



City Council Chamber
735 Eighth Street South
Naples, Florida 34102

City Council Regular Meeting – August 6, 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 Mgr.
Missy McKim, Planning Director
Tara Norman, City Clerk
Richard Gatti, Dev. Services Director
Dan Mercer, Utilities Director
Susan Golden, Planner
Flinn Fagg, Planner
Ann Walker, Planner
David Lykins, Recreation Supervisor
Molly Reed, Recording Specialist
Robin Williams, Executive Secretary
Keeth Kipp, Utilities/Solid Waste Coord.
Rev. Elwood Kern,
Naples Church of God
Werner Haardt
Charlie Andrews
Alan Reynolds

Susan McCullom
George Vukobratovich
Dale Chlumsky
Ann Douras
R. Bruce Anderson
Jose Aragon
Stephen Farrington
Barbara Walker
Marc Fletcher
Bruce Rankin
Richard Rank
Karen Triplett
Norma Shepard
J. Dudley Goodlette
Virginia Corkran
Other interested citizens and visitors
Media:
Tara Beer, Naples Daily News
Frank Kinsman, WNOG

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

Reverend Elwood Kern, Naples Church of God

ANNOUNCEMENTSITEM 3

City Manager Richard Woodruff commended the Naples citizenry for their participation in the “National Night Out” event.

CONSENT AGENDA

APPROVAL OF MINUTESITEM 5a

June 16, 1997 Budget Workshop; July 21, 1997 Workshop Meeting; July 23, 1997 Special Meeting.

RESOLUTION 97-8017.....ITEM 5b

A RESOLUTION REVISING RESOLUTION 96-7696 GRANTING A COASTAL CONSTRUCTION SETBACK LINE VARIANCE TO CONSTRUCT A SINGLE-FAMILY RESIDENCE AND A SWIMMING POOL AND POOL DECK, GULFWARD OF THE COASTAL CONSTRUCTION SETBACK LINE AT 649 GULF SHORE BOULEVARD NORTH; AND PROVIDING AN EFFECTIVE DATE. Title not read.

.....ITEM 5c

APPROVE THE FOLLOWING SPECIAL EVENTS:

1. 4th Annual Naples Sports Festival-8/10 – Removed for separate discussion (See later in the meeting).
2. Eglise de Jesus Christ Full Gospel Conference – 8/29-31
3. 11th Annual Triathlon – 9/6-7
4. American Heart Association Heartwalk – 9/27
5. 2nd Annual Winter Bonfire & Celebration – 1/31/98

.....ITEM 5d

AUTHORIZE AN AGREEMENT FOR HORSE AND CARRIAGE OPERATIONS WITH CALVARY CARRIAGE COMPANY RELATING TO THE USE OF CITY STREETS AND DESIGNATED CARRIAGE STOPS WITHIN THE CITY.

Removed for separate discussion. (See later in the meeting)

.....ITEM 5e

AUTHORIZE THE TRANSFER OF FUNDS FROM THE 1997 GENERAL FUND CONTINGENCY TO A NEW CAPITAL IMPROVEMENT FUND ACCOUNT TO UNDERWRITE THE CITY-WIDE PARKS MASTER PLAN.

.....ITEM 5f

AUTHORIZE PURCHASE OF A “GRAPHICAL USER INTERFACE” IN ORDER TO EXPAND ITS USE TO OTHER CITY DEPARTMENTS \ VENDOR: HTE, LAKE MARY, FLORIDA \ TOTAL COST: \$15,950.00 (NOT TO EXCEED) \ FUNDING: CIP #98T12.

END CONSENT AGENDA

MOTION by Sullivan to APPROVE the Consent Agenda removing Item 5c(1) and 5d for separate discussion; 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).

ITEMS TO BE ADDED (9:17 a.m.).....ITEM 4

City Manager Woodruff requested that the following items be added to the Agenda:

- Item 25 Authorize an interlocal agreement with Collier County for an evaluation study of the Gordon River Extension Basin
- Item 26 Purchase order for construction of water improvements along 6th Avenue South
- Item 27 Authorize an interlocal agreement with Collier County for relocation of a raw water line at Livingston Road and Golden Gate Parkway
- Item 28 Consider a bid award for street-striping City streets

MOTION by Van Arsdale to SET AGENDA ADDING ITEMS 25, 26, 27, AND 28; seconded by Sullivan and unanimously carried, all members present and voting (MacKenzie-yes, Nocera-yes Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes).

..... ITEM 5c (1)
APPROVE THE FOLLOWING SPECIAL EVENT: 4th Annual Naples Sports Festival-8/10. (9:12 a.m.)

City Manager Richard Woodruff said a review of past minutes revealed Council's policy on event co-sponsorship which makes no mention of whether an event is being conducted by a profit or non-profit entity. Champion Sports Productions, this event's sponsor, is a profit-making company. Vice Mayor Prolman expressed concern that the City would co-sponsor a non-charitable event and Council Member Tarrant stated he opposed tax dollar contributions to for-profit organizations.

Special Events Chairman David Lykins reviewed the three-year history of this event. A 5K run and a duathlon occur between 7 a.m. and 10 a.m. in the City and the remaining events take place in the County. Sponsors are requesting \$232.50 (half of the cost) for Naples Police and Emergency Services personnel who are necessary to stage the event. In addition, Mr. Lykins reported that Champion Sports will donate \$750.00 to the Greater Naples Little League Girls Softball Program.

Public Input: None (9:14 a.m.)

MOTION by Sullivan to APPROVE CO-SPONSORSHIP OF THE FOURTH ANNUAL NAPLES SPORTS FESTIVAL Item 5-c(1); seconded by Van Arsdale and carried 5-2 (MacKenzie-no, Nocera-yes Prolman-yes, Sullivan-yes, Tarrant-no, Van Arsdale-yes, Barnett-yes).

It was the consensus of Council to request guidance from the Community Services Advisory Board regarding event co-sponsorship, said guidelines to be received by Council no later than January 1st.

RESOLUTION 97-8018.....ITEM 5d

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. (9:15 a.m.)

Public Input: (9:15 a.m.)

Ann Douras, 207 Peppermint Lane, stated that the presence of an additional horse and carriage operation on City streets greatly increased the chances for accidents between motor vehicles and carriages. In addition, the horses and mules must work in conditions that are inhumane, which is why, she said, some cities have outlawed such operations. **Susan McCullom, Animal Rights Foundation of Florida**, distributed information stating that 91% of carriage accidents occur when horses are frightened by cars resulting in hazards to both people and horses. (A copy of Ms. McCullom's information packet is contained in the file for this meeting in the City Clerk's office.) She also cited the fear of being sued as causing many cities to ban carriage businesses.

Public Input Closed:

City Attorney Kenneth Cuyler noted that the current horse and carriage company does not have an exclusive franchise; nevertheless, the new applicant does not have an automatic right to operate. Council could, therefore, choose to deny the petition on the grounds that one company is adequate at this time.

Assistant City Manager William Harrison reported that the Staff Action Committee (SAC) had approved the petition with the condition that operating hours on Fifth Avenue South be limited to 5:30-10:30 p.m. He pointed out that during the ten years the current company had been operating, there had been no serious incidents. Council Member Tarrant, however, said he did not feel SAC had the authority to consider this issue and urged Council to deny the petition on the grounds that one horse and carriage operation is sufficient. Mayor Barnett agreed.

MOTION by Tarrant to DENY the petition; seconded by Barnett. The motion failed 3-4 (MacKenzie-yes, Nocera-no, Prolman-no, Sullivan-no, Tarrant-yes, Van Arsdale-no, Barnett-yes).

Council Member Sullivan stated that, although he agreed with Council Member Tarrant and Mayor Barnett, his concern was that a denial would be perceived as endorsing the existing carriage company; therefore, until there was an established policy, he could not condone denial of an additional operator.

Council Member Tarrant received clarification from Dr. Woodruff that a carriage operation was reviewed and permitted by SAC since the issue falls within the Fifth Avenue Overlay District over which SAC has jurisdiction.

MOTION by Van Arsdale to APPROVE Resolution 97-8018, amended for a one year approval; seconded by Sullivan and carried 4-3 (MacKenzie-no, Nocera-yes, Prolman-yes, Sullivan-yes, Tarrant-no, Van Arsdale-yes, Barnett-no).

**RESOLUTION 97-8019.....ITEM 6
A RESOLUTION AMENDING THE COMMUNITY DEVELOPMENT BLOCK GRANT
(CDBG) CITIZEN PARTICIPATION PLAN; AND PROVIDING AN EFFECTIVE DATE.**

Title read by Dr. Woodruff. (9:32 a.m.)

Public Input: None (9:32 a.m.)

MOTION by Van Arsdale to APPROVE Resolution 97-8019 as submitted; seconded by Nocera and carried 6-0 (MacKenzie-yes, Nocera-yes, Prolman-yes, Sullivan-absent (for this vote only), Tarrant-yes, Van Arsdale-yes, Barnett-yes).

RESOLUTION 97-8020.....ITEM 7
A RESOLUTION APPROVING A ONE YEAR ACTION PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM, AS REQUIRED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, AND AUTHORIZING THE SUBMITTAL OF THE ACTION PLAN; AND PROVIDING AN EFFECTIVE DATE.
Title read by Dr. Woodruff. (9:32 a.m.)

Council Member MacKenzie suggested that the formation of a neighborhood task force include a member of the Community Services Advisory Board, and Planner Susan Golden agreed to pursue the suggestion. Council Member Van Arsdale noted that affordable housing was included in the 41-10 Master Plan for the Third Avenue North extension and asked whether CDBG funds were available for this. Ms. Golden responded that CDBG funds could be available, following allocations for canal dredging and rip rap stabilization in River Park East. She also related that a housing trust fund had been created using impact fees from the Coastland Mall expansion, and noted that the possibility of obtaining CDBG funds up to five years in advance was being explored. Mr. Van Arsdale requested that 41-10 affordable housing become a priority. Vice Mayor Prolman said that acquiring CDBG funds years in advance was a welcome concept for the 41-10 area, but, she continued, the high cost of land in the designated area could be prohibitive.

Public Input: None. (9:37 a.m.)

MOTION by Nocera to APPROVE Resolution 97-8020 as submitted; seconded by Sullivan and unanimously carried, all members present and voting (MacKenzie-yes, Nocera-yes Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes).

RESOLUTION 97-8021.....ITEM 8
A RESOLUTION GRANTING ALLEY VACATION PETITION 97-AV2, TO VACATE THE 15-FOOT BY 120-FOOT NORTH/SOUTH ALLEY LOCATED ADJACENT TO LOT 17 OF BLOCK 19, TIER 10, OF THE NAPLES SEABOARD REPLAT, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.
Title read by City Manager Woodruff. (9:37 a.m.)

Planning Director Missy McKim reported that although the 41-10 Committee attempts to retain through-alleys, some, such as this one, do not provide a connection. Therefore, it had been determined that it would be sold. Council Member Tarrant questioned City policy since some alleys are purchased by adjacent owners and other alleys are given free of charge. City Manager Richard Woodruff explained that when the public has a financial investment in an alley, it has to be sold, but if the City's ownership is the result of a gift, the alley could be merely vacated. Council Member Van Arsdale called for a comprehensive analysis of the City's alleyways.

Public Input: None (9:51 a.m.)

MOTION by Nocera to APPROVE Resolution 97-8021 as submitted (excluding PAB recommendations for landscaping restrictions); 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 97-8022.....ITEM 9a
A RESOLUTION GRANTING A FIFTEEN FOOT WIDE EASEMENT TO FLORIDA POWER & LIGHT COMPANY, A FIFTEEN FOOT WIDE EASEMENT TO MEDIA ONE, AND A TEN FOOT WIDE EASEMENT TO SPRINT FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF UNDERGROUND ELECTRIC, CABLE AND TELEPHONE UTILITY FACILITIES ON PROPERTY LOCATED ADJACENT TO THE 15-FOOT BY 120-FOOT NORTH/SOUTH ALLEY LOCATED OFF FIRST AVENUE SOUTH, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Woodruff (9:51 a.m.)

City Manager Richard Woodruff informed Council that if they chose to address landscaping restrictions in easements, it would be appropriate to do so in this resolution and the one following. He explained that the City's policy at the present time is that property owners may plant in the easement at their own risk and, if plantings must be removed for utility work, there is no replacement obligation.

Public Input: None (9:53 a.m.)

MOTION by Van Arsdale to APPROVE Resolution 97-8022 as submitted; seconded by Prolman and carried 5-2. (MacKenzie-no, Nocera-yes Prolman-yes, Sullivan-no, Tarrant-yes, Van Arsdale-yes, Barnett-yes).

RESOLUTION 97-8023.....ITEM 9b
A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A SALES CONTRACT FOR THE SALE OF A 22 ½ FOOT WIDE BY 120 FOOT LONG PARCEL OF LAND LYING IN SECTION 3, TOWNSHIP 50 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA, AND BEING A PORTION OF BLOCK 19, TIER 10 OF THE NAPLES SEABOARD REPLAT, LOCATED OFF FIRST AVENUE SOUTH, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.. Title read by City Manager Woodruff. (9:53 a.m.)

Council Member Sullivan remarked that since the property had been purchased from the general fund, the proceeds of the sale should be returned to it. Council Member Van Arsdale pointed out, however, that committing funds to the 41-10 project would show City support for the endeavor. Council Member Sullivan, nevertheless, said that the 41-10 District would in fact receive money from the general fund. City Manager Richard Woodruff clarified that the general fund had loaned money to the 41-10 project for conducting studies.

Public Input: None (9:57 a.m.)

MOTION by MacKenzie to APPROVE Resolution 97-8023 as submitted; seconded by Van Arsdale and unanimously carried, all members present and voting (MacKenzie-yes, Nocera-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes).

A prior motion by Van Arsdale to approve with an amendment to direct the proceeds of the sale to the 41-10 Redevelopment Project and seconded by Nocera failed 2-5 (MacKenzie-no, Nocera-yes, Prolman-no, Sullivan-no, Tarrant-no, Van Arsdale-yes, Barnett-no).

RESOLUTION 97-8024.....ITEM 10
A RESOLUTION GRANTING CONDITIONAL USE PETITION 97-CU11 FOR A DRIVE-THROUGH FACILITY IN THE C2-A ZONING DISTRICT, AT 1010 FIFTH AVENUE SOUTH, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO THE CONDITIONS LISTED HEREIN; PROVIDING FOR THE CITY CLERK TO RECORD SAID CONDITIONAL USE; AND PROVIDING AN EXPIRATION DATE AND AN EFFECTIVE DATE.. Title read by City Manager Woodruff. (10:00 a.m.)

Attorney J. Dudley Goodlette, representing the petitioner, Coastal Bank Corporation, recounted the history of the property and explained that the structure was originally built to house a bank and the conditional use petition would restore that function. Gordon River bridge widening, and the 41-10 Redevelopment Project are all considerations in this petition, he said. Attorney Goodlette also noted that there will be 101 parking spaces which exceeds the 88 required by the Code, and the proposed monument signage is one-fourth the permitted size.

Vice Mayor Prolman noted that the Planning Advisory Board (PAB) specifically required inclusion of a General Development and Site Plan (GDSB). Attorney Goodlette stated that all information required by the PAB had been submitted to City staff who had recommended approval, and City Manager Richard Woodruff explained that staff approval duplicates the desires of the PAB. Therefore, he said, the GDSB requirement had been met. Vice Mayor Prolman then questioned access to the property and Attorney Goodlette said that closing the alley between the parking area and the main bank building would create three access points rather than four assisting traffic circulation.

Council Member Van Arsdale questioned closing a public alley, but Planner Ann Walker explained this had been recommended by the City Engineering Department who deemed it dangerous to exit westbound across two full lanes of traffic. Council Member Van Arsdale objected to the additional traffic that would be caused on 6th Avenue South, already overburdened due to the closing of 11th Street. In addition, he expressed concern that the proposal did not conform to either the urbanization objectives of consultant Ray Gindroz or to the 41-10 redevelopment goals. Attorney Goodlette, however, reported that he and his client had arrived at the final proposal after consulting with City planning staff, the City Manager, and traffic engineer George Archibald.

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

MOTION by Tarrant to APPROVE Resolution 97-8024 waiving the Section 2 requirement for a GDSP approval; seconded by MacKenzie and carried 6-1 (MacKenzie-yes, Nocera-yes Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-no, Barnett-yes).

RESOLUTION 97-8025.....ITEM 11
A RESOLUTION GRANTING CONDITIONAL USE PETITION 97-CU12 TO SUNTRUST BANK, SOUTHWEST FLORIDA, FOR ONE ADDITIONAL LANE AT AN EXISTING BANK DRIVE-THROUGH FACILITY AT 3201 NINTH STREET NORTH, NAPLES, MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR THE CITY CLERK TO RECORD SAID CONDITIONAL USE; AND PROVIDING AN EXPIRATION DATE AND AN EFFECTIVE DATE.. Title read by City Manger Woodruff. (10:13 a.m.)

Public Input: None (10:14 a.m.)

MOTION by Sullivan to APPROVE Resolution 97-8025 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).

RESOLUTION 97-8026.....ITEM 12
A RESOLUTION GRANTING VARIANCE PETITION 97-V3 FROM SECTION 110-54(a)(1) OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, WHICH PERMITS DECORATIVE AWNINGS TO ENCROACH NO MORE THAN 36 INCHES INTO REQUIRED YARDS, IN ORDER TO PERMIT AWNINGS AT 691 FIFTH AVENUE SOUTH ON THE NORTHERN PORTION OF THE FIRST FLOOR ADDITION ALONG FOURTH AVENUE SOUTH AND A PORTION OF SEVENTH STREET SOUTH TO ENCROACH THE ENTIRETY OF THE REQUIRED TEN-FOOT FRONT YARD SETBACK ALONG THESE FRONTAGES; AND PROVIDING AN EFFECTIVE DATE..
Title read by City Manager Woodruff. (10:15 a.m.)

Council Member MacKenzie asked whether action on this resolution should be delayed inasmuch as a committee was to be formed to study the plaza and may determine an alternate recommendation. Planner Flinn Fagg explained that this particular proposal does not affect the plaza itself even though it is an adjacent structure. Therefore, approval of the variance would not impact the design of the plaza.

Public Input: None (10:20 a.m.)

MOTION by Van Arsdale to APPROVE Resolution 97-8026 as submitted (which does not include the PAB restriction that the awnings be retractable); seconded by Sullivan and unanimously carried 7-0 (MacKenzie-yes, Nocera-yes Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes).

RESOLUTION 97-8027.....ITEM 13
A RESOLUTION GRANTING VARIANCE PETITION 97-V13 FROM SECTION 102-416 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, WHICH ESTABLISHES MINIMUM YARDS IN THE “HIGHWAY COMMERCIAL” DISTRICT, THAT ENCROACH FRONT AND SIDE YARD SETBACKS AND DO NOT MEET LANDSCAPE REQUIREMENTS, FOR EXISTING BUILDINGS LOCATED AT 1795 TO 1841 NINTH STREET NORTH, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Woodruff. (10:22 a.m.)

Council Member Sullivan requested that landscaping enhancements be included along Mandarin Road at the rear of the building and Attorney Dennis Cronin, representing the petitioner, assured Council that landscaping improvements were included in the plans.

Public Input: None (10:24 a.m.)

MOTION by Sullivan to APPROVE Resolution 97-8027 as submitted; seconded by Van Arsdale and unanimously carried, all members present and voting (MacKenzie-yes, Nocera-yes Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes).

RESOLUTION 97-8028.....ITEM 14
A RESOLUTION GRANTING VARIANCE PETITION 97-V14 FROM SECTION 102-146 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, WHICH ESTABLISHES

MINIMUM SIDE AND REAR YARD SETBACKS IN THE R1-15 ZONING DISTRICT, FOR AN EXISTING SCREEN ENCLOSURE AT 485 SPINNAKER COURT WHICH ENCROACHES SIDE AND REAR YARD SETBACKS; AND PROVIDING AN EFFECTIVE DATE.. Title read by City Manager Woodruff. (10:25 a.m.)

Public Input: None (10:25 a.m.)

MOTION by Sullivan to APPROVE Resolution 97-8028 as submitted; seconded by Van Arsdale and unanimously carried, all members present and voting (MacKenzie-yes, Nocera-yes Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes).

RESOLUTION 97-8029.....ITEM 15
A RESOLUTION GRANTING VARIANCE PETITION 97-V15 FROM SECTION 110-37(a)(1) OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, WHICH RESTRICTS MAXIMUM FENCE HEIGHT, IN ORDER TO PERMIT THE CONSTRUCTION OF A SIX-FOOT HIGH FENCE IN FRONT YARD SETBACKS, AT 1100 NINTH STREET NORTH, NAPLES; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Manager Woodruff. (10:26 a.m.)

Public Input: None (10:26 a.m.)

MOTION by Prolman to APPROVE Resolution 97-8029 amended to include all PAB recommendations; 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 16
AN ORDINANCE AMENDING SECTION 86-205 (e) OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES IN ORDER TO REVISE THE PROCESS FOR ADMINISTRATIVE GRANTS OF VARIANCE; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE. Title read by City Manager Woodruff. (10:29 a.m.)

City Manager Richard Woodruff explained that Code permits administrative grants of variance on structures built prior to 1989, a system that had proven effective. However, the proposed ordinance would remove the requirement that all administrative variances be ratified by City Council. Planner Flinn Fagg reported that the Planning Department would nevertheless report monthly to the Planning Advisory Board on variances granted by this method.

Public Input: None (10:30 a.m.)

MOTION by Sullivan to APPROVE this Ordinance on First Reading; 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).

ORDINANCE (First Reading).....ITEM 17
AN ORDINANCE AMENDING THE FIFTH AVENUE SOUTH SPECIAL OVERLAY DISTRICT REGULATING PLAN AS REFERENCED IN SECTION 102-1094 (g) OF THE CODE OF ORDINANCES IN ORDER TO REVISE THE LOCATION OF A SITE DESIGNATED FOR A PARKING STRUCTURE; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE. Title read by City Manager Woodruff. (10:29 a.m.)

Public Input: None (10:30 a.m.)

MOTION by Sullivan to APPROVE this Ordinance on First Reading; 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).

ORDINANCE 97-8030.....ITEM 18a
AN ORDINANCE AMENDING APPENDIX "A", "FEE SCHEDULE", WITH REFERENCE TO SECTION 66-26 OF THE CODE OF ORDINANCES, TO REVISE THE RATES FOR WATER SERVICE; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE. Title read by City Manger Woodruff. (10:30 a.m.)

City Manager Richard Woodruff noted that approval of this ordinance would raise the City's water rates by five percent.

Public Input: None (10:30 a.m.)

MOTION by Van Arsdale to ADOPT Ordinance 97-8030 as submitted; seconded by Sullivan and unanimously carried, all members present and voting (MacKenzie-yes, Nocera-yes Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes).

ORDINANCE 97-8031.....ITEM 18b
AN ORDINANCE AMENDING SUBSECTIONS (1) AND (2) OF SECTION 66-108 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, REVISING THE RATES FOR SEWER SERVICE; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE. Title read by City Manager Woodruff. (10:31 a.m.)

City Manager Richard Woodruff noted that approval of this ordinance would increase the City's sewer rates by 12 percent.

Public Input: None (10:31 a.m.)

MOTION by Sullivan to ADOPT Ordinance 97-8031 as submitted; seconded by Van Arsdale and unanimously carried, all members present and voting (MacKenzie-yes, Nocera-yes Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes).

ORDINANCE 97-8032.....ITEM 18c
AN ORDINANCE AMENDING APPENDIX "A", "FEE SCHEDULE," OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, WITH REFERENCE TO SECTION 66-196, TO REVISE THE RATES FOR STORMWATER MANAGEMENT UTILITY FEES; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION, AND AN EFFECTIVE DATE. Title read by City Manger Woodruff. (10:32 a.m.)

City Manager Richard Woodruff explained that the proposed fees would result in an increase to an equivalent residential unit from \$2.43 per month to \$4.00 in order to fund a \$10 million, ten-year, drainage master plan.

Public Input: None (10:32 a.m.)

MOTION by MacKenzie to ADOPT Ordinance 97-8032 as submitted; seconded by Sullivan and unanimously carried, all members present and voting (MacKenzie-yes, Nocera-yes Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes).

Recess: 10:33 a.m. to 10:47 a.m. It is noted for the record that the same Council Members were present when the meeting reconvened.

**ORDINANCE 97-8033.....ITEM 19
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. (10:48 a.m.)**

City Manager Richard Woodruff informed Council that this ordinance is linked to Agenda Item 20 which specifies improvements proposed in the Third Street South assessment area. Mayor Barnett requested Items 19 and 20 be combined for discussion but voted on separately.

It is noted, for clarification, that Item 19 is referred to in subsequent discussions as the “home rule ordinance,” “the capital assessment ordinance,” or the “local ordinance.”

Dr. Woodruff presented a packet with results of a poll of property owners affected by the proposed assessments and describing three improvement options. (A copy of this packet is contained in the file for this meeting and on file in the City Clerk’s Office.) He noted that 15 of 16 affected property owners had responded to the poll. The survey results are as follows:

- 5% of the respondents preferred Option 1 which called for installing only street lights;
- 12.34% preferred Option 2 calling for a street light assessments based on street frontage, with alley lighting and alley improvement assessment based on alley frontage; and
- 77.83% preferred Option 3 which included all of Option 2 with assessments based on street frontage only, thereby sharing the costs among all property owners.

Dr. Woodruff also relayed Option 4, suggested by an assessment district property owner, wherein all monies spent by the City for street light power to date would be deducted from the total assessment. He explained, however, there would be no credit because the City currently pays the electric bill for lighting in the area whether the lights are owned by the Third Street Association or leased by the City from Florida Power & Light. Further, the City would continue to do so under Options 1, 2 or 3.

Dr. Woodruff said eight property owners constituted a majority, and that a total of nine had voted in favor of Option 3. City Attorney Kenneth Cuyler reiterated the need to read both items, hear public input and vote on Items 19 and 20 separately.

RESOLUTION 97-8034.....ITEM 20
A RESOLUTION OF THE NAPLES CITY COUNCIL RELATING TO THE CONSTRUCTION AND FUNDING OF STREET LIGHTING AND ALLEY IMPROVEMENTS; CREATING THE ASSESSMENT AREA AND DESCRIBING THE PROPERTY TO BE LOCATED WITHIN THE PROPOSED THIRD STREET AND THE AVENUES LIGHTING DISTRICT, AND THE STREET LIGHTING AND ALLEY IMPROVEMENTS TO BE CONSTRUCTED THEREIN; DETERMINING THE ESTIMATED COST OF THE STREET LIGHTING AND THE ALLEY IMPROVEMENTS; DETERMINING THAT CERTAIN REAL PROPERTY WILL BE SPECIALLY BENEFITTED BY THE STREET LIGHTING AND ALLEY IMPROVEMENTS; ESTABLISHING THE METHOD OF ASSESSING THE COSTS OF THE STREET LIGHTING AND ALLEY IMPROVEMENTS AGAINST THE REAL PROPERTY THAT WILL BE SPECIALLY BENEFITTED THEREBY; ESTABLISHING OTHER TERMS AND CONDITIONS OF THE ASSESSMENTS; DIRECTING THE ASSESSMENT COORDINATOR TO PREPARE A TENTATIVE ASSESSMENT ROLL BASED UPON THE METHODOLOGY SET FORTH HEREIN; ESTABLISHING A PUBLIC HEARING TO CONSIDER IMPOSITION OF THE PROPOSED ASSESSMENTS AND THE METHOD OF THEIR COLLECTION; DIRECTING THE PROVISION OF NOTICE IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.
Title read by City Manager Woodruff. (11:01 a.m.)

City Attorney Cuyler explained that the above resolution differs from the one reviewed by Council at its August 4th workshop only as it regards the methodology for establishing the assessments which is based solely on street frontage in accordance with the results of the property owner survey.

Council Member Van Arsdale noted that, presently, Chapter 170, Florida Statutes, lists requirements not included in the local provisions, but City Attorney Cuyler said Council will then have the authority to assess capital costs for any legal assessment including, but not limited to, all the items in Chapter 170. Council would have the choice, now and in the future, to proceed under either enabling legislation.

Public Input: (11:07 a.m.)

Dale Chlumsky, 1199 Third Street South, opposed the local ordinance as excessive City authority which could result in additional assessments. In addition, he stated that support for Option 3 represented approval of the method of assessment in the event Item 20 passed. Further, he received clarification that the alley lighting improvements would be made on public property

wherever possible, although it may be necessary to install several lights on private property because the public location is not feasible. The City would then be required to obtain the property owner's approval. Mr. Chlumsky then questioned whether the improvements would impede current access to existing private, off-street parking and driveways. **Attorney Norma Shepard, representing property owner Sally Von Behren**, requested the opportunity to respond in writing to City Attorney Cuyler's memorandum of August 5th regarding Chapter 170 and its relation to the proposed home rule ordinance. (A copy of Mr. Cuyler's memorandum is contained in the file for this meeting in the City Clerk's office.) She then requested a continuance on Item 19, but City Attorney Cuyler noted that there would be sufficient time for her to respond inasmuch as an additional resolution regarding Third Street assessments will be necessary. Attorney Shepard, however, explained that she was specifically requesting the home rule ordinance be continued since it was before Council on Second Reading.

Mayor Barnett asked whether the issue should be continued and City Attorney Cuyler responded that there was no legal reason to continue the ordinance except as a courtesy to Ms. Shepard. Council Member Van Arsdale asked Ms. Shepard to explain her concern, adding that the City already had broad authority under Florida Statutes. She responded that the home rule ordinance would permit the City to initiate assessments without voter approval. Mr. Van Arsdale, however, countered that the differences were very simple; namely, Chapter 170 authorizes non-capital items and the home rule ordinance covers only capital improvements. He said he did not understand her objection to the City's ability, under the ordinance, to assist the Third Street property owners acquire improvements they deemed desirable.

Attorney R. Bruce Anderson, representing Neapolitan Enterprises, said that Ms. Shepard's request for a continuance was out of order since the proposed ordinance had already been continued in the past due to similar concerns, adding that Ms. Shepard had had months to research the issue. He asked Council to move forward on the ordinance.

MOTION by Tarrant to CONTINUE the ordinance; seconded by Prolman. The motion failed 3-4 (MacKenzie-yes, Nocera-no, Prolman-yes, Tarrant- yes, Sullivan- no, Van Arsdale-no, Barnett no).

Public Input Continued: (11:26 a.m.)

Jose Aragon, 395 13th Avenue South, said that the district business owners had been waiting for a long time for improvements and urged Council to approve both ordinances without delay. **Norma Shepard** stated her objections to the capital assessment ordinance (Item 19) on the basis that the text distributed at this meeting differed from prior versions. City Attorney Cuyler explained that only revised resolution was distributed, not a new ordinance. He added that the only change to the ordinance after First Reading had been the addition to Section 1.03 under "Findings" which was not a substantial alteration and would not affect Council's ability to vote on the issue. Attorney Shepard then stated that in the fall of 1996 she had requested advance notice from the City Clerk regarding any action pertaining to her client's Third Street property, but she had not received notification on the home rule ordinance until the workshop meeting on Monday. She then itemized her objections to Council's denial of a continuance and cited, for the record, Florida Supreme Court Judge Wells' opinion (in Florida vs Sarasota County) that such master ordinances undermine the taxing authority of the State of Florida and are over-reaching. In response to City Attorney Cuyler, Ms. Shepard, however, conceded that Judge Wells' opinion was from the dissent.

City Manager Woodruff asked Attorney Shepard whether she had received letters and faxes sent over his signature advising her of forthcoming meetings regarding these issues. She reported that her only notifications had been sent by property owners. Dr. Woodruff presented, for the record, Ms. Shepard's request of November 1996 for advance notification of any meetings, discussions or actions pending as they relate to her client and supplied Council with a receipt of the fax sent to her by the Office of the City Clerk informing her of the Monday, August 4th, workshop meeting. (Attachment 1) Ms. Shepard then stated, for the record, that she objected to receiving the revised ordinance (with the addition of "Findings," Section 1.03) on 48 hours notice.

In response to Council Member Tarrant's concern with respect to a potential lawsuit, City Attorney Cuyler reiterated that he was satisfied that the proposed ordinance was well within Council's authority. In addition, Mr. Cuyler advised Council that Ms. Shepard's objection to the addition of specific findings in Section 1.03, was moot since Council could insert additional findings or remove them altogether from the ordinance prior to a vote without affecting the validity of the ordinance. Therefore, he said, a claim of lack of notice had no basis.

Mr. Tarrant said he considered the improvements for the Third Street area to be of benefit to the entire City, but called special assessments a questionable tax that appeared legal only because the people approved it. He said he considered it wrong to expect the Third Street property owners to pay for improvements, whereas other major improvements throughout the City were funded by the City. He called for a city-wide referendum on all assessments before moving forward.

Vice Mayor Prolman requested clarification regarding Section 1.03 which cited Florida Constitution, Section 166.021 instead of the section cited in the original document. She also asked Mr. Cuyler to comment on bond issuance under the home rule ordinance. He responded that although Council had the authority to do so under both the home rule ordinance and Chapter 170, bonds were not contemplated for Third Street improvements. Regarding the findings cited in Section 1.03 Mr. Cuyler stated that any changes did not materially alter the ordinance since findings were added but not replaced.

Public Input Continued: (11:45 a.m.)

Stephen Farrington, 901 Galleon Drive, said he owns three properties and manages a fourth in the Third Street area. He urged Council to approve the ordinance and the resolution on behalf of the majority of the property owners. Council Member Tarrant stated that he agreed but felt that the property owners' current taxes should be sufficient to pay for the improvements without an additional assessment. Mr. Farrington responded that he appreciated the City's efforts and said he agreed to pay his share. **Barbara Walker, representing Neapolitan Enterprises**, urged Council to approve both agenda items. **Karen Triplett, representing Pettit Square**, read a letter supporting the improvements but objecting to alley assessments because the alley serving the Pettit Square parking area is not included in the project area. **Alan Reynolds, representing Neapolitan Enterprises**, outlined the advantages of Option 3 and reminded Council that Option 3 had the most support in the area. **George Vukobratovich, Third Street Plaza**, agreed with Mr. Reynolds that the improvements were much needed and commended Council for permitting extensive public input. **Mark Fletcher, representing Sally Von Behren**, stated his objections to the home rule ordinance as too broad, adding that it could be used in the future for additional assessments without property owner consent.

It is noted for the record that Richard Rauh and Bruce Rankin declined to speak when called.

Mayor Barnett asked for clarification regarding completion of the improvements. Dr. Woodruff suggested that the streetlight bid under the next agenda item be awarded pending adoption of the second assessment district resolution in order that all legal challenge periods can first expire. He, therefore, estimated a delay until April. Council Member MacKenzie said she supported the proposed improvements but objected to the capital assessment ordinance as too broad, calling Chapter 170 sufficient. She also objected to the ordinance permitting a four-person majority of Council to enact a variety of assessments which are not limited under the ordinance. Council Member Van Arsdale pointed out that Chapter 170 also permitted a majority of four to enact assessments, and Vice Mayor Prolman said she was convinced Council was on firm legal ground. Mayor Barnett then urged the Third Street property owners to work through any differences without legal intervention.

MOTION by Van Arsdale to ADOPT Ordinance 97-8033 as submitted; seconded by Nocera and carried 5-2 (MacKenzie-no, Nocera-yes Prolman-yes, Sullivan-yes, Tarrant-no, Van Arsdale-yes, Barnett-yes).

City Attorney Cuyler informed Council that, following notification to the property owners of their exact assessment, there would be a subsequent hearing providing an opportunity to modify assessments.

MOTION by Van Arsdale to APPROVE Resolution 97-8034 as submitted to include Option 3; seconded by MacKenzie and carried 6-1 (MacKenzie-yes, Nocera-yes Prolman-yes, Sullivan-yes, Tarrant-no, Van Arsdale-yes, Barnett-yes).

.....**ITEM 21**
CONSIDER AWARDDING A BID FOR STREET LIGHT LUMINARIES TO BE
INSTALLED IN THE THIRD STREET SOUTH SHOPPING DISTRICT \ VENDOR:
**CONSOLIDATED ELECTRIC SUPPLY, NAPLES, FLORIDA \ PRICE: \$225,150.00 **
FUNDING: THIRD STREET SOUTH LIGHTING ASSESSMENT DISTRICT.

City Manager Richard Woodruff explained that this bid does not include installation, and suggested Council action also direct the bid be held until the second assessment district resolution had been adopted and all periods of legal challenge expired. This, he said, would delay ordering the street lights by approximately two months. Council Member Van Arsdale asked about the time frame if the City received assurances that no lawsuits would be forthcoming. City Attorney Cuyler described the procedure for obtaining waivers of rights to pursue a lawsuit and noted that the ordinance limits the time available to pursue a legal challenge. However, Mayor Barnett determined that it would be unlikely the lights could be installed prior to November 15th.

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

MOTION by Sullivan to APPROVE ITEM 21 WHICH WILL BE HELD IN
SUSPENSION UNTIL ADOPTION OF THE RESOLUTION ADJUSTING
ASSESSMENT ROLLS AND UNTIL ALL PERIODS FOR LEGAL
CHALLENGE HAVE EXPIRED; seconded by Nocera and carried 6-1
(MacKenzie-yes, Nocera-yes Prolman-yes, Sullivan-yes, Tarrant-no, Van
Arsdale-yes, Barnett-yes).

RESOLUTION 97-8035.....ITEM 22
A RESOLUTION APPOINTING ONE MEMBER TO THE CITY OF NAPLES
AIRPORT AUTHORITY; AND PROVIDING AN EFFECTIVE DATE. Title read by City
Manager Woodruff. (12:14 p.m.)

In nominating Mr. Thornton, Council Member Sullivan stated that Mr. Thornton's FAA background would be invaluable and would be effective in bridging the gap between the Airport Authority and the general public.

Public Input: None (12:14 p.m.)

MOTION by Sullivan to APPOINT LEN THORNTON to the Airport Authority;
seconded by Nocera. This motion and failed 3-4 (MacKenzie-no, Nocera-yes
Prolman-no, Sullivan-yes, Tarrant-yes, Van Arsdale-no, Barnett-no).

MOTION by Nocera to APPOINT RICHARD GENTIL to the Airport
Authority; seconded by Sullivan. This motion did not come to a vote.

Vice Mayor Prolman agreed that Mr. Thornton was qualified, but she felt community relations were a primary concern.

MOTION by Prolman to APPOINT RON PENNINGTON to the Airport
Authority; seconded by MacKenzie and carried 4-3 (MacKenzie-yes, Nocera-no,
Prolman-yes, Sullivan-no, Tarrant-no, Van Arsdale-yes, Barnett-yes).

It was the consensus of Council that the record reflect Mr. Pennington's having been
unanimously appointed.

.....**ITEM 23**
CONSIDER AUTHORIZING A PURCHASE ORDER FOR CONSTRUCTION OF
WATER, SEWER, AND DRAINAGE IMPROVEMENTS ON 4TH AVENUE SOUTH
CONTRACTOR: KYLE CONSTRUCTION, INC., NAPLES, FLORIDA \ PRICE:
\$168,853.75\ FUNDING: CIP #98L19.

Public Input: None (12:19 p.m.)

MOTION by Sullivan to APPROVE ITEM 23; *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).

ORDINANCE (First reading).....ITEM 24
AN ORDINANCE AMENDING SECTION 54-71, OF THE CODE OF ORDINANCES OF
THE CITY OF NAPLES, "ESTABLISHMENT OF TYPE I AND II REFUSE FEES", TO
PROVIDE FOR THE DISPOSAL OF HORTICULTURAL DEBRIS AND RATES FOR
THE SALE OF PREMIUM HORTICULTURAL PRODUCTS; PROVIDING A
SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.

Title not read. (12:20 p.m.)

City Manager Richard Woodruff explained that the next meeting would introduce a companion resolution relating to tipping fees for horticultural materials whereas the current ordinance authorizes the City to sell mulch and compost.

Public Input: None (12:21)

MOTION by MacKenzie to APPROVE this Ordinance on First Reading; 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 97-8036.....ITEM 25
A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF NAPLES AND COLLIER COUNTY TO ENGAGE AN ENGINEERING AND ENVIRONMENTAL CONSULTANT TO PERFORM A COMPREHENSIVE EVALUATION AND ENVIRONMENTAL ASSESSMENT OF THE GORDON RIVER EXTENSION BASIN WHICH INVOLVES COLLIER COUNTY, THE CITY OF NAPLES AND THE BIG CYPRESS BASIN; PROVIDING FOR RECORDING OF SAID AGREEMENT IN THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA; PROVIDING AN EFFECTIVE DATE. Title read by City Manager Woodruff. (12:21 p.m.)

City Manager Richard Woodruff informed Council that the study would be funded as follows: \$300,000 by the County, \$200,000 by Big Cypress Basin, and \$100,000 by the City. Council Member MacKenzie reported that while attending a recent Everglades restoration meeting, she learned that the Department of Interior had designated Colonel Terry Rice, of the Corps of Engineers, to study the entire watershed area for South Florida. She then suggested that the study include the Gordon River, the Gordon River Basin, Naples Bay, and all estuaries leading to Rookery Bay. Vice Mayor Prolman suggested writing a letter requesting these sections of the watershed be included in the study and Mayor Barnett and Council Members Sullivan and Nocera agreed.

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

MOTION by MacKenzie to APPROVE Resolution 97-8036 as submitted; seconded by Sullivan and carried 6-1 (MacKenzie-yes, Nocera-yes Prolman-yes, Sullivan-yes, Tarrant-no, Van Arsdale-yes, Barnett-yes).

.....ITEM 26
AUTHORIZE A PURCHASE ORDER FOR CONSTRUCTION OF WATER IMPROVEMENTS ALONG 6TH AVENUE SOUTH FROM 8TH STREET TO 12TH STREET AND ON 12TH STREET FROM 6TH AVENUE SOUTH THE U.S. 41. \ CONTRACTOR: KYLE CONSTRUCTION, INC. \ AMOUNT: \$75,614.00 (NOT TO EXCEED) \ FUNDING: CIP#98L18.

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

MOTION by Van Arsdale to APPROVE ITEM 26; 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 97-8037.....ITEM 27
A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF NAPLES AND COLLIER COUNTY FOR THE RELOCATION OF A 36" RAW WATER LINE LOCATED AT THE INTERSECTION OF LIVINGSTON ROAD AND GOLDEN GATE PARKWAY; PROVIDING FOR RECORDING OF SAID AGREEMENT IN THE PUBLIC RECORDS

OF COLLIER COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Woodruff. (12:24 p.m.)

City Manager Richard Woodruff said workshop suggestions that the City cap their contribution at \$201,600 would be difficult because the competitive bids had not been received. He did, however, confirm that the City's participation would be limited to 50% as stated in the interlocal agreement.

Public Input: None (12:25 p.m.)

MOTION by Sullivan to APPROVE Resolution 97-8037; 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 28**
AUTHORIZE A PURCHASE ORDER TO PROVIDE STREET STRIPING, ON AN AS-NEEDED BASIS, CONTRACTOR: DURALAST ENTERPRISES, INC. AND TRUTWIN INDUSTRIES, INC. \ AMOUNT: \$20,000.00 EACH (NOT TO EXCEED) \ FUNDING: STREETS/TRAFFIC PROFESSIONAL SERVICES ACCOUNT. (12:25 p.m.)

City Manager Richard Woodruff reported that Council had privatized street striping, and competitive bids had, therefore, been received.

Public Input: None (12:25 p.m.)

MOTION by Nocera to APPROVE Item 28; 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).

CORRESPONDENCE AND COMMUNICATIONS.....

Council Member Sullivan reported that he had received a letter from residents located near Bay Marina expressing anger that the marina would be the primary staging area for Key Island development. City Manager Richard Woodruff pointed out that the location of Bay Marina and adjoining properties are zoned either commercial waterfront (C2-A) or planned development (PD) there being no residential zoning on the island. Bay Marina was built in 1960 and condominiums and other structures were built between 1979 and 1989.

OPEN PUBLIC INPUT

None. (12:31 p.m.)

ADJOURN

12:31 p.m.

Bill Barnett, Mayor

Tara A. Norman, City Clerk

Prepared by:

Molly Reed, Recording Specialist

Minutes approved: September 3, 1997.