



Gulfview Middle School
255 6th Avenue South
Naples, Florida 34102

City Council Regular Meeting – June 18, 1997 – 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
John R. Nocera
Fred L. Sullivan
Fred Tarrant
Peter H. Van Arsdale

Also Present:

Dr. Richard Woodruff, City Manager
Kenneth Cuyler, City Attorney
William Harrison, Assistant City Manager
Missy McKim, Planning Director
Tara Norman, City Clerk
Don Wirth, Community Services Director
Richard Gatti, Development Services
Director
Kevin Rambosk, Chief of Police &
Emergency Services
Dan Mercer, Utilities Director
Virginia Neet, Deputy City Clerk
Dr. Jon Staiger, Natural Resources
Manager
George Archibald, Traffic Engineer
Ronald Lee, Planner

Keeth Kipp, Utilities/Solid Waste
Coordinator
Molly Reed, Recording Secretary
Steven Moore, Police Commander
Robert Niven, Property & Evidence Tech
Reverend Larry Sims, First United
Pentecostal Church
Kelly Blecha
David Trowbridge
Virginia Corkran
Tony Pires
Peter Gerbosi
See also supplemental attendance list
(Attachment 1)

Media:

Tara Beer, Naples Daily News
Frank Kinsman, WNOG

INVOCATION AND PLEDGE OF ALLEGIANCE.....ITEM 2

Reverend Larry Sims, First United Pentecostal Church

City Manager Richard Woodruff announced that the meeting was not being televised but would be rebroadcast on Channel 54 at noon on Friday, June 20, 1997. (A taped copy of the broadcast is contained in the file for this meeting in the City Clerk's office.)

ITEMS TO BE ADDEDITEM 4

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

Item 20 Approval of Mutual Aid Agreement.

Item 21 Authorize a purchase order for the construction of a sanitary sewer system for Big Cypress Homeowners in the Country Club of Naples.

Item 22 Authorize a purchase order for construction of a water line in the alley south of 5th Avenue South from Park Street to 9th Street.

Item 23 Request for conditional use approval of a veterinary office with no long-term boarding in the C-3 zoning district.

City Attorney Kenneth Cuyler requested the following item be added to the agenda:

Item 24 Request for approval of legal services contract between the City of Naples and Roetzel & Andress.

MOTION by Van Arsdale to SET AGENDA ADDING ITEMS 20, 21, 22, 23, AND 24; seconded by Sullivan and unanimously carried, all members present and voting. (MacKenzie-yes, Nocera-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes)

ANNOUNCEMENTSITEM 3

City Manager Woodruff presented a plaque from Lely High School to Police Chief Kevin Rambosk and Police Commander Steven Moore for their participation in the school mentoring program.

CONSENT AGENDA

City Manager Richard Woodruff distributed a report itemizing responses to questions from Council Members at the Workshop meeting of June 16th. (A copy of this report is included in the file for this meeting in the City Clerk's office)

APPROVAL OF MINUTESITEM 5a

May 19, 1997 Workshop Meeting; May 21, 1997 Regular Meeting.

.....ITEM 5b

AUTHORIZE A PURCHASE ORDER FOR A PORTABLE CASDADE AIR SYSTEM FOR FIRE OPERATIONS \ Vendor: Channel Innovations, Inc., Ocala, Florida \ Total Price \$13,125.00 \ Funding: CIP Project #97e17.

.....ITEM 5d

AUTHORIZE A PURCHASE ORDER FOR A 1977 FORD TAURUS (UNDER THE FLORIDA SHERIFF'S ASSOCIATION & ASSOCIATION OF COUNTIES ANNUAL CONTRACT) FOR USE BY THE BUILDING & ZONING DIVISION \ Vendor: Don

Reid Ford, Inc., Maitland, Florida \ Total Cost: \$14,644.00 \ Funding: General Fund Reserves (restricted for Building & Zoning).

RESOLUTION 97-7992.....ITEM 5e
A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A GRANT OF EASEMENT IN SUBSTANTIALLY THE FORM ATTACHED HERETO AND MADE A PART HEREOF BETWEEN NET REALTY HOLDING TRUST AND THE CITY OF NAPLES FOR INSTALLATION OF A BACKFLOW PREVENTER AT THE BOOKS-A-MILLION STORE LOCATED IN THE NAPLES SHOPPING CENTER; AND PROVIDING AN EFFECTIVE DATE. Title not read.

.....**ITEM 5g**
APPROVE AN AFTER-THE-FACT PURCHASE ORDER FOR A VALUE ENGINEERING ANALYSIS OF ROADWAY DESIGN OPTIONS ON GOLDEN GATE BOULEVARD BETWEEN CR951 AND WILSON BOULEVARD IN ORDER TO PRESERVE THE CITY'S RAW WATER LINE \ Contractor: Wilson, Miller, Barton & Peek, Inc., Naples, Florida \ Cost: (not to exceed) \$10,000.00 \ Funding: CIP Project 97L02.

.....**ITEM 5h**
AUTHORIZE AN AFTER-THE-FACT PURCHASE ORDER FOR A CONDITION AND LIFE EXPECTANCY REPORT ON THE 36" RAW WATER MAIN ON GOLDEN GATE BOULEVARD (PHASE 1A & 2) \ Contractor: Forge Engineering, Inc., Naples, Florida \ Cost: \$48,012.00.

.....**ITEM 5k**
AWARD A BID FOR EMERGENCY STANDBY GENERATOR FOR THE SOLANA TANK/BOOSTER STATION ON BURNINGTREE DRIVE AND GOODLETTE ROAD NORTH \ Vendor: Superior Power Equipment, Inc., Ft. Myers, Florida \ Bid Price: \$59,800.00 \ Funding: CIP Project #97K46.

.....**ITEM 5l**
AUTHORIZE PURCHASE OF SELF-CONTAINED BREATHING APPARATUS FOR USE BY FIRE OPERATIONS \ Vendor: Safety Equipment Company of Florida, Inc., Tampa, Florida \ Price: \$19,892.00 \ Funding: CIP Project #97E06.

.....**ITEM 5m**
AUTHORIZE PURCHASE OF JULY 4, 1997 FIREWORKS DISPLAY \ Vendor: Zambelli Internationale, Boca Raton, Florida \ Cost: \$30,000.00 \ Funding: Naples Beach Fund.

RESOLUTION 97-7993.....ITEM 5n
AUTHORIZE AN AGREEMENT WITH THE COLLIER COUNTY SUPERVISOR OF ELECTIONS FOR SERVICES DURING THE FEBRUARY 1998 CITY GENERAL ELECTION.

.....**ITEM 5o**
AUTHORIZE A PURCHASE ORDER FOR ONE "POLIGON" SHELTER AT THE GULFVIEW MIDDLE SCHOOL PHYSICAL FITNESS FACILITY \ Vendor: Contract Connection, Inc., Jacksonville Beach, Florida \ Cost: \$15,865.00 \ Funding: CIP Project #96G04 and CIP Utility Tax Contingency. (Previously considered by City Council on 6/4/96)

MOTION by Van Arsdale (by way of his motion to Set the Agenda) to **APPROVE CONSENT AGENDA ITEMS 5a, 5b, 5d, 5e, 5g, 5h, 5k, 5l, 5m, AND 5o, AND REMOVE ITEMS 5c, 5f, 5i, AND 5j FOR SEPARATE DISCUSSION**; 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 97-7994.....ITEM 5f
A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A GRANT OF EASEMENT IN SUBSTANTIALLY THE FORM ATTACHED HERETO AND MADE A PART HEREOF BETWEEN ST. VINCENT DE PAUL SOCIETY AND THE CITY OF NAPLES FOR INSTALLATION OF A BACKFLOW PREVENTER AT THE PROPERTY LOCATED ON THE CORNER OF SHADOWLAWN DRIVE AND DAVIS BOULEVARD; AND PROVIDING AN EFFECTIVE DATE. Title not read.

Council Member MacKenzie and Vice Mayor Prolman questioned the City's ability to establish requirements for a location outside City limits, and City Manager Richard Woodruff explained that the location was part of the City's utility system and, as such, the City could impose conditions as part of the acceptance of the device.

MOTION by Van Arsdale to **AMEND** prior motion to Approve Consent Agenda and **APPROVING** Resolution 97-7994 as amended to include Section 2 in Resolution 97-7992 ("That the backflow prevention device will be painted dark green or black and will be landscaped with plants 3' tall or taller"); 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 (Tabled)ITEM 5c
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 CALVARY CARRIAGE COMPANY AND THE CITY OF NAPLES, RELATING TO THE USE OF CITY STREETS AND DESIGNATED CARRIAGE STOPS WITHIN THE LIMITS OF THE CITY OF NAPLES; AND PROVIDING AN EFFECTIVE DATE. Title not read.

Council Member MacKenzie recommended that the views of the businesses located on 3rd Street and 5th Avenue South be heard since they may feel that one horse and carriage company was sufficient. City Manager Richard Woodruff agreed to contact the area businesses and the Old Naples Association for their input.

MOTION by MacKenzie to **TABLE ITEM 5c TO AUGUST 6, 1997**; 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 97-7995.....ITEM 5i
A RESOLUTION APPROVING AN AMENDED FEE SCHEDULE FOR THE
CAMBIER PARK TENNIS CENTER; AND PROVIDING AN EFFECTIVE DATE.
Title not read.

Council Member Tarrant noted that the tennis pro shop would cost over \$400,000 or \$265 per square foot, calculating that a fair return would have to be \$50,000 which, he said, seemed unlikely. He recalled that, when tennis players had appeared before Council in the past, they had opposed changes to the tennis courts and the tennis program. City Manager Richard Woodruff explained that until October 1998 the proposed fee schedule would affect only new members.

MOTION by Van Arsdale to APPROVE Resolution 97-7995; seconded by Sullivan and carried 6-1. (MacKenzie-yes, Nocera-yes, Prolman-yes, Sullivan-yes, Tarrant-no, Van Arsdale-yes, Barnett-yes)

A prior motion by Tarrant, to table Item 5i and seconded by MacKenzie, failed 1-6. Council Members MacKenzie, Nocera, Prolman, Sullivan, Van Arsdale and Mayor Barnett dissenting.

.....**ITEM 5j**
AUTHORIZE REPLACEMENT OF HEATING/AIR CONDITIONING (HVAC)
SYSTEM IN THE CITY COUNCIL CHAMBER \ Contractor: Conditioned Air
Corporation, Naples, Florida \ Price: \$31,222.00 \ Funding: General Fund Contingency.

City Manager Richard Woodruff reviewed the cost of addressing the mildew problem in the Council Chamber, new carpet and ceiling tiles, painting, and seat refurbishment, reporting that preliminary estimates totaled \$15,000. He pointed out, however, that if Council decided to fund a complete overhaul of the Chamber in the 1998 fiscal year, the current improvements would cover only a six-month period. He explained that a total revamping of the Chamber included relocating the Council dais, repositioning the audio-visual area, along with major changes on the existing building. Council Member Van Arsdale expressed the feeling that it did not seem worthwhile to make extensive changes at the present time if more extensive work would be scheduled in six months.

It was the consensus of Council to have the Chamber carpet and chairs cleaned and the mildew removed from the air conditioner ducts prior to the July meeting.

Council Member MacKenzie asked for the cost of a total renovation, and Dr. Woodruff explained that if all the improvements suggested by Council were to be included, the cost would be \$480,000. He further explained, however, that this cost represented every idea expressed by Council Members without a vote on specific implementation. Mayor Barnett suggested that Council concentrate on immediate improvements and schedule a complete renovation next year. Vice Mayor Prolman called for a scaled-down version of Council's suggestions, and Council Member Tarrant agreed. Council Member Nocera informed Council that the cost of repairing the old air-conditioning system added to nearly \$40,000 including its replacement, but Dr. Woodruff explained that Council had directed staff to replace the old system with one that would be efficient for both large and small groups in the

Chamber. He confirmed that the new air-conditioning system operated with a booster system that would achieve that objective.

MOTION by Van Arsdale to APPROVE Item 5j; 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)

Dr. Woodruff announced that he would prepare a report for Council describing alternatives for improvements that would lower the prior \$480,000 estimate.

**RESOLUTION 97-7996.....ITEM 6
A RESOLUTION APPROVING AN EMPLOYMENT AGREEMENT WITH THE
CITY MANAGER, IN SUBSTANTIALLY THE FORM ATTACHED HERETO; AND
PROVIDING AN EFFECTIVE DATE. Title read by Mayor Barnett.**

Mayor Barnett recommended approval of Dr. Woodruff's contract and noted that Vice Mayor Prolman had suggested changes (Attachment 2) which Dr. Woodruff acknowledged were acceptable. Council Member Nocera remarked that he would prefer to have been more involved in the assessment process having received an evaluation form too late for him to complete it. He suggested, further, that the City modify its contract to implement a four month, rather than a six month, termination notice, but Dr. Woodruff clarified that the contract called for six months notice and not six months severance which could be bought out. He added that were he given notice, he would leave immediately since it would be counterproductive if the parties were no longer able to work in harmony. Council Member Tarrant complimented Dr. Woodruff for an outstanding job for the City.

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

MOTION by Van Arsdale to APPROVE Resolution 97-7996, amended as follows: Section 5; Personal Leave, change hourly rates to day and reduce the maximum time for accumulation from 480 hours (6 days) to 30 days and provide that any time not used beyond that would be forfeited; seconded by Sullivan and unanimously carried, all members present and voting. (MacKenzie-yes, Nocera-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes)

**ORDINANCE 97-7997.....ITEM 7
AN ORDINANCE AMENDING SECTIONS 50-206 (d), 50-346 AND 50-442 OF THE
CODE OF ORDINANCES OF THE CITY OF NAPLES IN ORDER TO ALLOW THE
BOARD OF TRUSTEES OF THE GENERAL ADMINISTRATION AND
MANAGEMENT OF THE RETIREMENT SYSTEM, THE FIREFIGHTERS';
PENSION AND RETIREMENT SYSTEM AND THE POLICE OFFICERS'
PENSION AND RETIREMENT SYSTEM TO EMPLOY INDEPENDENT LEGAL
COUNSEL; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION
AND AN EFFECTIVE DATE. Title read by City Manager Woodruff. (9:42 a.m.)**

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

MOTION by Van Arsdale to ADOPT Ordinance 97-7997; seconded by Sullivan and unanimously carried, all members present and voting.

(MacKenzie-yes, Nocera-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes)

ORDINANCE (First Reading).....ITEM 8
AN ORDINANCE ADOPTING THE 1997 COMPREHENSIVE PLAN; REPEALING
THE 1989 COMPREHENSIVE PLAN AND SUBSEQUENT AMENDMENTS
THERE TO; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Woodruff. (9:43 a.m.)

City Manager Richard Woodruff explained that the staff's presentation would briefly review proposed changes to the Comprehensive Plan, and he reminded Council that a motion to approve the first reading should note incorporation of any changes. Planner Ron Lee delivered a presentation concerning suggested changes to the Comprehensive Plan. He explained that the preparation process began in January 1995 and in October 1996 the Vision 2005 work program was adopted as the basis for updates to the Comprehensive Plan and had, in turn, received approval from the Planning Advisory Board (PAB). The second reading, scheduled for October 1997, would adopt the new plan which would be in effect through 2005, thereby repealing the current Comprehensive Plan. He reported that 77% of the current plan had been realized and the remaining 23% was included in the new plan. He particularly noted the following changes and reminded Council that these changes must be included with the other changes in their motion to adopt the plan:

- Third paragraph of Public Facilities and Water Resources element: the word "that" to be changed to "which";
- Public Facilities and Water Resources, page 1, policy 211, the word "plugged" is to replace the word "capped";
- Public Facilities and Water Resources, policy 411, to incorporate a new policy; and
- Policy 4-1-8 to be repeated from page 12 of Vision 2005 to be added to the Public Facilities element.

Public Input: (9:46 a.m.)

Everett Thayer, 1690 Avion Place, asked whether the Comprehensive Plan included Avion Park's reimbursement for a sewage treatment plant which Mr. Thayer alleged was actually for the airport. Mayor Barnett responded that Mr. Thayer was in error and suggested Mr. Thayer write a letter outlining his grievances so that he personally could bring the issue before Council. Dr. Woodruff clarified that Council's adoption of the Comprehensive Plan did not restrict Council from taking other, separate actions in Avion Park. **Mardon Collins, 1685 Airway Drive**, stated that if the Airport Authority were permitted to close North Road it would confirm that Council had not complied with the current Comprehensive Plan to protect neighborhoods from detrimental land uses. Council Member Tarrant assured her that issues pertaining to the airport would be addressed at today's meeting.

Council Member Van Arsdale observed that adoption of the proposed Comprehensive Plan included reference to the 1984 Airport Master Plan rather than the new proposed master plan, but Mr. Lee explained that when the 1997 Master Plan is adopted, would automatically, by reference, be incorporated in the Comprehensive Plan. Mr. Van Arsdale learned that North

Road closing is included in the 1997 proposed Airport Master Plan but is not included in the extant 1984 plan. Mr. Lee added that any item in the 1984 Airport Master Plan could be acted upon until the 1997 plan is approved and adopted.

Council Member Tarrant inquired whether the Comprehensive Plan stated that any portion of the City could be excluded from the plan since the airport constituted one-thirteenth of the land mass, is assessed at \$88 million, and should be covered by the plan. Mr. Lee said the plan is all-inclusive. Mr. Tarrant recommended that Council Member Nocera's proposal known as Objective 7 (Attachment 3) regarding airport future land use be included in the Comprehensive Plan. Mayor Barnett related that it had been the consensus of Council at a prior workshop meeting to take no action on Objective 7 until the Airport Master Plan was before Council for approval, and Council would not hear the issue again unless a member, who had agreed with the consensus, reintroduced it. Vice Mayor Prolman, who had supported the consensus, therefore, presented a revised Objective 7 for reconsideration. (Attachment 4)

Mrs. Prolman described her collaboration with the City Planning Department, Natural Resources Manager Jon Staiger, Airport Executive Director Ted Soliday, Fred Coyle of Citizen's For Control of Airport Noise, and City Attorney Kenneth Cuyler in preparing the proposal. She said that had Council Member Nocera's original proposal been presented earlier, a satisfactory compromise could have been reached. She explained that Mr. Coyle had urged language specifically stating that the existing configuration of North Road be preserved, although she felt this wording was too restrictive. Therefore, she said she could not endorse her own proposal, although, on the issue of development, she and Mr. Coyle had agreed to a statement delineating a procedure for the Airport Authority to implement.

Public Input Continued:

Sam Wilson, 1165 Clam Court, stated that the Comprehensive Plan should address issues concerning the airport because the plan will be rejected by the State if it incorporates only the 1984 Airport Master Plan. He said Council should limit airport expansion for any purpose.

Peter Gerbosi, 1708 Gulf Shore Boulevard North, representing a coalition of Gulf Shore property owners, the Coquina Sands Association and the Moorings Property Owners Association, spoke against permitting high-rise buildings on Gulf Shore Boulevard. He said that the citizens had proposed a vested rights claim with a time limit and asked the City Attorney if that had been established. City Attorney Cuyler responded that it was under consideration and would likely fall under State Statute. **Scott Cameron, of the Naples Area Chamber of Commerce**, said that the Chamber's 2,000 members represent 50,000 employees, all of whom support the Naples Airport Authority (NAA) as part of the area's overall transportation system. As a pilot, he stated that the airport is very well managed.

Council Member Tarrant stated that the objective had never been to shut down the airport, but to protect property values which he referred to as the bedrock of the City emphasizing that airport expansion would directly impact property values. Mr. Cameron responded that, as a Realtor, his opinion was that failure to support the airport would harm property values adding that he had not read of any plans to enlarge the airport.

Ned Putzell, 1285 Gulf shore Boulevard North, related that the NAA had no opportunity to meet since receiving Mr. Nocera's proposal and, therefore, he would be speaking as an individual citizen, not as Airport Authority Chairman. He pointed out that the NAA is a State agency with obligations to the State and Federal governments, adding that prior to creation of the NAA, the airport had cost City taxpayers between \$200,000 and \$300,000 per year; now it costs the City nothing. He concluded that the NAA would hold a special meeting to incorporate Council's preferences into the Airport Master Plan. **Fred Coyle, of Citizens for Control of Airport Noise**, stated that Council had refused to provide guidance to the NAA, noting that including an airport policy in the Comprehensive Plan would demonstrate leadership by Council. He said it did not make sense to consider it premature to furnish direction to the NAA pending completion of the master plan. Mr. Coyle declined Mayor Barnett's request for his organization's membership list; the public, however, was permitted to attend open meetings of his organization. **James Shucart, 1810 Gulf Shore Boulevard North**, said that as the owner of 20 coop apartments in Bayshore Villas he was opposed to the limitation on building height as stated in the Comprehensive Plan. He requested the City to permit him to build to seven stories at the Bayshore site since he believed the City had assured him he could do so prior to his purchase of the buildings.

Council Member Van Arsdale noted that the PAB had recommended deletion of Policy 10-1.3 which required the NAA to define carrying capacity, and learned, however, from City Manager Woodruff that nothing could be removed from the Comprehensive Plan unless Council elected to strike it. Mr. Van Arsdale noted that the section of the plan covering future land use was broad and very general and said he considered last minute changes an insult to the staff and the PAB who had developed the plan. He pointed out that the Vision 2005 goals were very clear regarding the airport. He advised Council that the time to debate airport issues is when the Airport Master Plan comes before Council and any discussion prior to that appeared to be purely political.

Council Member Tarrant recalled that in September Mr. Van Arsdale had urged Mr. Coyle to support Council's request for a definition of carrying capacity from the Airport Authority, and asked Mr. Van Arsdale why he had withdrawn from that position. Mr. Van Arsdale responded that he had not, in fact, altered his position in any way, and reiterated that Goal Ten of Vision 2005 was very clear regarding Council's expectations and demands from the airport. He again objected to what he described as disregard for the work effort that had developed the Comprehensive Plan. Mr. Tarrant acknowledged that the plan represented much hard work, but, he stated that he could not vote for a Comprehensive Plan that ignored airport operations. He stated that Council had consistently ignored the values stated in the current plan which also called for taking into consideration the compatibility to neighborhoods with respect to changes.

Council Member Nocera stated his belief that Objective 7 represented the voice of the people, and that unless an airport future land use element was included in the Comprehensive Plan, he would not vote in favor of the plan. Council Member MacKenzie, however, said she supported Vice Mayor Prolman's efforts.

City Manager Woodruff emphasized that the 1984 Airport Master Plan was in effect until a new master plan was adopted, therefore, whether Council adopted Objective 7 or not, Council would have the final authority over the contents of the new, 1997 Airport Master Plan. He reiterated, that Council had the final authority over airport land use and City Attorney Cuyler agreed.

Council Member Tarrant expressed concern that the NAA had initially agreed to a program of status quo although at a NAA meeting on June 5th, they had instead defined status quo as a desire to grow in order to accommodate demand.

Recess: 10:45 a.m. to 10:55 a.m. It is noted for the record that Council Member MacKenzie returned to the meeting at 10:56.

Mayor Barnett remarked that since the second reading of the ordinance regarding the Comprehensive Plan would occur in October; he recommended, as a compromise, that the intervening time be used to prepare proper language for Objective 7 thus affording Council Members time for a more thorough review. Council Member MacKenzie stated she would prefer that Council now vote on Vice Mayor Prolman's version of Objective 7, but Mrs. Prolman said she first wished to ascertain that her proposal could, in fact, be revised prior to the second reading if it were now included. City Attorney Cuyler informed Council that Objective 7 could be included in the motion in "concept only" which was acceptable to Mrs. Prolman who stated that her priority was to include the overall intent of her proposal into the motion.

Council Members MacKenzie and Prolman agreed that Objective 7 provided plausible guidelines for debate and, along with the policies it proposed, should be considered at second reading. Council Member Tarrant called for a discussion on each item. Mayor Barnett, however, suggested that his proposed compromise had afforded both Council and the public ample opportunity to study Objective 7 prior to the second reading, reminding Council that it had just been presented. He emphasized that he did not object to the proposal, but was merely arranging for time to analyze it.

MOTION by Van Arsdale to APPROVE THE COMPREHENSIVE PLAN
(This Ordinance on First Reading) amended to incorporate the following:

- 1. Staff changes made prior to the PAB meeting;***
- 2. Staff changes made at the PAB meeting;***
- 3. Changes made by City Attorney Cuyler;***
- 4. Changes recommended by the PAB with the exception of Policy 10-1.3 of the Vision 2005 Work Plan which will remain in tact;***
- 5. Changes made by Vice Mayor Prolman;***
- 6. The document is being transmitted to the Department of Community Affairs for review in accordance with statutes; and***
- 6. To have the recommendations by Vice Mayor Prolman as outlined in Objective 7 (Airport Future Land Use Element) dealt with by Council prior to second reading of the Ordinance;***

seconded by Sullivan and carried 6-1. (MacKenzie-yes, Nocera-yes, Prolman-yes, Sullivan-yes, Tarrant-no, Van Arsdale-yes, Barnett-yes)

Following the vote, Council Member MacKenzie said she feared that if Objective 7 were not included in the Comprehensive Plan on the First Reading, it would not receive the attention it deserved, adding that if no one else, she would place it before the public, the PAB, and all interested parties in order to comment and advise on it. She explained that Council should not remain silent on the issue and made the following motion:

To consider Objective 7 separately with the exception of Policy 7-1.1. Her motion was seconded by Council Member Nocera, and failed 1-6 with Nocera, Prolman, Sullivan, Tarrant, Van Arsdale and Barnett dissenting.

City Attorney Cuyler advised Council that this issue could be addressed after the Comprehensive Plan is returned from the Florida Department of Community Affairs so long as DCA understood that changes were pending. Planner Lee said he would include a cover letter with the document to that effect.

**ORDINANCE (First Reading).....ITEM 9
AN ORDINANCE ADDING SUBSECTION 66-66(h) TO SECTION 66-66
“CUSTOMER RESPONSIBILITY”, OF THE CODE OF ORDINANCES OF THE
CITY OF NAPLES, TO PROVIDE GUIDELINES FOR PROPER LANDSCAPING
PROCEDURES SURROUNDING BACKFLOW PREVENTION DEVICES; AND
PROVIDING AN EFFECTIVE DATE. Title read by City Manager Woodruff. (11:17
a.m.)**

City Manager Woodruff explained that the staff had actually prepared two versions of the ordinance, but Item 9 requires backflow devices to be painted either black or dark green and requires landscaping that is at least three feet tall when planted and located three feet from the device. He recommended that Council adopt the ordinance stressing that the correct description was for the piping and backflow prevention assembly. In addition, he suggested the wording clarify that plantings cannot be farther from the assembly than five feet.

Public Input: None. (11:19 a.m.)

MOTION by Prolman to APPROVE this Ordinance on First Reading with reference to “piping and backflow prevention assembly” and stating that plantings must be a minimum of 3’ and a maximum of 5’ from said assembly which must be painted black or dark green; 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)

Following the vote, Dr. Woodruff clarified that existing backflow preventers will be required to comply with the ordinance and the City will supply the paint.

It is noted for the Record that Council Member Sullivan was absent from the meeting between 11:17 a.m. and 11:21 a.m.

**ORDINANCE (First Reading).....ITEM 10
AN ORDINANCE RELATING TO CAPITAL IMPROVEMENTS PROVIDING A
SPECIAL BENEFIT TO LOCAL AREAS WITHIN THE CITY OF NAPLES,
FLORIDA; PROVIDING DEFINITIONS AND FINDINGS; AUTHORIZING THE
IMPOSITION AND COLLECTION OF SPECIAL ASSESSMENTS TO FUND THE**

COST OF CAPITAL IMPROVEMENTS PROVIDING A SPECIAL BENEFIT TO LOCAL AREAS WITHIN THE CITY; PROVIDING FOR THE OPTIONAL AND MANDATORY PREPAYMENT OF ASSESSMENTS; ESTABLISHING PROCEDURES FOR NOTICE AND ADOPTION OF ASSESSMENT ROLLS AND FOR CORRECTION OF ERRORS AND OMISSIONS; PROVIDING THAT ASSESSMENTS CONSTITUTE A LIEN ON ASSESSED PROPERTY UPON ADOPTION OF THE ASSESSMENT ROLLS; ESTABLISHING PROCEDURES AND METHODS FOR COLLECTION OF ASSESSMENTS, INCLUDING ASSESSMENTS IMPOSED ON GOVERNMENT PROPERTY; AUTHORIZING THE ISSUANCE OF OBLIGATIONS SECURED BY ASSESSMENTS; PROVIDING FOR VARIOUS RIGHTS AND REMEDIES OF THE HOLDERS OF SUCH OBLIGATIONS; PROVIDING THAT SUCH OBLIGATIONS WILL NOT CREATE A GENERAL DEBT OR OBLIGATION OF THE CITY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Woodruff. (11:20 a.m.)

City Manager Richard Woodruff explained that Chapter 170, Florida Statutes, allowed the City to establish special assessment districts for certain specific purposes. This ordinance, however, would permit Council to use home rule powers to set up assessments for any purpose of a capital nature deemed to be a public purpose.

Public Input: None. (11:23 a.m.)

MOTION by Van Arsdale to APPROVE this Ordinance on First Reading; seconded by Nocera and carried 4-2. (MacKenzie no, Nocera-yes, Prolman-yes, Sullivan-absent, Tarrant-no, Van Arsdale-yes, Barnett-yes)

**RESOLUTION 97-7998.....ITEM 11
A RESOLUTION RANKING THE TOP FOUR FIRMS IN ORDER OF PREFERENCE TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR THE DESIGN AND CONSTRUCTION SUPERVISION OF THE DRAINAGE BASIN VI STORMWATER PUMP STATION AND SYSTEM IMPROVEMENTS, AUTHORIZING THE CITY MANAGER TO ENTER INTO NEGOTIATIONS WITH THE TOP RANKED FIRM AND PROVIDING AN EFFECTIVE DATE.** Title read by City Manager Woodruff. (11:23 a.m.)

City Manager Richard Woodruff noted for the record that on March 19, 1997, through Resolution 97-7940, the City of Naples appointed a consultant selection committee, and on May 29, 1997, interviewed and ranked the four firms as follows:

1. Camp Dresser & McKee, Inc.
2. Wilson, Miller, Barton & Peek, Inc.
3. Dames & Moore
4. Hole, Montes & Associates, Inc.

Council Member Tarrant stated that Wilson, Miller, Barton & Peek should be ranked first because they were a local company that had not received what he said is their fair share of City contracts, adding that Council should support local businesses with the taxpayers' money. Mayor Barnett, however, defended the selection committee process, saying that

Council would be setting a questionable precedent by tampering with the committee's recommendations. Vice Mayor Prolman remarked that, having served on a selection committee, she opposed departing from their recommendations. Council Member MacKenzie suggested that a category be weighted for local firms and learned that such a weighting already exists.

Council Member Sullivan suggested that if all considerations were equal, a local applicant could obtain preference, but added that, in this case, Camp Dresser & McKee had developed the SWMM Model and was the only firm with experience using the Model for water quality applications. Therefore, he said, all considerations were not equal.

City Manager Woodruff reminded Council that they had recently voted against a selection committee ranking based on an unfavorable history between the City and the firm ranked first. However, he cautioned Council that abandoning the ranking for the purpose of channeling tax money into the local economy was not sufficient justification and that the selection committee was not permitted to balance rankings in an effort to evenly distribute work. Director of Development Services Richard Gatti said that there are occasions when the work calendar of the applicants is a consideration because the committee prefers to have the job completed in a timely fashion.

Public Input: None. (11:37 a.m.)

MOTION by Van Arsdale to APPROVE Resolution 97-7998; 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)

A prior motion by Tarrant to rank Wilson, Miller, Barton & Peek, Inc., as number one, seconded by Nocera, failed 2-5, Council Members MacKenzie, Prolman, Sullivan, Van Arsdale and Mayor Barnett dissenting.

**ORDINANCE 97-7999.....ITEM 12
AN ORDINANCE OF THE CITY OF NAPLES, FLORIDA, SUPPLEMENTING
ORDINANCE NO. 1451 OF THE CITY ENACTED ON MARCH 5, 1969, AS
AMENDED AND SUPPLEMENTED; PROVIDING FOR THE ISSUANCE OF NOT
EXCEEDING \$2,600,000 PUBLIC SERVICE TAX REVENUE BONDS, SERIES 1997,
OF THE CITY TO FINANCE THE ACQUISITION AND CONSTRUCTION OF
CERTAIN CAPITAL PROJECTS WITHIN THE CITY; PROVIDING FOR THE
PAYMENT OF THE 1997 BONDS FROM THE PROCEEDS OF THE PUBLIC
SERVICE TAX COLLECTED BY THE CITY; PROVIDING FOR THE RIGHTS OF
THE HOLDERS OF THE 1997 BONDS; PROVIDING FOR CONTINUING
DISCLOSURE PURSUANT TO SEC RULE 159(c)2-12; DESIGNATING THE 1997
BONDS AS QUALIFIED TAX-EXEMPT OBLIGATIONS UNDER SECTION 265
(b)(3) OF THE INTERNAL REVENUE CODE; AUTHORIZING THE
APPROPRIATE OFFICERS OF THE CITY TO DEVELOP NECESSARY
DOCUMENTS TO SELL THE BONDS AT PUBLIC SALE AND TO ADVERTISE
FOR BIDS FOR THE BONDS; AUTHORIZING THE FINANCE DIRECTOR OF
THE CITY OF MAKE CERTAIN CERTIFICATIONS ON BEHALF OF THE CITY**

REGARDING THE PRELIMINARY OFFICIAL STATEMENT FOR THE BONDS; MAKING CERTAIN CONVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; PROVIDING AN EFFECTIVE DATE. Title read by City Manager Woodruff. (11:37 a.m.)

Dr. Woodruff noted that Council Member Tarrant had requested this item be split into two votes because both Cambier Park and the Gateway Project are included in the resolution.

Public Input: None. (11:41 a.m.)

MOTION by Van Arsdale to ADOPT Ordinance 97-7999; seconded by Sullivan and carried 5-2. (MacKenzie-no, Nocera-yes, Prolman-yes, Sullivan-yes, Tarrant-no, Van Arsdale-yes, Barnett-yes)

Editors Note: See motion approving Item 13, later in the meeting, wherein the amount of the Utility Tax Revenue Bonds adopted by Ordinance 97-7999 was increased to \$2,850,000.

Mayor Barnett requested consensus from Council to move Item 13 to the end of the agenda inasmuch as it would entail much discussion, and Council concurred.

.....**ITEM 14**
CONSIDER AUTHORIZING PLACEMENT OF TWO TEMPORARY STRUCTURES ON PARCEL 7, THE COMMONS PROFESSIONAL PARK, FOR STORAGE OF EQUIPMENT AND BOATS BY THE GULF COAST ROWING ASSOCIATION. Title read by City Manager Woodruff. (11:41 a.m.)

Planning Director Missy McKim informed Council that the temporary structure consisting of two trailers would be permitted for one year. She reported that both The Commons Professional Park and The Collier Athletic Club had agreed to permit the trailers, adding that the planning staff recommended approval.

Public Input: None. (11:45 a.m.)

MOTION by Sullivan to APPROVE subject to staff recommendations and amended to permit one sign at the site; 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 97-8000.....ITEM 15
A RESOLUTION AMENDING RESOLUTION 97-7930 GRANTING CONDITIONAL USE PETITION 97-CU2, TO PERMIT A CITY PARK AT NAPLES LANDING, TO CORRECT THE LEGAL DESCRIPTION; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Woodruff. (11:46 a.m.)

City Manager Richard Woodruff explained that following the hearing on March 5th when Council adopted Resolution 97-7930, it was discovered that the legal description did not include all the property as had been described during review by the Planning Advisory Board (PAB). He noted that the intent of the March 5th hearing was to include all of the property in

the conditional use provision and, therefore, the resolution of Item 15 would correct that error. Further, he said, the advertisement for the Council meeting described a partial legal description. Planning Director Miss McKim commented that the advertisement for Council was correctly titled but the legal description included only one of two legal descriptions of Naples Landing.

Vice Mayor Prolman asked whether the resolution meant actually adding land to what Council had approved at the first reading, and City Attorney Cuyler responded that the City's position is that Council did approve the entire legal description at the first hearing as illustrated in the transparencies exhibited at that hearing. He explained that Council understood they had approved the entire land area for the Conditional Use, but the description in the final resolution was incorrect and should be viewed as a scrivener's error.

Council Member Tarrant stated that a vote on the current resolution constituted an admission by the City of a faulty notice to the public, but Attorney Cuyler explained that the notice to the public was in two forms; the first was the PAB announcement which was correct, and the second was the title to the conditional use resolution which also had not changed. The issue, he said, was whether or not anyone in the room at that time had been misled regarding the area the conditional use was to cover. Mr. Cuyler clarified that the only erroneous description was in the final resolution.

Public Input: (11:52 a.m.)

Attorney Anthony Pires, representing the Charter Club, Dorset Club, and Bayside Villas, informed Council that his being present today did not waive his right to object. He stated that the proceedings had been inappropriate and because the property was not correctly described, Council was required to revert to the initial steps of the conditional use process as outlined in City code. He asserted that the legal advertisement of the PAB was not accurate inasmuch as it differed from the March 5th Council advertisement which made no mention of a commercial boat launching or loading facility resulting in confusion by the public. He urged Council to vote against the resolution before them.

City Manager Woodruff inquired whether or not Attorney Pires and his clients had only today realized that a commercial loading dock was part of the conditional use for Naples Landing, and Mr. Pires responded that there had always been confusion due to vagueness in defining a commercial loading facility or a commercial launching facility. Dr. Woodruff, however, determined from Attorney Pires that the discussions at the PAB hearings and the Council hearings had been substantial regarding the commercial loading aspect of the conditional use.

Council Member Tarrant noted that Council relies on the results of PAB meetings for guidance in the decision making process. He pointed out that misleading statements occurred at the February 12th PAB meeting when the planning department advised those present that approval of the conditional use would not have an impact on the neighborhood, and Dr. Woodruff acknowledged that there would be a change in the park's function and in the traffic volume associated with it.

Mayor Barnett reminded Council that the resolution before them focused only on a legal description.

Council Member Van Arsdale asked Attorney Pires whether he believed the conditional use discussions were about a location other than the entire Naples Landing, and Mr. Pires responded that the notice had been inappropriate.

Public Input: (continued)

Carol Lynn Kendall, 495 Galleon Drive, requested that the record reflect that she felt a legal description that left out half of a substantial piece of property was not a scrivener's error and, as a citizen, she did not realize what the final vote would encompass. **Jerry Darrell, Lexington, Virginia**, said he had been a member of the Charter Club for 15 years, and requested that the launching site be relocated. **David Trowbridge, Charter Club**, stated that the developer of Keewaydin Island was not making any effort to find another staging site. He said the neighbors were confused by the notifications on the conditional use since they described commercial boat launching rather than a staging area for Keewaydin.

MOTION by Van Arsdale to APPROVE Resolution 97-8000; seconded by Sullivan and carried 4-3. (MacKenzie-yes, Nocera-no, Prolman-no, Sullivan-yes, Tarrant-no, Van Arsdale-yes, Barnett-yes)

.....**ITEM 16**
CONSIDER ALLOWING THE PORTE-COCHERE OF THE OLDE NAPLES GRAND HOTEL, ON THE NORTH SIDE OF 7TH AVENUE SOUTH BETWEEN 9TH AND 10TH STREETS, TO EXTEND 2' 8 ¾" CLOSER TO THE FRONT PROPERTY LINE THAN ORIGINALLY PROPOSED. (12:12 p.m.)

Tom Long, project developer, explained to that the pillars were built in the wrong place and it would cost approximately \$10,000 to relocate. He added that the building setback would remain the same.

Public Input: None. (12:13 p.m.)

MOTION by Tarrant to APPROVE Item 16; 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 97-8001.....ITEM 17
A RESOLUTION RANKING THE TOP THREE FIRMS IN ORDER OF PREFERENCE TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR THE DESIGN AND CONSTRUCTION SUPERVISION OF THE MUNICIPAL PARKING GARAGE TO BE LOCATED AT FOURTH AVENUE SOUTH AND EIGHTH STREET SOUTH; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Woodruff. (12:14 p.m.)

City Manager Woodruff noted that interviews had been conducted on June 4, 1997 and the rankings are:

1. Andrea Clark Brown

2. Walker Consultants
3. McWard Architects

Public Input: None. (12:16 p.m.)

MOTION by Sullivan to **APPROVE** Resolution 97-8001; 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 18
CONFIRMATION OF CITY'S ACCEPTANCE OF A GIFT OF 6.9 ACRES OF LAND, EAST OF GOODLETTE ROAD NEAR CITY'S PRESENT UTILITIES AND POLICE & EMERGENCY SERVICES DEPARTMENTS, KNOWN AS THE PULLING PROPERTY. (12:16 p.m.)

City Manager Richard Woodruff itemized the restrictions noted in the deed and City Attorney Cuyler explained that, although some details are still under negotiation, he found the deed restrictions to be acceptable, reminding Council to approve the acceptance in substantially the present form.

In response to an inquiry from Council Member Tarrant, Dr. Woodruff clarified that when the property is conveyed to the City, there will be no boating rights retained by John Pulling, but boat ramps will be permitted for public use.

Public Input: None. (12:22 p.m.)

MOTION by Van Arsdale to **APPROVE** Item 18; seconded by Nocera and unanimously carried, all members present and voting. (MacKenzie-yes, Nocera-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes)

RESOLUTION 97-8002.....ITEM 23
A RESOLUTION GRANTING CONDITIONAL USE PETITION 97-CU10, IN ORDER TO PERMIT A VETERINARY CLINIC IN THE C3 ZONING DISTRICT AT 141 10TH STREET SOUTH, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Woodruff (12:22 p.m.)

Dr. Walter Young, DVM, agreed to provisions that would prohibit outside kenneling and long-term pet boarding.

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

MOTION by Van Arsdale to **APPROVE** Resolution 97-8002; 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 19**
CONSIDER PARKING PLANS PROPOSED FOR LOWDERMILK PARK. (12:23 p.m.)

City Manager Richard Woodruff presented an analysis of parking options at Lowdermilk Park, prefacing his remarks by noting that the main issue is growth versus beach access. He showed Council a series of charts illustrating the dynamics of population growth outside city limits, explaining that four out of five beach parking permits are issued to County residents, although the County maintains only 13 beach access areas in Collier County, whereas the City maintains 40. (A copy of the presentation is contained in the file for this meeting in the City Clerk's office.)

Council also learned that the unincorporated area contains 87% of the population and provides 42% of the beach parking, whereas the City has only 12% of the population and provides 45% of available beach parking. Dr. Woodruff cited these statistics as the root of the problem; namely, the need for the County to address public beach access for exploding growth. (Attachment 5)

Dr. Woodruff informed Council that an analysis of the deed for Lowdermilk Park revealed that the northern 50-feet of the park may not be used for parking. There are 214 parking spaces, including six spaces for handicapped and 126 metered spaces, but all spaces are available at no charge to cars bearing a beach sticker. He reported that parking meters at the park produced \$75,000 last year for beach maintenance. In addition, use of the meters has increased by 25% in the past year indicating that more tourists are using the park. He then introduced a list of six options for altering parking facilities at the park (Attachment 5).

Mayor Barnett endorsed these proposals, but stated he was not in favor of a 2002 deadline for curtailing the City/County beach parking sticker program. He said he opposed adding more parking at Lowdermilk and suggested an alternative solution which was to eliminate 80 metered spaces and make those spaces available for City/County permit parking. Forty six metered spaces would remain and, in exchange for this additional parking, the County would be asked to replace lost revenue.

Public Input: (12:55 p.m.)

Dick Bourne, 515 Yucca Road, President of the Coquina Sands Homeowners Association, stated a survey conducted by his group revealed that 41% of Lowdermilk Park is used by County residents whose numbers are increasing at a rate of 25 times that of the City. He reported that the Coquina Sands Homeowners preferred to have all the meters removed and the park reserved for City and County residents, or as an alternative, to adopt Mayor Barnett's suggestion. **Felix Birnbaum, 114 Round Key Circle**, a County resident, sought an apology from Council Member Sullivan who Mr. Birnbaum said had suggested that quality of life in Naples was diminished by the influx of County residents. Council Member Sullivan apologized if anything he had said had offended Mr. Birnbaum, noting, however, his duty to his constituents. **Amy Rego, 1060 6th Street South**, urged Council to focus on controlling growth and pointed out that the City boundaries are finite.

Council Member Van Arsdale called for a comprehensive review of the beach parking issue with solutions formulated in the best interests of the City. He stated that the carrying capacity of the City beaches should be addressed in the Comprehensive Plan noting that on Cape Cod the beaches were all permit-only parking. He said it may become necessary to remove parking meters at beach locations throughout the City and urged a one year deadline for a presentation of solutions. Council Member Sullivan indicated support for Dr. Woodruff's recommendations and urged Council to advocate moving forward with a City-County joint committee. Council Member Nocera agreed, adding, however, that he would prefer to have 50 parking spaces added at Lowdermilk Park in the northern section, relocating the volleyball court to the southern section. Council Member Tarrant favored creation of 50 additional parking spaces for City residents only, and proposed two committees be formed, one City and one County, since County problems are vast and he did not feel City residents should be involved in solving them. He added that the County had done very little to resolve the beach access problem for County residents.

Council Member MacKenzie stated that removing 50 metered parking spaces would result in \$50,000 in lost City revenue while costing \$45,000 to add 50 spaces. Mayor Barnett, however, reiterated that the County would be asked to make up the revenue shortfall, and if they declined, the unmetered spaces would be reserved for City residents only. He clarified that if the City added 50 spaces at \$1,000 per space, they would be exclusively for City resident use. City Manager Woodruff pointed out that since 81% of beach parking permits are issued to County residents and 20% are City residents, the cost should be shared proportionately. Council Member Sullivan reported that County Commission Chairman Tim Hancock had indicated the County was willing to work with the City for an equitable solution at Lowdermilk Park.

Vice Mayor Prolman, however, objected to adding parking spaces at Lowdermilk because of elimination of green space, and Council Member MacKenzie agreed.

MOTION by MacKenzie to APPROVE changes to the parking at Lowdermilk Park as follows:

- *Permit parking only for rows 1, 2, 3, and 4 (Option 2;)*
 - *Metered parking only in the remote north lot;*
 - *Arrive at an equitable and acceptable method with Collier County for recovering the revenue to be lost due to removal of the parking meters.; and*
 - *Appoint a joint City/County Advisory Board to explore water and sun opportunities as alternatives to the beach;*
- seconded by Sullivan and unanimously carried, all member present and voting. (MacKenzie-yes, Nocera-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes)*

RESOLUTION 97-8003..... ITEM 13
A RESOLUTION AUTHORIZING AN OPTION FOR THE CAMBIER PARK PHASE I CONSTRUCITON; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Woodruff. (1:22 p.m.)

City Manager Richard Woodruff reported the bids were higher than anticipated bids for construction at Cambier Park, due primarily to tennis pro shop renovations which had been redesigned. Options were presented to Council as follows:

1. Approve the low bid as received and increase the proposed bond issue by \$250,000;
2. Approve the low bid as received and fund the overage by eliminating components of the Gateway Project by \$250,000;
3. Approve the low bid and negotiate with the contractor on the elimination of pro shop enhancements; or
4. Reject all bids and re-bid the project.

Dr. Woodruff recommended Option #2 because the components to be eliminated from the Gateway Project were the gazebo/gatehouses which may not be as favorably viewed as in the past. Council Member Van Arsdale established from Dr. Woodruff that 95% of the additional \$250,000 needed would be spent on the pro shop which is \$200,000 over original projections due to modifications of the exterior design so that it now totals over \$500,000. Mr. Van Arsdale objected to removing any component from the Gateway Project and stated that the projects should remain separate.

Dr. Woodruff pointed out that redesigning the pro shop to achieve a lower cost would entail re-bidding the entire project which would delay the start until spring of 1998. He explained that the low bidder had offered to make deductions throughout the project, but refused to complete the project without the pro shop.

Council Member Van Arsdale inquired about the effects of increasing the bond proceeds by \$250,000 as an alternative to redesign cost. Assistant City Manager Harrison indicated that the bond issue could be increased. Council Member Tarrant noted that the consensus of the Gateway committee had been to eliminate the gazebo/gatehouses, however, Mayor Barnett said he favored increasing the bond and maturity for an additional year, although he said he could support Option #2.

Public Input: None.

MOTION by Van Arsdale to APPROVE Resolution 97-8003, as amended, to approve the low bid as received and increase the proposed bond by \$250,000 (Option #1); seconded by Nocera and carried 4-3. (MacKenzie-no, Nocera-yes, Prolman-yes, Sullivan-no, Tarrant-no, Van Arsdale-yes, Barnett-yes)

Council Member MacKenzie expressed the view that the spending on Cambier Park was out of control and Council Member Tarrant agreed.

City Attorney Kenneth Cuyler reminded Council that it would be necessary for Council to reconsider the bond in order to increase it to \$2.85 million. Council Member Sullivan pointed out that the City has a process for reconsiderations that should be observed. It was, therefore, determined to delay reconsideration, allowing the bond issue (Resolution 97-7999 / Item 12) to remain in place in the interim.

Council Member Van Arsdale requested a clarification of the reconsideration policy and the rules as they pertain to actions that may be taken during the same meeting as opposed to those proposed subsequent to a meeting.

RESOLUTION 97-8004.....ITEM 20
A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE
A VOLUNTARY COOPERATION MUTUAL AID AGREEMENT IN
CONJUNCTION WITH THE MULTI-JURISDICTIONAL ROADWAY SOBRIETY
CHECKPOINT TASK FORCE; AND PROVIDING AN EFFECTIVE DATE. Title
read by City Manager Woodruff. (1:45 p.m.)

Public Input: None. (1:45 p.m.)

MOTION by Sullivan to APPROVE Resolution 97-8004; 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 21
AUTHORIZE A PURCHASE ORDER FOR THE CONSTRUCTION OF A
SANITARY SEWER SYSTEM FOR BIG CYPRESS HOMEOWNERS IN THE
COUNTRY CLUB OF NAPLES \ VENDOR: HASKINS INC. \ EXPENDITURE:
\$529,535.75 \ FUNDING: CIP 97N19. Title read by City Manager Woodruff. (1:46 p.m.)

Public Input: None. (1:46 p.m.)

MOTION by Sullivan to APPROVE 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)

.....ITEM 22
AUTHORIZE A PURCHASE ORDER FOR CONSTRUCTION OF A WATER LINE
IN THE ALLEY SOUTH OF 5TH AVENUE SOUTH FROM PARK STREET TO 9TH
STREET \ VENDOR: CROSS COUNTY PIPE & RAIL, INC. \ EXPENDITURE:
\$49,975.20 \ FUNDING: 1997 WATER, REPAIR AND REPLACEMENT BUDGET.
Title read by City Manager Woodruff. (1:47 p.m.)

Public Input: None. (1:47 p.m.)

MOTION by Sullivan to APPROVE Item 22; 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 24
REQUEST FOR APPROVAL OF LEGAL SERVICES CONTRACT BETWEEN THE
CITY OF NAPLES AND ROETZEL & ANDRESS.

Public Input: None. (1:48 p.m.)

MOTION by Sullivan to APPROVE on a month-to-month basis; 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)

CORRESPONDENCE AND COMMUNICATIONS.....
None. (1:49 p.m.)

OPEN PUBLIC INPUT

None. (1:49 p.m.)

ADJOURN

1:49 p.m.

Bill Barnett, Mayor

Tara A. Norman,
City Clerk

Prepared by:

Molly Reed, Recording Secretary

Minutes Approved: 7/23/97.