requested sign, based upon the conflict with Fifth Avenue Overlay District sign size, sign location, and sign lighting standards. Since that time the applicants have revised both their sign sizes and location to comply with the Overlay District requirements.

Staff recommended approval of this request due to the property location on U.S. 41 and the applicant's willingness to minimize the conflicts between the Fifth Avenue sign relations and their own sign program. Staff found that the proposed internally lit signs would not conflict with the goals of the Fifth Avenue Overlay District. Council Member Van Arsdale reported that the SAC believed it would be difficult to deny similar signs in the future, should a precedent be set with this

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proposed sign. Mr. Van Arsdale reported that the SAC's opinion was that options did exist, such as some sort of backing behind the grated wall.

First Union Bank representative Larry Jones told Council that the bank had modified its sign plans in order to comply as closely as possible to the Overlay District standards. Mr. Jones noted that two of the bank's walls are completely covered with ivy, and the building fascia is a metal grate type. Neither the grate nor the ivy are conducive to flooding the wall with light. Mr. Jones said further that the sign would not receive enough exposure if flood lights from the ground were used.

Council Member Tarrant stated, for the record, "I have some very serious concerns about the conflict on this Staff Action Committee, just as I feel it highly inappropriate for us to sit as both groups; there is a conflict of interest. I believe it will come up time and time again. Peter is making a huge contribution to Naples, but if we go along with this we have established a precedent."

Vice Mayor Korest noted that this was the first petition for a waiver from the SAC. The SAC has had some difficult decisions to make, he said, and it was important that Council support what the SAC is doing to implement the Overlay District requirements. Council Member Prolman also expressed a desire to support the SAC's decision.

Council Member Sullivan commented that one of the things that Council had been striving for was consistency in the way that applications and interpretations of codes and standards were made. The SAC was established and has rules and regulations, and it was important for Council to support them. Mr. Sullivan said, "We agreed to try the codes written by Duany and accepted by Council. Continuing to be consistent is important."

Mayor Muenzer said that he had always found the ivy covered walls attractive and in his opinion the sign had never been offensive. The Mayor told Mr. Jones that he did not want the ivy or the facade disturbed.

In response to Council Member Tarrant, City Manager Woodruff explained that the Building Division could not issue a building permit that conflicts with SAC's decision.

**Public Input: None.**



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**MOTION:** To **DENY** the resolution.

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

**RESOLUTION NO. 94-7284**

**ITEM 9**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT, IN SUBSTANTIALLY THE FORM ATTACHED HERETO, WITH CHANGES APPROVED BY THE CITY MANAGER AND CITY ATTORNEY, BETWEEN INTERNATIONAL BUSINESS MACHINES CORPORATION AND THE CITY OF NAPLES FOR THE PURCHASE OF COMPUTER HARDWARE AND ONGOING SERVICES AT A COST OF ONE HUNDRED EIGHTY-NINE THOUSAND SEVEN HUNDRED FIVE DOLLARS AND SEVENTY-FIVE CENTS (\$189,705.75); AND PROVIDING AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

Finance Director Bill Harrison reported that purchase of a new computer system had been suggested by the Efficiency Committee and recommended by the City's auditor. The system will be installed in the computer room located in the Finance Department. The old computer will be installed at the Police Department for emergency backup. Mr. Harrison explained that Council's previous decision on software dictated the hardware required. In response to Vice Mayor Korest's inquiry, Mr. Harrison said that during the Request for Proposal process, prices were requested on a combination of software and hardware. Together the costs were very competitive, and staff recommended entering into a purchase contract and a contract for installation and ongoing maintenance and service.

**Public Input: None.**

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

Council Member Tarrant voted in the negative, stating that he had intense distrust for single suppliers.

Council Member Van Arsdale pointed out that the price was very comparable. He also noted that the staff's analysis of the software had driven this recommendation.

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

### ITEM 15

#### BEAR'S PAW REUSE FEASIBILITY STUDY

Dr. Woodruff provided a review of this item, noting that the South Florida Water Management District had significantly reduced the quantity of water that Bear's Paw may withdraw from the Golden Gate Canal for recharging their lake system. Bear's Paw wishes to utilize reclaimed water from the City for recharge. The requested engineering services include at a minimum creating a conceptual recharge plan to determine required freeboard for storm event, verify ability of flows through lakes, review possible modifications/improvements necessary for recharge, and prepare an engineering report to submit to the Florida Department of Environmental Protection (DEP) for approval. Utilities Director

Dan Mercer explained that the DEP requires that this work be done by an independent person. Council Member Tarrant commended the staff for continuing to find innovative ways in which to dispose of the City's effluent water. He added, "This is a good opportunity to go back to the State and ask for more time to accomplish the wastewater plant project. Show the State what we've accomplished." The City plans to do just that, said Dr. Woodruff.

It was noted that last year the City received only \$25,000.00 in revenue from the sale of reuse water. In the future staff will be recommending some rate changes.

**Public Input: None.**

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**MOTION:** To authorize the City Manager to execute Task Order No. HMA 15-93 for Hole, Montes and Associates, Inc., for an amount not to exceed \$10,000.00.

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

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

### **ITEM 16**

**A RESOLUTION APPROVING A CONTRACT, IN SUBSTANTIALLY THE FORM ATTACHED HERETO, BETWEEN THE CITY OF NAPLES AND ERIC AND WANDA KLOPF FOR THE EXCLUSIVE PRIVILEGE OF OPERATING THE RETAIL SALES CONCESSIONS AT THE NAPLES PIER, SUBJECT TO THE APPROVALS OF THE CITY ATTORNEY AND THE CITY MANAGER; AND PROVIDING AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

Dr. Woodruff requested that Council allow a test period to determine whether a potential market exists for assorted sundries, to be provided by a private vendor, at the Naples City Pier.

Waterfront Operations Supervisor Nick Long described the proposal submitted by the Naples Ship's Store. Mr. Long explained that his charge was to review business at the Pier. He said that the development of a business plan requires a thorough study of all activities currently occurring on site. The contract with the Naples Ship's Store would allow staff to observe how a private individual would operate the business as well as to determine whether the market is present. Mr. Long pointed out that staff may determine that it makes no sense to develop that market. He assured Council that any business on the Pier would be tastefully handled.

In response to Council Member Tarrant, Mr. Long stated that currently the same employees who sell bait also sell food. State law mandates that they wash their hands after each sale, and facilities do exist for that purpose. However, said Mr. Long, this is clearly the type of inventory mix that should not be combined. Plans are to make it possible for bait customers to help themselves to bait.

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Council Member Pennington stated that he continued to have contacts with people who shared his concerns about getting into the retail business, possibly creating a possible intensification. The necessity of moving some equipment and removing benches makes a compact situation even worse, said Mr. Pennington. Council and staff discussed the proposed concession. Mr. Long emphasized the fact that staff was recommending this action, not for the purpose of expediency in waiting on customers, but to determine if there is a need for sundries.

Mayor Muenzer remarked, "I don't think people will go there to buy a T-shirt, but if they are there they might buy one." Council Member Sullivan pointed out that nothing new was being proposed; this was simply a study which will provide information.

Council Member Van Arsdale said that the issue at hand was whether Council desired retail sales on the Pier. He cautioned that it must be clear to the vendor that he may not have the opportunity to continue the operation when the Pier is rebuilt. Council Member Pennington stated that philosophically he did not believe the City should be in the retail business, although he would not object to an expanded food business on the Pier.

Mr. Long said that although he realized there were strong feelings about any expansion of business, it was important to recognize that the current product mix exists as a result of demand, not staff input. He asked for the opportunity to determine whether sundry sales should be considered in the future.

After further discussion, Council Member Pennington made a motion to have no souvenir business at the Pier. He amended the motion to no expansion of the current souvenir sales. The motion was then revised to exclude souvenirs. City Manager Woodruff requested the opportunity to review this matter further, pointing out that the Pier sales did generate some income.

**MOTION:** To retain current sales at the Pier, with no expansion.

Mayor Muenzer, Vice Mayor Korest, and Council Member Sullivan did not support the motion, noting that in order to make a good business decision it was important to gather and study information based on experience.

Dr. Woodruff distributed copies of the Pier construction schedule, for Council's information. (Attachment #3)

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

(4-3)

**M=Motion S=Second**

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

ITEM 17

**SPECIAL EVENTS FOR OCTOBER AND NOVEMBER, 1994**

Special Events Committee Chairman David Lykins informed Council that there were no changes from the way in which the events had been conducted in the past.

The special events scheduled do not include any event at the gazebo on Third Street South. Mr. Lykins assured Council that the Third Street event organizers were taking every effort to utilize off-site parking and the trolley service during events. Mr. Lykins told Council that the Special Events Committee was currently drafting a six-month calendar of events.

**Public Input:** None.

**MOTION:** To **APPROVE** the special events for October and November, 1994, as requested.

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

**RESOLUTION NO. 94-7285**

ITEM 18

**A RESOLUTION ACCEPTING THE BALLOT RESULTS APPOINTING TWO MEMBERS TO THE NAPLES-COLLIER COUNTY AFFORDABLE HOUSING COMMISSION; AND PROVIDING AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

**Public Input:** None.

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

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

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### OPEN PUBLIC INPUT

No one registered to speak.

### CORRESPONDENCE/COMMUNICATIONS

Vice Mayor Korest suggested that the City staff work with the County staff on the matter of potential funding sources for a second Gordon River bridge. He asked that Council provide input as well. Council Member Pennington agreed, noting that the City had made a commitment to move forward and have the bridge built. Mr. Korest stated, "This needs to go on the November agenda for the newly seated County Commission. We have an opportunity to exert some leadership here."

Council Member Tarrant commented that it was important for the record to show that there is a segment of people in the City who would prefer to wait for the State to build this bridge. Staff will prepare a funding analysis and report back to Council during the next 30 to 40 days.

\*\*\*\*\*

Mayor Muenzer read a letter from City Clerk Janet Cason announcing her retirement effective January 1, 1995. Attached to the letter was a summation of some of the changes Mrs. Cason has witnessed during her 30 year tenure with the City. (Letter and history of events included as Attachment #4)

The Mayor will meet with Human Resources Director McShane to discuss the City Clerk position and schedule that matter for Council discussion at a Workshop Meeting in the near future. Mayor Muenzer asked that Council join him in accepting Mrs. Cason's resignation.

**MOTION:** To accept the resignation of City Clerk Janet Cason, with regret.

Council Member Tarrant noted, "As a Member of City Council, I can think of no one who will be more acutely missed."

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

**ADJOURN: 12:55 p.m.**

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**PAUL W. MUENZER, MAYOR**

Janet Cason  
City Clerk

Marilyn A. McCord  
Deputy City Clerk

These minutes of the Naples City Council were approved on October 19, 1994.



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Convened 9:00 a.m. / Adjourned 12:55 p.m.

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**ROLL CALL** .....1

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