



City Council Chamber
735 Eighth Street South
Naples, Florida 33940

City Council Regular Meeting - January 3, 1996

Mayor Muenzer called the meeting to order and presided.

ROLL CALL

ITEM 2

Present: Paul W. Muenzer, Mayor
Alan R. Korest, Vice Mayor

Council Members:
Ronald M. Pennington
Marjorie Prolman
Fred L. Sullivan
Fred Tarrant
Peter H. Van Arsdale

Also Present:

Dr. Richard L. Woodruff, City Manager
Maria J. Chiaro, City Attorney
Missy McKim, Planning Director
Flinn Fagg, Planner I
Ron Lee, Planner III
Mark Thornton, Comm. Services Director
Tara Norman, Chief Deputy City Clerk
Dr. Jon Staiger, Natural Resources Mgr.
Virginia Neet, Deputy City Clerk
George Henderson, Sergeant-at-Arms
Charles Andrews
Herb Luntz
Charles Dauray
Rev. Dr. Bob N. Wallace
Bonnie MacKenzie
James Rideoutte

Robert Sitta
Bruce Anderson
Brett Moore
Richard Klaas
Chris Ott
Brian Klaas
Donald Pickworth
Lisa MisKanic,
Collier Reporting Serv.
See also Supplemental Attendance List
(Attachment 1)

Media:

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

INVOCATION and PLEDGE OF ALLEGIANCEITEM 1

The Reverend Dr. Bob N. Wallace, Lely Presbyterian Church

ITEMS TO BE ADDEDITEM 3

No items were added to the agenda. City Manager Richard Woodruff requested that Item 11 (relating to processing fees for Planning Advisory Board petitions) be removed from the agenda.

CONSENT AGENDA

APPROVAL OF MINUTES.....ITEM 15

December 6, 1995 Regular Meeting; December 18, 1995 Workshop Meeting.

.....ITEM 16

AWARD OF BID TO FURNISH AND INSTALL AN EMERGENCY STANDBY GENERATOR FOR THE MASTER WASTEWATER PUMPING STATION AT EIGHTH STREET AND BROAD AVENUE SOUTH. Vendor: Superior Power Equipment, Ft. Myers, Florida / Price \$31,166.00 / Funding: CIP Project #96X10.

.....ITEM 17

AWARD OF BID FOR ANNUAL CONTRACT FOR EMERGENCY GENERATOR MAINTENANCE. Contractor: Superior Power Equipment, Ft. Myers, Florida / Annual cost: \$8,710.00 / Funding: Utilities Maintenance 46-00 Account.

.....ITEM 18

AUTHORIZATION TO WAIVE COMPETITIVE BIDDING IN ORDER TO PURCHASE ADDITIONAL COMPATIBLE TELEMETRY EQUIPMENT AT THE EAST GOLDEN GATE WELL FIELD. Vendor: Data Flow Systems, Melbourne, Florida / Price \$22,359.00 / Funding: CIP Project #96X09.

.....ITEM 19

AUTHORIZATION TO WAIVE COMPETITIVE BIDDING IN ORDER TO REPLACE A LIME SLUDGE PUMP WITH COMPATIBLE EQUIPMENT AT THE WATER TREATMENT PLANT. Vendor: Carl Eric Johnson, Inc., Palm Harbor, Florida / Price \$25,317.00 / Funding: CIP Project #96K19.

.....ITEM 20

AUTHORIZATION TO WAIVE COMPETITIVE BIDDING IN ORDER TO PURCHASE SUB-SURFACE ROTARY AGITATORS COMPATIBLE WITH CURRENT EQUIPMENT AT THE WATER TREATMENT PLANT. Vendor: McLaughlin-Troughton \$ Assoc., Spring Hill, Florida / Total Price \$11,100.00 / Funding: CIP Project #96K03.

.....ITEM 21

CONSIDERATION OF A TEMPORARY USE PERMIT FOR THE MARTIN LUTHER KING JR. DAY PARADE - 1/15/96.

END CONSENT AGENDA

MOTION by Pennington to SET AGENDA and DELETE ITEM 11; and APPROVE CONSENT AGENDA ITEMS 15-21; seconded by Sullivan and unanimously carried, all members present and voting. (Korest-yes, Pennington-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Muenzer-yes)

ANNOUNCEMENTS.....ITEM 4

City Manager Richard Woodruff reminded the public that due to the February 6th general election, the January meeting schedule would be as follows:

Workshop Meeting - January 8th (This meeting was subsequently cancelled)

Workshop Meeting - January 16th

Regular Meeting - January 17th

Veterans Herb Luntz and Howard Terry presented Mayor Muenzer with a photograph taken at the September 2nd parade commemorating the 50th anniversary of the end of World War II.

ORDINANCE 96-7606.....ITEM 5

AN ORDINANCE APPROVING REZONE PETITION 95-R14, REZONING THE PROPERTY DESCRIBED HEREIN, FROM "R3T-12" MULTI-FAMILY AND "PD" PLANNED DEVELOPMENT TO "PD" PLANNED DEVELOPMENT, PROVIDING FOR REDEVELOPMENT OF PROPERTY COMMONLY KNOWN AS KEEWAYDIN CLUB FROM A TRANSIENT LODGING FACILITY TO A SINGLE-FAMILY RESIDENTIAL DEVELOPMENT; PROVIDING FOR THE SUPERSESSION OF ALL PREVIOUS PD ZONING REGULATIONS APPLICABLE TO THE PROPERTY; PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE. Title Read by City Attorney Chiaro. (9:15 a.m.)

Attorney Donald Pickworth, representing the petitioner, Key Island Partners, detailed the revisions to the Planned Development Documents which, he stated, reflected Council's requests and comments at first reading and the Planning Advisory Board recommendations. (A copy of the material referenced by Attorney Pickworth is contained in the file for this meeting in the City Clerk's Office.) The revisions, he stated, would: 1) designate the property south of the Shore Station as residential; 2) prohibit the leasing of servants' or guest quarters; 3) require utility buildings to conform to City Code; 4) prohibit the removal of the original lodge structure; 5) require further Council approval in the event that State environmental permits do not conform with the PD Documents; 6) permit expansion of Bayview Cottage within the maximum square footage limitation; 7) continue the primary dune system to Key Island's southern boundary; 8) require lien provisions in Key Island's Property Owners Association Declaration; 9) provide for specific fire protection measures; 10) define the method of solid waste removal; 11) require the City Engineer's approval of the cart path system; 12) provide for the approval of revised parking garage plans by the City Manager or his designee; 13) clarify that public beach access would be determined by applicable law; 14) provide for approval of insubstantial changes in the project's design by the City Manager or his designee, and; 15) limit the height of non-habitable architectural enhancements to 35 feet.

Attorney Pickworth then distributed and discussed summaries prepared by Gary E. Exner, R.E.P.A., of Environmental Management Systems, Inc., and Brett D. Moore, P.E., of Humiston & Moore Engineers relating to Key Island's dune system. (A copy of the material referenced by Attorney Pickworth is contained in the file for this meeting in the City Clerk's Office.) He also requested that a December 2, 1995 memorandum from Natural Resources Manager Jon Staiger to Planner Ron Lee

become a part of the official record (Attachment 2).

When questioned about the time frame for development, Attorney Pickworth stated that the various State environmental permits were expected in early April and the project's final plat would be submitted for Council approval within three months. He clarified, however, that Key Island Partners was not scheduled to acquire ownership of the property until June 21, 1996. After further Council discussion, it was determined that the Keewaydin Fueling Facility could continue to operate as a non-conforming use until the Shore Station Declaration of Restrictive Covenants are recorded at closing.

Public Input: (9:39 a.m.)

Wheeler Conkling, 652 Bridgeway Lane

Mr. Conkling, President of The Citizens to Preserve Naples Bay, objected to the loss of the Keewaydin Fueling Facility contending that it would substantially increase traffic in Naples Bay. He also argued that the fueling station's demise was abetted by the developer and the Cutlass Cove Property Owners Association and commented that the Port Royal Property Owners Association had not been fully apprised of this issue. Mr. Conkling then asked Council to require the continuing operation of the fueling facility until such time as another facility is built.

Harry Timmins, 555 Kingston Drive

Mr. Timmins stated that the Planned Development agreement was an opportunity for the City to keep the Keewaydin Fueling Facility open and argued that its closing would not serve the best interests of the bay or the boaters.

Bolton Drackett, 3150 Green Dolphin Lane

Mr. Drackett corrected representations made by Attorney Pickworth and stated that neither he nor the Bolton Drackett Trust were participants in this project. He also clarified that his ownership interest in the property ceased as of October 1994.

Public Input Closed (9:53 a.m.)

Attorney Pickworth responded to the above comments noting that the gas dock was a private business and neither a land use nor PD issue. He then reiterated the developer's offer to donate the fueling facility equipment to the City for use at an alternate location.

Chris Ott, operator of the Keewaydin Fueling Facility, clarified that business principals would determine how long the dock would remain open and noted that during the previous year, the facility only pumped 200,000 gallons of fuel as compared to 1 million gallons pumped at the City Dock.

MOTION by Van Arsdale to ADOPT Ordinance 96-7606 on second reading; seconded by Prolman. After the discussion which appears below, this motion carried 7-0. (Korest-yes, Pennington-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Muenzer-yes)

Council Member Tarrant asked all parties involved to cooperate with the City should a fueling facility be built at Bayview Park. Council Member Sullivan observed that this agreement could resolve the various law suits currently pending, and Council Member Pennington proposed that the City commit itself to finding another fueling facility. Mayor Muenzer stated that this agreement was

a benefit to the City and to Key Island.

Break 10:16 a.m. - 10:27 a.m. It is noted for the record that the same Council Members were present when the meeting reconvened.

RESOLUTION 96-7607.....ITEM 6
A RESOLUTION GRANTING A VARIANCE FOR AN EXISTING 2.2-FOOT ENCROACHMENT OF A REAR YARD SETBACK FOR THE RESIDENCE LOCATED AT 1535 BONITA LANE, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Chiaro. (10:29 a.m.)

City Manager Richard Woodruff referred to the background material provided to Council and relayed the staff's recommendation to approve this variance petition.

Public Input: None (10:30 a.m.)

MOTION by Van Arsdale to APPROVE Resolution 96-7607 as submitted; seconded by Sullivan and unanimously carried, all members present and voting. (Korest-yes, Pennington-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Muenzer-yes)

ORDINANCE (First Reading).....ITEM 7
AN ORDINANCE APPROVING REZONE PETITION 95-R16, AMENDING A PREVIOUS PLANNED DEVELOPMENT FOR THE PROPERTY LOCATED AT THE SOUTHWEST CORNER OF U.S. 41 AND RIVER POINT DRIVE, MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE. Title read by City Attorney Chiaro. (10:30 a.m.)

Planner Flinn Fagg explained that although a Planned Development permitting a 33-slip marina had been approved for this property in 1989, State approval for the project had expired and the property could not be developed. Mr. Fagg referred to the Planned Development document and detailed the proposed uses for the property's two phase development which included marinas, restaurants, marine oriented retail, and five boat slips. (A copy of the material referenced by Planner Flinn Fagg is contained in the file for this meeting in the City Clerk's Office.) Mr. Fagg explained that the Comprehensive Plan mandates PD zoning for this property since it is located in the airport approach zone and noted that residential development would not be a compatible use. He also stated that the uses delineated in the proposed PD were more restrictive than those permitted in the C2-A zoning district and explained that the PD required General Development Site Plan approval by both the Planning Advisory Board and Council. He then suggested that specific issues, such as accessibility and parking lot location, be subsequently addressed during the required GDSP approval process. Mr. Fagg relayed the recommendation of staff and the PAB to approve the petition subject to the conditions contained in the ordinance.

Bruce Anderson, attorney for the property owner Andrew Wolfe, stated for the record that the petitioner had agreed to all conditions and stipulations requested by the PAB and staff and that the proposed land uses conformed to the narrow confines placed on this property by the Comprehensive Plan. He also clarified that, other than the development of five boats slips and twelve parking

spaces, all future development would require the GDSP approval by Council and the PAB. In response to Council, Attorney Anderson stated that the five boat slips could be condominiumized or used for charter boat operation.

Public Input: 10:54 p.m.

James Gruszka, 807 River Point Drive (President of Beau Mer Condominium Association)

Mr. Gruszka reported that 60% of the Beau Mer Condominium owners were opposed to the proposed development because of concerns about security and disturbances from the commercial uses. He also expressed concerns about the use of the boat slips for charter boat activities.

In response to Council, Planning Director Missy McKim clarified that although the Beau Mer property was zoned C2-A, it was originally approved for transient lodging use and has since become more residential in character. Council Member Van Arsdale pointed out that the entire island, where the Beau Mer is located, was commercially zoned and the owners should realize that their units occupy commercial land.

David Leigh, 3777 Tamiami Trail North, Suite 201

Mr. Leigh, representing the Naples Bay Club, reported that the petitioner had agreed to the following conditions which addressed Naples Bay Club resident's concerns: 1) install a fence to screen the parking area; 2) relocate the dumpster, and; 3) negotiate and execute an easement regarding Naples Bay Club's sewer/utility line which crosses the petitioner's property. He stated that, under these conditions, the Naples Bay Club Board of Directors would not oppose this petition.

George Law, 550 Port-o-Call Way (owner of the Port-o-Call Marina)

Mr. Law contended that there were sufficient safeguards in the PD Document and relayed his support for the proposed development.

Attorney Anderson confirmed the stipulations referred to by Mr. Leigh of the Naples Bay Club and reiterated that this petition only requested authorization, subject to additional public hearings, for uses currently permitted on abutting property. In response to earlier Council discussions, he also clarified that the boat slips were 90 feet long.

Public Input Closed: (11:18 a.m.)

MOTION by Tarrant to APPROVE this ordinance on first reading AS AMENDED TO INCLUDE THE PROVISIONS AS DISCUSSED BETWEEN THE PETITIONER'S ATTORNEY AND MR. LEIGH, REPRESENTING THE NAPLES BAY CLUB; seconded by Pennington and unanimously carried, all members present and voting. (Korest-yes, Pennington-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Muenzer-yes)

It is noted for the record that Council Member Van Arsdale left the meeting at 11:19 a.m.

**ORDINANCE 96-7608.....ITEM 8
AN ORDINANCE APPROVING REZONE PETITION 95-R5 REZONING PROPERTY
KNOWN AS MARINERS COVE, MORE PARTICULARLY DESCRIBED HEREIN,
FROM "I," INDUSTRIAL, TO "R3-12," MULTI-FAMILY RESIDENTIAL; PROVIDING
A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro. (11:19 a.m.)

City Manager Richard Woodruff stated that adoption of this ordinance would bring the zoning of Mariner's Cove into compliance with the Comprehensive Plan.

Public Input: None (11:21 a.m.)

MOTION by Korest to ADOPT Ordinance 96-7608 on second reading; seconded by Sullivan and carried 6-0. (Korest-yes, Pennington-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-absent, Muenzer-yes)

**ORDINANCE 96-7609.....ITEM 9
AN ORDINANCE AMENDING CHAPTER 50-207, "RETIREMENT SYSTEM RECORDS;
ANNUAL REPORT; ADOPTION OF EXPERIENCE TABLES," OF DIVISION 2,
"BOARD OF TRUSTEES," IN ORDER TO CHANGE THE PERIOD FOR RENDERING
ANNUAL REPORTS TO THE CITY COUNCIL; PROVIDING A SEVERABILITY
CLAUSE, A REPEALER PROVISION, AND AN EFFECTIVE DATE. Title read by City
Attorney Chiaro. (11:21 a.m.)**

Public Input: None (11:22 a.m.)

It is noted for the record that Council Member Van Arsdale returned to the meeting at 11:22 a.m.

MOTION by Sullivan to ADOPT Ordinance 96-7609 on second reading; seconded by Pennington and unanimously carried, all members present and voting. (Korest-yes, Pennington-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Muenzer-yes)

**ORDINANCE (First Reading).....ITEM 10
AND ORDINANCE AMENDING SECTION 58-66 OF THE CODE OF ORDINANCES OF
THE CITY OF NAPLES, FLORIDA, TO EXEMPT INDIVIDUAL SALES PERSONS
FROM THE PAYMENT OF LICENSE FEES; PROVIDING A SEVERABILITY CLAUSE,
A REPEALER PROVISION AND AN EFFECTIVE DATE. Title read by City Attorney
Chiaro. (11:22 a.m.)**

City Attorney Chiaro stated that the ordinance's title was changed to eliminate reference to real estate sales persons since such specific exemption would be redundant. She then suggested a further clarification to Section 58-66: "Individual sales persons also shall be exempt from the requirement of this Section providing that the company for which they are employed holds a valid City of Naples occupational license."

Public Input: None (11:24 a.m.)

MOTION by Pennington to APPROVE this ordinance on first reading WITH THE AMENDMENT AS CITED BY THE CITY ATTORNEY; seconded by Sullivan and unanimously carried, all members present and voting. (Korest-yes, Pennington-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Muenzer-yes)

ORDINANCE (Removed from the agenda)ITEM 11

AN ORDINANCE AMENDING ARTICLE III., "PLANNING ADVISORY BOARD FEES, "SECTION 118-61., "PETITION FEES," OF THE COMPREHENSIVE DEVELOPMENT CODE OF THE CITY OF NAPLES RELATING TO THE PROCESSING FEES FOR PLANNING ADVISORY BOARD PETITIONS; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION, AND AN EFFECTIVE DATE.

RESOLUTION 96-7610..... ITEM 12-a
A RESOLUTION AUTHORIZING THE USE OF THE COLLIER COUNTY COMPUTER ELECTION SYSTEM FOR THE GENERAL MUNICIPAL ELECTION TO BE HELD ON FEBRUARY 6, 1996; APPROVING THE FORM AND CONTENT OF THE BALLOT FOR SAID ELECTION; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Chiaro. (11:26 a.m.)

Deputy City Clerk Tara Norman stated that this resolution was necessary for every election in order to authorize the use of the County's ballot equipment and to officially approve the ballot. Mrs. Norman also explained the costs related to the use of the County's election equipment and stated that previous problems regarding the alignment of ballot cards had been addressed.

Public Input: None (11:29 a.m.)

MOTION by Sullivan to APPROVE Resolution 96-7610 as submitted; seconded by Prolman and unanimously carried, all members present and voting. (Korest-yes, Pennington-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Muenzer-yes)

RESOLUTION 96-7611..... ITEM 12-b
A RESOLUTION APPOINTING ELECTION CLERKS AND INSPECTORS TO SERVE AT THE VOTING PRECINCTS DURING THE GENERAL MUNICIPAL ELECTION ON FEBRUARY 6, 1996; AUTHORIZING THE CHIEF ELECTION OFFICIAL TO APPOINT ALTERNATES AS NECESSARY; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Chiaro. (11:29 a.m.)

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

MOTION by Sullivan to APPROVE Resolution 96-7611 as submitted; seconded by Van Arsdale and unanimously carried, all members present and voting. (Korest-yes, Pennington-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Muenzer-yes)

RESOLUTION 96-7612..... ITEM 12-C
A RESOLUTION APPOINTING TARA A. NORMAN, DEPUTY CITY CLERK, AS THE CHIEF ELECTION OFFICIAL FOR THE GENERAL ELECTION OF FEBRUARY 6, 1996; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Chiaro. (11:30 a.m.)

City Manager Richard Woodruff explained that this action was necessary due to the absence of City Clerk Marilyn McCord.

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

MOTION by Sullivan to APPROVE Resolution 96-7612 as submitted; seconded by

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

RESOLUTION 96-7613.....ITEM 13
A RESOLUTION APPOINTING A SELECTION COMMITTEE FOR THE PURPOSE
HEREINAFTER SET FORTH, RELATING TO THE SELECTION OF A CERTIFIED
PUBLIC ACCOUNTANT TO PERFORM AN AUDIT OF THE CITY'S FINANCIAL
TRANSACTIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1996; AND
PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Chiaro. (11:31 a.m.)

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

MOTION by Sullivan to APPROVE Resolution 96-7613 as submitted; seconded by
Tarrant and unanimously carried, all members present and voting. (Korest-yes,
Pennington-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes,
Muenzer-yes)

.....ITEM 14
AWARD OF BID TO FURNISH LABOR, MATERIALS AND EQUIPMENT TO
CONSTRUCT A BULK CHEMICAL STORAGE AND FEED SYSTEM AT THE WATER
TREATMENT PLANT. Contractor: M. Bone, Inc., Cape Coral, Florida / Total bid price:
\$222,500.00 / Funding: CIP Project #95K25.

City Manager Richard Woodruff explained that this system would introduce alum and sulfuric acid into the water treatment process for color removal and is necessary to comply with the consent order between the City and the Florida Department of Environmental Protection.

Public Input: None (11:33 a.m.)

MOTION by Pennington to APPROVE Item 14 as submitted; seconded by
Sullivan and unanimously carried, all members present and voting. (Korest-yes,
Pennington-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes,
Muenzer-yes)

OPEN PUBLIC INPUT.....
None. (11:34 a.m.)

CORRESPONDENCE and COMMUNICATIONS.....
None. (11:34 a.m.)

ADJOURNED.....
11:34 a.m.

Paul W. Muenzer, Mayor

Tara A. Norman

Chief Deputy City Clerk

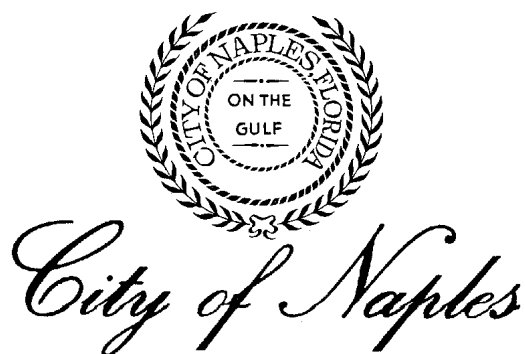
Virginia A. Neet
Deputy City Clerk

Minutes approved: 2/7/96

Attachment 1
1/3/96 Regular Meeting

Supplemental Attendance List

Wheeler Conkling
Harry Timmins
Bolton Drackett
James J. Gruszka
David Leigh
George Law



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City Council Regular Meeting

January 3, 1996

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