



City Council Chamber
735 Eighth Street South
Naples, Florida 33940

City Council Regular Meeting - September 4, 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
Missy McKim, Planning Director
Dan Mercer, Utilities Director
Dr. Jon Staiger, Natural Resources Mgr.
Ann Walker, Planner II
Flinn Fagg, Planner I
Troy Corbin Utilities Analyst
Ralph LaCivita, Comptroller
Bob Middleton, Operations Superintendent
Louanne Melone-Fischer, Tennis Supr.
Phil Buck, Parks Superintendent
Virginia Neet, Deputy City Clerk
George Henderson, Sergeant-at-Arms
Charles Andrews
Robert Iamurri

Tom Taylor
Charles Andrews
Henry Watkins
Tony Pires
Michael Fernandez
Kim Patrick Kobza
Dudley Goodlette
John Dyehouse
Tom Taylor

See also Supplemental Attendance List
(Attachment 1)

Media:

Amy Chodroff, WNOG
David Taylor, Continental Cablevision
Rob Low, TV 20

INVOCATION and PLEDGE OF ALLEGIANCEITEM 1

Council Member Fred L. Sullivan

ANNOUNCEMENTS (9:03 a.m.)ITEM 4

Mayor Barnett announced that WNOG news reporter Amy Chodroff would be relocating to Tampa and presented her with a plaque on behalf of the City of Naples.

Mayor Barnett read a proclamation recognizing the Naples Senior League Braves girl's softball team for their 8th consecutive year as World Series Champions and presented each team member with a key to the City. (Attachment 2)

City Manager Richard Woodruff commended Department of Environmental Protection representatives for their assistance in securing State Revolving Loan Funds for the \$25 million Wastewater Treatment Plant expansion project. Dr. Woodruff pointed out how this loan's low 2.65% interest rate would result in substantial interest savings for the City and recognized the prior City Council, specifically former Council Member Alan Korest, for their efforts in procuring this State loan package. He also commended Assistant City Manager William Harrison, Utilities Director Dan Mercer, Operations Superintendent Bob Middleton, Comptroller Ralph LaCivita, and Utilities Analyst Troy Corbin for their assistance. Consultants with the Firm of Hole-Montes & Associates were also introduced to Council and recognized for their contributions. Tom Taylor, of Hole-Montes, then presented Council with a replica of the check to the City in the amount of \$25,887,808.00.

ITEMS TO BE ADDED (9:24 a.m.)ITEM 3

City Manager Richard Woodruff requested that the following item be added to the agenda:

Item 9-b Consider Approval of Funding Option for Phase I Redevelopment of Cambier Park

Item 31 Consider a Waiver from the Fifth Avenue South Special Overlay District

Item 32 Consider Re-appointment to the Board of Trustees of the Firemens' Retirement Trust Fund

Item 33 Consider Re-appointment to the Board of Trustees of the Police Officers' Retirement Trust Fund

***MOTION by Van Arsdale to SET AGENDA and ADD ITEMS 9-b, 31, 32, and 33;
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)***

It is noted for the record that the agenda that Council re-opened the agenda later in the meeting in order to add Items 34 and 35.

RESOLUTION (Denied) ITEM 5-a

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A DEVELOPMENT AGREEMENT WITH NAPLES DEVELOPMENT COMPANY, A FLORIDA CORPORATION, ATTACHED HERETO AS EXHIBIT "A", FOR A 5.22 ACRE PARCEL OF PROPERTY LOCATED ON THE NORTH SIDE OF DAVIS BOULEVARD IMMEDIATELY EAST OF THE CITY LIMITS, MORE PARTICULARLY DESCRIBED HEREIN, SUBSEQUENT TO ITS ANNEXATION INTO THE MUNICIPAL LIMITS OF THE CITY OF NAPLES; AND PROVIDING AN EFFECTIVE DATE. Title read by City

Attorney Chiaro. (9:26 a.m.)

Michael Fernandez, representing the petitioner, stated that this was an opportunity for the City to gain benefits of annexation plus a measure of control over potential uses for this site. The property, currently within Collier County's C-4 Commercial Zoning District, could accommodate such uses as lumber yards and night clubs with buildings as high as 100 feet. The primary reason for requesting annexation, Mr. Fernandez explained, was to provide for future partitioning of the property, the financial benefits of which would be reinvested into the site. Mr. Fernandez then outlined the proposal for a marina and accessory uses which, he stated, are currently permitted uses within the County and assured Council that it would be a quiet, well-buffered project offset from the road. It was also noted that vessels would be placed in the water via fork-lift and Mr. Fernandez stressed that the City would have the ability to require General Development Site Plan approval for any development inconsistent with this proposal. In his presentation, Mr. Fernandez represented that: 1) landscape buffering would exceed both City and County standards; 2) Planning Advisory Board and staff concerns had been addressed; and, 3) the project would comply with the City's signage limitations. He requested, however, that the marina share signage with the front parcel. Details regarding canal-side landscaping and limited hours of operations were also presented to Council.

In response to Council, Mr. Fernandez stated that the petition, as presented, did not provide for G.D.S.P. approval since sufficient information had already been provided to staff and this process would delay construction. Planning Director Missy McKim relayed staff's recommendation for denial explaining that, if submitted for G.D.S.P. approval at this time, the project would not meet City design standards. (A copy of the staff report referred to by Ms. McKim is contained in the file for this meeting in the City Clerk's Office.)

Mayor Barnett commented that since the petitioner is the one requesting annexation, the project should comply with City requirements and standards. The proposed building height and dimensions were then discussed and Council Member MacKenzie observed that the property's west-only egress would require a U-turn on Davis Boulevard to travel eastward. This, she added, could be particularly difficult for a car towing a boat. Council Member Tarrant took the position that this project could be an environmental disaster and devalue neighboring properties. He then stressed the need for additional research and noted that, unlike opponents to the Sabal Bay proposal, these affected property owners do not have the resources to stop this marina on their own.

In response to Council, Ms. McKim confirmed that only administrative approval would be required if this project was petitioned to Collier County and referred to the staff report to distinguish City and County set-back, lot width, lot-area, and height requirements. (Already referred to as on file.) Council Member Van Arsdale reminded Council that denial of this petition would not stop the marina since it could be built anyway under less stringent, County standards. Council Member Sullivan reasoned that this proposal should be viewed in conjunction with projected overall development in the area including the bridge reconstruction and the Harbortowne development. He also commented that the City would be in a better position to enforce laws governing this type of use. In response to Vice Mayor Prolman, Mr. Fernandez indicated that the petitioner would agree to a 35-foot height restriction in the event a use other than this marina is built.

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

Attorney J. Dudley Goodlette, of Goodlette, Coleman & Johnson - 4001 North Tamiami Trail,

stated that he represented Brookside Subdivision residents opposing this petition and concurred with staff's recommendation to require G.D.S.P. approval. He then read portions of the Collier County Development Code contending that the proposed project failed to meet County criteria relating to access, parking, and environmental concerns and further noted that this property may be considered a "protected site" under the Collier County Manatee Protection Ordinance. Attorney Goodlette recommended additional research into these issues and informed Council of a standard established by the Board of County Commissioners which requires all boat motor testing to take place in water.

In response to Attorney Goodlette, Dr. Woodruff informed Council that since this property is located on a State road, neither the City or County could mandate additional access points. Natural Resources Manager Jon Staiger also explained that if the canal was dredged to a depth of over 4 feet, the County's Manatee Protection Ordinance would not affect the project. Mr. Fernandez then verified that the property owner had applied for a dredging permit.

Susan Bartholf of 1840 Holiday Lane (Vice President of the Brookside Homeowners' Association) contended that the canal's width would not accommodate projected boat traffic and informed Council that several manatees had been spotted in this area. She also relayed concerns regarding land erosion. **John Riley of 1850 Harbor Place** stated that he was concerned about mangrove protection and potential removal. **Frank Perrucci of 1848 Harbor Place** asked the Council Members if they would accept a marina in their back yard and asserted that this dead-end canal would not accommodate a second commercial marina. He also expressed concerns regarding impacts to an adjacent mangrove preserve and potential noise from the marine related equipment. Mr. Perrucci then cautioned Council that marinas never stop growing. **Nancy Keppel of 1792 Holiday Lane** stated that this canal is currently a very quiet and serene area and asked Council not to locate a marina on this site. She also recommended that construction in this area be delayed until after the bridge reconstruction. **Sewell Corkran of 213 Ninth Avenue South** distributed his statement to Council and stated that this was an issue of water quality, not aesthetics. (A copy of this material is contained in the file for this meeting in the City Clerk's Office.) He contended that 240 boats in the Rock Creek area was the equivalent of 3,000 vessels in Naples Bay and stressed that the City had an obligation to this community to fight against having this marina in any shape and form.

Public Input Closed: (10:41 a.m.)

In response to Council, Ms. McKim explained that the County's Comprehensive Plan was more general than the City's and did not address this waterfront area.

MOTION by Tarrant to DENY ITEM 5; seconded by Sullivan and carried 6-1, all members present and voting. (MacKenzie-yes, Nocera-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-no, Barnett-yes)

ORDINANCE (First Reading)..... ITEM 5-a
AN ORDINANCE AUTHORIZING THE ANNEXATION OF A 5.22 ACRE PARCEL OF PROPERTY LOCATED ON THE NORTH SIDE OF DAVIS BOULEVARD IMMEDIATELY EAST OF THE CITY LIMITS, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION, AND AN EFFECTIVE DATE. Pursuant to denial of Item 5-a, this item was not considered.

RESOLUTION (Continued).....ITEM 10
A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A DEVELOPMENT AGREEMENT, A COPY OF WHICH IS ATTACHED HERETO, WHICH ESTABLISHES THE DEVELOPMENT RIGHTS FOR A 2.54 ACRE PARCEL LOCATED WITHIN THE WILDERNESS PUD, MORE PARTICULARLY DESCRIBED HEREIN, AND PROVIDING AN EFFECTIVE DATE. Title not read. (See related item below.)

ORDINANCE (Continued).....ITEM 10
AN ORDINANCE AUTHORIZING THE ANNEXATION OF A 2.54 ACRE PARCEL LOCATED WITHIN THE WILDERNESS PUD, IMMEDIATELY EAST OF THE CITY LIMITS AND MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE. Title not read. (See related item above.)

Mayor Barnett read a letter from Attorney Joseph Locker, Jr. into the record stating that TelTrust Group, Inc. would be withdrawing this item from the agenda. (Attachment 3)

Public Input: (10:49 a.m.)

James Ricca of 104 Wilderness Drive addressed Council to state that he and many of the Wilderness property owners would also object to a four-story hotel.

In response to Council, Planning Director Missy McKim relayed discussions with the petitioner regarding possible building heights and City Manager Richard Woodruff commented on prior Council actions approving hotels with a height of 50-55 feet. Council Member Van Arsdale requested more research into what the County would permit in the event this petition comes before Council.

MOTION by Van Arsdale to ***CONTINUE ITEM 10***; seconded by Nocera and carried 7-0, all members present and voting. (MacKenzie-yes, Nocera-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes)

Break 10:53 a.m. - 11:05 a.m. It is noted for the record that the same Council Members were present when the meeting reconvened.

RESOLUTION 96-7794.....ITEM 31
A RESOLUTION GRANTING A WAIVER FROM SECTIONS 102-1095(b)(1-a), 102-2095(b)(1-b) AND 102-1095(e)(8) OF THE FIFTH AVENUE SOUTH SPECIAL OVERLAY DISTRICT CODE, AND GRANTING APPROVAL FOR A BALCONY TO EXTEND EIGHT FEET INTO THE PUBLIC RIGHT-OF-WAY, IN ORDER TO PERMIT THE REDEVELOPMENT OF THE BUILDING AT 797 5TH AVENUE SOUTH, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Chiaro. (11:05 a.m.)

Petitioner's agent John Dyehouse, AIA, responded to Council inquiries and clarified that there would be four fireplaces on the second floor if this floor is developed as residential units. No fireplaces, however, would be installed if this floor is utilized as office space. Vice Mayor Prolman stated that she did not object to this waiver request but cautioned against relaxing these standards solely to

accommodate development.

Public Input: None. (11:09 a.m.)

MOTION by Van Arsdale to ***APPROVE*** Resolution 96-7794 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 (First Reading).....ITEM 6
AN ORDINANCE GRANTING REZONE PETITIONER 96-R5, IN ORDER TO REZONE THE PROPERTY AT 4075 9TH STREET NORTH FROM "HC," HIGHWAY COMMERCIAL, TO "PD," PLANNED DEVELOPMENT; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Chiaro. (11:10 a.m.)

Speaking on behalf of the petitioner, Steve Dubbs of CMS Lodging, L.L.C. provided an overview of this proposal to build a Marriott Residence Inn. Additionally, he provided background information regarding C.S.M. Lodging, L.L.C. and assured Council that this quality hotel would be built for the long term. Referring to the proposed design, Mr. Dubbs noted significant modifications from the Marriott Hotel prototype to better reflect Naples unique character and outlined the proposed hotel amenities. (A copy of the material referenced by Mr. Dubbs is contained in the file for this meeting in the City Clerk's Office.)

C.S.M. Lodging, L.L.C. Project Manager Evan Casey then used elevations and site plans to illustrate the project's proximity to adjacent residential properties and the proposed 12-foot buffer zone. He stated that the impact of this three-story hotel would be reduced by increased front setbacks and noted that the proposed one space per quest unit parking plan would allow additional landscaping. If necessary, he added, the site could accommodate the 146 parking spaces as required by City Code. Mr. Casey then detailed architectural designs and indicated that the petitioner would agree to the staff's recommendations. (A copy of this material is contained in the file for this meeting in the City Clerk's Office.)

In response to Council, Mr. Casey relayed discussions with the adjacent commercial property owners about a connection between the two parking lots and Council Member Van Arsdale suggested that this be a requirement of approval. Planner Flinn Fagg, however, pointed out that a link between these parking lots was listed as a remedy in the Parking Needs Analysis. Further Council discussion focused on proposed exterior lighting and Mr. Casey indicated that the petitioner would comply with the City's recommendations provided the lighting is adequate and safe.

Public Input: None. (11:26 a.m.)

MOTION by Van Arsdale to ***APPROVE*** this ordinance at first reading; 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 96-7795.....ITEM 7
A RESOLUTION APPROVING STREET VACATION PETITION 96-SV1, VACATING A PORTION OF THE RIGHT-OF-WAY ON THE WEST SIDE OF GORDON DRIVE BETWEEN 3900 AND 3960 GORDON DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO THE CONDITIONS SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Chiaro. (11:26 a.m.)

Cliff Barksdale, of A. Vernon Allen Builders, Inc., stated that he was speaking on behalf of the petitioner Ruth Carney and property owners Thomas and Jean Ostertag. Mr. Barksdale provided background information regarding this Gordon Drive right-of-way which, he stated, had been adjusted numerous times since the 1950's. Using overhead transparencies, Mr. Barksdale noted the right-of-way's varying widths and explained that Mrs. Carney was requesting this vacation in order that it align with the existing right-of-way west of Gordon Drive. Mr. Barksdale also explained that Mrs. Carney would donate a portion of her property on the east side of Gordon Drive to eliminate the present 41-foot constriction of the right-of-way and the roadway's encroachment onto private property.

City Manager Richard Woodruff also used graphics to illustrate the location of the subject right-of-way and provided additional information relating to prior vacations. (A copy of this material is contained in the file for this meeting in the City Clerk's Office.)

Public Input: (11:38 a.m.)

Attorney Kim Patrick Kobza of 4001 North Tamiami Trail stated that he represented the owners of 3970 Gordon Drive located directly south of the property to be vacated. Attorney Kobza relayed his clients objection to this petition which, he explained, would substantially expand the building envelopes for the Carney and Ostertag properties west of Gordon Drive. He also reminded Council that this vacation would relinquish nearly 20,000 square feet of open-space and was precipitated by the Ostertag's variance petition. Attorney Kobza then relayed concerns regarding the potential visual impact of the proposed construction on the Ostertag property since this vacation would move the building envelope 60 feet closer to the road. (A copy of the material, maps, and photographs referenced by Attorney Kobza are contained in the file for this meeting in the City Clerk's Office.) The Council, he stressed, should review the proposed Ostertag site plan prior to vacating this right-of-way and also limit the project to that submitted with the variance petition. **Daniel Nester of 3961 Gordon Drive** stated that he opposed the variance request since the proposed two-story construction would obstruct his view. He also referred to his prior transmittal to Council to reiterate his contention that it would be wrong to vacate this portion of right-of-way. (A copy of this material is contained in the file for this meeting in the City Clerk's Office.)

In response to Council, Planner Ann Walker provided additional information regarding prior realignments of Gordon Drive south of the petitioner's property and Council Member Tarrant suggested that approval of the petition include a prohibition against the two-story structure cited by Attorney Kobza and Mr. Nester.

John Remington, also speaking on behalf of the petitioner, explained that Mrs. Carney first became aware that Gordon Drive was located on her property when she petitioned for construction variances in June. He also relayed the Planning Advisory Board's reasoning that a right-of-way vacation would be the logical solution and Mrs. Carney should have the same benefit relative to the center of Gordon Drive as properties to the north and south.

Further Council discussion focused on what would be considered a proper alignment for this section of Gordon Drive and whether a prior right-of-way vacation essentially took property from land owners east of Gordon Drive and added it to the western side. Mr. Barksdale, however, responded

that the additional western right-of-way was accomplished when the property was platted. Council Member Van Arsdale then reasoned that it would be good planning to have setbacks parallel the road; however, Council Member Tarrant argued that the City would be giving up a valuable piece of property and creating a visual hardship for the adjacent property owner.

MOTION by Van Arsdale to APPROVE Resolution 96-7795 as submitted; seconded by Nocera and carried 6-1, all members present and voting. (MacKenzie-yes, Nocera-yes, Prolman-yes, Sullivan-yes, Tarrant-no, Van Arsdale-yes, Barnett-yes)

A prior motion by Van Arsdale to approve the petition failed for lack of second.

A prior motion by Tarrant to deny the petition failed for lack of second.

**ORDINANCE (Denied)ITEM 8
AN ORDINANCE AMENDING SECTION 78-145(a) OF THE CODE OF ORDINANCES
REGULATING VESSEL SPEED IN GORDON PASS; 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 provided background information regarding this proposed ordinance which would replace the idle speed/no wake zone between Markers 7a and 10 with a less-restrictive speed control zone. (A copy of the staff report referred to by Dr. Woodruff is contained in the file for this meeting in the City Clerk' Office.) Natural Resources Manager Jon Staiger explained that this idle speed/no wake zone was established to protect vessels taking on fuel at the Keewaydin Club shore station and to ensure safe crossing for the Keewaydin Club launch. Since both the shore station and the launch have ceased operations, the City has received a request to rescind this idle/no wake zone. Dr. Staiger, however, recommended that Council maintain current speed restrictions citing concerns raised by the City's law enforcement personnel and future use of the shore station as a ferry landing for the Key Island development.

Public Input: (12:10 p.m.)

Captain Allen Walburn of 539 11th Avenue South stated that he was an owner/operator of a charter fishing business located on Naples Bay and submitted this recommendation to Council which, he said, would simplify navigation on Naples Bay. He reiterated that since the reasons for establishing this idle speed/no wake zone no longer exist, Council should relax speed restrictions in this area. **Kermit Sutton of 4101 Cutlass Lane (President of the Port Royal Property Owners Association)** stated that he opposed the lifting of this no wake zone section of Gordon Pass. Noting safety concerns relating to the amateur boaters and future re-establishment of a ferry to Key Island, Mr. Sutton stated that the primary issue is safety and the current speed restrictions should remain. **Tom Campbell of 4309 Gordon Drive** also spoke in opposition of the proposed ordinance contending that this area was a critical and very busy entrance to Naples Bay requiring strict safety precautions.

MOTION by Prolman to DENY ITEM 8 (retain the ordinance as it is currently written); 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)

After the vote, Council Member Van Arsdale and Nocera commented on current inconsistencies relating to Naples Bay speed restrictions; however, Dr. Woodruff reminded Council that these regulations were based on detailed vessel traffic counts, both seasonal and non-seasonal, within

Naples Bay.

RESOLUTION 96-7796..... ITEM 9-a
A RESOLUTION GRANTING CONDITIONAL USE PETITION 96-CU19, APPROVING A
MASTER PLAN FOR IMPROVEMENTS TO CAMBIER PARK; AND PROVIDING AN
EFFECTIVE DATE. Title read by City Manager Richard Woodruff. (12:22 p.m.)

City Manager Richard Woodruff referred to Council's prior direction that Community Services Advisory Board review this matter and relayed the C.S.A.B.'s recommendation to approve the Cambier Park Master Plan.

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

MOTION by Prolman to APPROVE Resolution 96-7796 APPROVING THE MASTER PLAN AS PRESENTED; seconded by Van Arsdale. After the discussion which appears below, this motion was unanimously carried with all members present and voting. (MacKenzie-yes, Nocera-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes)

Vice Mayor Prolman stressed that it was important to follow the Master Plan and cautioned against Council re-scrutinizing each phase of Cambier Park redevelopment. Council Member Tarrant asked for confirmation that this conditional use approval would not commit to increased tennis fees at Cambier Park.

..... ITEM 9-b
CONSIDER APPROVAL OF FUNDING OPTION FOR PHASE I REDEVELOPMENT
FOR CAMBIER PARK. (12:27 p.m.)

City Manager Richard Woodruff explained that, per the Council's direction, the Community Services Advisory Board had reviewed the three staff-generated funding options for Phase I redevelopment of Cambier Park. Community Services Director Don Wirth stated that the C.S.A.B. had developed a fourth funding option for Council's consideration which would dedicate \$400,000 from the 1997 and 1998 Capital Improvement Program to Phase I redevelopment, defer certain C.I.P. projects, and include \$400,000 of Utility Tax Bonds financed through eight annual \$50,000 reductions of Community Services Capital Projects. (Attachment 4) Assistant City Manager William Harrison provided information regarding Utility Tax Bond interest and indicated that repayment of the \$400,000 Utility Tax Bond could be incorporated into existing utility tax debt service and accomplished within a few years. He further confirmed that this debt service would be well within guidelines set by the Council.

Council then reviewed the discretionary capital projects to be deferred under Option 4 and Dr. Woodruff assured Council that these deferrals would not include homeowners' projects. Council also compared all four funding options and Dr. Woodruff explained how debt service could be tailored to the revenue flow. Council Member Tarrant reiterated his contention that use of a Utility Tax Bond would be leaning on the taxpayer's line of credit.

Public Input: None. (12:28 p.m.)

MOTION by Van Arsdale to APPROVE FUNDING OPTION 4 FOR PHASE I CAMBIER PARK REDEVELOPMENT; seconded by Prolman and carried 5-2, all members present and voting. (MacKenzie-no, Nocera-yes, Prolman-yes, Sullivan-yes, Tarrant-no, Van Arsdale-yes, Barnett-yes)

RESOLUTION 96-7797.....ITEM 11
A RESOLUTION APPROVING THE REDUCTION OF CURRENT JUNIOR GUEST FEES AT THE CAMBIER PARK TENNIS CENTER; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Chiaro. (12:49 p.m.)

City Manager Richard Woodruff clarified that the term "junior" started at age 18.

Public Input: None. (12:49 p.m.)

MOTION by Van Arsdale to ***APPROVE*** Resolution 96-7797 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 96-7798.....ITEM 12
A RESOLUTION GRANTING VARIANCE PETITION 96-V15 FROM SECTION 110-93, "STANDARDS FOR SITING AND DIMENSIONS OF PIERS AND BOAT LIFTS," OF THE COMPREHENSIVE DEVELOPMENT CODE OF THE CODE OF ORDINANCES FOR APPROVAL OF AN EXISTING DOCK WHICH ENCROACHES REQUIRED SETBACKS AT 1200 SANDPIPER STREET, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Chiaro. (12:49 p.m.)

City Manager Richard Woodruff relayed the Planning Advisory Board's recommendation to deny this variance petition.

Public Input: None. (12:50 p.m.)

MOTION by Van Arsdale to ***APPROVE*** Resolution 96-7798 as submitted; seconded by Nocera and carried 5-2, all members present and voting. (MacKenzie-no, Nocera-yes, Prolman-yes, Sullivan-no, Tarrant-yes, Van Arsdale-yes, Barnett-yes)

RESOLUTION 96-7799.....ITEM 13
A RESOLUTION AWARDDING THE CONTRACT FOR THE DOCTORS PASS DREDGING PROJECT - 1996 TO LAKE MICHIGAN CONTRACTORS, INC.; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Chiaro. (12:50 p.m.)

Public Input: None. (12:50 p.m.)

MOTION by Van Arsdale to ***APPROVE*** Resolution 96-7799 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)

.....ITEM 14
CONSIDER AUTHORIZATION FOR CONTINUOUS OPERATION FOR THE DOCTORS PASS DREDGING PROJECT FROM SEPTEMBER THROUGH OCTOBER, 1996. (12:51 p.m.)

Natural Resources Manager Jon Staiger indicated that the contractor would commence this dredging project within the next week and confirmed that this project would not interfere with current work to the jetty. Council Member Sullivan expressed concern regarding the noise impacts of this 24-hour dredging on neighboring condominium complexes and City Manager Richard Woodruff suggested

additional guidelines in the event of noise complaints.

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

MOTION by Nocera to APPROVE ITEM 14 WITH THE FOLLOWING CONDITIONS: 1) APPROVAL FOR CONTINUOUS OPERATION IS SPECIFICALLY FOR THE PERIOD OF 9/5/96 THROUGH 10/1/96, NOT BEYOND; 2) CITY MANAGER HAS THE RIGHT TO SUSPEND 24-HOUR OPERATIONS BASED UPON NOISE COMPLAINTS, AND; 3) MANAGERS OF SURROUNDING CONDOMINIUM BUILDINGS WILL BE NOTIFIED OF THE CONTINUOUS OPERATIONS; 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 96-7800.....ITEM 15
A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT, IN SUBSTANTIALLY THE FORM ATTACHED HERETO, WITH STAN HEMPHILL, PLANNING AND FINANCING CONSULTING TEAM SERVICE, TO PROVIDE SPECIFIED GRANT APPLICATION CONSULTING SERVICES AND DIRECTION; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Chiaro. (12:56 p.m.)

Based upon prior workshop discussion, City Manager Richard Woodruff recommended limiting this authorization to the Cambier Park and Fishing Pier grants and that the City send out a Request for Qualifications within 30 days to anyone who would like to provide these services. Vice Mayor Prolman also requested that the resolution incorporate the City Attorney's recommendations delineated in her August 27, 1996 memorandum. (A copy of this material is contained in the file for this meeting in the City Clerk's Office.)

Public Input: None. (12:58 p.m.)

MOTION by Sullivan to APPROVE Resolution 96-7800 AS AMENDED TO 1) LIMIT THE AUTHORIZATION FOR THIS SERVICE TO CAMBIER PARK AND THE NAPLES PIER GRANTS WITH THE AGREEMENT THAT THE CITY WILL SEND OUT AN R.F.Q. (Request for Qualifications) WITHIN 30 DAYS TO ANYONE WHO WOULD LIKE TO PROVIDE THESE SERVICES TO THE CITY. OTHER GRANTS WOULD ONLY BE ENTERED INTO BY COUNCIL AFTER REVIEW OF THE RESPONSES; 2) RESOLUTION TO INCLUDE THE PROVISIONS RELATING TO ATTORNEY'S FEES, USE OF INFORMATION, AND CONTRACT TERM AS RECOMMENDED BY THE CITY ATTORNEY; 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 16
AWARD OF BIDS FOR THE FOLLOWING WITH FUNDING FROM PARKS & PARKWAYS OTHER CONTRACTUAL SERVICES ACCOUNT: (12:58 p.m.)

- 1) TRIMMING OF HARDWOOD TREES.** Contractor: Asplundh Tree Expert Company, Tequesta, Florida / Estimated annual expenditure: \$90,000.00.
- 2) TREE REMOVAL SERVICES.** Contractor: Davey Tree Expert Company, Tampa, Florida / Estimated annual expenditure: \$15,000.00.

Public Input: None. (12:59 p.m.)

MOTION by Tarrant to **APPROVE ITEM 16**; 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)

.....ITEM 17
AWARD OF BID IN COOPERATION WITH COLLIER COUNTY AND SCHOOL SYSTEM FOR AN ANNUAL CONTRACT FOR UNLEADED GASOLINE AND DIESEL FUEL FOR CITY VEHICLES AND EQUIPMENT. Vendors: Evans Oil, Naples, Florida, and Mansfield Oil, Gainesville, Georgia / Estimated annual expenditure: \$200,000.00 / Funding: Equipment Services #522 acct. (12:59 p.m.)

Public Input: None. (12:59 p.m.)

MOTION by MacKenzie to **APPROVE ITEM 17**; 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 96-7801..... ITEM 18-a
A RESOLUTION REPEALING RESOLUTION 96-7722, WHICH ESTABLISHED AN ASSESSMENT DISTRICT TO PROVIDE A CENTRAL SEWER SYSTEM FOR TWIN LAKES COMMERCIAL DISTRICT, AS REQUIRED IN FLORIDA STATUTES, CHAPTER 170, AND ALL RELATED RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Chiaro. (12:59 p.m.) See related item below.

City Manager Richard Woodruff explained that this item was necessary since the assessment map attached to Resolution 96-7722 did not properly identify all of the lots included in this assessment district. Dr. Woodruff also noted that Lots 1 through 4 and a portion of Lot 5 would not be included in this special assessment district.

Public Input: None. (1:00 p.m.)

MOTION by Sullivan to **APPROVE** Resolution 96-7801 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 96-7802..... ITEM 18-b
A RESOLUTION DECLARING THE INTENTION OF THE CITY OF NAPLES TO CREATE A SPECIAL ASSESSMENT DISTRICT FOR TWIN LAKES COMMERCIAL DISTRICT, FOR THE PURPOSE OF PROVIDING A CENTRAL SEWAGE SYSTEM; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Chiaro. (1:00 p.m.) See related item above.

Public Input: None. (1:00 p.m.)

MOTION by Sullivan to **APPROVE** Resolution 96-7802 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 19
AWARD OF BIDS FOR THE FOLLOWING WITH FUNDING FROM PARKS & PARKWAYS 31-04 (OTHER CONTRACTUAL SERVICES).

1) ANNUAL TURF MAINTENANCE SERVICES. Contractor: Chemlawn Services, Ft. Myers, Florida / Estimated annual expenditure: \$44,066.00

2) **TREE AND SHRUB FERTILIZATION.** Contractor: ABC Pest Control, Inc., Cape Coral Florida / Estimated annual expenditure: \$65,088.00

MOTION by Tarrant to APPROVE ITEM 19; 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)

CONSENT AGENDA

APPROVAL OF MINUTES.....ITEM 20
August 7, 1996 Regular Meeting

RESOLUTION 96-7803.....ITEM 21

A RESOLUTION APPROVING A MODIFICATION TO THE OPERATING PLAN FOR THE CITY DOCK, ORIGINALLY APPROVED BY RESOLUTION NO. 95-7494, IN ORDER TO PERMIT THE CONVERSION OF ONE RESTRICTED CHARTER BOAT SLIP TO UNRESTRICTED CHARTER BOAT USES; AND PROVIDING AN EFFECTIVE DATE. Title not read.

.....ITEM 22

APPROVAL OF THE FOLLOWING SPECIAL EVENTS:

Quality Inn Gulfcoast 9/7/96; Lake Park PTO Walkathon 9/28/96; American Heart Assoc. Heartwalk 10/5/96; United Way fundraiser 10/5/96; U.S. Navy League Concert 10/13/96; Oktoberfest 10/18-20/96; Naples Beach Club 10/19/96; Teddy Bear Museum 10/19/96; Swamp Buggy Parade 10/26/96; Gulf Coast Runners Road Race 10/26/96

.....ITEM 23

AWARD OF BID FOR LIQUID ALUM FOR THE WASTEWATER TREATMENT PLANT

Vendor: General Chemical, Parsippany, New Jersey / Price \$12,325.00 / Funding: WW Treatment Operating Budget.

.....ITEM 24

AUTHORIZATION TO ENTER INTO A CONTRACT FOR THE FURNISHING AND

INSTALLATION OF SOD Contractor: Sod Busters, Arcadia, Florida / Estimated annual expenditure: \$50,000.00 / Funding: Various capital improvement projects.

.....ITEM 25

AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH THE NAPLES

PHYSICIAN HOSPITAL ORGANIZATION'S WORKCARE PROGRAM FOR WORKERS COMPENSATION MANAGED CARE Cost: \$1,000 / Funding: Risk Management Fund

.....ITEM 26

AUTHORIZATION TO ENTER INTO A CONTRACT FOR CONSULTING SERVICES

TO REVIEW IMPLEMENTATION OF FINANCIAL SOFTWARE Contractor: KPGM Peat Marwick LLP / Cost \$9,100 / Funding: Fiscal Year 1997 Audit Fees.

.....ITEM 27

AUTHORIZATION TO PURCHASE EXTENDED REPORTING SOFTWARE TO

AUTOMATE FINANCIAL REPORTS Vendor: HTE, Orlando, Florida / Cost: \$13,500 / Funding: Computerization projects, Capital Improvement Fund.

.....ITEM 28

AUTHORIZATION TO PURCHASE EXERCISE EQUIPMENT IN CONJUNCTION

WITH GULFVIEW SCHOOL PROJECT Vendor: Helm Distributing, Polson, Montana / Cost \$8,907.30 / Funding: CIP Project #96G04.

.....ITEM 29
AUTHORIZATION TO ISSUE A PURCHASE ORDER FOR A REAR-LOADING GARBAGE TRUCK Vendor: Peterbilt of Central Florida, Winter Garden, Fla. / Bid Price: \$93,590.00 / Funding: CIP Project #95P08.

.....ITEM 30
A RESOLUTION AUTHORIZING A PURCHASE ORDER TO COMMIT A SUM NOT TO EXCEED \$20,000 FOR PROFESSIONAL SERVICES WITH JOSEPH D. STEWART, P.A., TO REPRESENT THE CITY OF NAPLES IN ARBITRATION OF THE CONFLICT BETWEEN KELLY BROTHERS AND THE CITY OF NAPLES; AUTHORIZING THE CITY. Title not read.

END CONSENT AGENDA

MOTION by Sullivan to **APPROVE CONSENT AGENDA ITEMS 20 THROUGH 30 WITH THE MODIFIED RESOLUTION FOR ITEM 21;** 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 96-7807.....ITEM 32
A RESOLUTION REAPPOINTING WILLIAM R. MACILVAINE TO THE BOARD OF TRUSTEES OF THE FIREMEN'S RETIREMENT TRUST FUND FOR A TWO YEAR TERM, EXPIRING AUGUST 26, 1998; AND PROVIDING AN EFFECTIVE DATE. Title not read.

Public Input: None. (1:03 p.m.)

MOTION by Tarrant to **APPROVE** Resolution 96-7807 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 1:03 p.m., the agenda was re-opened in order to add Items 34 and 35.

MOTION by Van Arsdale to **ADD ITEMS 34 AND 35;** 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 (Withdrawn).....ITEM 34
A RESOLUTION AUTHORIZING THE ADOPTION OF A STANDARDIZED FORM ENTITLED "FORM FOR ESTIMATING THE COST OF CONSTRUCTION ADDITIONS & ALTERATIONS" IN SUBSTANTIALLY THE FORM ATTACHED HERETO, WHICH WILL ASSIST THE BUILDING OFFICIAL TO CONFORM TO STANDARDS IMPOSED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) NATIONAL FLOOR INSURANCE PROGRAM (NFIP); AND PROVIDING AND EFFECTIVE DATE. Title read by City Attorney Chiaro. (1:04 p.m.)

City Manager Richard Woodruff explained that this resolution would standardize price estimating for structures as they are rehabilitated. Council Member Van Arsdale; however, commented that this standardization fails to recognize a beginning valuation. City Attorney Chiaro then pointed out that this resolution, which specifically adopts prices affecting the building industry, was not included in the advertized agenda and added late in the meeting. After further discussion, it was determined that this item would be withdrawn and submitted at a later date.

.....ITEM 35
AUTHORIZATION TO ISSUE A PURCHASE ORDER FOR THE CONSTRUCTION OF WATER, SEWER, AND DRAINAGE IMPROVEMENTS TO ANDERSON DRIVE, MYRTLE TERRACE, AND PORTION OF WEST BLVD AND SEAGATE DRIVE
Contractor: Douglas N. Higgins, Inc. / Bid Amount: \$439,778.00. (1:05 p.m.)

Public Input: None. (1:05 p.m.)

MOTION by Sullivan to APPROVE ITEM 35; 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)

CORRESPONDENCE and COMMUNICATIONS.....

Mayor Barnett announced that former Council Member John McGregor had passed away and conveyed condolences to his family.

City Manager Richard Woodruff reminded Council that a City Council Special Meeting would be conducted on September 5, 1996 at 5:05 p.m. in the Council Chamber relating to next year's fiscal budget. Dr. Woodruff also announced that an Executive Session would be held on September 5, 1996 at 4:30 p.m.

RESOLUTION 96-7808.....ITEM 33
A RESOLUTION REAPPOINTING F. SCOTT PAUZAR TO THE BOARD OF TRUSTEES OF THE POLICE OFFICERS' RETIREMENT TRUST FUND FOR A TWO YEAR TERM, EXPIRING AUGUST 26, 1998; AND PROVIDING AN EFFECTIVE DATE. Title not read.
(1:06 p.m.)

Public Input: None. (1:06 p.m.)

MOTION by Sullivan to APPROVE Resolution 96-7808 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)

ADJOURN.....
1:07 p.m.

Bill Barnett, Mayor

Tara A. Norman
City Clerk

Prepared by:

Virginia A. Neet
Deputy City Clerk

Minutes approved: 10/02/96

Attachment 1
9/4/96 Regular Meeting

Supplemental Attendance List

Dr. Ron Benson
Harry Holliman
Angie Brewer
Susan Bartholf
John Riley
Frank Perrucci
Nancy Keppel
Sewell Corkran
Allen Walburn
James Ricca
Daniel Nester
Kermit Sutton
John Remington
T. Campbell

Other interested citizens and visitors.