



City Council Chamber
735 Eighth Street South
Naples, Florida 33940

City Council Regular Meeting - June 5, 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
Missy McKim, Planning Director
Dan Mercer, Utilities Director
Tara Norman, Chief Deputy City Clerk
Terry Fedelem, Construction Project
Coordinator
Dr. Jon Staiger, Natural Resources Mgr.
Flinn Fagg, Planner I
Ann Walker, Planner II
Robert Middleton,
Operations Superintendent.-Utilities
Troy Corbin, Utilities Analyst
Virginia Neet, Deputy City Clerk
George Henderson, Sergeant-at-Arms
Rabbi James H. Perman, D.D.

Werner Haardt
Charles Andrews
Virginia Corkran
Ginger Kip
Pam Watson
Diane Brooks
Joanne Harriss
Other interested citizens and visitors

Media:

Jerry Pugh, Continental Cablevision
David Taylor, Continental Cablevision
Amy Chodroff, WNOG
Steve Hart, Naples Daily News

INVOCATION and PLEDGE OF ALLEGIANCEITEM 1
Rabbi James H. Perman, D.D., Temple Shalom of Naples.

ANNOUNCEMENTSITEM 4
Utilities Department staff were recognized for receiving State Short School certifications. (Attachment 1)

Deputy City Clerk Virginia Neet was recognized for obtaining an Associates in Science Degree in Paralegal Studies.

City Manager Richard Woodruff announced that former Naples High School teacher and coach William "Billy" Bryan had passed away and offered condolences to his family.

A Certificate of Appreciation was presented to City Manager Richard Woodruff in recognition for 5 years of service to the City of Naples.

ITEMS TO BE ADDEDITEM 3
City Manager Richard Woodruff requested that the following items be added to the agenda:
Item 26 - Service Contract for Landscape Architect of Record
Item 27 - Purchase Authorization for Horticultural Truck Scale
Item 28 - (First Reading) Ordinance Adopting Procedures for Special Events Permits
Item 29 - Bid Award for Fireworks

Dr. Woodruff also stated that Item 15 (Purchase of Reconditioned Breaker for Water Treatment Plant) would be deleted from the agenda.

MOTION by Van Arsdale to SET AGENDA, ADD ITEMS 26, 27, 28, 29, and DELETE 15; 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 96-7721..... ITEM 5-a
A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF NAPLES ESTABLISHING AN ASSESSMENT DISTRICT TO PROVIDE CENTRAL SEWER FOR BIG CYPRESS HOMEOWNERS IN THE COUNTRY CLUB OF NAPLES AS REQUIRED IN FLORIDA STATUTES CHAPTER 170; AND PROVIDING AN EFFECTIVE DATE.
Title read by City Attorney Chiaro. (9:08 a.m.)

City Manager Richard Woodruff provided background information relating to the Big Cypress Homeowners' request for central sewer and explained that approval of this resolution would officially create the special assessment district. (A copy of this material is contained in the file for this meeting in the City Clerk's Office.) Dr. Woodruff further explained that this public hearing is required by State law in order to obtain testimony from the affected property owners.

Public Input: None. (9:11 a.m.)

MOTION by Sullivan to APPROVE Resolution 96-7721 as submitted; seconded by Prolman and unanimously carried, all members present and voting. (MacKenzie-yes, Nocera-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes)

RESOLUTION 96-7722.....ITEM 5-b
A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF NAPLES
ESTABLISHING AN ASSESSMENT DISTRICT TO PROVIDE CENTRAL SEWER FOR
TWIN LAKES COMMERCIAL AS REQUIRED IN FLORIDA STATUTES CHAPTER 170;
AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Chiaro. (9:11 a.m.)

City Manager Richard Woodruff referred to his comments relating to Item 5-a above.

Public Input: None. (9:12 a.m.)

MOTION by Van Arsdale to ***APPROVE*** Resolution 96-7722 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)

ORDINANCE (First Reading).....ITEM 6
AN ORDINANCE PROPOSING THE ANNEXATION OF THE WILDERNESS COUNTRY
CLUB AREA, BEING PART OF LOTS 12 THROUGH 22, NAPLES IMPROVEMENT
CO'S. LITTLE FARMS, AS RECORDED IN PLAT BOOK 2, PAGE 2, PUBLIC RECORDS
OF COLLIER COUNTY, FLORIDA, MORE OR LESS; PROVIDING BALLOT
QUESTION, AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Chiaro.
(9:12 a.m.)

City Manager Richard Woodruff explained that the proposed ordinance was a result of a formal annexation request by the Wilderness Country Club's Board of Directors. During subsequent discussions with Wilderness Country Club representatives, staff had presented several programs outlining a service delivery plan and, according to a straw poll conducted by the Board of Directors, 216 of the 300 property owners were in favor of annexation. Referring to consultations with Collier County Supervisor of Elections Mary Morgan, Dr. Woodruff relayed staff's recommendation to place this issue on the November 5, 1996 General Election Ballot.

Public Input: None. (9:16 a.m.)

MOTION by Sullivan to ***APPROVE*** this ordinance on first reading and
INCLUDE THE STATEMENT THAT THE ELECTION WILL BE HELD ON
NOVEMBER 5, 1996 IN ORDER FOR THE WILDERNESS COUNTRY CLUB
VOTERS TO INDICATE THEIR PREFERENCE; *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)

Prior to the vote, Council Member Van Arsdale suggested a policy whereby the City would no longer pay the electricity for street lights on private roads.

RESOLUTION (Denied)ITEM 19
A RESOLUTION APPROVING A PRIVATE VEHICULAR ACCESS EASEMENT TO
SERVE AS THE PRIMARY ACCESS TO A LOT TO BE CREATED BY THE SPLIT OF
THE PROPERTY LOCATED AT 2150 GORDON DRIVE, MORE PARTICULARLY
DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE. Title read by City
Attorney Chiaro. (9:17 a.m.)

Planner Ann Walker explained that the subject 200-foot wide property is located in the Beach Estate

Residential District which requires a minimum lot width of 150 feet. In order to split the property, the petitioner is requesting a 20-foot access easement along the northern edge of the newly formed eastern lot to provide access to the western lot. This would result in a "flag lot", which Ms. Walker explained, is more common in rural areas. She then pointed out that any construction on the western property would be subject to Department of Environmental Protection elevation requirements in addition to requiring a Coastal Construction Setback Line variance. Due to concerns regarding the increased elevation requirements and the proposed flag lot development, staff had recommended denial of the petition.

Speaking on behalf of the property owners, Architect David Humphrey explained that the intent of the petition was to create a family compound with separate ownership of the two lots. Mr. Humphrey contended that the property is large enough to divide without Council approval; however, the proposed configuration was necessary to retain a large Banyan Tree on the property.

Public Input: None. (9:24 a.m.)

MOTION by Sullivan to **DENY** Item 19; seconded by MacKenzie and carried 6-1. (MacKenzie-yes, Nocera-yes, Prolman-yes, Sullivan-yes, Tarrant-no, Van Arsdale-yes, Barnett-yes)

.....ITEM 25
REQUEST FOR A WAIVER FROM THE FIFTH AVENUE SOUTH OVERLAY DISTRICT REGULATIONS IN ORDER TO PERMIT TWO TURRETS ON THE FACADE OF A BUILDING AT 898 FIFTH AVENUE SOUTH TO ENCROACH INTO THE REQUIRED SETBACK.

Planning Director Missy McKim explained that this item involved a request to construct turrets on each corner of a proposed building at U.S. 41 and Fifth Avenue South. Since the turrets would extend the entire height of the building, a waiver was necessary for the second and third stories. Ms. McKim also relayed the Staff Action Committee's recommendation for approval.

Architect Jerry De Gennaro, speaking on behalf of the petitioner, used renderings to describe the proposed structure which, he said, would be a caribbean style building with a 32 ½ foot eve height.

Council Member Van Arsdale pointed out the proposed design suits this corner location; however, Vice Mayor Prolman expressed concern that this would set a precedent on Fifth Avenue.

Public Input: None. (9:32 a.m.)

MOTION by Van Arsdale to **APPROVE THE WAIVER REQUEST AS SUBMITTED**; seconded by Sullivan and carried 6-1. (MacKenzie-no, Nocera-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes)

RESOLUTION 96-7723.....ITEM 8
A RESOLUTION GRANTING VARIANCE PETITION 96-V10, IN ORDER TO PERMIT THE CONSTRUCTION OF A FENCE LIMITED TO SIX FEET IN HEIGHT ABOVE THE GRADE OF THE ADJACENT SIDEWALK, TO BE LOCATED IN THE FRONT YARD SETBACK OF THE PROPERTY AT 61 12TH AVENUE SOUTH, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.
Title read by City Attorney Chiaro. (9:33 a.m.)

City Manager Richard Woodruff explained that, as part of recent improvements to the right-of-way

along 12th Avenue South, the sidewalk was raised one foot above the existing grade. This rendered an existing fence ineffective and the adjacent property owners were requesting a variance to permit a 6-foot fence measured from the grade of the adjacent sidewalk.

Public Input: None. (9:34 a.m.)

MOTION by Sullivan to **APPROVE** Resolution 96-7723 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 96-7724.....ITEM 9
A RESOLUTION GRANTING EASEMENT VACATION 96-EV1, IN ORDER TO PERMIT THE VACATION AND RELOCATION OF DRAINAGE EASEMENTS LOCATED ON LOTS 3 AND 8 OF THE MEWS OF NAPLES, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Chiaro. (9:34 a.m.)

In response to prior Council inquiries, Planner Flinn Fagg confirmed that the drainage easements would be maintained by the homeowners associations.

Public Input: None. (9:35 a.m.)

MOTION by Sullivan to **APPROVE** Resolution 96-7724 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)

(Continued).....ITEM 7
CONSIDER A REQUEST BY CONTINENTAL CABLEVISION TO TRANSFER OWNERSHIP OF THE CABLE TELEVISION SYSTEM IN THE CITY OF NAPLES TO US WEST, INC.

City Manager Richard Woodruff informed Council that this item would be placed on the June 19, 1996 Regular Meeting agenda.

ORDINANCE 96-7725.....ITEM 11
AN ORDINANCE APPROVING TEXT AMENDMENT 96-T5 , AMENDING THE C-4 AIRPORT COMMERCIAL DISTRICT, BY ADDING SECTION 102-601, "MAXIMUM LENGTH OF RUNWAY," TO ESTABLISH THE MAXIMUM RUNWAY LENGTH AT 5,000 FEET; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE. Title read by City Attorney Chiaro. (9:35 a.m.)

City Manager Richard Woodruff referred to the staff report noting that this ordinance had received first reading approval on May 15, 1996.

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

MOTION by Sullivan to **ADOPT** Ordinance 96-7725 as submitted; seconded by Tarrant and carried 6-1. (MacKenzie-yes, Nocera-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-no, Barnett-yes)

ORDINANCE (First Reading).....ITEM 12
AN ORDINANCE AMENDING SECTIONS 66-83(b)(1), "PRETREATMENT OF INDUSTRIAL WASTEWATER," 66-84, "DEFINITION OF INTERFERENCE, MEDICAL

WASTE AND PASS THROUGH," 66-89, (b)(1), (c)(2), (c)(4), ADDING (c)(12), (d) and (l), "RESTRICTED USE OF PUBLIC SEWERS," AND 66-98(g)(2)b., "APPLICATIONS," OF THE CITY OF NAPLES CODE OF ORDINANCES FOR THE PURPOSE OF INCORPORATING RECOMMENDED CHANGES TO THE CITY'S PRETREATMENT PROCESS AS SET FORTH BY ORDINANCE BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE. Title read by City Attorney Chiaro. (9:37 a.m.)

City Manager Richard Woodruff provided Council with additional information relating to fines for contaminating the wastewater system and Utilities Director Dan Mercer confirmed that the current penalties were consistent with those imposed by other Florida municipalities.

Public Input: None. 9:38 a.m.)

MOTION to APPROVE this ordinance on first reading; 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 13
AN ORDINANCE AMENDING SECTION 2-146 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES FOR THE PURPOSE OF ADOPTING A REVISED ORGANIZATIONAL CHART; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE. Title read by City Attorney Chiaro. (9:39 a.m.)**

City Manager Richard Woodruff explained that the proposed ordinance would transfer the responsibilities for sanitation management from the Community Services Department to the Utilities Department.

Council Member Sullivan expressed concern that this reassignment may overly burden the Utilities Department and suggested that it be temporary. Dr. Woodruff concurred and reminded Council that the matter could be reconsidered at a future date.

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

MOTION by Sullivan to APPROVE this ordinance on first reading; 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 96-7726..... ITEM 14-a
A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT, IN A FORM TO BE APPROVED BY THE CITY ATTORNEY, BETWEEN CLODOMIRO I. SIMON AND ADA E. SIMON AND THE CITY OF NAPLES, FOR THE PURCHASE OF GOLDEN GATE ESTATES UNIT 77, NORTH 150 FEET OF TRACT 5, OR BOOK 149, PAGE 2165 (VACANT LOT), AS RECORDED IN COLLIER COUNTY AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Chiaro. (9:42 a.m.)**

City Manager Richard Woodruff provided information regarding the City's present well sites in the coastal region and in Golden Gate. Staff recommended that Council authorize this purchase, along with the properties delineated in related Items 14-b through 14-e, in order to create a safety zone around present well heads and to protect them from surrounding development.

Public Input: None. (9:45 a.m.)

MOTION by Sullivan to **APPROVE** Resolution 96-7726 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 96-7727.....ITEM 14-b
A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT, IN A FORM TO BE APPROVED BY THE CITY ATTORNEY, BETWEEN CAROL S. YATES AND RUSSELL W. BROOKS II AND THE CITY OF NAPLES, FOR THE PURCHASE OF GOLDEN GATE ESTATES UNIT 68, TRACT 121, OR BOOK 1172, PAGE 453 (VACANT LOT), AS RECORDED IN COLLIER COUNTY; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Chiaro. (9:46 a.m.) See related item above.

Public Input: None. (9:46 a.m.)

MOTION by Van Arsdale to **APPROVE** Resolution 96-7727 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 96-7728.....ITEM 14-c
A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT, IN A FORM TO BE APPROVED BY THE CITY ATTORNEY, BETWEEN TRINA H. KLEBBA AND THE CITY OF NAPLES, FOR THE PURCHASE OF GOLDEN GATE ESTATES UNIT 76 SOUTH 75 FEET OF NORTH 150 FEET OF TRACT 135 AS RECORDED IN COLLIER COUNTY; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Chiaro. (9:46 a.m.) See related items above.

Public Input: None. (9:47 a.m.)

MOTION by Van Arsdale to **APPROVE** Resolution 96-7728 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 96-7729.....ITEM 14-d
A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT, IN A FORM TO BE APPROVED BY THE CITY ATTORNEY, BETWEEN JAMES H. BERRY AND THE CITY OF NAPLES, FOR THE PURCHASE OF GOLDEN GATE ESTATES UNIT 68, TRACT 123, OR BOOK 764, PAGE 448 (VACANT LOT), AS RECORDED IN COLLIER COUNTY; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Chiaro. (9:47 a.m.) See related items above.

Public Input: None. (9:47 a.m.)

MOTION by Sullivan to **APPROVE** Resolution 96-7729 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 96-7730.....ITEM 14-e
A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT, IN A FORM TO BE APPROVED BY THE CITY ATTORNEY, BETWEEN RICHARD BERMAN AND THE CITY OF NAPLES, FOR THE PURCHASE OF GOLDEN GATE ESTATES UNIT 71, TRACT 127, OR BOOK 1969, PAGE 2159 (VACANT LOT), AS

RECORDED IN COLLIER COUNTY AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Chiaro. (9:47 a.m.) See related items above.

Public Input: None. (9:48 a.m.)

MOTION by Van Arsdale to ***APPROVE*** Resolution 96-7730 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)

(Deleted from the agenda)ITEM 15
AUTHORIZATION TO PURCHASE A RECONDITIONED BREAKER FOR WATER TREATMENT PLANT.

RESOLUTION 96-7731.....ITEM 16
A RESOLUTION DECLARING THE INTENTION OF THE CITY OF NAPLES TO CREATE A SPECIAL ASSESSMENT DISTRICT FOR THE WEST BOULEVARD UTILITY DISTRICT FOR THE PURPOSE OF PROVIDING A CENTRAL SEWAGE SYSTEM AND A POTABLE WATER SYSTEM; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Chiaro. (9:48 a.m.)

City Manager Richard Woodruff explained that, as promised during the 1995 annexation of West Boulevard, this resolution would commence the process of providing central water and sewer services to all properties in this recently annexed area.

Public Input: None. (9:49 a.m.)

MOTION by Tarrant to ***APPROVE*** Resolution 96-7731 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)

.....ITEM 17
CONSIDER THE PURCHASE OF ELECTRONIC PARKING METERS. Vendors: POM, Inc., Russellville, Arkansas and Mackay Meters, USA, Inc., Orlando, Florida / Total Cost: \$224,734.00 / Funding: Naples Beach Fund Capital Program.

City Manager Richard Woodruff explained that use of the electronic meters would eliminate complaints regarding the turning mechanisms associated with the present parking meters. He pointed out that the new meters are equipped with computer chips which compute the money deposited and only dispense time in exchange for U.S. currency. A model of meter to be purchased was also displayed to Council.

Public Input: None. (9:55 a.m.)

MOTION by Sullivan to ***APPROVE*** Item 17 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 96-7732.....ITEM 18
A RESOLUTION ADOPTING A REVISED NEIGHBORHOOD TRAFFIC MANAGEMENT PROGRAM MANUAL DATED JUNE 1996; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Chiaro. (9:55 a.m.)

City Manager Richard Woodruff provided background information on the Traffic Calming Manual which sets forth a process whereby neighborhood groups can request City assistance in calming traffic on local streets. Since its adoption in 1995, several changes to the manual have been suggested to streamline the process and Dr. Woodruff referred to the staff report to list the proposed principal changes: 1) a citizen petition, the homeowner's association, or the City could initiate a traffic calming program, and 2) a professional panel, comprised of the City Engineer, City Traffic Engineer, City Planner, and the City landscape architect of record, would be responsible for design. (A copy of this material is contained in the file for this meeting in the City Clerk's Office.)

Dr. Woodruff explained that the City could fund a standard or "prototype" traffic calming design, at an estimated cost of \$60.00 per lineal foot; however, the neighborhood should bear the cost of enhancements, such as more expensive landscaping. He further described the budgetary process for funding the prototype design and the procedures by which the property owners would be assessed for more costly designs. Vice Mayor Prolman commented that the same City Planner should be involved in all of the traffic calming programs and Council Member Van Arsdale suggested further discussion regarding the City obligation for traffic calming and whether an overall City streetscape plan should be included.

Public Input: None. (10:04 a.m.)

MOTION by Van Arsdale to ***APPROVE*** Resolution 96-7732 as submitted; seconded by Sullivan and carried 6-1. (MacKenzie-yes, Nocera-yes, Prolman-yes, Sullivan-yes, Tarrant-no, Van Arsdale-yes, Barnett-yes)

Break 10:05 a.m. - 10:18 a.m. It is noted for the record that the same Council Members were present when the meeting reconvened.

RESOLUTION 96-7733.....ITEM 10
A RESOLUTION GRANTING CONDITIONAL USE PETITION 96-CU9, IN ORDER TO
APPROVE AN OFF-SITE PARKING LOT FOR THE OLD NAPLES SEAPORT AT 920
10TH STREET SOUTH, MORE PARTICULARLY DESCRIBED HEREIN; AND
PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Chiaro. (10:18 a.m.)

Thomas Reed, general partner of the Old Naples Seaport, used drawings of the proposed 81-space parking lot to illustrate the design and landscaping plan noting how it would join the existing parking lot. He referred to meetings between the Old Naples Seaport representatives and adjacent property owners stressing that everything possible had been done to mitigate the neighbors' concerns. He also cited past efforts to work with the City regarding the area's drainage problems and pointed out that the additional parking would significantly improved access to the waterfront. Mr. Reed also indicated that he was agreeable to all of the conditions of the conditional use.

Council Member Tarrant relayed citizens concerns about offshore gambling and suggested that approval include an additional prohibition against any use of the parking lot relating to gambling activities. Mr. Reed stated that he would not object to such a condition but noted that it may negatively affect the property's value in the future.

Planning Director Missy McKim referred to the staff report and relayed staff's recommendation for approval contingent upon the conditions contained in the proposed resolution. She noted, however,

that the Planning Advisory Board had recommended denial based upon potential negative impacts to surrounding residential areas. (A copy of this material is contained in the file for this meeting in the City Clerk's Office.) In reviewing the conditions of the conditional use, Ms. McKim specifically noted the increased landscape buffer requirements.

In response to Council Member Sullivan, City Attorney Chiaro made the following clarifications and recommendations: 1) Council could restrict the parking lot's use as it pertains to gambling activities; and 2) if granted, the conditional use should include an expiration date consistent with the term of the property lease and should be contingent upon a continuing valid lease. Council Member Van Arsdale suggested a more consistent treatment for leased land and petitioner-owned land as it relates to conditional uses.

Public Input: (10:57 a.m.)

Virginia Corkran of 213 9th Avenue South (President of the Old Naples Association) stated that overdevelopment along Naples Bay was her association's top concern. She also asked for Council's assurances that gambling related activities would not occur. **Diane Brooks of 2377 Longboat Drive** stated that she owns seven units in the Bayview Condominiums and asked Council to consider the added noise and disturbance this new parking lot would bring to neighboring residents. **Joanne Harriss of 556 12 Avenue South** distributed photographs of the 9th Avenue South residential area and the Old Naples Seaport contending that the proposed parking lot was a textbook case of creeping commercial blight. She also stated that the proposal would create a nuisance and interfere with adjacent residents' quality of life. **Ginger Kip of 975 9th Avenue South** stated that she also lives at Bayview Condominiums and asked Council to consider the peace and quiet of the residents.

Public Input Closed: 11:13 a.m.

In response to Council, Ms. McKim indicated that the proposed parking lot could be managed in a way to minimize late night use. Council Member MacKenzie recommended that nearby right-of-way parking be eliminated if the proposed parking lot is approved; however, Ms. McKim noted that the petitioner had received prior Council approval for this right-of-way parking. Council Member MacKenzie then stated that while she admires the Old Naples Seaport, approval of this petition would place intensive commercial use directly next to residential areas. Council Member Tarrant concurred questioning whether Council had the right to effectively decrease the value of the Bayview Condominiums. Vice Mayor Prolman described the proposed parking lot as an encroachment into the multi-family district and added that the intent of the waterfront district was to avoid commercial intrusion into residential areas. Council Member Van Arsdale observed that this item further confirms the need to develop of meaningful plan for waterfront development.

MOTION by Van Arsdale to APPROVE Resolution 96-7733 AS AMENDED IN PARAGRAPH 7: "THE CONDITIONAL USE PETITION WILL TERMINATE IF THE PARKING LOT IS USED IN CONJUNCTION WITH ANY GAMBLING ACTIVITIES"; seconded by Sullivan and carried 4-3. (MacKenzie-no, Nocera-yes, Prolman-no, Sullivan-yes, Tarrant-no, Van Arsdale-yes, Barnett-yes)

A prior motion by Tarrant to Table Item 10 failed for lack of second.

Prior to the vote, City Manager Richard Woodruff read into the record a letter from Sally

Oberhelman, President of Pier 8, who voice opposition to the petition. (Attachment 1)

CONSENT AGENDA

City Manager Richard Woodruff confirmed that the additional information and clarifications had been provided to Council as requested at the prior Workshop Meeting.

APPROVAL OF MINUTES.....ITEM 20
April 22, 1996 Workshop Meeting; April 29, 1996 Workshop Meeting; May 1, 1996 Regular Meeting (as corrected).

.....**ITEM 21**
CONSIDER A BUDGET AMENDMENT TO FUND PURCHASE OF ADDITIONAL CODE OF ORDINANCE BOOKS.

RESOLUTION 96-7734.....ITEM 22
A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A JOINT PROJECT AGREEMENT BETWEEN THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION AND THE CITY OF NAPLES FOR HIGHWAY LIGHTING ON U.S. 41, WEST OF GOODLETTE-FRANK ROAD TO EAST OF DAVIS BOULEVARD 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 RESTORATION AND RESURFACING OF ROADWAYS IN CONJUNCTION WITH THE AVION PARK SPECIAL ASSESSMENT PROJECT.
Contractor: Bonness, Inc., Naples, Florida / Cost: \$48,318.90 / Funding: Special Assessment District.

.....**ITEM 24**
APPROVAL OF SPECIAL EVENT: N.A.A.C.P. 7th Annual Summer Basketball League 6/1-9/1.

END CONSENT AGENDA

MOTION by Van Arsdale to APPROVE CONSENT AGENDA ITEMS 20 THROUGH 24; 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 96-7735.....ITEM 26
A RESOLUTION RANKING THE TOP THREE FIRMS IN ORDER OF PREFERENCE PROVIDING FOR LANDSCAPE ARCHITECT SERVICES ON AN AS NEEDED BASIS, INCLUDING LANDSCAPE AND HARDSCAPE PLANS, INSPECTION OF PROJECTS AND CONTRACT MANAGEMENT AS REQUIRED, AND ASSIST IN MAJOR THOROUGHFARE LANDSCAPING PROJECTS; AUTHORIZING THE CITY MANAGER TO NEGOTIATE A CONTRACT WITH THE TOP RANKED FIRM FOR SAID SERVICES; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Chiaro. (11:31 a.m.)

City Manager Richard Woodruff referred to the staff report to provide background information regarding the Landscape Architect Selection Committee, which included Council Members

MacKenzie and Van Arsdale, and the selection of the top ranked landscape architect firm, Renfroe & Buckhannan, Landscape Architects. (A copy of this material is contained in the file for this meeting in the City Clerk's Office.)

Construction Project Coordinator Terry Fedelem reviewed the proposed resolution and 3-year agreement noting that the agreement contained only a general description of the services. In response to Council Member Tarrant, Mr. Fedelem also relayed his past work experience and education relating to landscape design, but noted that he was not a landscape architect. Council Member MacKenzie then thanked all of the applicants for the position noting the positive response by the community and the committee members to the idea of a landscape architect of record.

Council Member Van Arsdale asked Council to determine the extent of the scope of services and reiterated his view that the landscape architect of record should be involved with every landscape project undertaken by the City. Council Member MacKenzie, however, took the position that the landscape architect of record should only contribute to the design of larger projects and should be used to critique staff created designs for smaller projects. Mayor Barnett concurred with Mrs. MacKenzie, but noted that Council must define the point where a project becomes large enough to require a professional design. Citing the Crayton Cove landscape design, Vice Mayor Prolman stated that staff generated landscape designs do not always reflect the high quality of the City. She also noted how a professional would also consider an overall continuity to the City's landscape design. Council Member Tarrant, however, opposed the use of paid consultants when capable City staff is available. As a compromise, he recommended that the landscape architect of record be "on call" for City projects at the discretion of the City Manager.

Public Input: None. (11:55 a.m.)

MOTION by Van Arsdale to APPROVE Resolution 96-7735 AUTHORIZING THE STAFF TO NEGOTIATE A CONTRACT WITH THE FIRM OF RENFROE & BUCKHANNAN FOR SERVICES AS A LANDSCAPE ARCHITECT OF RECORD. THE FINAL CONTRACT, WHICH WOULD ALSO DEFINE THE SCOPE OF SERVICES, TO BE BROUGHT BACK TO COUNCIL FOR APPROVAL; *seconded by Nocera and carried 5-2. (MacKenzie-yes, Nocera-yes, Prolman-yes, Sullivan-no, Tarrant-no, Van Arsdale-yes, Barnett-yes)*

It is noted for the record that Mayor Barnett left the meeting at 11:58 a.m.

After the vote, landscape architect Hank Buckhannan thanked Council for selecting Renfroe & Buckhannan and pledged to work diligently with staff to develop unified, cost conscious landscape plans. Council Member Sullivan then commended the expertise of the City staff, specifically, Terry Fedelem.

.....**ITEM 27**
AUTHORIZATION TO PURCHASE AND INSTALL A HORTICULTURAL TRUCK SCALE. Vendor: Metro Scale & Systems, Co., Inc., / Bid Price: \$22,388.00 / Funding: CIP #96P15. (12:05 p.m.)

City Manager Richard Woodruff explained that this scale is used to weigh all horticultural loads brought to the City's horticultural dump site. The present scale is a 1964 model which requires

frequent repairs and does not meet the needs of the City. He also pointed out that the horticultural scale would generate approximately \$300,000.00 per year in revenue.

Public Input: None. (12:06 p.m.)

MOTION by Tarrant to **APPROVE** Item 27 as submitted; seconded by Prolman and carried 6-0. (MacKenzie-yes, Nocera-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Barnett-absent)

ORDINANCE (First Reading).....ITEM 28
AN ORDINANCE AMENDING SECTION 86-208(b)(1) OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES; ADDING SECTIONS 86-208(c)(1) AND (2) AND 86-208(d) TO THE CODE OF ORDINANCES OF THE CITY OF NAPLES, FOR THE PURPOSE OF ADOPTING A PROCEDURE FOR SPECIAL EVENT PERMITS; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.
Title read by City Attorney Chiaro. (12:07 p.m.)

City Manager Richard Woodruff pointed out that language contained in Paragraph (2) (c) had been added since Council's workshop discussions and sets forth the criteria by which a special event permit is granted or denied. (A copy of this material is contained in the file for this meeting in the City Clerk's Office.)

Council Member Tarrant asked Council to consider a provision which would reduce the number of special events in the Old Naples area by 10%. Council Member MacKenzie also observed that the proposed ordinance does not permit denial of a special event application based upon past non-compliance. Recreation Supervisor David Lykins then provided Council with a detailed summary of past special events held in the Old Naples area along with a breakdown of the most highly utilized areas. (A copy of this material is contained in the file for this meeting in the City Clerk's Office.)

Public Input: None. (12:18 p.m.)

MOTION by Van Arsdale to **APPROVE** this ordinance on first reading **AS AMENDED IN SECTION 2, PARA. (2)(c) ADDING PARA. 10 "THE APPLICANT HAD COMPLIED WITH THE TERMS AND CONDITIONS OF ANY PREVIOUSLY GRANTED PERMITS."**; seconded by Sullivan and carried 6-0. (MacKenzie-yes, Nocera-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Barnett-absent)

It was the consensus of Council to schedule workshop discussions regarding a goal of reducing special events within the Old Naples area by 10%.

.....ITEM 29
AWARD OF BID FOR JULY 4, 1996 FIREWORKS DISPLAY. / Vendor: Zambelli Internationale Computer Synchronized Pyro-Musical / Cost: \$20,000.00 / Funding: Donation.
(12:21 p.m.)

City Manager Richard Woodruff stated for the record that the brief fireworks display, conducted prior to the meeting, was donated by the vendor. The purpose of the exhibition, he added, was to illustrate the vendor's expertise and safety measures.

Public Input: None. (12:23 p.m.)

MOTION by Prolman to **APPROVE** Item 29 as submitted; seconded by Van Arsdale and carried 6-0. (MacKenzie-yes, Nocera-yes, Prolman-yes, Sullivan-yes,

Tarrant-yes, Van Arsdale-yes, Barnett-absent)

CORRESPONDENCE and COMMUNICATIONS (12:23 p.m.).....
City Manager Richard Woodruff announced that a reception would be held at the Beach Club Hotel on June 6, 1996 celebrating the conclusion of the beach restoration project.

OPEN PUBLIC INPUT
None. (12:24 p.m.

ADJOURN.....
12:24 p.m.

Bill Barnett, Mayor

Tara A. Norman
Chief Deputy City Clerk

Prepared by:

Virginia A. Neet
Deputy City Clerk

Minutes approved: 8/07/96