



City Council Chamber  
735 Eighth Street South  
Naples, Florida 33940

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**City Council Regular Meeting - December 21, 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  
Maria J. Chiaro, City Attorney  
Missy McKim, Comm. Development Dir.  
Dick Gatti, Engineering Manager  
Ann Walker, Planner II  
Paul Reble, Police Chief  
James Byrne, Police Captain  
Jeff Whittaker, Police Captain  
Paul Sireci, Police Captain  
Jon Staiger, Ph.D., Natural Resources Mgr.  
Douglas Davidson, Fire Marshall  
Nancy Merriman, Administrative Assistant  
Sheldon Reed, Acting Fire Chief  
George Henderson, Sergeant-At-Arms  
Marilyn McCord, Deputy City Clerk

Werner W. Haardt  
Robert Noble  
Tom Reed  
Russ Wimir  
Bruce Quayle  
Bill Earls  
Bill Hookway  
Ralph Benedict

**Media:**

Jerry Pugh, Colony Cablevision

**ITEMS TO BE ADDED**

**ITEM 2**

Item 29 Resolution to approve managed health care contract.

**CONSENT AGENDA**

**APPROVAL OF MINUTES**

**ITEM 19**

11/14/94 Workshop Meeting  
11/16/94 Regular Meeting  
12/05/94 Workshop Meeting  
12/12/94 Workshop Meeting

**RESOLUTION NO. 94-7328**

**ITEM 20**

**A RESOLUTION APPROVING AN EMPLOYMENT AGREEMENT WITH THE CITY MANAGER, IN SUBSTANTIALLY THE FORM ATTACHED HERETO; AND PROVIDING AN EFFECTIVE DATE.**

**ADMINISTRATIVE VARIANCE 94-1**

**ITEM 21**

**ADMINISTRATIVE VARIANCE FOR A 0.9' ENCROACHMENT INTO A 25' FRONT YARD SETBACK AT 3710 FOUNTAINHEAD LANE.**

**CHANGE ORDER BID #94-54**

**ITEM 22**

**AUTHORIZATION TO ISSUE A CHANGE ORDER FOR UTILITY CONSTRUCTION WORK RELATING TO THE RELOCATION OF A SANITARY SEWER FORCE MAIN AND EXTENSION OF WATER REUSE MAIN ON U.S. 41.**

**CHANGE ORDER**

**ITEM 23**

**CHANGE ORDER FOR FIRE STATION #1.**

**PURCHASE ORDER**

**ITEM 24**

**AUTHORIZATION TO ISSUE A PURCHASE ORDER FOR REHABILITATION OF TWO GRAVITY FILTERS.**

**BID #94-42**

**ITEM 25**

**AWARD BID FOR THE PAINTING OF THE WATER TANKS IN EAST NAPLES.**

**BID #95-12**

**ITEM 26**

**AUTHORIZATION FOR ANNUAL PURCHASE FOR THE TREATMENT OF SIX LAKES IN THE CITY.**

**APPROVAL OF SPECIAL EVENT**

**ITEM 27**

**CO-SPONSOR AIR SHOW OF CHAMPIONS ON JANUARY 8, 1995.**

**RESOLUTION (Withdrawn by staff)**

**ITEM 28-a**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR DELIVERY AND USE OF TREATED WASTEWATER EFFLUENT FOR SPRAY IRRIGATION, IN SUBSTANTIALLY THE FORM ATTACHED HERETO, BETWEEN BEAR'S PAW COUNTRY CLUB, INC. AND THE CITY OF NAPLES, TO ALLOW FOR RECLAIMED WATER SERVICE THROUGH AGREEMENTS; AND PROVIDING AN EFFECTIVE DATE.**

**(Withdrawn by staff)**

**ITEM 28-b**

**AUTHORIZE A GRANT TO HOLE-IN-THE-WALL GOLF CLUB TO EXPAND ONSITE WATER REUSE SYSTEM.**

**RESOLUTION NO. 94-7341**

**ITEM 29**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PREFERRED PROVIDER PAYOR AGREEMENT, IN SUBSTANTIALLY THE FORM ATTACHED HERETO, WITH CHANGES APPROVED BY THE CITY MANAGER AND CITY ATTORNEY, BETWEEN NAPLES PHYSICIAN HOSPITAL ORGANIZATION, INC., AND THE CITY OF NAPLES, FOR MANAGED CARE HEALTH SERVICES THROUGH LOCAL PHYSICIANS PARTICIPATING IN THE NAPLES PHYSICIAN HOSPITAL ORGANIZATION, INC. FOR THE PERIOD JANUARY 1, 1995, THROUGH DECEMBER 31, 1995; AND PROVIDING AN EFFECTIVE DATE.**

**MOTION:** To add Item 29 to the consent agenda; pull Item 22 from the consent agenda for discussion purposes; delete Items 28-a and 28-b from the agenda entirely; approve the consent agenda consisting of Items 19, 20, 21, 23, 24, 25, 26, 27, and 29.

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

**ANNOUNCEMENTS**

**ITEM 4**

Mayor Muenzer and City Manager Woodruff joined in recognizing Police Chief Paul Reble and Police Captain Jeff Whittaker, who are retiring from the City at the end of December. Plaques were

presented to both gentlemen, and both were congratulated and thanked for their many years of service. Chief Reble and Captain Whittaker in turn thanked the City for the opportunity to serve. Dr. Woodruff announced that Captain Jim Byrne would be elevated to the rank of Interim Police Chief.

**ORDINANCE (First Reading)**

**ITEM 5**

**AN ORDINANCE APPROVING REZONE PETITION 94-R3, AMENDING AN EXISTING "PD" PLANNED DEVELOPMENT FOR COCONUT GROVE ON NAPLES BAY LTD., LOCATED AT 1001 10TH AVENUE SOUTH, MORE PARTICULARLY DESCRIBED HEREIN, AMENDING ALLOWED USES AND SITE DESIGN STANDARDS; AND PROVIDING AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

Community Development Director Missy McKim reviewed Rezone Petition 94-R3, which would amend the Planned Document for the Coconut Grove Marketplace and Marina. Using visual aids, Ms. McKim summarized the proposed changes:

- . Permit limited mooring of commercial vessels
- . Allow transient mooring facilities
- . Permit the construction of an outdoor dining balcony
- . Add office space as a permitted use
- . Allow for flexibility in the mix of restaurant, office, and retail square foot allotments within the required parking
- . Allow the reconfiguration of the boat docks
- . Allow the application of the C2-A parking credits

Ms. McKim described the modifications and conditions which had been recommended by staff. The Planning Advisory Board (PAB) voted 4 to 1 to approve the petition with some changes to the "Development Criteria and Standards" as submitted by the petitioner. The PAB approved the conditions imposed by staff with the exception of the reference to the relocation of the dock. The PAB also recommended that the City post "No Parking" signs along the shoulder of Tenth Avenue South to prevent patrons from parking in the swale. PAB Member Sanson voted in favor of the revisions to the development criteria of the project, but voiced an objection to the proposed outdoor dining balconies. Chairman Timmins dissented from the majority opinion, based upon his discomfort with making verbal changes to a planned development document as a basis for a recommendation to Council.

Mr. Tom Reed, petitioner, referred to the Tenth Avenue right-of-way parking as "a mess," and told Council he and staff had discussed the possibility of making some improvements and installing some attractive parking. He assured Council that the applicants were very open to changes and

suggestions. Mr. Reed described the traffic activity which occurs at Coconut Grove, noting that during peak season last year, there was less than 50% capacity at all times. Parking is available on Duke Turner's property and on the office building lot; that has not been needed.

With respect to relocating the dock south, Mr. Reed reported that the most difficult step was obtaining approval from the State. Because it would create a deintensification, it would be beneficial to the overall project, said Mr. Reed, and the State approved the permit.

In response to Council Member Van Arsdale, Mr. Reed said that he was comfortable with the concept of parking driving the commercial slip situation. He commented, "It makes more sense in our opinion to deal with it on a practical basis. Base parking for the upland facility is more than adequately covered by the existing parking and the credits. We believe the City has more control if we come to you with each situation." Ten docks have been sold to private individuals, so a natural limitation will occur. Mr. Van Arsdale expressed concern for the Bay itself, which would occur with increasing commercial activities. There should be a limitation set, he emphasized, and if the number needs increasing in the future, it could be done on an individual basis.

Council Members and Mr. Reed discussed the issue of riparian rights, should the dock be relocated. Council Member Sullivan pointed out that the proposed dock relocation would result in better safety and navigational abilities.

**Public Input:**

**Robert Noble, 1100 Ninth Street South**

Mr. Noble admitted to some confusion as to what the PAB was recommending. He acknowledged that the worst thing that could happen would be for Coconut Grove not to succeed. Mr. Noble commented that there appeared to be a "well used path" between Coconut Grove and City Hall, with one request after another. Perhaps the development was ill executed in the first place, he said. Regarding the right-of-way parking, Mr. Noble stated that any improvements should be the responsibility of the City, not of Coconut Grove. He does not believe the "No Parking" signs would be effective. The right-of-way was an eyesore, noted Mr. Noble, and improvements would require some ingenuity.

**Russ Wimir, 4725 Via Carmen**

Mr. Wimir told Council that years ago when the Coconut Grove project was approved, his concern focused on closing the street and developing a park. Tenth Street closed off at the Bay is the only street in Naples that runs from the Bay of Naples to the Gulf of Mexico, he noted. The ability to load and unload has already been lost at that location, and to allow boats to move south and further restrict public access would be of no benefit.

Vice Mayor Korest asked how far out the City's riparian rights extend and what relocation of docks might do to any future plans. City Attorney Chiaro advised that the operative language in the Code which refers to the City as the trustee for the public is one of the things Council must consider in its approval of this application.

Natural Resources Manager Jon Staiger provided further information about riparian rights of the City, and the finite lease existing between the City and the State for the waterway. Mr. Reed pointed out that although Council's concerns were certainly valid, but questioned whether the City could realistically do anything on the property. Dr. Staiger said that the State would probably permit a pier of modest length. Community Services has no concern about the property's use as a park, and the City had never planned any waterfront activities for the site.

Council Member Pennington stated his concern about giving up public space for commercial enterprise. City Manager Woodruff explained that the City had no ability to use the area, because of setbacks and the fact that the Coconut Grove access was the public way. When the City consented to construction of the docks, it was agreed that Coconut Grove could access that submerged land in order to access the docks. There is no utilization today that the City could make with the right-of-way. Dr. Woodruff stated that he did not believe the City had the ability to actually build something on the site. Mr. Reed agreed, adding that the total project had been designed to maximize public access, and the applicants were not asking to take away something the City could do or had the right to do.

**MOTION:** To **APPROVE** the ordinance at first reading, permitting the mooring of commercial vessels, the number of which shall be controlled by parking availability; to allow outdoor dining and the requested balcony; to allow transient docking activities as allowed at the City Dock; to allow flexibility in the use of the building, to be controlled by parking; and to add language describing the dockmaster's duties.

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

(5-2)

**M=Motion S=Second**

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

Vice Mayor Korest stated that by adopting this ordinance, Council was improving the opportunities for Coconut Grove. Council Member Pennington said that he too wanted Coconut Grove to be a success. Council Member Prolman agreed, adding that she was very pleased with the additions the owners plan to make. All three supported the motion.

Council Member Sullivan voted in the negative, stating that the developer continues to invest in Coconut Grove and the City has been, and should continue to be, cooperative. With respect to possibly giving up City riparian rights, Mr. Sullivan commented that attempts to obtain State permits for the City Dock have taught the City some things about the State process, and he doubts if the City would be giving anything up. Mr. Sullivan stated that he believed Council to be very shortsighted in this situation.

Council Member Tarrant agreed with Mr. Sullivan, however he voted in the affirmative because it was perhaps more important to allow the owners to move forward with other elements of the plan. Council Member Van Arsdale also voted "yes" but requested that the dock item be addressed separately in order to deal with riparian issues.

Mayor Muenzer voted in the negative, although the issue had been decided with five members of Council supporting the motion. He said that the City had already given up any riparian rights when the loading area was approved. A City dock could never be built on the site, said the Mayor, because it would interfere with loading. A negative vote would recognize the fact that any riparian rights were already gone, stated the Mayor.

**RESOLUTION (Withdrawn)**

**ITEM 6**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSENT AGREEMENT, IN SUBSTANTIALLY THE FORM ATTACHED HERETO, BETWEEN THE CITY OF NAPLES AND COCONUT GROVE ON NAPLES BAY, LTD., CONSENTING TO THE USE OF LEASED SUBMERGED REAL PROPERTY; AND PROVIDING AN EFFECTIVE DATE.**

**NOTE:        ITEM 6 WAS WITHDRAWN BY THE PETITIONER.**

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**BREAK:        11:10 a.m. - 11:20 a.m.**

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**ORDINANCE (First Reading)**

**ITEM 7**

**AN ORDINANCE ADDING A NEW SECTION 110-93 TO THE CODE OF ORDINANCES OF THE CITY OF NAPLES, ADDRESSING PIER AND BOAT LIFT DIMENSIONS AND LOCATION IN RESIDENTIAL AREAS IN ORDER THAT NAVIGATION IN THE WATERWAYS WITHIN THE CITY IS NOT HINDERED AND THAT ALL WATERWAYS MAINTAIN AN OPEN, UNRESTRICTED CENTERLINE CHANNEL; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.**

Title read by City Manager Woodruff.

Natural Resources Manager Jon Staiger reviewed the proposed ordinance, which was drafted by staff in response to requests from the Aqualane Shore Association and from City Council. The Planning Advisory Board (PAB) discussed the draft ordinance at length and recommended approval, with numerous revisions. Staff in turn incorporated those suggestions into a draft, which was distributed to Council during the December 19th Workshop Meeting.



City Attorney Chiaro advised that the ordinance as drafted creates certain nonconformities in existing docks, however there was no grandfathering of boats. This is a land use regulations, she noted, and boats do not have the advantage of grandfathered rights. The ordinance language provided for the Natural Resources Manager to make some determinations in situations where the regulations do not apply. The City Attorney went on to say that when a local government establishes regulations such as these, immediately there are people in violation. There could be a phasing in of enforcement of the ordinance, she instructed, to allow for those not presently in compliance.

**Public Input:**

**Russ Wimir, 4725 Via Carmen**

Mr. Wimir expressed his support for adoptions of an ordinance regulating boat docks, however he believes more work is required on the language. He said that the proposed setback lines would be a source of concern and requested approval of an extended property line. Mr. Wimir also suggested that not so many grandfathered situations be created. He agreed strongly that an ordinance was needed, however that the ordinance criteria should require boats to remain within an extended property lines.

**Bill Earls, 1951 Sixth Street South**

Mr. Earls, representing the Aqualane Shores Property Owners Association, told Council that the Association membership had been polled and a vast majority do favor the proposed ordinance.

**Bruce Quayle, 780 Sixth Avenue North**

Mr. Quayle commented that not everyone who resides in Aqualane Shores was a member of the Property Owners Association. To arbitrarily establish setbacks that go beyond the property line does not make sense, he stated. Mr. Quayle explained that certain docks had been built to accommodate specific boats. Under the proposed ordinance, those boats would be in violation. Mr. Quayle expressed the concern that the ordinance would unfairly restrict those who already had existing situations. He also suggested that nothing should be adopted that would be impossible to enforce.

**Bill Hookway, 2010 Seventh Street South**

Mr. Hookway commented that there was an obvious need for variances for existing conditions because the boats keep getting larger, yet Aqualane Shores was composed of very narrow canals. He said that if everyone completely used their entire sideyard setback, a boat would not be able to enter and exit.

**Ralph Benedict, 2027 Fifth Street South**

Mr. Benedict said that in his opinion this ordinance would be extremely helpful in prevention of continuing erosion. He asked that the City consider reductions in the assessed value of property should intrusion into the views of riparian rights occur.

Prior to voting, Council discussed the fact that many nonconformities would result at adoption of the

ordinance. Council Member Tarrant suggested that although a comprehensive regulation was needed, perhaps boat owners should be given more opportunity to provide input. Dr. Woodruff noted that the intent of the ordinance was to address newly constructed docks. Language could be added to the ordinance stating that all facilities constructed prior to the date of adoption are exempt. The City Attorney will examine the ordinance language prior to second reading. Any building permit submitted for dock construction will be held until after second reading.

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

Staff will provide additional information to Council by January 11, 1995, and this item will be scheduled for discussion at the January 16, 1995, Workshop Meeting.

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

**ORDINANCE NO. 94-7329**

**ITEM 8**

**AN ORDINANCE AMENDING SECTION 118-32(d) OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, ENTITLED "SEWER SYSTEM DEVELOPMENT CHARGE," AND SECTION 118-33(g)(1) OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, ENTITLED "WATER SERVICE CONNECTIONS AND MAIN EXTENSIONS," RELATING TO RATES AND CHARGES FOR SEWER AND WATER SERVICE; AND PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

Dr. Woodruff briefly reviewed the proposed rate changes recommended by staff.

**Public Input: None.**

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

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

**~~LUNCH RECESS 12:40 p.m. 1:02 p.m.~~**

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**NOTE:** It is noted for the record that Council Member Prolman was not present after the lunch recess.

**RESOLUTION NO. 94-7330**

**ITEM 9**

**A RESOLUTION AUTHORIZING APPLICATION FOR A STATE REVOLVING FUND LOAN, PROVIDING ASSURANCES, ESTABLISHING PLEDGED REVENUES, DESIGNATING CITY MANAGER AS AN AUTHORIZED REPRESENTATIVE; AND PROVIDING AN EFFECTIVE DATE.**

Title read by City Manager Woodruff.

Dr. Woodruff reviewed the proposed resolution to authorize the appropriate loan application activity. Prior to April 19, 1995, a second resolution will be brought to Council, and subsequently submitted to the Florida Department of Environmental Protection, to authorize the loan agreement and establish the legal right and authority to undertake the project.

**Public Input: None.**

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

Korest	M	Y
Pennington	S	Y
Prolman		A
Sullivan		Y
Tarrant		N
VanArsdale		Y
Muenzer		Y
(5-1)		
<b>M=Motion S=Second</b>		
<b>Y=Yes N=No A=Absent</b>		

**RESOLUTION NO. 94-7331**

**ITEM 10**

**A RESOLUTION AMENDING APPENDIX A - FEE SCHEDULE, TO PROVIDE NEW SLIP RENTAL RATES TO BE CHARGED AT THE MUNICIPAL DOCK PURSUANT TO SECTION 78-83; AND PROVIDING AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

Dr. Woodruff reported that all but one of the vessels moored at the City Dock had answered registered mail notices informing them of the rate increase.

**Public Input: None.**

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

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

(6-0)

**M=Motion S=Second**

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

**RESOLUTION NO. 94-7332**

**ITEM 11-a**

**A RESOLUTION CONFIRMING THE REAPPOINTMENT OF JAMES RIVARD AND JOHN REBLE TO THE FIREFIGHTERS' RETIREMENT TRUST FUND, EACH FOR A TWO YEAR TERM, EXPIRING NOVEMBER 17, 1996; AND PROVIDING AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

**Public Input: None.**

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

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

(6-0)

**M=Motion S=Second**

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

**NOTE:** ~~Council Member Prolman returned to the meeting at 1:05 p.m.~~

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**RESOLUTION NO. 94-7333**

**ITEM 11-b**

**A RESOLUTION CONFIRMING THE APPOINTMENT OF TIM CULLY AND STEVEN MOORE TO THE POLICE OFFICERS RETIREMENT TRUST FUND, EACH FOR A TWO YEAR TERM, EXPIRING NOVEMBER 17, 1996; 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
VanArsdale	S	Y
Muenzer		Y
(7-0)		
M=Motion S=Second		
Y=Yes N=No A=Absent		

**RESOLUTION NO. 94-7334**

**ITEM 12**

**A RESOLUTION APPOINTING ONE BARGAINING UNIT MEMBER TO THE BOARD OF TRUSTEES OF THE GENERAL PENSION SYSTEM; AND PROVIDING AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

**Public Input:** None.

**MOTION:** To appoint **Sandra R. Exum** to the Board of Trustees of the General Pension System.

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

**ORDINANCE NO. 94-7335**

**ITEM 13**

**AN ORDINANCE AMENDING CHAPTER 2, ARTICLE VI, DIVISION 3, OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, TO ALLOW THE CITY TO PURCHASE GOODS OR SERVICES USING THE PRICES, TERMS AND CONDITIONS OF ANOTHER PUBLIC AGENCY'S BID; 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		Y
Tarrant		Y
VanArsdale	S	Y
Muenzer		Y
(7-0)		
M=Motion S=Second		
Y=Yes N=No A=Absent		

**ORDINANCE NO. 94-7336**

**ITEM 14**

**AN ORDINANCE AMENDING SUBSECTION 110-84(b)(2) AND (b)(3) OF THE COMPREHENSIVE DEVELOPMENT CODE TO DEFINE "FLEXIBLE" PARKING STANDARDS AND TO DEFINE THE METHOD OF DETERMINING THE MAXIMUM NUMBER OF GUEST ROOMS FOR BED AND BREAKFAST FACILITIES; 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	S	Y
Pennington	M	Y
Prolman		Y
Sullivan		Y
Tarrant		Y
VanArsdale		Y
Muenzer		Y
(7-0)		
M=Motion S=Second		
Y=Yes N=No A=Absent		

**ORDINANCE NO. 94-7337**

**ITEM 15**

**AN ORDINANCE AMENDING SUBSECTION (b) AND ADDING SUBSECTION (f) TO SECTION 106-235 "FOOD WASTE, TRASH, WEEDS AND NOXIOUS PLANTS" OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES IN ORDER TO ESTABLISH THE RESPONSIBILITIES OF PROPERTY OWNERS REGARDING THE MAINTENANCE OF MUNICIPAL RIGHTS-OF-WAY ADJACENT TO THEIR PROPERTY; 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
VanArsdale		Y
Muenzer		Y
(7-0)		
M=Motion S=Second		
Y=Yes N=No A=Absent		

**ORDINANCE NO. 94-7338**

**ITEM 16**

**AN ORDINANCE AMENDING SECTION 102-423 "HC" HIGHWAY COMMERCIAL, SECTION 102-719 "PD" PLANNED DEVELOPMENT DISTRICT, AND SECTION 110-125 SHOPPING CENTERS, REMOVING RESTRICTIONS WHICH LIMIT THE TYPE**

**OF PARKING FACILITY USED IN CONJUNCTION WITH SHOPPING CENTERS; ADDING SECTION 110-126 STANDARDS FOR PARKING GARAGES, ESTABLISHING DESIGN STANDARDS FOR PARKING STRUCTURES WITHIN THE CITY OF NAPLES; 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		Y
Tarrant		N
VanArsdale	S	Y
Muenzer		Y

(6-1)

M=Motion S=Second

Y=Yes N=No A=Absent

**ORDINANCE NO. 94-7339**

**ITEM 17**

**AN ORDINANCE AMENDING PARAGRAPH (c), "PAVING," OF SECTION 106-103, "DESIGN AND CONSTRUCTION STANDARDS" (FOR PARKING SPACES), OF THE COMPREHENSIVE DEVELOPMENT CODE IN ORDER TO ALLOW FOR THE CONSTRUCTION OF UNPAVED PARKING AREAS; 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	S	Y
Prolman		Y
Sullivan	M	Y
Tarrant		Y
VanArsdale		Y
Muenzer		Y
(7-0)		
M=Motion S=Second		
Y=Yes N=No A=Absent		

**ORDINANCE NO. 94-7340**

**ITEM 18**

**AN ORDINANCE AMENDING THE DEFINITION OF "MARINA" SET FORTH IN SECTIONS 82-10 AND 102-532(8) WITHIN THE "C2-A" WATERFRONT COMMERCIAL DISTRICT OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES TO ALLOW FOR THE LOADING AND UNLOADING OF MARINE CONSTRUCTION SUPPLIES AS AN ACCESSORY USE TO COMMERCIAL MARINAS; 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	S	Y
Sullivan		Y
Tarrant		Y
VanArsdale		Y
Muenzer		Y
(7-0)		
M=Motion S=Second		
Y=Yes N=No A=Absent		

**CHANGE ORDER BID #94-54**

**ITEM 22**

**AUTHORIZATION TO ISSUE A CHANGE ORDER FOR UTILITY CONSTRUCTION WORK RELATING TO THE RELOCATION OF A SANITARY SEWER FORCE MAIN**

**AND EXTENSION OF WATER REUSE MAIN ON U.S. 41.**

City Manager Woodruff informed Council that this change order was needed as an emergency addition to the original contract. Adding the work to the Mitchell & Stark contract as proposed has been reviewed by the City Attorney and found that Council has the authority to authorize the change order.

**MOTION:** To **APPROVE** the change order for utility construction work relating to the relocation of a sanitary sewer force main and extension of water reuse main on U.S. 41.

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

**RESOLUTION NO. 94-7341**

**ITEM 29**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PREFERRED PROVIDER PAYOR AGREEMENT, IN SUBSTANTIALLY THE FORM ATTACHED HERETO, WITH CHANGES APPROVED BY THE CITY MANAGER AND CITY ATTORNEY, BETWEEN NAPLES PHYSICIAN HOSPITAL ORGANIZATION, INC., AND THE CITY OF NAPLES, FOR MANAGED CARE HEALTH SERVICES THROUGH LOCAL PHYSICIANS PARTICIPATING IN THE NAPLES PHYSICIAN HOSPITAL ORGANIZATION, INC. FOR THE PERIOD JANUARY 1, 1995, THROUGH DECEMBER 31, 1995; AND PROVIDING AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

Dr. Woodruff reported that at least 90% of the City employees had attended the meetings held to provide information about the managed care health plan. Changes in the health plan have been received favorably.

**Public Input: None.**

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

Vice Mayor Korest suggested that the health care plan be reviewed carefully every year.

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

(7-0)

**M=Motion S=Second**

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

**OPEN PUBLIC INPUT: None.**

**CORRESPONDENCE/COMMUNICATIONS**

City employees sang "We Wish You A Merry Christmas" to Council.

**ADJOURN: 1:20 p.m.**

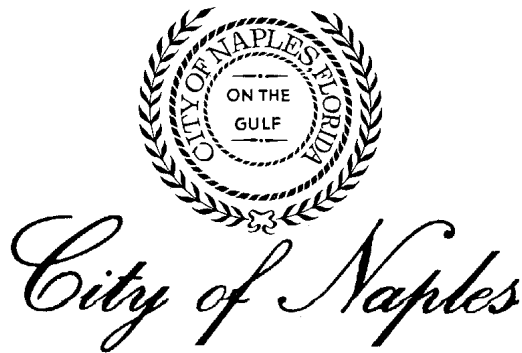
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**PAUL W. MUENZER, MAYOR**

Janet Cason  
City Clerk

Marilyn A. McCord  
Deputy City Clerk

These minutes of the Naples City Council were approved on January 18, 1995.



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