

City Council Chamber
735 Eighth Street South
Naples, Florida 33940

City Council Regular Meeting - March 6, 1996 - 9:00 a.m.

Mayor Barnett called the meeting to order and presided.

ROLL CALL

ITEM 2

Present: Bill Barnett, Mayor
Marjorie Prolman, Vice Mayor

Council Members:
Bonnie R. MacKenzie
John R. Nocera
Fred L. Sullivan
Fred Tarrant
Peter H. Van Arsdale

Also Present:

Dr. Richard L. Woodruff, City Manager
Maria J. Chiaro, City Attorney
William Harrison, Assistant City Manager
Flinn Fagg, Planner I
Dan Mercer, Utilities Director
Robin William, Administrative Assistant
Ralph LaCivita, Comptroller
Finance /Accounting
James Byrne, Police Captain
Anne Middleton
Budget & Investment Mgr.
Dr. Jon Staiger, Natural Resources Mgr.
Virginia Neet, Deputy City Clerk
George Henderson, Sergeant-at-Arms
Werner Haardt

Reverend Arthur Holt
Chip Jones
Jodi Whitcomb
Michael McComas
Miles Scofield
Raymond Kisor
Dick Matthews

Other interested citizens and visitors

Media:

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

INVOCATION and PLEDGE OF ALLEGIANCEITEM 1
Reverend Arthur Holt, Unity Church of Naples

ITEMS TO BE ADDEDITEM 3
City Manager Richard Woodruff requested that the following items be added to the agenda:
Item 25 - Purchase of property for a sewer lift station in the Twin Lakes Subdivision
Item 26 - Privatization of chemical maintenance

Dr. Woodruff also stated that Item 5 (Third Street South Overlay District) would be deleted from the agenda.

ANNOUNCEMENTSITEM 4
City Manager Richard Woodruff reminded the public that there would be a Special Meeting on March 12, 1996 at 7:00 p.m. in Council Chambers relating to the potential annexation of Pelican Bay. Dr. Woodruff stated that this would be the first of a series of meetings and would be broadcast live by Continental Cablevision. Additional meetings will be held on March 26, 1996 and April 9, 1996.

Mayor Barnett and City Manager Richard Woodruff recognized City Employees for their years of service. (Attachment 1)

Council Member Sullivan praised the P.A.C.T. Program (Police/Emergency Services and Community Together) and urged the public to support the program and to attend the meetings.

MOTION by Sullivan to SET AGENDA and ADD ITEMS 25 AND 26 AND DELETE ITEM 5; seconded by Van Arsdale and unanimously carried, all members present and voting. (MacKenzie-yes, Nocera-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes)

CONSENT AGENDA

APPROVAL OF MINUTES.....ITEM 18
February 12, 1996 Workshop Meeting; February 21, 1996 Regular Meeting

RESOLUTION 96-7647.....ITEM 19
A RESOLUTION CONFIRMING THE APPOINTMENT OF ONE MEMBER TO THE CITY OF NAPLES PUBLIC EMPLOYEES RELATIONS COMMISSION TO COMPLETE AN UNEXPIRED TERM COMMENCING ON MARCH 6, 1996, AND ENDING ON DECEMBER 6, 1996; AND PROVIDING AN EFFECTIVE DATE. Title not read.

.....ITEM 20
AWARD OF BID FOR LOCAL AREA NETWORK HARDWARE. Contractor: Southern

Computers & Components, Naples, Florida / Price: \$11,747.95 / Funding: CIP Project #94T01.

RESOLUTION 96-7648.....ITEM 22
A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A RIGHT-OF-WAY CONSENT AGREEMENT BETWEEN THE CITY OF NAPLES AND FLORIDA POWER & LIGHT COMPANY TO OCCUPY JOINTLY AN EASEMENT ON A PARCEL OF LAND LOCATED ON GOODLETTE FRANK ROAD, A COPY OF WHICH IS ATTACHED HERETO AND MADE A PART HEREOF; AND PROVIDING AN EFFECTIVE DATE. Title not read.

.....**ITEM 23**
AWARD OF BID FOR SUBMERSIBLE PUMP REPLACEMENT AT COVE MASTER (WASTEWATER) LIFT STATION. Vendor: ABS Pumps, Ft. Myers, Florida / Price \$29,190.00 / Funding: CIP Project #96X03.

.....**ITEM 24**
AWARD OF BID FOR EMERGENCY/STANDBY POWER SYSTEM FOR FOREST LAKES (WASTEWATER) PUMP STATION. Vendor: Superior Power Equipment Co., Inc., Ft. Myers, Florida / Price: \$24,995.00 / Funding: CIP Project 96X10.

END CONSENT AGENDA

MOTION by Sullivan to APPROVE CONSENT AGENDA ITEMS 18, 19, 20, 22, 23, AND 24 and REMOVE CONSENT AGENDA ITEM 21 FOR SEPARATE DISCUSSION; seconded by Van Arsdale and unanimously carried, all members present and voting. (MacKenzie-yes, Nocera-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes)

ORDINANCE (First Reading).....ITEM 5
AN ORDINANCE AMENDING DIVISION 5, "THIRD STREET COMMERCIAL AREA SPECIAL OVERLAY DISTRICT", OF THE COMPREHENSIVE DEVELOPMENT CODE OF THE CITY OF NAPLES; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION, AND AN EFFECTIVE DATE. This item was deleted from the agenda.

RESOLUTION 96-7649.....ITEM 13
A RESOLUTION GRANTING A WAIVER FROM DISTANCE REQUIREMENTS BETWEEN LIQUOR LICENSEES IN ORDER TO PERMIT THE SALE OF ALCOHOLIC BEVERAGES WITHIN 500 FEET OF AN EXISTING LICENSEE AT ANDRE'S STEAKHOUSE INC., LOCATED AT 2800 TAMiami TRAIL NORTH; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Chiaro. (9:18 a.m.)

City Manager Richard Woodruff explained that this was a request for a waiver from the distance

requirement between liquor licensees.

Public Input: None. (9:19 a.m.)

MOTION by Sullivan to **APPROVE** Resolution 96-7649 as submitted; seconded by MacKenzie and unanimously carried, all members present and voting. (MacKenzie-yes, Nocera-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes)

ORDINANCE 96-7650.....ITEM 14
AN ORDINANCE AMENDING THE COMPREHENSIVE DEVELOPMENT CODE TO ESTABLISH NEW PROCEDURES FOR PERMITTING CONSTRUCTION SEAWARD OF THE COASTAL CONSTRUCTION SETBACK LINE; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.
Title read by City Attorney Chiaro. (9:19 a.m.)

City Manager Richard Woodruff stated that first reading of this ordinance occurred on February 21, 1996 and the intent was to correct confusing language and to clarify that building permits are still required in the coastal zone.

Public Input None. (9:20 a.m.)

MOTION by Sullivan to **ADOPT** Ordinance 96-7650 on second reading; seconded by Nocera and unanimously carried, all members present and voting. (MacKenzie-yes, Nocera-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes)

.....**ITEM 15**
AUTHORIZATION TO ENGAGE SERVICES FOR CONSTRUCTION OF EFFLUENT REUSE LINES FOR IRRIGATION PURPOSES. Contractors: D.N. Higgins and Cross Country Pipe & Rail / Total Cost: \$291,956.70 / Funding: CIP Project 96N08 and Capital Project Contingency. (9:20 a.m.)

City Manager Richard Woodruff explained that this was a request for authorization to issue a purchase order for the construction of wastewater irrigation reuse lines and referred to the staff memorandum dated February 26, 1996 to describe the three phase project. (A copy of this material is contained in the file for this meeting in the City Clerk's Office.) Dr. Woodruff commented that this request conforms to prior Council direction to expand the use of reuse water.

Public Input: None. (9:23 a.m.)

MOTION by Van Arsdale to **APPROVE** Item 15 as submitted; seconded by Nocera and unanimously carried, all members present and voting. (MacKenzie-yes, Nocera-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes)

RESOLUTION 96-7651.....ITEM 16

A RESOLUTION APPOINTING A COMMITTEE TO SELECT A FINANCIAL ADVISOR TO ASSIST THE CITY IN UPCOMING SALE OF MUNICIPAL TAX-EXEMPT BONDS; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Chiaro. (9:23 a.m.)

City Manager Richard Woodruff explained that the City has traditionally used the services of an outside, independent financial advisor to assist in obtaining tax exempt financing and referred to prior Council direction to proceed with Request for Qualifications for financial advisory services prior to future debt issues. The purpose of this resolution, he added, was to select one Council Member to serve on the committee to select a financial advisor for the upcoming sale of municipal tax-exempt bonds. Dr. Woodruff also explained how the other members of this committee were selected.

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

MOTION by Nocera to APPOINT ALAN KOREST AND COUNCIL MEMBER BONNIE MACKENZIE; seconded by Van Arsdale and unanimously carried, all members present and voting. (MacKenzie-yes, Nocera-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes)

A prior motion by Nocera to appoint Council Member Bonnie MacKenzie was amended to include the appointment of Alan Korest, should he accept.

RESOLUTION (Continued until later in the meeting).....ITEM 21
A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS FROM THE POLICE CONFISCATION TRUST FUND FOR THE PURCHASE EQUIPMENT AS OUTLINED IN MEMORANDUM DATED FEBRUARY 23, 1996, ATTACHED HERETO AND MADE A PART HEREOF, FOR THE NAPLES POLICE AND EMERGENCY SERVICES DEPARTMENT; TO ISSUE PURCHASE ORDERS THEREFORE, IN THE APPROXIMATE AMOUNT OF \$98,574.00; AND PROVIDING AN EFFECTIVE DATE.
Title not read. (9:29 a.m.)

City Manager Richard Woodruff described how the expenditure of confiscated money is regulated by State law and referred to the February 23, 1996 and March 5, 1996 memoranda describing the proposed equipment purchases and their justifications. (A copy of this material is contained in the file for this meeting in the City Clerk's Office.) Vice Mayor Prolman questioned the expenditure for the bicycles and requested further information.

It is noted for the record that Item 21 was continued until later in the meeting in order for staff to provide additional information.

RESOLUTION 96-7652.....ITEM 25
A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT, IN A FORM TO BE APPROVED BY THE CITY ATTORNEY, BETWEEN MERCEDES MAZPULE AND THE CITY OF NAPLES, FOR THE PURCHASE OF NAPLES TWIN

LAKES BLOCK 5 LOT 10 AS RECORDED IN COLLIER COUNTY (VACANT LOT); AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Chiaro. (9:33 a.m.)

City Manager Richard Woodruff explained that although the Twin Lakes Subdivision is within the City's service area, it does not presently have central sanitary sewer. Due to the excessive rainfall in 1995, many septic tanks in Twin Lakes' commercial district failed and property owners requested central sewer. Dr. Woodruff then explained how the subject property's elevation is suitable for a lift station and that the lift station would accommodate additional service areas in the future.

Public Input: None. (9:37 a.m.)

MOTION by Sullivan to ***APPROVE*** Resolution 96-7652; seconded by Tarrant and unanimously carried, all members present and voting. (MacKenzie-yes, Nocera-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes)

.....ITEM 26
CONSIDER AUTHORIZATION TO EXPAND CONTRACT WITH CHEMLAWN CORPORATION TO INCLUDE CHEMICAL MAINTENANCE FOR WEED CONTROL IN FLOWER BEDS. (9:38 a.m.)

On February 21, 1996 Council authorized privatization to ChemLawn Corporation for fertilizer and certain chemical application on City property; this additional authorization, City Manager Woodruff explained, would include weed control in ornamental beds. Dr. Woodruff noted both budgetary and liability savings and recommended approval.

Public Input: None. (9:42 a.m.)

MOTION by Sullivan to ***APPROVE*** Item 26 as submitted; seconded by Van Arsdale and unanimously carried, all members present and voting. (MacKenzie-yes, Nocera-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes)

RESOLUTION (Continued until later in the meeting).....ITEM 7
A RESOLUTION AUTHORIZING A DREDGE AND FILL PERMIT TO EXCAVATE LESS THAN 400 CUBIC YARDS OF UPLAND SOIL AND 30 CUBIC YARDS OF CANAL BOTTOM SEDIMENT, TO BULKHEAD THE NEWLY-CREATED SHORELINE, AND TO PLACE RIPRAP WATERWARD OF THE BULKHEAD, IN ORDER TO CREATE AN INDENTED BOAT SLIP 20 FEET IN DEPTH AND 105 FEET IN WIDTH; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Chiaro. (9:43 a.m.)

ORDINANCE (Tabled)ITEM 8
AN ORDINANCE AMENDING SECTION 54-36, "DISPOSAL OF FOOD WASTE BY COMMERCIAL CUSTOMERS," AND ADDING SECTION 110-127, "RESTAURANTS," IN ORDER TO AMEND THE DISPOSAL REQUIREMENT FOR FOOD WASTE AND TO REQUIRE ENCLOSED SERVICES AREAS FOR RESTAURANTS; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.

Title read by City Attorney Chiaro. (9:44 a.m.)

City Manager Richard Woodruff stated that the proposed amendment resulted from complaints about City restaurant operators who are using outdoor areas for service functions, such as cleaning floor mats and garbage cans. This causes an accumulation of food debris in alleys and parking lots and grease run-off into the central sewer system. The text amendment would ensure that this service activity takes place only in an area with the proper drainage and a grease-trap system. Dr. Woodruff indicated that a copy of the proposed ordinance would be provided to individual restaurants and the local restaurant association prior to second reading. Council Member Sullivan further suggested that the ordinance be provided to the commercial cleaning businesses who service restaurants.

Public Input: (9:54 a.m.)

**Michael McComas, 1141 Tenth Avenue North
(President of State of Florida Restaurant Association)**

Mr. McComas pointed out that the amendment would pose a significant cost to area restaurants, particularly those requiring retro-fitting. Because older restaurants are often not sufficiently equipped internally for these service activities, additional buildings would be necessary to comply with the proposed ordinance. Mr. McComas then contended that regulatory mechanisms are already in place since restaurant cleaning is strictly controlled by the Division of Hotels and Restaurants and the Department of Business and Professional Regulation. Included in these regulations is the requirement for a grease-trap system for outdoor drains and violations should be reported to the Collier County office of the Division of Hotels and Restaurants. Further Council discussions of alternatives resulted in asking staff to meet with representatives of the State Division of Hotels and Restaurants and to prepare a report specifically outlining the nature of the complaints and current procedures to address them.

Public Input Closed: (10:03 a.m.)

MOTION by Sullivan to TABLE Item 8; seconded by Van Arsdale and unanimously carried, all members present and voting. (MacKenzie-yes, Nocera-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes)

At this time Council Member Tarrant referred to the recent arrest of ex-ambassador and presidential candidate Alan Keys in Atlanta, Georgia and asked that a letter of strong opposition be sent to Atlanta officials. Council Member Sullivan concurred and stated that the actions of the Atlanta Police Department were outrageous. Vice Mayor Prolman and Council Member Nocera, however, stated that this would not be appropriate Council action, and Mayor Barnett and Council Member Van Arsdale asked for more information about the incident prior to any correspondence. After further discussion, it was the consensus of Council to take no action regarding the incident.

Break 10:09 a.m. - 10:29 a.m. It is noted for the record that Council Member Van Arsdale was absent when the meeting reconvened.

.....**ITEM 6**
PRESENTATION OF ANNUAL FINANCIAL REPORT BY KPMG PEAT MARWICK.
(10:29 a.m.)

City Manager Richard Woodruff noted that KPMG Peat Marwick works for Council and described the auditor's role as a "checks and balances" for the staff. Assistant City Manager William Harrison pointed out that the firm has audited City records for five years and commended City Comptroller Ralph LaCivita and Budget & Investment Manager Anne Middleton for their work during the audit process. Mr. Harrison noted dramatic improvement in the City's finances over the last five years, specifically in the area of reserve funds, which allows the City to appropriately respond to unexpected needs such as hurricane recovery.

It is noted for the record that Council Member Van Arsdale returned to the meeting at 10:42 a.m.

Chip Jones and Jodi Whitcomb, of KPMG Peat Marwick, provided a comparison/summary of the City's financial condition since 1991 and also commented on fiscal improvements, specifically in the area of fund reserves. In addition to undesignated and reserved fund balance increases, it was reported that the City's revenues had continually surpassed expenditures since 1991. Ms. Whitcomb then reviewed Water and Sewer Enterprise Fund revenues and expenditures and outlined the significant transactions or events during the prior fiscal year. (Attachment 2) In response to Council, Mr. Harrison explained the status of the City's derivative investment position, which he said was offset by gains in the values of other securities, and assured Council that the City's investment portfolio is generally very conservative and effective.

RESOLUTION 96-7653.....ITEM 7
A RESOLUTION AUTHORIZING A DREDGE AND FILL PERMIT TO EXCAVATE LESS THAN 400 CUBIC YARDS OF UPLAND SOIL AND 30 CUBIC YARDS OF CANAL BOTTOM SEDIMENT, TO BULKHEAD THE NEWLY-CREATED SHORELINE, AND TO PLACE RIPRAP WATERWARD OF THE BULKHEAD, IN ORDER TO CREATE AN INDENTED BOAT SLIP 20 FEET IN DEPTH AND 105 FEET IN WIDTH; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Chiaro. (10:50 a.m.)

City Manager Richard Woodruff stated that this item was continued in February due to concerns about the impact of the slip length on adjoining properties.

Miles Scofield, with Turrell & Associates, spoke on behalf of petitioner Ruth Carney and stated that the proposed length had since been reduced. Using revised drawings, Mr. Scofield described the boat slip's proximity to adjacent properties noting a 15 ft. setback from the property line. (A copy of this material is contained in the file for this meeting in the City Clerk's Office.) Council Member Sullivan observed that the slip, as proposed, would intrude less into the channel than currently

permitted docking. Natural Resources Manager Jon Staiger then indicated that the petitioner's neighbors had been apprised of the revised plans and no longer objected to the project.

Public Input: None. (10:58 a.m.)

MOTION by Sullivan to ***APPROVE*** Resolution 96-7653 as submitted; seconded by Van Arsdale and unanimously carried, all members present and voting. (MacKenzie-yes, Nocera-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes)

RESOLUTION 96-7654.....ITEM 9
A RESOLUTION GRANTING VARIANCE PETITION 96-V7, IN ORDER TO PERMIT THE CONSTRUCTION OF AN UNENCLOSED SWIMMING POOL THAT WILL ENCROACH APPROXIMATELY NINE FEET INTO THE REAR YARD SETBACK OF THE PROPERTY LOCATED AT 610 BANYAN CIRCLE, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Chiaro. (11:01 a.m.)

Petitioner Kathryn Tout stated that her property was unique because the rear property line extends approximately 15 feet into the adjacent lake. She also referred to letters of no objection from adjoining property owners.

Public Input: None. (11:04 a.m.)

MOTION by Van Arsdale to ***APPROVE*** Resolution 96-7654 as submitted; seconded by Sullivan and unanimously carried, all members present and voting. (MacKenzie-yes, Nocera-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes)

RESOLUTION (Denied)ITEM 10
A RESOLUTION GRANTING VARIANCE PETITION 96-V5, IN ORDER TO PERMIT THE CONSTRUCTION OF A 4½-FOOT HIGH FENCE IN THE FRONT YARD SETBACK OF THE PROPERTY LOCATED AT 3411 GORDON DRIVE, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE. Title read City Attorney Chiaro. (11:04 a.m.)

Representative Raymond Kisor explained that petitioners Sandra and Alan Gerry owned property on both sides of Gordon Drive and the subject property on Champney Bay is vacant except for a boat dock. Mr. Kisor reported increased trespassing to use the dock and said a 4½-foot fence was necessary to secure the property. The proposed fence and gate would mirror that installed by the Gerrys' across the street and Mr. Kisor relayed the support of the adjoining property owners. (A copy of this material is contained in the file for this meeting in the City Clerk's Office.) He therefore asked Council to look at the spirit, not the letter, of the law in this case.

Vice Mayor Prolman called the proposed gate imposing and reasoned that a 3-foot fence would

establish privacy. City Manager Richard Woodruff distributed data on fence variances since 1989 and Planner Flinn Fagg reviewed the conditions imposed with each variance. Dr. Woodruff then expressed concern about permitting 4-foot or higher fences as a right. Council Member Tarrant, however, stated that it would violate property rights not to allow property owners this measure of security. Council Member MacKenzie noted that the addition of landscaping would make a 3-foot fence extremely difficult to cross and Council Member Van Arsdale stated that he could not support the variance because a precedent would be set.

Public Input: None. (11:27 a.m.)

MOTION by Van Arsdale to ***DENY*** the variance; seconded by Prolman and carried 5-2, all members present and voting. (MacKenzie-yes, Nocera-yes, Prolman-yes, Sullivan-no, Tarrant-no, Van Arsdale-yes, Barnett-yes)

RESOLUTION 96-7655..... ITEM 11-a
A RESOLUTION GRANTING CONDITIONAL USE PETITION 96-CU2, APPROVING A PARKING NEEDS ANALYSIS FOR MIXED-USE DEVELOPMENT TO BE LOCATED AT THE SOUTHWEST CORNER OF 6TH AVENUE SOUTH AND 9TH STREET SOUTH, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE. Title of 11a and 11 b read by City Attorney Chiaro. (11:29 a.m.)

RESOLUTION 96-7656..... ITEM 11-b
A RESOLUTION GRANTING CONDITIONAL USE PETITION 96-CU3, IN ORDER TO PERMIT THE DEVELOPMENT OF RESIDENTIAL UNITS ON A "C-2" ZONED PARCEL AT THE SOUTHWEST CORNER OF 6TH AVENUE SOUTH AND 9TH STREET SOUTH, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

City Manager Richard Woodruff thanked the petitioner and property owner for keeping this post office branch west of U.S. 41.

Petitioner George Williams of HDP Corporation reviewed the staff and Planning Advisory Board recommendations which differed in that the P.A.B. would permit two buildings with half of a second floor on the post office building while the staff recommended two buildings with one-third of a second floor over the post office. Mr. Williams suggested the following alternatives: 1) Accept the planning staff recommendation with an additional parking requirement reduction of four spaces, or; 2) Accept the P.A.B. recommendation and include the 13 curbside parking spaces. He stated he would also like to add nine residential units which would require a minimum of 1 parking space requirement per 300 square feet of building area, 13 curbside parking spaces included in the parking calculations, and an additional parking requirement reduction of 5 spaces. Mr. Williams also pointed out that this development would be possible under neighboring Fifth Avenue Overlay District criteria.

In response to Council, Dr. Woodruff clarified the request as 1 parking space per 200 square feet of gross floor area for the post office facility, 1 space per 300 square feet of gross retail floor area, and 1½ spaces per residential unit which would include in the 13 curblane parking spaces. He also noted that there were approximately 120 public parking spaces across the street. Planner Flinn Fagg further clarified that the resolution should reference inclusion of the 13 curb line spaces.

Council Member Van Arsdale said the Fifth Avenue Overlay District requirements could be applied to the proposed commercial and residential uses, provided the 13 curb line spaces were included. Other design elements such as setbacks, access points, and landscaping were discussed and the petitioner indicated that the ground floor of the buildings would be fully windowed. Council Member Van Arsdale stated that he would be willing to allow 3 parking spaces per 1,000 square feet of commercial area, 1½ spaces per residential unit, and include the 13 right-of-way parking spaces which would permit 17,600 square feet of commercial and nine residential units not to exceed three stories. Council Members then reviewed each of the conditions set forth in the proposed resolution in order to formulate the motion.

Public Input: None. (12:05 p.m.)

MOTION by Van Arsdale to APPROVE Resolution 96-7655 AS AMENDED:

1) Section 2, paragraph (3a) "The required number of parking spaces shall be calculated including the spaces on site and the 13 parking spaces in the adjacent right-of-way." 2) Section 2 (3b) "Retail and office uses shall be located on the first floor; office and residential uses may be located on the second floor; residential uses only on the third floor". 3) Section 5 "The buildings developed on the property shall be limited to 3 stories and no more than 35 feet in height." 4) Subject to approval by the Staff Action Committee.; the motion was seconded by Tarrant and carried 5-2, all members present and voting. (MacKenzie-no, Nocera-yes, Prolman-no, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes) Prior to the vote, Vice Mayor Prolman stated that she could not support the motion due to increasing parking demands and the impact of County growth. Council Member MacKenzie stated that the project was too intense for the site. Council Member Tarrant, however, commented that the project would further the goals of the Fifth Avenue area and Mayor Barnett concurred.

RESOLUTION 96-7656..... ITEM 11-b
A RESOLUTION GRANTING CONDITIONAL USE PETITION 96-CU3, IN ORDER TO PERMIT THE DEVELOPMENT OF RESIDENTIAL UNITS ON A "C-2" ZONED PARCEL AT THE SOUTHWEST CORNER OF 6TH AVENUE SOUTH AND 9TH STREET SOUTH, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE. Title re-read by City Attorney Chiaro. (12:11 p.m.) See related Item 11a above.

Petitioner George Williams stated that based on the parking needs analysis approved by Council in

Item 11a, third floor residential development was no longer feasible due to insufficient parking. Council discussed additional parking requirement reductions in order to provide for third story development but it was determined that there would be no amendments to the proposed resolution.

MOTION by Van Arsdale to **APPROVE** Resolution 96-7656 as submitted; seconded by Nocera and unanimously carried, all members present and voting. (MacKenzie-yes, Nocera-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes)

A prior motion by Mayor Barnett to table Item 11b was withdrawn.

.....ITEM 12
CONSIDER A MASTER PLAN FOR COASTLAND MALL. (12:20 p.m.)

City Attorney Chiaro explained that the conditions set forth in Coastland Mall's Planned Development require Master Sign Plan approval by Council and this item was a request to modify the previously approved signage plan.

Dean Lopez, Vice President of LaSalle Partners Development, referred to renderings of the modified signage plan which he summarized as a relocation and redistribution of the previously approved signage and assured Council that the changes would not increase the total square footage. (A copy of this material is contained in the file for this meeting in the City Clerk's Office.) Despite recent newspaper reports that neon signs would be used, Mr. Lopez stated that there would be no exterior signage with exposed neon.

Public Input: None. (12:30 p.m.)

MOTION by Prolman to **APPROVE THE REVISIONS TO THE COASTLAND MALL'S MASTER SIGN PLAN AS SUBMITTED**; seconded by MacKenzie and unanimously carried, all members present and voting. (MacKenzie-yes, Nocera-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes)

RESOLUTION 96-7657.....ITEM 17
A RESOLUTION HOLDING A PUBLIC HEARING AUTHORIZING SETTLEMENT OF CIRCUIT COURT CASE EDWARD R. AND MARY LEE STOTLAR, ET AL VS. THE CITY OF NAPLES, FLORIDA, FOR THE SUM OF \$78,000, WITHOUT ADMISSION OF LIABILITY; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Chiaro. (12:31 p.m.)

City Attorney Maria Chiaro referred to her memo of February 27, 1996 regarding circumstances surrounding this lawsuit and said that the City's Tort Committee recommended settling this claim for \$78,000.00. The Tort Committee, she explained, consists of the Mayor, City Attorney, City Manager, Finance Director, and a representative of Gallagher Bassett, insurance plan administrator.

Public Input: None. (12:32 p.m.)

MOTION by Sullivan to **APPROVE** Resolution 96-7657 as submitted; seconded by

*Van Arsdale and unanimously carried, all members present and voting.
(MacKenzie-yes, Nocera-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van
Arsdale-yes, Barnett-yes)*

It is noted for the record that at 12:32 p.m. Council returned to Item 21.

RESOLUTION 96-7658.....ITEM 21
A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS FROM THE
POLICE CONFISCATION TRUST FUND FOR THE PURCHASE EQUIPMENT AS
OUTLINED IN MEMORANDUM DATED FEBRUARY 23, 1996, ATTACHED HERETO
AND MADE A PART HEREOF, FOR THE NAPLES POLICE AND EMERGENCY
SERVICES DEPARTMENT; TO ISSUE PURCHASE ORDERS THEREFORE, IN THE
APPROXIMATE AMOUNT OF \$98,574.00; AND PROVIDING AN EFFECTIVE DATE.
Title not read. (12:32 p.m.)

Police Officer Ron Mosher displayed two bicycles used by police, one being the type to be replaced and the other the bicycle proposed in the authorization request. He pointed out the higher quality and road readiness of the more expensive Raleigh bicycle which is specifically designed for police work.

Public Input: None. (12:35 p.m.)

MOTION by Sullivan to ***APPROVE*** Resolution 96-7658 as submitted; seconded by Nocera and unanimously carried, all members present and voting. ((MacKenzie-yes, Nocera-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes)

OPEN PUBLIC INPUT
None. (12:36 p.m.)

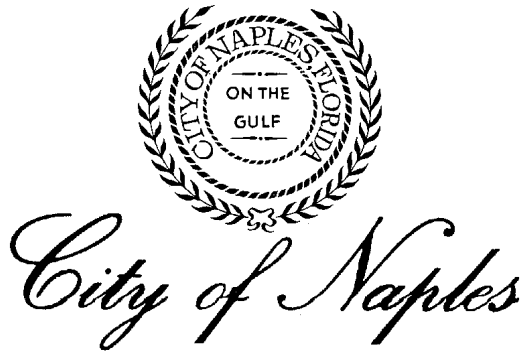
CORRESPONDENCE and COMMUNICATIONS
None. (12:36 p.m.)

ADJOURN.....
12:36 p.m.

Bill Barnett, Mayor

Tara A. Norman
Chief Deputy City Clerk

Prepared by:



Meeting - March 6, 1996

Virginia A. Neet
Deputy City Clerk

Minutes approved: 4/17/96

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City Council Regular Meeting
March 6, 1996
Convened 9:00 a.m. / Adjourned 12:36 p.m.

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BID AWARD FOR EMERGENCY/STANDBY POWER SYSTEM - Item 24	
Superior Power Equip. Co., Ft. Myers, Fla.....	3
BID AWARD FOR LOCAL AREA NETWORK HARDWARE - Item 20	
Computers & Components, Naples, Fla.	2
BID AWARD FOR SUBMERSIBLE PUMP REPLACEMENT - Item 23	
ABS Pumps, Ft. Myers, Fla.....	3
COASTLAND MALL MASTER PLAN - Item 12	
Master Sign Plan	12
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D.N. Higgins and Cross Country Pipe & Rail.....	4

CORRESPONDENCE and COMMUNICATIONS

None	13
EXPAND CONTRACT WITH CHEMLAWN CORPORATION - Item 26	
Weed Control in Flower Beds	6
INVOCATION and PLEDGE OF ALLEGIANCE - Item 1	
Rev. Arthur Holt	2
ITEMS TO BE ADDED - Item 3	
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None	13
ORDINANCE (First Reading) - Item 5	
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ORDINANCE (Tabled) - Item 8	
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ORDINANCE 96-7650 - Item 14	
New Procedures for Coastal Construction Setback Line Variances	4
RESOLUTION (Denied) - Item 10	
Variance Petition 96-V5	9
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Appointment to Public Employees Relations Commission	2
RESOLUTION 96-7648 - Item 22	
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RESOLUTION 96-7649 - Item 13	
Waiver from Distance Requirements - Andre's Steakhouse, Inc.	3
RESOLUTION 96-7651 - Item 16	
Appoint a Committee to Select a Financial Advisor	4
RESOLUTION 96-7652 - Item 25	
Purchase of Naples Twin Lakes Lot #10	5
RESOLUTION 96-7653 - Item 7	
Dredge and Fill Permit Authorization	8
RESOLUTION 96-7654 - Item 9	
Variance Petition 96-V7	9
RESOLUTION 96-7655 - Item 11-a	
Conditional Use Petition 96-CU2	10
RESOLUTION 96-7656 - Item 11-b	
Conditional Use Petition 96-CU3	10
RESOLUTION 96-7657 - Item 17	
Settlement of Stotlar vs. City of Naples	12
RESOLUTION 96-7658 - Item 21	
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All present	1

Attachments (2)

