



City Council Chamber
735 Eighth Street South
Naples, Florida 33940

City Council Regular Meeting - June 19, 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
Dr. Jon Staiger, Natural Resources Mgr.
Richard Gatti, Dev. Services Director
Don Wirth, Community Services Director
Ann Walker, Planner II
Kevin Rambosk, Chief of Police &
Emergency Services
Bob Middleton, Operations Supr.-Utilities
George Stansbury, Police Sergeant
Karline Samuels, Administrative Assistant
George Henderson, Sergeant-at-Arms
Reverend Dr. Bob Wallace
Virginia Corkran
Joseph P. Maloney

Tony Ridgway
Dr. Patrick Distasio
Henry Watkins
Connie Schafer
Chip Case
Kim Case
Jesse Hinson
Erika Hinson
Nick Long
Tom Trettis
Kathleen Erickson
Ken Fuchs
Other interested citizens and visitors
Media:
Jerry Pugh, Continental Cablevision
Amy Chodroff, WNOG

INVOCATION and PLEDGE OF ALLEGIANCEITEM 1

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

ITEMS TO BE ADDEDITEM 3

The following items were added to the agenda:

Item 28 - Variance Request for Residence on 12th Avenue South (*Requested by City Manager Richard Woodruff*)

Item 29 - Discussion relating to evening youth events scheduled at Lowdermilk Park (*Requested by Mayor Barnett*)

Dr. Woodruff also stated that Item 24 - (Wellfield Eminent Domain Authorization) would be deleted from the agenda; however, a report regarding the issue would be forthcoming.

MOTION by Van Arsdale to SET THE AGENDA and ADD ITEMS 28 AND 29 and DELETE ITEM 24; 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)

ANNOUNCEMENTSITEM 4

Police Sergeant George Stansbury recognized City of Naples school crossing guards Louise Lopez, Robert Lopez, Dorothy McNamara, Ray Gruhn, and Edward Johnson.

Students from Lake Park Elementary School, Gulf View Middle School, and St. Ann School were also recognized as winners of the Blue Thumb Poster Contest for National Drinking Water Week. (Attachment 1)

RESOLUTION 96-7737.....ITEM 5

A RESOLUTION TRANSFERRING THE FRANCHISE OF CONTINENTAL CABLEVISION, INC., TO US WEST, INC.; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Chiaro. (9:09 a.m.)

City Attorney Chiaro recommended the following language for the 12th WHEREAS CLAUSE: "U.S. West has agreed to comply with the provisions of the Naples Cablevision Agreement with Continental Cablevision." City Manager Richard Woodruff further explained that U.S. West's purchase of Continental Cablevision required Council's approval pursuant to the Ordinance and Franchise Agreement.

Ken Fuchs, District Manager for Continental Cablevision, provided Council with an overview of recent trends in the cable television industry and described plans to provide customers with 112 channels by the year 2000. Mr. Fuchs summarized advances made by U.S. West in the fields of high-speed data transmission, telephone communications, and interactive services assuring Council that this transfer of control would not affect rates for existing cablevision services. Additionally, Mr. Fuchs described plans to expand interactive services by using established cable line to provide cable modems and pledged increased stereo television broadcasts by 1998. He also explained that FM radio service, which had been extended as a courtesy to the cable customers since 1992, was discontinued in order to expand video service. Council Member Sullivan commented on the frequency of service interruptions due to lightning; however, Council Member Nocera commended Continental Cablevision's service to the citizens. Council Member Van Arsdale also acknowledged Continental Cablevision's recent \$80,000.00 donation to the City which will be used to enhance presentation capabilities within the Council Chamber.

Public Input: (9:26 a.m.)

Joseph F. Maloney of 562 12th Avenue South objected to the discontinuation of the stereo radio cable service contending that access to quality classical music should be part of Naples' quality of life.

Mr. Fuchs stated that he would research alternative methods to provide classical music to the cablevision customers but reminded Council that this would require a larger market demand than currently demonstrated.

MOTION by Van Arsdale to ***APPROVE*** Resolution 96-7737 (As amended per City Attorney Chiaro's comments above); 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 96-7738.....ITEM 6
A RESOLUTION GRANTING A COASTAL CONSTRUCTION SETBACK LINE VARIANCE TO RECONSTRUCT A SINGLE-FAMILY RESIDENCE ABOVE AN EXISTING FOUNDATION AT 3950 GORDON DRIVE, GULFWARD OF THE COASTAL CONSTRUCTION SETBACK LINE; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Chiaro. (9:38 a.m.)

Natural Resources Manager Jon Staiger provided background information regarding this petition which involves the reconstruction of an existing residence, relocation of a front yard swimming pool, and renovation of an existing garage with guest quarters. The swimming pool and garage, he explained, could be permitted at the staff level provided a portion of the Gordon Drive right-of-way is vacated. Additionally, Dr. Staiger informed Council that the project is exempt from increased Department of Environment Protection elevation standards since the existing foundation meets Federal Emergency Management Agency (FEMA) elevation requirements and will support the proposed reconstruction.

Public Input: None. (9:43 a.m.)

MOTION by Sullivan to ***APPROVE*** Resolution 96-7738 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 96-7739.....ITEM 7
A RESOLUTION GRANTING A COASTAL CONSTRUCTION SETBACK LINE VARIANCE TO RECONSTRUCT A SINGLE-FAMILY RESIDENCE ABOVE AN EXISTING FOUNDATION, TO CONSTRUCT A SPA AND RELOCATE AN IN-GROUND SWIMMING POOL, TO ADD TWO PORCHES OVER PARTS OF THE EXISTING POOL DECK, TO ADD NON-HABITABLE SPACE TO TWO GARAGES, TO ADD HABITABLE SECOND-STORY SPACE ABOVE THE GARAGES, AND TO ADD AN ENTRANCE FOYER AND GALLERY, AT 2750 GORDON DRIVE, GULFWARD OF THE COASTAL CONSTRUCTION SETBACK LINE; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Chiaro. (9:45 a.m.)

City Manager Richard Woodruff referred to the staff report and relayed staff's recommendation to approve the petition subject to the conditions contained in the proposed resolution. (A copy of this material is contained in the file for this meeting in the City Clerk's Office.)

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

MOTION by Sullivan to **APPROVE** Resolution 96-7739 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 96-7740.....ITEM 8

A RESOLUTION APPROVING A WAIVER FROM THE FIFTH AVENUE SOUTH SPECIAL OVERLAY DISTRICT VALET PARKING SIGN REQUIREMENT IN ORDER TO PERMIT TWO VALET PARKING SIGNS TO DELINEATE A 60-FOOT VALET PARKING AREA LOCATED IN THE FRONT OF 625 FIFTH AVENUE SOUTH, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Chiaro. (9:46 a.m.)

Planning Director Missy McKim provided background information regarding this petition explaining that the Staff Action Committee had recommended a portable valet sign at each end of the newly approved 60-foot valet parking area. Council's approval was required since City Code permits only one valet parking sign. Council Member MacKenzie suggested reducing the building's present signage in exchange for the extra valet sign; however, Council Member Van Arsdale reminded Council that this was a SAC-driven request and the signs would be used for limited periods of time. Council Member Tarrant reiterated his objection to the formation and operation of the Staff Action Committee, which he described as an additional layer of bureaucracy, and stated that the additional signage would be excessive.

Public Input: None. (9:52 a.m.)

MOTION by Van Arsdale to **APPROVE** Resolution 96-7740 as submitted; seconded by Prolman and carried 6-1. (MacKenzie-yes, Nocera-yes, Prolman-yes, Sullivan-yes, Tarrant-no, Van Arsdale-yes, Barnett-yes)

RESOLUTION 96-7741.....ITEM 9

A RESOLUTION APPROVING AN EXPANSION TO THE OUTDOOR DINING AREA AND THE ADDITION OF A HANDICAPPED ACCESS RAMP ON LOT 7, BLOCK 6, TIER 3, PLAN OF NAPLES, BEING THE PATIO AREA TO THE WEST OF CHEF'S GARDEN RESTAURANT IN THE NEAPOLITAN BUILDING, 1300 3RD STREET SOUTH; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Chiaro.

(9:54 a.m.)

Planning Director Missy McKim referred to additional information and documentation relating to this item as requested by Council. (A copy of this material is contained in the file for this meeting in the City Clerk's Office.) Vice Mayor Prolman then expressed concern regarding the proposed patio expansion and its possible negative impact upon surrounding residential property.

In response, Brook Swanson (name is spelled phonetically), of Barany, Schmitt, Weaver and Partners, Inc., spoke on behalf of the petitioner stating that approximately 32 feet separated the property line from the closest residential structure.

Council Member MacKenzie contended that when Chef Garden's patio area was rezoned to C1, pursuant to Ordinance 92-6779, it was represented that the adjacent property owners would be personally notified of any future expansion. The fact that the neighbors were not apprised violated

the spirit of this implied covenant between the City and the abutting property owners.

MOTION by MacKenzie to TABLE Item 9 until the first Regular Meeting in August, 1996 in order to allow proper notification to the adjacent property owners; seconded by Tarrant and carried 6-1. (MacKenzie-yes, Nocera-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-no, Barnett-yes)

After the vote, Chef's Garden's co-owner Tony Ridgway maintained that only two adjacent property owners could possibly be affected by the expansion and informed Council that any delay in the approval process could jeopardize the project's October 1, 1996 completion date. After further Council discussion, City Manager Richard Woodruff made the following recommendations: 1) Deny the petition and vote to reconsider; or 2) Approve the petition contingent upon receipt of written approval from the three abutting property owners to the west. In the event that this approval is not received, Council could further review and consider this petition.

MOTION by MacKenzie to RE-OPEN ITEM 9 FOR CONSIDERATION; 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)

Ms. McKim then clarified that the proposed patio expansion would not increase seating and Mr. Ridgway assured Council that although a 6-foot wall would be constructed along the property line, surrounding landscaping would be greatly enhanced. Council Member Van Arsdale took issue with requiring adjacent property owners' approval since it is not mandated by law; however, Council Member MacKenzie read a portion of the October 21, 1992 Regular Meeting Minutes (pertaining to the adoption of Ordinance 92-6779) which, she contended, confirmed the existence of covenants between the petitioner and abutting property owners requiring a public hearing prior to any expansion of this property's commercial use. City Attorney Chiaro responded by clarifying that although the minutes reflect this discussion, it is not a condition of the ordinance as adopted. She also noted that although the abutting property owners were not specifically and individually notified of this petition, the Regular Meeting Agenda, as published, contained the business name and the nature of this request.

MOTION by Van Arsdale to APPROVE Resolution 96-7741 as submitted; seconded by Nocera and carried 5-2 (MacKenzie-no, Nocera-yes, Prolman-yes, Sullivan-yes, Tarrant-no, Van Arsdale-yes, Barnett-yes)

Prior to the vote, Council Member Sullivan pointed out that Section 3 of the proposed resolution would provide sufficient recourse for adjacent residential property owners should the expanded dining area interfere with the use and enjoyment of their properties. Council MacKenzie conceded that Council may be complying with the exact requirements of the law, but reiterated her contention that the City should stand behind the 1992 oral representations since they were an element of Council's considerations when the property was rezoned.

Break 10:23 a.m. to 10:40 a.m. It is noted for the record that the same Council Members were present when the meeting reconvened.

.....ITEM 25
DISCUSSION OF CENTRAL AVENUE TRAFFIC CALMING. (10:40 a.m.)

Planning Director Missy McKim provided Council with background information relating to the Traffic Calming Manual, adopted by Council in 1995, which sets forth the process whereby neighborhood groups may request City assistance in reducing or calming traffic on local streets.

Central Avenue residents, she explained, were the first neighborhood group to utilize this process and have created a street design for Council's review. Additionally, staff-generated design options would be presented. All of the proposals, Ms. McKim added, follow the techniques outlined in the Traffic Calming Manual and address Central Avenue in two sections: Gulf Shore Blvd to Third Street and Third Street to Sixth Street.

Chip Case, Chairman of the Central Avenue Traffic Calming Committee, described Central Avenue as a crucial City street under siege by continually increasing traffic. Factors contributing to this traffic volume, he explained, are decreasing east/west trucks routes, recent Fifth Avenue redevelopment, and the lack of an active speed limit enforcement plan. Mr. Case used overhead transparencies to present Central Avenue's traffic calming design, as developed by the residents, pointing out the proposed bicycle lanes, on-street parking, and clearly defined pedestrian walkways at intersections. (A copy of this material is contained in the file for this meeting in the City Clerk's Office). Mr. Case also relayed that a majority of Central Avenue residents had voted to accept the staff design and commended the contributions of the City's landscape architect of record. Mr. Case reiterated that Central Avenue's traffic situation is critical and urged Council to implement a traffic calming plan as soon as possible.

Development Services Director Richard Gatti presented two Central Avenue street design options, created by City staff, noting how Option #1 would include 14-foot medians, two 10-foot travel lanes, and two 5-foot bicycle lanes. He pointed out that Option #1's projected cost of \$56,000.00 would be the more economical and effective street design between Gulf Shore Blvd. and Third Street since design Option #2 would require relocation of existing gutters increasing this cost to approximately \$155,000.00. (A copy of this material is contained in the file for this meeting in the City Clerk's Office.) Mr. Gatti then described design Options #1 and #2 for the Central Avenue from Third Street to Sixth Street further noting how this segment's projected cost could be reduced to \$90,000.00 by using 12-foot medians and eliminating the "knuckled" intersections. Mr. Gatti explained that the total projected cost of \$145,000.00 for the staff recommended plan was based upon current costs plus 15%.

Landscape architect of record Hank Buckhannan presented his landscape plans relating to the proposed street designs which, he said, would incorporate the use of Royal Palms at 50-foot intervals and shade trees in the medians. He recommended that the Central Avenue medians tie into other street medians in the area and also described proposed crosswalk treatments. Mr. Buckhannan commented that Central Avenue was unique due to the variety of land uses and illustrated how Royal Palms and canopy trees would give the street a more consistent look and soften its overly wide appearance.

Council Member Van Arsdale commented on the distinct street designs for the two sections of Central Avenue and suggested a more cohesive design approach which would continue to Eighth Street. He also indicated that a better street design could have been developed if Mr. Buckhannan had been involved from the beginning.

Referring to the most recent meeting between staff and the Central Avenue Residents, Ms. McKim listed the following options: 1) implement the staff design plan with the landscaping proposed by Mr. Buckhannan; 2) create a boulevard for the entire street; 3) start over by utilizing a professional to design the traffic calming plan, or; 4) do nothing. From these options, Ms. McKim reported, the

majority of residents attending the Central Avenue Traffic Calming Meeting preferred the staff street design.

Public Input: (11:37 a.m.)

Connie Schafer of 25 Sixth Street North contended that the use of canopy trees on Central Avenue contradicted the City's plans for Central Avenue. She referred to her April 18, 1996 letter to Mayor Barnett and attached petition which called for all Fichus trees along Central Avenue to be replaced with Royal Palm trees noting that the City had budgeted this project nearly five years ago. (Attachment 1) She also referred to her letters of June 6 and 8, 1996 relating to on-street parking and other recommendations concerning Central Avenue traffic calming. (Attachment 2) **Erika Hinson of 347 Central Avenue** expressed support for the street design recommended by the staff and reminded Council that traffic on Central Avenue needs to be slowed down. **Jesse Hinson of 347 Central Avenue** said that he was part of the Central Avenue Traffic Calming Design Team and urged Council to approve of the staff's traffic calming plan. **Kim Case of 389 Central Avenue** also expressed support for the staff design and complimented the City's landscape architect's design. She also urged Council to undertake this project as soon as possible.

Public Input Closed:

After further Council discussion, it was determined that the projected cost for the staff design would accommodate standard landscaping and City Manager Richard Woodruff informed Council that the City's current budget allocates \$100,000.00 for the Boulevard Program and \$100,000.00 for traffic calming.

MOTION by Van Arsdale to DIRECT STAFF TO PROCEED WITH THE CONCEPTUAL PLAN AS PRESENTED AND FURTHER INVESTIGATE THE DESIGN BETWEEN 5TH STREET AND 6TH STREET IN A WAY SIMILAR TO THAT BETWEEN GULF SHORE BLVD. AND 3RD STREET. STAFF WILL ALSO INVESTIGATE WAYS TO UNDERGROUND THE UTILITIES AND INSTALL MORE ATTRACTIVE LIGHTING ALONG THE STREET;

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)

Prior to the vote, Council Member Tarrant suggested that the proposed street design be provided to all Central Avenue property owners in order to verify majority approval.

**ORDINANCE 96-7742.....ITEM 14
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. (12:15 p.m.)**

City Manager Richard Woodruff stated that the proposed ordinance contained the revisions requested by Council at first reading on June 5, 1996.

Public Input: (12:17 p.m.)

Virginia Corkran of 213 Ninth Avenue South (President of the Old Naples Association)

referred to the Old Naples Vision Study Report which, she said, called for special event regulation in order to preserve the peace and quiet of residential neighborhoods. She stated that it was the position of The Old Naples Association that special events be oriented toward local interests and also relayed assurances from President Tony Ridgway that the Third Street Association would plan fewer special events in the future. **Dr. Patrick Distasio of 1411 Lyonia Lane (as read into the record by Dr. Woodruff)** "The business association of Fifth Avenue is opposed to limiting events on Fifth Avenue which is their neighborhood. They feel that each neighborhood should be considered separately. If there are too many events in Third Street, there should be a limit there. Fifth Avenue should not be limited because of problems in another neighborhood. If the above is not passed, doesn't the present ordinance state that our events would be still be presented first to SAC (Staff Action Committee)?"

Public Input Closed:

Council Member Tarrant commented that citizens, such as representatives from various neighborhood associations, should have a say in the Special Event approval process. In response, Dr. Woodruff suggested that citizen input could be achieved through future involvement of the Community Services Advisory Board.

MOTION by Van Arsdale to ADOPT Ordinance 96-7742 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 96-7743.....ITEM 15
A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT, IN SUBSTANTIALLY THE FORM ATTACHED HERETO, WITH THE FIRM OF HERBERT/HALBACK, INC., FOR FINALIZATION OF THE CAMBIER PARK MASTER PLAN, TENNIS COMPLEX DESIGN AND SPECIFICATIONS PLUS IRRIGATION AND LANDSCAPE DESIGN; AND PROVIDING AN EFFECTIVE DATE.**
Title read by City Attorney Chiaro. (12:27 p.m.)

City Manager Richard Woodruff referred to the March 18, 1996 Workshop Meeting in which Council directed the Community Services Advisory Board to oversee Cambier Park redevelopment and agreed to use consultant services, if necessary, to implement the Cambier Park Master Plan and tennis court improvements.

Community Services Director Don Wirth relayed the recommendation of the Community Services Advisory Board that Council authorize execution of a contract with Herbert/Halback, Inc. to refine the master plan for Cambier Park facilities, design the Tennis Center, and create an overall landscape plan for the entire park. In reviewing the agreement, Mr. Wirth noted that City staff or the landscape architect of record could assume any of the scope of services during the term of the contract. (A copy of this material is contained in the file for this meeting in the City Clerk's Office.)

Vice Mayor Prolman and Council Member Van Arsdale took the position that Herbert/Halback, Inc. should be responsible for the entire design. Vice Mayor Prolman further suggested the following clarifications to the proposed contract: 1) Change "practice court" to "practice wall" in Task 2.1; 2) Task 1.2 to specify that the revised master plan will be presented to City staff, the Community Services Advisory Board, and Council; 3) The Community Services Advisory Board to be included

in the Tennis Complex workshop per Task 2.1; 4) Task 2.2 to specify that City staff and the Community Services Advisory Board would approve the colors materials and equipment; 5) Task 3.4 to define probable costs in specific time frames.

Public Input: None. (12:56 p.m.)

MOTION by Van Arsdale to **APPROVE** Resolution 96-7743 as submitted; seconded by Sullivan and carried 5-2 (MacKenzie-no, Nocera-yes, Prolman-yes, Sullivan-yes, Tarrant-no, Van Arsdale-yes, Barnett-yes)

After the vote, Council Member Tarrant stated that he would not support this resolution as he was not convinced that the citizens wanted the master plan's proposed tennis court expansion. He also reiterated his objection to using paid professional consultants when City staff is qualified to do the work.

RESOLUTION 96-7744.....ITEM 28

A RESOLUTION GRANTING VARIANCE PETITION 96-V11, 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 71 12TH AVENUE SOUTH, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Chiaro. (12:58 p.m.)

Planning Director Missy McKim informed Council that the property owner had placed a sign on the fence advertising weekly/seasonal rental of a guest house. Since this sign violates City Code, it must be removed.

An individual from the audience (name unknown) spoke on behalf of the petitioner and indicated the that petitioner would remove the sign when notified of the City Code violation.

Public Input: None. (12:55 p.m.)

MOTION by Sullivan to **APPROVE** Resolution 96-7744 **AS AMENDED DEPENDENT UPON THE PETITIONER COMING INTO COMPLIANCE WITH EXISTING CODES**; 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)

Prior to the lunch break, City Manager Richard Woodruff provided Council with Planning Advisory Board attendance records, a copy of which is contained in the file for this meeting in the City Clerk's Office.

Break 12:55 p.m. to 2:04 p.m. It is noted for the record that the same Council Members were present when the meeting reconvened.

RESOLUTION 96-7745.....ITEM 10

A RESOLUTION OF THE MAYOR AND CITY COUNCIL ESTABLISHING AUGUST 7, 1996, AT 9:15 A.M. AS THE TIME, AND THE CITY COUNCIL CHAMBER, 735 EIGHTH STREET SOUTH, NAPLES, FLORIDA, AS THE PLACE, FOR RECEIVING COMMENTS FROM ALL INTERESTED PARTIES RELATIVE TO THE PROPRIETY AND ADVISABILITY OF MAKING CENTRAL WATER AND SEWER IMPROVEMENTS IN

THE WEST BOULEVARD UTILITY DISTRICT; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Woodruff. (2:04 p.m.)

City Manager Richard Woodruff stated that this was one of four resolutions required to establish a special assessment district and relayed staff's recommendation for approval.

Public Input: None. (2:05 p.m.)

MOTION by Tarrant to ***APPROVE*** Resolution 96-7745 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)

ORDINANCE 96-7746.....ITEM 11
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 FOR A REFERENDUM ON SAID ANNEXATION ON NOVEMBER 5, 1996; PROVIDING A BALLOT QUESTION; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Richard Woodruff. (2:05 p.m.)

City Manager Richard Woodruff stated that this proposed ordinance had received first reading approval on June 5, 1996 and relayed staff's recommendation for adoption.

Public Input: None. (2:06 p.m.)

MOTION by Sullivan to ***ADOPT*** Ordinance 96-7746 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)

ORDINANCE 96-7747.....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 Manager Richard Woodruff. (2:06 p.m.)

City Manager Richard Woodruff stated that this proposed ordinance had received first reading approval on June 5, 1996 and relayed staff's recommendation for adoption.

Public Input: None. (2:07 p.m.)

MOTION by Sullivan to ***ADOPT*** Ordinance 96-7747 as submitted; 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)

ORDINANCE 96-7748.....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. (2:07 p.m.)

As requested by Council, City Manager Richard Woodruff distributed copies of the organizational chart which identified the employees currently holding each of the positions. (A copy of this material is contained in the file for this meeting in the City Clerk's Office.) Dr. Woodruff also noted that no decision had been reached regarding present vacancies in the Water Distribution/Wastewater Collection.

Public Input: None. (2:08 p.m.)

MOTION by Van Arsdale to ADOPT Ordinance 96-7748 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)

At this point in the meeting, Mayor Barnett referred to Council's request at the prior Workshop Meeting to remove Items 17 and 18-c from the Consent Agenda for separate discussion.

RESOLUTION 96-7749.....ITEM 17
A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF NAPLES AND OTHER FLORIDA COUNTIES AND MUNICIPALITIES, AND THE FLORIDA DIVISION OF EMERGENCY MANAGEMENT, IN SUBSTANTIALLY THE FORM ATTACHED HERETO, FOR CATASTROPHIC EMERGENCY RESPONSE/RECOVERY MUTUAL AID RESULTING FROM NATURAL OR TECHNOLOGICAL DISASTERS; AND PROVIDING AN EFFECTIVE DATE.

Council Member MacKenzie pointed out that the Mutual Aid Agreement failed to specify how fee disputes between the requesting party and the assisting party would be resolved and requested clarification.

Public Input: None. (2:10 p.m.)

MOTION by Sullivan to APPROVE Resolution 96-7749 AS AMENDED CONDITIONED UPON RECEPTION OF AN EXPLANATION OF THE POINT OF QUESTION; 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)

.....18-c
APPROVAL OF SPECIAL EVENT: Firecracker Fest 7/6 and 7/7/96

Council Member Sullivan expressed concern regarding the City's \$1,000.00 co-sponsorship since a prominent component of this celebration would be the sale of beer. He stated, for the record, that he would not object to the event if it were without the sale of liquor; however, he believed that co-sponsorship where beer is sold would send the wrong message to the City's youth. Council Member Tarrant concurred; options regarding approval with or without co-sponsorship were then discussed. It was also noted that Council had previously approved special events where alcoholic beverages were sold.

Public Input: None. (2:16 p.m.)

MOTION by Prolman to APPROVE ITEM 18-c WITH THE STIPULATION THAT THE CITY WILL NOT CO-SPONSOR THE EVENT IF ALCOHOL IS SOLD; 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)

Prior to the vote, Council also discussed the possibility of establishing a future policy wherein the City would not co-sponsor a special event which includes the sale of alcohol.

CONSENT AGENDA

APPROVAL OF MINUTES.....ITEM 16

May 13, 1996 Workshop Meeting; May 15, 1996 Regular Meeting.

.....ITEM 18

APPROVAL OF THE FOLLOWING SPECIAL EVENTS:

18-a - 4th of July Parade - 7/4/96

18-b - Fireworks Display - 7/4/96

.....ITEM 19

AUTHORIZE ISSUANCE OF A PURCHASE ORDER FOR COMPLETION OF A 160 FOOT DRIVEWAY IN CONJUNCTION WITH THE COASTAL RIDGE EMERGENCY GENERATOR RELOCATION PROJECT. Vendor: Sunshine Excavators, Inc., Naples, Florida/ Cost: \$9,470.50 / Funding: CIP Project 95K12.

.....ITEM 20

AUTHORIZE ISSUANCE OF A PURCHASE ORDER FOR CONSTRUCTION OF AN UNDERGROUND STORMWATER RETENTION SYSTEM FOR THE RIVER PARK/GEORGE WASHINGTON CARVER APARTMENT COMPLEX. Contractor: D.N. Higgins, Naples, Florida / Cost: \$69,523.00 / Funding: Federal grant.

.....ITEM 21

AWARD OF BID FOR TRIPLEX CONTROL PANEL FOR SOLANA ROAD MASTER PUMP LIFT STATION. Vendor: Electric Specialties, Orlando, Florida / Cost: \$16,381.00 / Funding: CIP Project 96X03.

RESOLUTION 96-7750.....ITEM 22

A RESOLUTION RESCHEDULING THE JULY 3, and JULY 17, 1996, REGULAR CITY COUNCIL MEETINGS TO AUGUST 7, 1996; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 96-7751.....ITEM 23

A RESOLUTION AUTHORIZING DONALD J. WIRTH, COMMUNITY SERVICES DIRECTOR, TO PARTICIPATE IN THE DEFERRED COMPENSATION PLAN THROUGH THE INTERNATIONAL CITY MANAGEMENT ASSOCIATION RETIREMENT CORPORATION; PROVIDING THAT HE SHALL BE EXEMPTED FROM PARTICIPATING IN THE RETIREMENT SYSTEM OF THE CITY; AND PROVIDING AN EFFECTIVE DATE. Title not read.

END CONSENT AGENDA

MOTION by Van Arsdale to APPROVE CONSENT AGENDA ITEMS 16, 18-a, 18-b, 19, 20, 21, 22, and 23 (Consent Agenda Items 17 and 18-c were previously considered separately); 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 (Deleted from the agenda)ITEM 24
A RESOLUTION DETERMINING THE NECESSITY TO OBTAIN PROPERTY FOR THE
PURPOSE OF PROTECTING THE QUALITY OF GROUNDWATER USED FOR
DRINKING WATER AND DIRECTING THE CONDEMNATION OF THE NECESSARY
PROPERTY REQUIRED FOR WELLHEAD PROTECTION; AND PROVIDING AN
EFFECTIVE DATE.

.....**ITEM 26**
AWARD OF BID FOR PHASE I WATER, SEWER, AND DRAINAGE IMPROVEMENTS
IN THE WEST BOULEVARD AREA. Contractor: Cross Country Pipe & Rail, Inc., Naples,
Florida / Cost: \$153,283.00 / Funding: Storm Water Utility Fund, Special Assessment District, and
Gas Tax Revenue.

City Manager Richard Woodruff noted that Cross Country Pipe & Rail, Inc. had submitted the low
bid and relayed staff's recommendation for approval. He also confirmed the company's satisfactory
work record and that the contract would contain a penalty clause.

Public Input: None. (2:20 p.m.)

MOTION by Van Arsdale to APPROVE Item 26 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 96-7752.....ITEM 27
A RESOLUTION SUPPORTING AND URGING SWIFT PASSAGE OF "THE SHORE
PROTECTION ACT OF 1996;" AND PROVIDING AN EFFECTIVE DATE. Title read by
City Attorney Chiaro. (2:20 p.m.)

City Manager Richard Woodruff referred to the staff report and relayed staff's recommendation for
approval.

Public Input: None. (2:20 p.m.)

MOTION by Sullivan to APPROVE Resolution 96-7752 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 29**
DISCUSSION RELATING TO EVENING YOUTH EVENTS SCHEDULED AT
LOWDERMILK PARK. (Requested by Mayor Barnett) (2:21 p.m.)

Mayor Barnett referred to recent newspaper reports and citizen input relating to the summer youth
events scheduled at Lowdermilk Park and proposed rotating them among other City and possibly
County park facilities. The event scheduled for Friday, June 21, 1996 (6:00 p.m. - 8:30 p.m.) would
be held at Lowdermilk Park as advertised; however, locations of future events would be determined.

Council Member Nocera indicated that he would be agreeable to rotating the locations but noted that
the beach at Lowdermilk Park would draw more attendance. Mayor Barnett, however, stated that
the planned skateboarding activities were the main attraction and Council Member Sullivan added

that Lowdermilk Park had neither the space nor the proper lighting for these activities. Council Member MacKenzie also noted the potential hazard of the night swimming at Lowdermilk Park. City Manager Richard Woodruff clarified that it was not staff's intent to utilize only one facility for these events and concurred that County parks should be included since a majority of the young people attending these events would be County residents.

Chief of Police & Emergency Services Kevin Rambosk explained that the proposed youth events targeted 13 to 17 year olds and stemmed from increasing complaints from beachfront residents relating to groups of young adults gathering at the beach access points. Part of the problem, Chief Rambosk explained, is the lack of structured activities to offer the area's teenagers. In response to Council, Chief Rambosk estimated that as many as 200 young adults would attend these events but noted that his department would closely monitor the activities and intervene if necessary.

Council Member Van Arsdale commented that a single location would avoid confusion and also cautioned against over-structuring the new program. He further noted that extended park hours may be necessary to accommodate the planned activities. Dr. Woodruff; however, cautioned against extending Lowdermilk's hours of operation since it is located a residential neighborhood and reasoned that rotation may provide more variety to the activities. Council Member Tarrant, however, observed that changing locations for every event may be impractical.

Council Member Sullivan expressed concern about moving too quickly with this program since very important details, such as the City's liability relating to the skateboarding activities, may be overlooked. He noted that neither Council nor the affected homeowners' association were notified of these events until the last moment and criticized the staff for their lack of communication. Fleischmann Park, not Lowdermilk Park, he contended, was the appropriate location for these activities.

Public Input: (2:37 p.m.)

Nick Long of Coquina Sands Property Owners' Association stated that eight of the City's homeowners' association presidents had voiced support for a site-specific youth program structured to help both City and County youth, with an emphasis on City children. He stressed that the County should be involved in the programs as well. Mr. Long referred to his prior involvement in successful youth programs and suggested designating suitable City parks as site specific for particular youth activities. Fleischmann Park for skateboarding activities, Lowdermilk Park for volleyball tournaments, and the City dock and fishing pier for fishing and boating activities. He reiterated that the County also has a responsibility in these programs and recommended that Clam Pass and Lake Avalon also be considered.

It is noted for the record that Vice Mayor Prolman left the meeting at 2:44 p.m.

Tom Trettis of Aqualane Shores asserted that the planned youth programs do not address City needs or the issue of young adults with no place to go. City government, he added, is not the "nanny" for the community's children and he suggested limited, scaled down programs since it is the parents responsibility to keep their children active. **Erika Hinson of 347 Central Avenue** stated that there is a large population of young adults in the City and urged Council not to let these much needed programs fall by the wayside. **Kathleen Erickson of 1377 11th Court North** chose not to

Speak when called.

Public Input Closed:

Dr. Woodruff publicly apologized to the Coquina Sands Homeowners's Association and assured Council that neither he nor the City staff had intended to keep anyone uninformed. He reiterated his position that these activities should take place at different parks sites so as not to overly burden Coquina Sands residents. Council Member Van Arsdale expressed support for the program and commended the efforts of the Police & Emergency Services Department. He also reiterated his position that the programs could fail if over managed. Council Tarrant also commended Council Member Nocera's efforts regarding this program.

MOTION by Sullivan TO IMPLEMENT MAYOR BARNETT'S ROTATIONAL PLAN (to be developed) AND ALLOW THE POLICE & EMERGENCY SERVICES DEPARTMENT TO LOOK FURTHER INTO A SITE SPECIFIC PROGRAM(S) WITH THAT PLAN TO BE IMPLEMENTED BEGINNING FRIDAY, JUNE 21, 1996; seconded by MacKenzie and carried 6-0. (MacKenzie-yes, Nocera-yes, Prolman-absent, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes)

Before the vote, Council further discussed extending park hours to accommodate the events; however, Dr. Woodruff recommended retaining the park's normal hours of operation. Mayor Barnett also pointed out that Lowdermilk Park has limited lighting.

CORRESPONDENCE and COMMUNICATION

In response to prior Council inquiries, City Manager Richard Woodruff verified that Fred Halback, Virginia Corless, and John Falk, of Herbert/Halback, Inc., would be the project team relating to Cambier Park Master Plan finalization.

OPEN PUBLIC INPUT

None.

ADJOURN.....

3:03 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

