



City Council Chamber
735 Eighth Street South
Naples, Florida 34102

City Council Regular Meeting - February 5, 1997 - 9:00 a.m.

Mayor Barnett called the meeting to order and presided.

ROLL CALLITEM 1

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
Kenneth B. Cuyler, City Attorney
Kevin Rambosk, Chief of Police &
Emergency Services
Missy McKim, Planning Director
Flinn Fagg, Planner
Virginia Neet, Deputy City Clerk
Shirley Moore, Recording Secretary
George Henderson, Sergeant-at-Arms

Other interested citizens and visitors
(See also Supplemental Attendance List,
Attachment 1)

Media:

Tara Beer, Naples Daily News
Fox-TV

INVOCATION AND PLEDGE OF ALLEGIANCE (9:00 a.m.).....ITEM 2
Council Member Fred Sullivan

ANNOUNCEMENTS (9:01 a.m.).....ITEM 3
Mayor Barnett read a proclamation to Head Coach Ron Byington in recognition of the Naples Gators' outstanding 1996 football season, and National Championship status in the Pop Warner Football Junior Bantam Division. The proclamation and T-shirts were presented to team members and coaching staff.

Chief of Police & Emergency Services Kevin Rambosk noted an award from the Florida Motion Picture and Television Association received in recognition of the City's "Stranger/Danger" video.

ITEMS TO BE ADDED (9:10 a.m.)ITEM 4
None.

Council Member MacKenzie requested that the Festival of Colors listed under Item 19 be removed from the Consent Agenda for separate discussion.

MOTION by Sullivan to SET AGENDA and REMOVE ITEM 19 from the Consent Agenda for separate discussion; seconded by Van Arsdale and unanimously carried, all members present and voting. (MacKenzie-yes, Nocera-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes)

.....**ITEM 5**
RECONSIDER ANNEXING A 3.27 ACRE PARCEL LOCATED WITHIN THE WILDERNESS PUD, IMMEDIATELY EAST OF THE CITY LIMITS, FOR CONSTRUCTION OF A 3-STORY, 134-UNIT HOTEL.

.....**ITEM 5-a**
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 3.27 ACRE PARCEL LOCATED WITHIN THE WILDERNESS PUD, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Woodruff.
(9:12 a.m.)

First Reading.....ITEM 5-b
AN ORDINANCE AUTHORIZING THE ANNEXATION OF A 3.27 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 read by City Manager Woodruff. (9:12 a.m.) City Attorney Cuyler recommended that Council not take final action on the development agreement (Item 5-a) until second reading of the annexation ordinance (Item 5-b).

Petitioner Ralph Carter, Vice President of TelTrust Group, reported that building height had

been reduced from four to three floors, or from 37 feet 2 inches to 35 feet while retaining the same architectural theme. (The actual height of the building to the top of the roof is 50 feet.) This was done through reduction in the number of suites and with the addition of a one story building between the two wings of the hotel. There will be 134 rooms with 148 parking spaces which meets requirements, Mr. Carter said. In response to Council Members Tarrant and Prolman, Mr. Carter explained that a franchise agreement with Hilton Hotels had not been processed nor had the financing package been finalized, pending feasibility studies and appraisals which will be used as the basis for application for a franchise. Mr. Carter also noted that Benny Mashiah is the sole stockholder of TelTrust Group, a Florida corporation. Mr. Tarrant also confirmed with Mr. Carter that neither Eli Barron nor any member of his family had financial interest in the project. Vice Mayor Prolman expressed disappointment about a lack of detail from earlier renderings; Mr. Carter noted the petitioner's intent is to maintain the initial architectural standards and that a completed rendering would be available for second reading.

City Attorney Cuyler pointed out that since Council had heard this issue previously, it would be relying on the prior record of the presentation, that record being incorporated by reference in this meeting record.

Public Input: (9:22 a.m.)

Attorney J. Dudley Goodlette of Goodlette, Coleman and Johnson, representing the Wilderness County Club, noted continued opposition to the petition as presented at this meeting and recognized the presence of Wilderness Country Club general counsel Alan Koslow who, he said, would be addressing the issues of the annexation and development agreements. Planning Director Missy McKim confirmed that if the petitioner wished to change the plan to another type of building or use, a general development and site plan review process would be required. Planner Flinn Fagg also indicated that in general the project meets the requirements of the applicable provisions of the Code of Ordinances. Mr. Van Arsdale then asked for further explanation of residents' opposition in light of the fact that the project now meets City codes; Attorney Goodlette said would be forthcoming when residents spoke later in the session. Mr. Goodlette also pointed out that the development agreement (Page 4) would permit uses other than a hotel and observed that State Statutes requires that all property owners petition for approval of an annexation/development agreement, those owners being the Frank family, and not the equitable interest represented on this petition. City Attorney Cuyler noted that an authorization letter from the owners had been received indicating their consent to move forward with the annexation and development petition which, he said he felt was sufficient for purposes of that day's action. Attorney Goodlette noted, for the record, however, that 171.044(2), F.S., requires that the petition for annexation must bear the signature of all owners of the property. **Attorney Alan Koslow** noted that the actual petition for annexation under Florida Statutes is required to be signed by the fee owners of the property and cannot be a lessee. The City, he said, has a due diligence obligation in this regard. Mr. Koslow said he, however, agreed with the City Attorney that the development agreement should not be considered at this meeting; otherwise it would constitute contract zoning which is prohibited under Florida law, violates the due

process rights of the public to attend and be heard at a zoning hearing, and is outside the City's jurisdiction prior to the property being annexed. Attorney Cuyler noted, however, that development agreements are permitted under Florida law. Nevertheless, Mr. Cuyler indicated that he would research issues surrounding this petition such as whether the owners' signatures must be in the petition, and requested that Attorney Koslow prepare a memorandum outlining his position. **Franklin F. Starks, Jr., 1717 Gulf Shore Blvd. N.**, asked City Council to control growth and maintain the attractiveness of the community. **Jim Dean, 1320 28th Avenue N., representing the Sun Terrace Association**, read a letter in opposition due to traffic concerns (Attachment 2). In response, Planning Director Missy McKim noted that the Comprehensive Plan would include traffic calming and right-of-way improvements in Sun Terrace. **Don Roberts, 107 Clubhouse Drive #258**, expressed concern that a commitment from Hilton Hotels is lacking. City Attorney Cuyler noted that the hotel operator is not part of land use considerations and therefore a single hotel company is not tied to the use. **James C. Ricca, 104 Wilderness Drive**, expressed his concern about what he described as an evasion of Collier County density standards and criticized the City Planning Department's handling of this issue.

Vice Mayor Prolman asked if Collier County density standards had been applied by the City. Ms. McKim explained that the City had not applied the standards and that obtaining a higher design standard had been seen as more important, particularly in light of the fact that these issues were unclear in the County PD for the Wilderness development. Council Member MacKenzie confirmed that it was the City's intent that the access road present in the design before Council be continued to other commercial properties in the area so that they could access the same traffic light. Council Member Nocera recommended requiring an increased surety bond to insure the completion of this project. It was suggested that this issue be researched by the City Attorney.

MOTION by Sullivan TO CONTINUE 5-a (DEVELOPMENT AGREEMENT) UNTIL THE FEBRUARY 19, 1997, REGULAR MEETING IF 5-b (ANNEXATION ORDINANCE) IS APPROVED ON FIRST READING; seconded by Van Arsdale and carried 6-1, all members present and voting. (MacKenzie-yes, Nocera-yes, Prolman-yes, Sullivan-yes, Tarrant-no, Van Arsdale-yes, Barnett-yes)

MOTION by Van Arsdale to APPROVE the annexation ordinance on first reading; seconded by Sullivan and carried 6-1, all members present and voting. (MacKenzie-yes, Nocera-yes, Prolman-yes, Sullivan-yes, Tarrant-no, Van Arsdale-yes, Barnett-yes)

Recess: 10:19 - 10:23 a.m. It is noted for the record that the same Council Members were present when the meeting reconvened.

.....ITEM 6
CONSIDER A NEW SITE PLAN FOR NAPLES PLAYERS (10:23 a.m.)

Planning Director Missy McKim noted that the Staff Action Committee had given conceptual approval to the plan and that future changes would be reviewed by SAC. Council Members

observed that the plan was the same as viewed at an earlier meeting and had no further questions.

MOTION by Sullivan to APPROVE THE CONCEPTUAL SITE PLAN; 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 7
CONSIDER A LETTER OF UNDERSTANDING BETWEEN THE SMITH INTERESTS, WYNN INTERESTS, MERRILL LYNCH BUILDING, AND THE CITY REGARDING THE CITY PARKING LOT ON 4TH AVENUE SOUTH BETWEEN 7TH STREET AND 8TH STREET. (10:25 a.m.) Assistant City Manager Bill Harrison discussed issues regarding a parking garage to be constructed in the City parking lot on Fourth Avenue South between Seventh and Eighth Streets. (Attachment 3) Construction of the new Naples Players building and the proposed hotel next door would cause a loss of parking, he said, displaying a rendering of a parking structure which would encompass two elevated decks above ground. Mr. Harrison referred to prior agreements with the developer of the UTS Building (n/k/a the Merrill Lynch Building) noting that the City had agreed to finance the cost of bid documents for a built-in-place structure which would also contain 116 spaces paid for by the developers. Now, due to advances in technology, a prefabricated structure could be more economical than anticipated construction methods, he added. Mr. Harrison noted that higher Fifth Avenue property values are increasing the amount available from tax increment financing which can be used to retire bonds. As revenue is realized from increasing property values in the 41-10 corridor that revenue can then be applied there, Mr. Harrison added, although there is no legal commitment to use revenue derived from various areas of the redevelopment district in those same areas. It was also noted that such improvements as upgrading alleyways in the blocks just off Fifth Avenue would be included in the second year of the capital improvement program which the Council would deliberate this summer.

Council Member Tarrant expressed concern that the City would have to use its credit rating to underwrite redevelopment bonds for this purpose. Mr. Harrison, however, said he believed that revenues from the redevelopment area would be sufficiently strong to preclude any need for back-up credit from the general city government. Council Member Tarrant questioned if a multi-level parking garage would be appropriate given Naples' small town character. City Manager Woodruff indicated that it was not anticipated, either on the part of the City or other property owners involved, that the parking structure would go above three stories (two decks over ground). Planning Director McKim referred to the Duany study (Fifth Avenue master plan) which recommended two- and three-story structures to balance the wide sidewalks and streets and to make them more inviting to pedestrian traffic. Mr. Duany recognized the need for a multi-level parking garage at this particular site, she added, not only to serve Fifth Avenue but to assure that parking did not intrude residential areas.

Vice Mayor Prolman questioned the safety of such a garage as more levels are added; staff was

requested to research this issue further. Council Member Van Arsdale noted the importance of studying other examples of parking garages which blended well with the type of urban environment present on Fifth Avenue. City Manager Woodruff assured Council that not only would the structure be redesigned taking into consideration the latest technology, but the Council would approve design services.

City Manager Woodruff clarified that various other issues would be addressed in a revised development agreement for the Merrill Lynch Building; however, the staff was now requesting approval for compilation of a letter of understanding covering: 1) redesign of the parking garage; 2) construction of the parking garage; 3) construction schedule for the parking garage; and 4) estimated cost/funding. Council Member Van Arsdale suggested that the Council discuss in workshop the amendment to the development agreement.

Public Input: (10:55 a.m.)

Jim Smith, 3355 Gordon Drive, agreed that a workshop regarding the development agreement would be appropriate and recommended that the City Attorney review various prior drafts. He further confirmed for Dr. Woodruff that he was in total agreement with the four points discussed at this meeting.

MOTION by Sullivan to APPROVE the drafting of a letter of understanding based on the above four points; seconded by Van Arsdale and carried 6-1, all members present and voting. (MacKenzie-yes, Nocera-yes, Prolman-yes, Sullivan-yes, Tarrant-no, Van Arsdale-yes, Barnett-yes)

Recess: 10:57 - 11:00 a.m. It is noted for the record that the same Council Members were present when the meeting reconvened.

.....**ITEM 8**
PROPOSED REDEVELOPMENT OF PROPERTY AT 691 5TH AVENUE SOUTH AS AN 82-ROOM HOTEL. It is noted for the record that titles to each of the resolutions listed in Item 8 below were read by City Manager Woodruff at 11:00 a.m.

RESOLUTION 97-7901..... ITEM 8-a
A RESOLUTION APPROVING CONDITIONAL USE PETITION 96-CU24, IN ORDER TO PERMIT THE DEVELOPMENT OF AN 82-ROOM TRANSIENT LODGING FACILITY AT 691 FIFTH AVENUE SOUTH, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

RESOLUTION 97-7902..... ITEM 8-b
A RESOLUTION GRANTING VARIANCE PETITION 97-V2, IN ORDER TO PERMIT A LOT COVERAGE OF 53% FOR THE PROPERTY LOCATED AT 691 FIFTH AVENUE SOUTH, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN

EFFECTIVE DATE.

RESOLUTION 97-7903.....ITEM 8-c
A RESOLUTION APPROVING ALLEY VACATION PETITION 96-AV2, IN ORDER TO PERMIT THE VACATION OF THE 200-FOOT EAST/WEST ALLEY AND THE 170-FOOT NORTH/SOUTH ALLEY LOCATED ON BLOCK 16, TIER 7 OF THE SEABOARD REPLAT; AND PROVIDING AN EFFECTIVE DATE.

RESOLUTION 97-7904..... ITEM 8-d
A RESOLUTION GRANTING A WAIVER FROM SECTION 102-1095(b)(1-a) OF THE CODE OF ORDINANCES, IN ORDER TO PERMIT CHAMFERED CORNERS ON THE BUILDING AT 691 FIFTH AVENUE SOUTH; AND PROVIDING AN EFFECTIVE DATE.

RESOLUTION 97-7905.....ITEM 8-e
A RESOLUTION GRANTING A WAIVER FROM SECTIONS 102-1095(b)(1-b) AND 102-1095(b)(1-c) OF THE CODE OF ORDINANCES, IN ORDER TO PERMIT SETBACKS GREATER THAN 10 FEET FOR THE SECOND AND THIRD STORIES OF THE BUILDING AT 691 FIFTH AVENUE SOUTH; AND PROVIDING AN EFFECTIVE DATE.
Read by City Manager. (11:02 a.m.)

RESOLUTION 97-7906..... ITEM 8-f
A RESOLUTION GRANTING A WAIVER FROM SECTION 102-1095(e)(5) OF THE CODE OF ORDINANCES, IN ORDER TO PERMIT RECTANGULAR WINDOWS FOR THE BUILDING AT 691 FIFTH AVENUE SOUTH; AND PROVIDING AN EFFECTIVE DATE.

RESOLUTION 97-7907..... ITEM 8-g
A RESOLUTION GRANTING A WAIVER FROM SECTION 102-1095(e)(6) OF THE CODE OF ORDINANCES, IN ORDER TO PERMIT SLIDING GLASS DOORS FOR THE BUILDING AT 691 FIFTH AVENUE SOUTH; AND PROVIDING AN EFFECTIVE DATE.

City Manager Richard Woodruff noted that individual votes would be required for the above items.

Project developer Phil McCabe noted that some of the variances presented to Council were primarily due to architectural changes which resulted from a desire to bring the existing building out onto Fifth Avenue; they had been approved by the Staff Action Committee. Other variances involved what Mr. McCabe termed functional issues relating to construction within the existing building. Referring to a rendering, he noted that the plan for hotel and mixed-use retail largely conforms to requirements of the Fifth Avenue South Overlay District. The rear portion will incorporate 27,000 square feet of new construction added to the existing building in the C-1A

district. The property straddles these two zones, he said, and varying building heights appear in the design to comply with their various requirements. NationsBank will remain as a tenant on the first floor of the building along with the hotel lobby and an Irish pub on Fifth Avenue and Seventh Street, and retail units along Seventh. The second and third floors of the existing building will be hotel rooms and suites and the second and third floors of the new construction will be exclusively hotel rooms, Mr. McCabe said. Much of what is now parking at the rear of the building will be devoted to a swimming pool and the current NationsBank drive-through facility on Fourth Avenue will be reduced from eight to five lanes and a 56 space parking lot; a total of 85 parking spaces will be provided by the hotel for its approximately 80 to 85 rooms. Mr. McCabe also noted that an additional parking lot under his ownership on the corner of Seventh Street and Third Avenue would be designated for use by his staff until the parking garage is built. Council Member MacKenzie indicated that employees of the pub and retail spaces in the hotel should also be directed to that lot to reserve closer parking for customers. Mr. McCabe agreed, saying that it will be a part of the lease. Council Member Van Arsdale noted that the Staff Action Committee would be addressing this issue from a regulatory standpoint throughout the district.

In response to Vice Mayor Prolman, Mr. McCabe showed that alleyway access to other buildings in the block will be assured through two-way traffic east/west and for a portion of the north/south extension. Planner Flinn Fagg noted that the alley vacation resolution requires appropriate agreements be signed with adjoining property owners to assure that access. Planning Director McKim also noted that more than one easement will most likely be required in a form approved by the property owners and City Attorney. In response to Council Member MacKenzie, Mr. McCabe indicated that a truck delivery location will be provided so that the alley will not be blocked.

Public Input: (11:15 a.m.)

Attorney Don Pickworth representing the Wynn family (owners of the property occupied by Wynn's Family Market and Kepp's Men's Store), stated that his clients did not object to the conditional use but urged that maintaining the off-site parking lot for staff be a condition until the parking garage is constructed. He said his clients support the project and feel that it is good for Fifth Avenue. Council Member MacKenzie therefore proposed changing wording in the resolution granting the conditional use (Section 2, Paragraph 1) from maintained in "perpetuity" to maintained "until a proposed three-level parking garage is constructed and available." Mr. Pickworth noted that this would be acceptable to his clients. **Stuart Kaye, 1125 Clam Court**, supported the project but sought assurance on behalf of the Fifth at Park Plaza Building, the building immediately west of the proposed hotel, that there is not only legal access to parking at the rear of that building but visual access through signage which identifies it for Fifth at Park Plaza. Council Member Van Arsdale suggested that the two parties work together to optimize the additional land which will be realized from the alley vacation. **Jim Smith, 3555 Gordon Drive**, expressed concern about signage be available to the retail tenants adjacent to the hotel so that they can maintain their visibility. Mr. Smith also urged Council to remain mindful of the shrinking inventory of non-street parking for future use of Fifth Avenue.

Vice Mayor Prolman and Council Member Van Arsdale agreed with Mr. Smith, with Mrs. Prolman urging review of a second phase parking study and Mr. Van Arsdale supported an assessment of the success of the Fifth Avenue Master Plan to use in updating. Council Member MacKenzie received assurances from Petitioner McCabe that construction staging will be from the Fourth Avenue side of the building on the existing parking lot. He also stated that the alleyway and parking for Mr. Kaye's building would not be disturbed except to expand to two-way traffic.

Planner Flinn Fagg briefly addressed Mr. Kaye's signage concerns on Fourth Avenue South and offered the following alternatives: 1) approval of a variance for off-site signage; or 2) development by the Staff Action Committee of a signage package for the overlay district which may include signage directing patrons to parking in the back of the building; to parking areas; or 3) requiring as a condition on the alley vacation that signage be permitted for the Fifth at Park Plaza Building. Mr. Fagg noted that Planning Advisory Board would in April review the amendment to the PD document on the Merrill Lynch building and the construction phasing plan for this project, along with the parking garage and theater; subsequent City Council action would then be scheduled. This will take into consideration the need for all property owners and their customers to have access during the construction phase, he said.

Vice Mayor Prolman questioned a requested SAC waiver for sliding glass doors. Planner Fagg explained that although French doors are required by the district, this is due to the large number required for the hotel and the fact that French doors are less desirable from a maintenance and weather-proofing standpoint. Nevertheless, the sliding glass doors used would be given an appearance of French doors. Mrs. Prolman, said she was disappointed that SAC had recommended approval because the grids used on sliding glass doors to give them an appearance of French doors were in her opinion inappropriate for up-scale hotels. Petitioner McCabe said that sliding doors would be used only on second and third floors; genuine French doors will be used on the first floor. He also said that there was concern about noise on Fifth Avenue which would be more effectively addressed by sliding glass doors. Mr. McCabe also noted that the Ritz-Carlton is replacing all its French doors with sliding glass doors and that the newer versions have a much improved appearance.

MOTION (Item 8-a) by Van Arsdale to **APPROVE** Resolution **97-7901** as amended to replace the word "perpetuity" in Section 2, Paragraph 1, with "until completion of construction of the parking structure on the municipal lot to the east of the hotel;" 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)

MOTION (Item 8-b) by Van Arsdale to **APPROVE** Resolution **97-7902** 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)

MOTION (Item 8-c) by Van Arsdale to **APPROVE** Resolution **97-7903** as amended to include a condition that a location at Fourth Avenue South driveway entrance be provided for signage for the Fifth at Park Plaza Building; 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)

MOTION (Item 8-d) by Van Arsdale to **APPROVE** Resolution **97-7904** 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)

MOTION (Item 8-e) by Van Arsdale to **APPROVE** Resolution **97-7905** 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)

MOTION (Item 8-f) by Van Arsdale to **APPROVE** Resolution **97-7906** 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)

MOTION (Item 8-g) by Sullivan to **APPROVE** Resolution **97-7907** as submitted; seconded by MacKenzie and carried 6-1 all members present and voting. (MacKenzie-yes, Nocera-yes, Prolman-no, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes)

.....ITEM 9
CONSIDER AUTHORIZING FLORIDA POWER & LIGHT TO CONDUCT AN ENGINEERING AND COST ESTIMATE STUDY RELATING TO UNDERGROUNDING OF OVERHEAD POWER LINES IN PORT ROYAL AND SOUTH OF GORDON DRIVE\ COST: \$66,198.00 (NOT TO EXCEED) \ FUNDING: GENERAL FUND UNRESTRICTED RESERVES (TO BE REPAID BY THE SPECIAL ASSESSMENT DISTRICT, IF APPROVED) (11:57 a.m.)

Kermit Sutton, President of the Port Royal Property Owners Association, noted that interest in this item was based both on safety and aesthetic reasons. Mayor Barnett received confirmation from Mr. Sutton that the majority of Port Royal Association members support this study. (Eighty percent of members are in favor and 450 of 550 Port Royal residences are members of the Association.) City Manager Woodruff clarified that the City would however not be permitted to assess home owners

for the proposed study, but Council Member Van Arsdale said that even if reimbursement were not possible, he felt that there was sufficient City-wide support for undergrounding utilities.

Council then discussed various technical aspects of utility undergrounding with Florida Power & Light Regional Manager Grover Whidden. Mr. Whidden also explained that detailed estimates are required prior to entering into an agreement to underground utilities. He further noted that engineering and estimating will take approximately three months. A rough estimate of \$13,000 per home was made and includes \$2,000 for home connections, changeovers, trenching and land restoration. Council Member Tarrant expressed concern about notification of individual property owners and the City's willingness to commit to engineering costs without assurance of reimbursement. Mr. Sutton noted that the Port Royal Association Board had given unanimous support although the membership had not yet been provided with a cost estimate. City Manager Woodruff said that the City could notify property owners of the costs involved, including the portion which would be required to complete the connection to the home.

Public Input: (12:39 p.m.)

Jim Lennane, 4228 Gordon Drive, Port Royal Association Long-Range Planning Chairman, questioned FPL cost estimates because the company's primary focus is that of an above-ground utility. He said that the City should assure itself that the estimates being obtained are not merely for putting an overhead system underground rather than providing a system which is engineered for that purpose. Mr. Lennane also recommended research into whether the final system installed be in the ownership of FPL or of the City so that other remote power generating companies may be used. In conclusion, Mr. Lennane suggested that Council be cognizant of infrastructure improvement other than electricity needs in conjunction with efforts to modernize the City.

MOTION by Van Arsdale to APPROVE; 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)

It was noted that the expenditure for this study had been approved by Council without final knowledge of what method might be implemented to recover costs.

.....**ITEM 12**
A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF NAPLES AND COLLIER COUNTY RELATING TO THE MAINTENANCE AND OPERATION OF THE BEACH AREAS AND RELATED PARKING SITES WITHIN THE CITY; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager. (12:42 p.m.)

Council Member Tarrant suggested that the payment to the City is inadequate considering demand represented by population growth in the County. Council Member Van Arsdale said he favored continuance in order to do additional research because of what he termed a lack of resolution regarding the proposed fuelling facility previously discussed with the County Commission. City

Manager Woodruff noted that the current agreement expires on September 30th, and if no renewal is acted upon, all beach parking permits in the hands of other than City residents would expire that date.

Public Input: None (12:45 p.m.)

MOTION by Van Arsdale to **CONTINUE THIS ITEM TO THE FIRST MEETING IN APRIL**; 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)

It is noted for the record that Council Member Van Arsdale left the meeting at 12:46 p.m.

.....ITEM 14
CONSIDER GRANTING A VARIANCE TO NAPLES COMMUNITY HOSPITAL IN ORDER TO PERMIT THREE ADDITIONAL CLASS A SIGNS AT GRAND CENTRAL STATION, 302 GOODLETTE ROAD SOUTH. Title read by City Manager Woodruff. (12:46 p.m.) Vice Mayor Prolman determined that no overall NCH sign plan had been submitted and requested continuation due to the fact that all hospital installations are in the redevelopment district.

Public Input: None (12:48 p.m.)

MOTION by Prolman to **CONTINUE** this Item until the 3/5/97 Regular Meeting; seconded by MacKenzie and carried 4-2. (MacKenzie-yes, Nocera-no, Prolman-yes, Sullivan-yes, Tarrant-no, Van Arsdale-absent, Barnett-yes)

It is noted for the record that Council Members Prolman and Sullivan left the meeting at 12:50 p.m.

ORDINANCE (First Reading).....ITEM 10
AN ORDINANCE AMENDING SUBSECTION (b) (1) OF SECTION 118-185. FEE SCHEDULE; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE. Title read by the City Manager. (12:50 p.m.) City Manager Woodruff indicated that revenues derived as a result of this ordinance would be used for new installations only.

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

MOTION by Tarrant to **APPROVE** this ordinance on first reading; seconded by MacKenzie and carried 4-0. (MacKenzie-yes, Nocera-yes, Prolman-absent, Sullivan-absent, Tarrant-yes, Van Arsdale-absent, Barnett-yes.)

RESOLUTION 97-7908.....ITEM 11
A RESOLUTION OF THE MAYOR AND COUNCIL ENDORSING TIM CONSTANTINE AS A CANDIDATE FOR THE FLORIDA CONSTITUTION CONVENTION COMMITTEE; AND PROVIDING AN EFFECTIVE DATE. Title read by the City Manager. (12:51 p.m.) It was noted that the entire State Constitution will be covered in this review.

Public Input: None (12:51 p.m.)

MOTION by MacKenzie to ***APPROVE*** Resolution 97-7908 as submitted; seconded by Tarrant and carried 4-0. (MacKenzie-yes, Nocera-yes, Prolman-absent, Sullivan-absent, Tarrant-yes, Van Arsdale-absent, Barnett-yes.)

RESOLUTION 97-7909.....ITEM 13
A RESOLUTION APPROVING CONDITIONAL USE PETITION 97-CU1 TO ALLOW A GUEST UNIT ON AN R1-10 ZONED LOT WITH LESS THAN 30,000 SQUARE FEET OF AREA AT 455 15TH AVENUE SOUTH, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO THE CONDITIONS LISTED HEREIN; AND PROVIDING AN EFFECTIVE DATE. Read by City Manager. (12:52 p.m.)

Public Input: None (12:52 p.m.)

MOTION by MacKenzie to ***APPROVE*** Resolution 97-7909 as submitted; seconded by Nocera and carried 4-0. (MacKenzie-yes, Nocera-yes, Prolman-absent, Sullivan-absent, Tarrant-yes, Van Arsdale-absent, Barnett-yes)

ORDINANCE (Denied)ITEM 15
AN ORDINANCE OF THE MAYOR AND COUNCIL AUTHORIZING COLLIER COUNTY GOVERNMENT, PURSUANT TO SECTION 197.3632 OF THE FLORIDA STATUTES, TO COLLECT ON A NON-AD VALOREM BASIS ASSESSMENTS WITHIN THE CITY OF NAPLES FOR INTERIM GOVERNMENTAL SERVICE FEES, AND PROVIDING AN EFFECTIVE DATE. Title read by the City Manager Woodruff. (12:53 p.m.)

City Attorney Cuyler stated that his research indicates that this action could be taken either by resolution or ordinance; he recommended, therefore, that the ordinance already advertised be considered. Mr. Cuyler also responded to Council Member Tarrant in that a requested opinion from the Department of Revenue would most likely not be forthcoming because it did not relate to a revenue statute. City Manager Woodruff also pointed out that this revenue is not being collected for the City but the ordinance would allow the County's interim governmental service fee to be charged to City properties; without Council approval of this ordinance the fee may be collected only in the unincorporated area.

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

MOTION by Tarrant to ***DENY*** this ordinance on second reading; seconded by MacKenzie and carried 4-0 (MacKenzie-yes, Nocera-yes, Prolman-absent, Sullivan-absent, Tarrant-yes, Van Arsdale-absent, Barnett-yes).

ORDINANCE 97-7910.....ITEM 16
AN ORDINANCE AMENDING SUBSECTIONS (a) (1) and (2) OF SECTION 118-185 FEE SCHEDULE; RESCINDING AS OBSOLETE SUBSECTION (b) OF SECTION 118-188 CREDITS; AND RESCINDING SECTION 118-189 APPLICABILITY OF FEES WHEN FEES PAID UNDER PREVIOUS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE. Title read by the City

Manager Woodruff. (12:59 p.m.)

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

MOTION by MacKenzie to ***APPROVE*** this Ordinance 97-7910 on second reading; seconded by Tarrant and carried 4-0 (MacKenzie-yes, Nocera-yes, Prolman-absent, Sullivan-absent, Tarrant-yes, Van Arsdale-absent, Barnett-yes).

RESOLUTION 97-7911.....ITEM 17
A RESOLUTION APPOINTING ONE CITY RESIDENT TO THE CITY OF NAPLES RETIREMENT SYSTEM BOARD OF TRUSTEES TO FILL THE VACANCY CREATED BY THE RESIGNATION OF G. DOUGLAS HALE; AND PROVIDING AN EFFECTIVE DATE. Title read by the City Manager Woodruff. (12:59 p.m.)

Mayor Barnett gave his endorsement to Murray Hendel.

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

MOTION by Tarrant to ***APPROVE*** Resolution 97-7911 as submitted; seconded by MacKenzie and carried 4-0 (MacKenzie-yes, Nocera-yes, Prolman-absent, Sullivan-absent, Tarrant-yes, Van Arsdale-absent, Barnett-yes).

CONSENT AGENDA

APPROVAL OF MINUTES.....ITEM 18
December 11, 1996 Cambier Park Workshop; December 13, 1996 Press Conference; December 18, 1996 Regular Meeting; January 6, 1997 Landfill Tour, January 13, 1997 Workshop Meeting.

.....**ITEM 19**
CONSIDER APPROVAL OF THE FOLLOWING SPECIAL EVENTS:

Youth Haven Walkathon and Rubber Duck Race - 1/18 (co-sponsorship)

Gulf Coast Big Band Concert - 2/16, 3/9, 4/6

Festival of Colors (5th Avenue) - 2/14-16 *

American Cancer Society Street Gala - 2/21

Naples Art Association Art Festival - 2/22-23

Multiple Sclerosis Walk - 3/16

Fifth Avenue Festival of Arts - 3/21-23

***This item was approved with the caveat that the materials used for the Festival of Colors must be removable and will be communicated to the organizers in writing.**

.....**ITEM 20**
AWARD OF BID FOR SPARE PARTS FOR TWO MOYNO SLUDGE PUMPS AT THE WATER TREATMENT PLANT \ VENDOR: CARL ERIC JOHNSON, INC., DECATUR, GEORGIA \ PRICE: \$16,507.00 \ FUNDING: CIP PROJECT 97K44.

.....**ITEM 21**

AWARD OF BID FOR FOUR SUBMERSIBLE PUMPS AND MOTORS FOR USE AT THE EAST GOLDEN GATE AND COASTAL RIDGE WELLFIELDS \ VENDORS: COAST PUMP & SUPPLY CO., NAPLES, FLORIDA AND NAPLES ARMATURE WORKS, NAPLES, FLORIDA \ TOTAL PRICE: \$46,264.86 \ FUNDING: CIP PROJECT 97X01

.....**ITEM 22**
AUTHORIZATION TO PURCHASE ONE BOAT MOTOR FOR THE POLICE & EMERGENCY SERVICES MARINE PATROL FROM A PREVIOUSLY AWARDED BID \ VENDOR: BAY MARINA, INC., NAPLES, FLORIDA \ PRICE (INCLUDING INSTALLATION): \$11,364.00 \ FUNDING: CIP PROJECT 97H02.

.....**ITEM 23**
CONSIDER A BUDGET AMENDMENT, NOT TO EXCEED \$50,000.00, FOR ENHANCEMENT DESIGNS RELATING TO THE PROPOSED GORDON RIVER BRIDGE FROM DAVIS BOULEVARD TO GOODLETTE-FRANK ROAD (GATEWAY PROJECT) \ FUNDING: UTILITY TAX CAPITAL IMPROVEMENT FUND.

.....**ITEM 24**
AUTHORIZATION TO ISSUE A PURCHASE ORDER FOR 3 REFUSE TRUCKSTERS \ VENDOR: GOLF VENTURES, INC., FORT MYERS, FLORIDA \ TOTAL PRICE: \$48,045.00 \ FUNDING: CIP PROJECT 97P04.

Public Input: None (1:02 p.m.)

MOTION by MacKenzie to ***APPROVE*** the Consent Agenda; seconded by Nocera and carried 4-0 (MacKenzie-yes, Nocera-yes, Prolman-absent, Sullivan-absent, Tarrant-yes, Van Arsdale-absent, Barnett-yes).

END CONSENT AGENDA

CORRESPONDENCE AND COMMUNICATIONS.....
None.

OPEN PUBLIC INPUT.....
None.

ADJOURN.....
1:03 p.m.

Bill Barnett, Mayor

Tara A. Norman

City Clerk

Minutes prepared by:

Shirley A. Moore
Recording Secretary

Minutes approved: 3/5/97

Attachment 1
2/5/97 Regular Meeting
Page 1 of 1

Supplemental Attendance List

1996 Naples Gators Junior Bantam Football
Team and coaches

Werner Haardt
Rich Locker
Ralph Carter
Thomas Brown
David Ashbaugh
Kermit Sutton
James Lennane
Stuart Kaye
Jim Smith
Donald Pickworth
Franklin Starks
James Ricca
Jim Dean
J. Dudley Goodlette
Alan Koslow
Don Roberts
Grover Whidden
Phil McCabe