



City Council Chamber
735 Eighth Street South
Naples, Florida 33940

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

Mayor Barnett called the meeting to order and presided.

ROLL CALL

ITEM 1

Present: Bill Barnett, Mayor
Marjorie Prolman, Vice Mayor

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

Absent: John R. Nocera

Also Present:

Dr. Richard L. Woodruff, City Manager
Maria J. Chiaro, City Attorney
Missy McKim, Planning Director
Donald Wirth, Community Services Dir.
Tara Norman, City Clerk
Virginia Neet, Deputy City Clerk
Shirley Moore, Admin. Assist.
George Henderson, Sergeant-at-Arms
Flinn Fagg, Planner I
Dr. Jon Staiger, Natural Resources Mgr.
Charles Andrews
Werner Haardt
Rev. Ernest DuRoss
Kathryn O'Gara

Virginia Corkran
Dolly Ross
George Botner
Ernest Bretzmann

Media:

Gina Edwards, Naples Daily News
Dave Taylor, Cablevision
Frank Kinsman, WNOG

INVOCATION and PLEDGE OF ALLEGIANCE (9:00 a.m.).....ITEM 2
Reverend Ernest DuRoss, Trinity-By-The-Cove Church

ANNOUNCEMENTS (9:03 a.m.).....ITEM 3

Mayor Barnett read a proclamation designating November as United Way of Collier County Campaign Month in the City of Naples. City Manager Richard Woodruff announced the City's goal to raise \$5,000.00 in contributions from staff and a second goal to have at least fifty percent of the City's work force contributing in some way to the United Way. Ernest Bretzmann, Executive Director of the United Way of Collier County, thanked the Council and staff for their support and provided additional information relating to United Way's role in the community.

Collier County student Kathryn O'Gara invited Council and the public to the December 16-22, 1996 performances at the Norris Community Center of "Starmakers" which is a theater group for youth ages 7-15.

ITEMS TO BE ADDED (9:07 a.m.).....ITEM 4

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

Item 28 Authorization to Issue Purchase Order - Manhole Spray Rehabilitation Machine (Utilities)

MOTION by Sullivan to SET AGENDA and ADD ITEM 28; seconded by Van Arsdale and carried 6-0. (MacKenzie-yes, Nocera-absent, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes)

Mayor Barnett referred to prior workshop discussions and advised Council that he had communicated with both Dr. Woodruff and Planner Susan Golden regarding issues raised during Affordable Housing Commission candidate interviews. Additional information would be forthcoming, he said.

.....**ITEM 5**
CITY COUNCIL ACTING AS BOARD OF EQUALIZATION WITH REFERENCE TO SEWER IMPROVEMENTS IN THE TWIN LAKES COMMERCIAL AREA ASSESSMENT DISTRICT. (9:09 a.m.)

City Manager Richard Woodruff advised Council that the Twin Lakes assessment district property owners had been notified of this meeting and staff had received no comments. It is also noted for the record that no one from the audience had requested to speak regarding this item.

MOTION by Van Arsdale to CLOSE THE EQUALIZATION HEARING; seconded by Sullivan and carried 6-0 (MacKenzie-yes, Nocera-absent, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes)

RESOLUTION 96-7849.....ITEM 6
A RESOLUTION GRANTING A COASTAL CONSTRUCTION SETBACK LINE VARIANCE TO CONSTRUCT A SINGLE-FAMILY RESIDENCE AND A PAVER-BLOCK DRIVEWAY AT 23 SECOND AVENUE SOUTH, GULFWARD OF THE COASTAL CONSTRUCTION SETBACK LINE; AND PROVIDING AN EFFECTIVE DATE. Title ready by City Attorney Chiaro. (9:11 a.m.) See related Item 7 below.

As requested by Council, City Manager Richard Woodruff provided additional information regarding this item. (A copy of this material is contained in the file for this meeting in the City Clerk's Office.)

In response to Council, petitioner's representative Brett Moore of Humiston & Moore Engineers stated that the distance between the subject property and the adjacent property referenced in Item 7 was approximately 24 feet and noted efforts by both property owners to implement a landscape buffer plan. Further Council discussion focused on Department of Environmental Protection and Federal Emergency Management Administration regulations for new construction.

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

MOTION by Van Arsdale to ***APPROVE*** Resolution 96-7849 as submitted; seconded by Tarrant and carried 6-0 (MacKenzie-yes, Nocera-absent, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes)

RESOLUTION 96-7850.....ITEM 7
A RESOLUTION GRANTING A COASTAL CONSTRUCTION SETBACK LINE VARIANCE TO CONSTRUCT A SINGLE-FAMILY RESIDENCE, AN IN-GROUND SWIMMING POOL, AND A PAVER-BLOCK DRIVEWAY AT 25 SECOND AVENUE SOUTH, GULFWARD OF THE COASTAL CONSTRUCTION SETBACK LINE; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Chiaro (9:23 a.m.)

City Manager Woodruff advised Council that Items 6 and 7 were companion petitions.

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

MOTION by Van Arsdale to ***APPROVE*** Resolution 96-7850 as submitted; seconded by Tarrant and carried 6-0 (MacKenzie-yes, Nocera-absent, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes)

RESOLUTION 96-7851.....ITEM 8
A RESOLUTION GRANTING A COASTAL CONSTRUCTION SETBACK LINE VARIANCE TO DEMOLISH AN EXISTING TWO-STORY RESIDENCE, TO CONSTRUCT A NEW RESIDENCE OVER THE EXISTING FOUNDATION, AND TO ADD ONE-STORY HABITABLE ADDITIONS TO THE EAST SIDE OF THE NEW RESIDENCE, AT 2700 GORDON DRIVE, GULFWARD OF THE COASTAL

CONSTRUCTION SETBACK LINE; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Chiaro. (9:24 a.m.)

Brett Moore of Humiston & Moore Engineers provided Council with an additional rendering of the proposed structure, indicating that although the petitioner had previously received variance approval for remodeling, it was discovered that a total rebuilding would be needed making another variance necessary. Council Member Sullivan suggested that approval be contingent upon compliance with the drawings and elevations as submitted to Council.

Public Input: None. (9:28 a.m.)

MOTION by Van Arsdale to **APPROVE** Resolution 96-7851 **AS AMENDED TO BE CONTINGENT UPON COMPLIANCE WITH DRAWINGS AND ELEVATIONS AS SUBMITTED**; seconded by MacKenzie and carried 6-0. (MacKenzie-yes, Nocera-absent, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes)

RESOLUTION 96-7852.....ITEM 9
A RESOLUTION GRANTING VARIANCE PETITION 96-V19, IN ORDER TO PERMIT THE CONSTRUCTION OF A SIX-FOOT HIGH CHAIN LINK FENCE IN THE FRONT YARD SETBACKS OF FLEISCHMANN PARK, LOCATED AT 1600 FLEISCHMANN BOULEVARD, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Chiaro. (9:28 a.m.)

City Manager Richard Woodruff advised Council that this variance was necessary to construct the new skateboard area at Fleischmann Park and relayed staff's recommendation for approval. **Public Input:** None. (9:34 a.m.)

MOTION by Prolman to **APPROVE** Resolution 96-7852 as submitted; seconded by Van Arsdale and carried 6-0. (MacKenzie-yes, Nocera-absent, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes)

ORDINANCE 96-7853.....ITEM 11
AN ORDINANCE ADOPTING THE 1996 LEVEL OF SERVICE REPORT; DIRECTING STAFF TO TRANSMIT SAID REPORT TO THE STATE OF FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Chiaro. (9:35 a.m.)

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

MOTION by Sullivan to **APPROVE** Ordinance 96-7853; seconded by Prolman and carried 6-0. (MacKenzie-yes, Nocera-absent, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes)

ORDINANCE (First Reading).....ITEM 12

AN ORDINANCE AMENDING SECTION 118-31, DEFINITIONS, OF ARTICLE II. UTILITY FEES OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, PROVIDING THAT UTILITY CHARGES ON A DUPLEX BE CONSISTENT WITH UTILITY CHARGES ON A RESIDENCE WITH A GUEST HOUSE; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.
Title read by City Attorney Chiaro. (9:36 a.m.)

City Manager Richard Woodruff explained that this item was a result of citizen complaints regarding the calculation of utility bills. Dr. Woodruff provided additional information regarding the City's present billing procedures for guest houses and duplexes and stated that this ordinance would provide uniformity.

Planning Director Missy McKim indicated that the proposed ordinance would be beneficial from a zoning standpoint; however, Council Members Sullivan and Van Arsdale said there could be situations where this ordinance would not apply.

It was determined that this item would be withdrawn from the agenda for additional staff research.

**RESOLUTION 96-7854.....ITEM 13
A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT, WITH CHANGES APPROVED BY THE CITY MANAGER AND CITY ATTORNEY, IN SUBSTANTIAL COMPLIANCE WITH THE ATTACHED CONTRACT, BETWEEN FIRST HEALTH AND THE CITY OF NAPLES, TO PROVIDE THIRD-PARTY ADMINISTRATION SERVICES AND RE-INSURANCE FOR THE CITY'S SELF-INSURED EMPLOYEE HEALTH BENEFITS PLAN; AND PROVIDING AN EFFECTIVE DATE.** Title read by City Attorney Chiaro. (9:41 a.m.)

City Manager Richard Woodruff pointed out that this item was a result of combined procurement efforts of the City, County, and School District and reviewed benefits of this bidding process. (A copy of this material is contained in the file for this meeting in the City Clerk's Office.)

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

***MOTION** by Van Arsdale to **APPROVE** Resolution 96-7854 as submitted; seconded by Sullivan and carried 6-0. (MacKenzie-yes, Nocera-absent, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes)*

**..... ITEM 14-a
CONSIDER AWARD OF A BID FOR LABOR, MATERIALS AND EQUIPMENT FOR THE 1997 ROAD OVERLAY PROGRAM.** Vendor: Bonness, Inc., Naples, Florida \ Estimated Expenditure: \$494,898.51 \ Funding: gas tax, stormwater and other utility accounts. (9:42 a.m.)

City Manager Richard Woodruff noted that three companies had submitted bids and asked that this award be made to Bonness, Inc., the lowest bidder. Mayor Barnett referred to discussions during the

November 4th workshop.

Public Input: None. (9:44 a.m.)

MOTION by Van Arsdale to **APPROVE** Item 14-a; seconded by Barnett and carried 5-1. (MacKenzie-yes, Nocera-absent, Prolman-yes, Sullivan-no, Tarrant-yes, Van Arsdale-yes, Barnett-yes)

.....ITEM 14-b
PRE-QUALIFY THE CONTRACTING FIRMS OF APAC-FLORIDA INC., BETTER ROADS, INC., AND BONNESS, INC. TO SUBMIT PROPOSALS FOR SPECIAL PROJECTS ON AN AS NEEDED BASIS THROUGHOUT THE CITY. (9:45 a.m.)

City Manager Richard Woodruff explained that during the last full bid process, only three companies had submitted bids (Apac-Florida, Inc., Better Roads, Inc., and Bonness, Inc.). He therefore asked Council to pre-qualify the three firms and to set aside the requirement for further full bidding, effective through September 30, 1997. Council Member Tarrant suggested seeking a fourth bid or bidding on a case-by-case basis, but Dr. Woodruff noted that since only three companies had submitted bids, it was unlikely that more would respond. He also noted that pre-qualifying would save time and costs on the upcoming Coquina Sands project. Awards for contracts over \$7,500 would still be placed on Council agenda, he added.

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

MOTION by Sullivan to **APPROVE** this bid, seconded by Van Arsdale and carried 6-0. (MacKenzie-yes, Nocera-absent, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes)

.....ITEM 15
REQUEST BY COUNCIL MEMBER TARRANT FOR RECONSIDERATION OF ACTION WITH REFERENCE TO ORDINANCE 96-7841 ALLOWING THE PLANNING ADVISORY BOARD, AFTER COUNCIL DENIAL, TO CONSIDER REZONE PETITIONS FOR THE SAME PROPERTY IF IT WILL BRING THE PROPERTY INTO CONFORMANCE WITH THE COMPREHENSIVE PLAN. (9:50 a.m.)

Council Member Tarrant stated that his request for reconsideration was based on current litigation stemming from Council's August 7, 1996 denial of petitions submitted for property owned by Gettysburg College which the Council additionally noted should be rezoned in compliance with the Comprehensive Plan. As long as outstanding legal issues exist, he said, the City should not relax the 12-month waiting period for resubmission of a rezone petition.

City Manager Richard Woodruff explained that pursuant to the City's reconsideration policy (Resolution 95-7397), Council could, by a majority vote, elect to reconsider adoption of Ordinance 96-7841, which eliminated this 12-month waiting period. If rescinded, the prior policy would be in effect. City Attorney Chiaro further clarified that Ordinance 96-7841, which waives the 12-month waiting period, applied only to rezone petitions intended to bring the property's zoning into

compliance with the Comprehensive Plan and reconsideration would not affect current litigation relating to the Gettysburg College property.

Council Member Van Arsdale said waiving the waiting period would be good government and pointed out that, in the case of the Champney Bay property, the City would be the petitioner. He also stated that the City would be remiss in not acting to eliminate inconsistencies between zoning and the Comprehensive Plan. Council Member Sullivan, however, concurred with Council Member Tarrant stating that Ordinance 96-7841 could create a revolving door for rezone petitions; Council Member MacKenzie reiterated her position that the City's present reconsideration policy would be sufficient in these cases.

Public Input: None. (10:08 a.m.)

MOTION by Tarrant to RECONSIDER THE OCTOBER 16, 1996 ADOPTION OF ORDINANCE 96-7841; seconded by MacKenzie. The motion failed 3-3. (MacKenzie-yes, Nocera-absent, Prolman-no, Sullivan-yes, Tarrant-yes, Van Arsdale-no, Barnett-no)

**ORDINANCE (First Reading).....ITEM 10
AN ORDINANCE APPROVING TEXT AMENDMENT 96-T9, AMENDING
SUBSECTIONS 78-172(a) AND 78-173(B) OF THE ORDINANCES IN ORDER TO
PERMIT UNRESTRICTED CHARTER BOATS TO PARTICIPATE IN PICK-UP/DROP-
OFF ACTIVITY; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION
AND AN EFFECTIVE DATE. Title read by City Attorney Chiaro. (10:09 a.m.)**

City Manager Richard Woodruff explained that this clarification of the City Code would permit an unrestricted vessel to also be considered a restricted vessel when utilizing different marinas to pick up and drop off passengers.

Public Input: None (10:11 a.m.)

MOTION by Prolman to APPROVE this ordinance on first reading; seconded by Van Arsdale and carried 6-0. (MacKenzie-yes, Prolman-yes, Nocera-absent, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes)

**RESOLUTION 96-7855.....ITEM 17
A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A
HOLD HARMLESS AGREEMENT, BETWEEN THE CITY OF NAPLES AND COLLIER
COUNTY, IN SUBSTANTIALLY THE FORM ATTACHED HERETO, FOR SINGLE
PARAMEDIC VEHICLE RESPONSE TO MEDICAL EMERGENCIES WITH A THREE
MEMBER TEAM; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney
Chiaro. (10:12 a.m.)**

City Manager Richard Woodruff advised City Council that this single paramedic vehicle response policy would be implemented November 15, 1996.

Public Input: None. (10:12 a.m.)

MOTION by Tarrant to **APPROVE** Resolution 96-7855 as submitted; seconded by Sullivan and carried 6-0. (MacKenzie-yes, Nocera-absent, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes)

CONSENT AGENDA

APPROVAL OF MINUTES.....ITEM 18
September 30, 1996 Joint Workshop Meeting; October 2, 1996 Regular Meeting; October 14, 1996 Joint Workshop Meeting; and October 16, 1996 Regular Meeting.

RESOLUTION 96-7856.....ITEM 19
A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT, IN SUBSTANTIALLY THE FORM ATTACHED HERETO, WITH CHANGES APPROVED BY THE CITY MANAGER AND CITY ATTORNEY, BETWEEN NAPLES TROLLEY TOURS, INC. AND THE CITY OF NAPLES, RELATING TO THE USE OF CITY STREETS AND DESIGNATED TROLLEY STOPS WITHIN THE LIMITS OF THE CITY OF NAPLES; AND PROVIDING AN EFFECTIVE DATE. Title not read.

.....**ITEM 20**
APPROVAL OF ANNUAL CONTRACT FOR CONCRETE FLATWORK (CURBS, SIDEWALKS, ETC.) Vendor: Douglas N. Higgins, Inc., Ann Arbor, Michigan \ Estimated expenditure \$42,950.00 \ Funding: Stormwater and other utility accounts.

.....**ITEM 21**
APPROVAL OF A CHANGE ORDER FOR \$17,135.95 TO BONNESS, INC., FOR ADDITIONAL ROADWAY SUB-BASE WORK IN CONJUNCTION WITH THE AVION PARK ROAD IMPROVEMENT PROJECT.

.....**ITEM 23**
AUTHORIZATION TO PURCHASE UNDER A CITY OF FORT PIERCE BID FOR A SIX-INCH WELLPOINT PUMP USED FOR EXCAVATION, REPAIR AND INSTALLATION OF SEWER LINES. Vendor: Complete Dewatering Pumps & Wellpoints, Port Orange, Florida \ Cost: \$15,475.00 \ Funding: CIP Project #97N13.

RESOLUTION 96-7857..... ITEM 24-a
A RESOLUTION ACCEPTING A UTILITY EASEMENT FROM NAPLES CHURCH OF CHRIST AS DESCRIBED ON EXHIBIT "A" AS ATTACHED HERETO AND MADE A

PART HEREOF; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 96-7858..... ITEM 24-b
A RESOLUTION APPROVING A VACATION OF A UTILITY EASEMENT, LOCATED
ON PROPERTY OWNED BY NAPLES CHURCH OF CHRIST, AS DESCRIBED ON THE
LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART HEREOF; AND
PROVIDING AN EFFECTIVE DATE. Title not read.

APPROVAL OF SPECIAL EVENTS.....ITEM 25
Coastland Center Reopening - 11/7-10/96
Fillabelly Foundation Concern - 11/20/96
Fifth Avenue Christmas Walk - 11/22/96
New Year's Eve Festival - 12/27-29/96

.....**ITEM 26**
AFTER-THE-FACT AUTHORIZATION TO ISSUE A PURCHASE ORDER FOR WOVEN
AND NON-WOVEN STABILIZATION CONTROL FABRIC FOR SOLID WASTE
EQUIPMENT PARKING STORAGE \ Vendor: Atlantic Construction Fabrics, Inc., Richmond,
Virginia \ Cost: \$9,600.00 \ Funding: CIP Project #97P03.

MOTION by Sullivan to APPROVE CONSENT AGENDA ITEMS
18,19,20,21,23,24-a,24-b,25 and 26 and REMOVE ITEMS 22 AND 27 FOR
SEPARATE DISCUSSION; seconded by Van Arsdale and carried 6-0;
(MacKenzie-yes, Nocera-absent, Prolman-yes, Sullivan-yes, Tarrant-yes, Van
Arsdale-yes, Barnett-yes.)

.....**ITEM 22**
APPROVAL OF A CHANGE ORDER FOR \$1,200.00 TO ASC GEOSCIENCES, INC FOR
ADDITIONAL SOIL TESTING IN CONJUNCTION WITH ADDITIONS TO THE POLICE
& EMERGENCY SERVICES ADMINISTRATION BUILDING. (10:14 a.m.)

City Manager Richard Woodruff referred to the staff report and read into the record the portion pertaining to soil contamination. (Attachment 1)

MOTION by Sullivan to APPROVE Item 22 as submitted; seconded by Van
Arsdale and carried 6-0. (MacKenzie-yes, Nocera-absent, Prolman-yes, Sullivan-
yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes)

(Deleted from agenda).....ITEM 27
AFTER-THE-FACT AUTHORIZATION TO ISSUE A PURCHASE ORDER FOR THE
HAULING OF MULCH AND OTHER HORTICULTURAL DEBRIS TO THE COUNTY
**LANDFILL. Vendor: Swiftline Trucking, Inc., North Ft. Myers, Florida \ Cost: \$38,650.50 **

Funding: Solid Waste/Horticultural Other Contractual Services Budget.

Vice Mayor Prolman requested information about sites where mulch and other horticultural debris would be deposited by the vendor. City Manager Richard Woodruff then stated that this item would be removed from the agenda for further staff review.

.....ITEM 28
**AUTHORIZATION TO ISSUE PURCHASE ORDER FOR A MANHOLE SPRAY
REHABILITATION MACHINE (UTILITIES)** Vendor: Strong-Seal Systems Corporation, Pine
Bluff, Arkansas \ Cost: \$30,000.00 \ Funding: CIP Project #97N05. (10:17 a.m.)
It is noted for the record that Council Member Sullivan left the meeting at 10:18 a.m.

In response to requests made by Council at the prior Workshop Meeting, City Manager Richard Woodruff provided additional information relating to this item. (A copy of this material is contained in the file for this meeting in the City Clerk's Office.)

Public Input: None (10:19 a.m.)

***MOTION by Van Arsdale to APPROVE Item 28 as submitted; seconded by
MacKenzie and carried 5-0. (MacKenzie-yes, Nocera-absent, Prolman-yes,
Sullivan-absent, Tarrant-yes, Van Arsdale-yes, Barnett-yes)***

**Break 10:19 a.m. to 10:31 a.m. It is noted for the record that Council Member Sullivan
returned to the meeting at 10:19 a.m. and all Council Members except Mr. Nocera were
present when the meeting reconvened. It is also noted for the record that Deputy City Clerk
Virginia Neet acted as recording secretary for the preceding portion of the meeting and
Administrative Assistant Shirley Moore acted as recording secretary until adjournment.**

.....ITEM 16
**REQUEST BY VICE MAYOR PROLMAN TO CLARIFY COUNCIL'S VOTE
REGARDING CONSTRUCTION OF A BICYCLE PATH IN CONJUNCTION WITH
RESURFACING OF 13TH STREET NORTH IN LAKE PARK.** (10:31 a.m.)

Vice Mayor Prolman explained that she had requested this discussion in order to clarify her vote as recorded on October 16, 1996. While she apologized for the confusion, she stated that she had actually voted in favor of locating the bicycle path on the east side of 13th Street North as delineated in staff's Option 2. City Manager Richard Woodruff explained that the original motion made that day was to place the bicycle path and sidewalk on the east side of 13th Street; however, Vice Mayor Prolman's favorable vote was not recognized. In response to Mayor Barnett, Dr. Woodruff suggested that Council acknowledge the error in voting and have the record reflect that the motion actually passed. Council clarified that Mrs. Prolman's vote had been counted incorrectly and City Attorney Chiaro advised that Council needed to record the correct vote.

Public Input: (10:35 a.m.) It is noted that Virginia Clement declined to speak when called.

MOTION by Sullivan to ACCEPT STAFF'S RECOMMENDATION THAT THE SIDEWALK BE PLACED ALONG THE EAST SIDE OF 13TH STREET NORTH; seconded by Barnett and carried 4-2. (MacKenzie-no, Nocera-absent, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-no, Barnett-yes)

Noting that the vote carried 4-2, City Attorney Chiaro stated that even if Council Member Nocera had been present, the motion would have passed since there was already a majority in favor.

City Manager Woodruff said a letter of explanation would be sent to area property owners and the Lake Park Association before construction begins on the project.

Council Member Sullivan asked that Chris Fortin, 905 13th Street North, be recognized to speak on the issue. Mr. Fortin expressed his concerns regarding traffic on 13th Street North, especially during school hours, and also questioned whether the bicyclist or the pedestrian would have the right-of-way on the new path.

CORRESPONDENCE and COMMUNICATIONS
None.

OPEN PUBLIC INPUT
None. (10:38 a.m.)

ADJOURN
10:40 a.m.

Bill Barnett, Mayor

Tara A. Norman
City Clerk

Prepared by:

Shirley A. Moore

City Council Regular Meeting - November 6, 1996

Recording Secretary

Minutes approved: 12/4/96