



City Council Chamber
735 Eighth Street South
Naples, Florida 34102

City Council Regular Meeting – November 19, 1997 – 9:00 a.m.

Mayor Barnett called the meeting to order and presided.

ROLL CALLITEM 1

Present: Bill Barnett, Mayor
Marjorie Prolman, Vice Mayor

Council Members:
Bonnie R. MacKenzie
John R. Nocera
Marjorie Prolman
Fred L. Sullivan
Fred Tarrant – arrived at 9:27 a.m.
Peter H. Van Arsdale

Also Present:

Dr. Richard Woodruff, City Manager
Kenneth Cuyler, City Attorney
William Harrison, Assistant City Manager
Tara Norman, City Clerk
Missy McKim, Planning Director
Don Wirth, Community Services Dir.
Susan Wiesing, Human Resources Dir.
Dr. Jon Staiger, Natural resources Mgr.
Ron Lee, Planner
Ann Walker, Planner
Marsha Litsinger, Training and
Development Coordinator
Molly Reed, Recording Specialist

John Norman
Werner “Duke” Haardt
Reverend Gene Scott
Helen Banks
Peter Gerbosi
Leonard Thornton
George Henderson
Charles Andrews
J. Dudley Goodlette
Bruce D’Elia
Bill Boggess
Greyhounds: Jake, Jacqueline, and Ice
Other interested citizens and visitors

Media:

Dave Taylor, Media One
Marc Caputo, Naples Daily News

INVOCATION AND PLEDGE OF ALLEGIANCE.....ITEM 2
Reverend Gene Scott of Celebration Community Church and Werner “Duke” Haardt.

ANNOUNCEMENTSITEM 3
Mayor Barnett read a proclamation designating November 22, 1997 as “Greyhound Day” in recognition of Second Chance for Greyhounds, a non-profit organization that finds homes for retired racing greyhound dogs.
Training and Development Coordinator Marsha Litsinger issued certificates and honorary tee shirts to local area high school students who participated in the C.A.S.E. program. (See Attachment 1)
Toni Smith and Sidney Joyce, on behalf of Representative Burt Saunders and Senator Fred Dudley, presented a \$100,000 grant check for from the Florida Recreation and Development Assistance Program for Phase II of renovations at Cambier Park.
See also page 3 for City Manager Woodruff’s announcement regarding postponement of the scheduled joint workshop with CRA, CRAAB and the PAB.

ITEMS TO BE ADDEDITEM 4
City Manager Richard Woodruff requested the following items be added to the agenda:
Item 14 Consider replacing the Performance Bond for improvements on Keewaydin Island.
Item 15 Consider a temporary permit for additional parking for a Marco passenger ferry at Turner Marina.

.....**ITEM 15**
CONSIDER A TEMPORARY PERMIT FOR ADDITIONAL PARKING FOR A MARCO PASSENGER FERRY AT TURNER MARINA. (9:13 a.m.)
City Manager Richard Woodruff explained that the petitioner, Tom Reed, had requested a temporary use permit for 12 parking spaces provided by Turner Marina and thereby enabling the 72 foot vessel to carry a full capacity of 96 passengers.

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

MOTION by Sullivan to APPROVE a temporary permit to expire on June 1, 1998; seconded by Nocera and carried 6-0 (MacKenzie-yes, Nocera-yes, Prolman-yes, Sullivan-yes, Tarrant-absent, Van Arsdale-yes, Barnett-yes).

DIAMOND JUBILEE PRESENTATION.....
Council Member MacKenzie reported that the Diamond Jubilee Celebration will include festivities in Naples beginning in May 1998 with the Great Dock Canoe Race, followed by Neapolitan Days in June, Salute to the Military in July, Local Business and Civic Associations in August, Old Naples Remembered in September, Celebration of the Arts in October, Tribute to Sun, Sand and Surf in November, and the Grand Finale on December 1st. Each event will be self-supporting and not be underwritten by taxpayer funds. To date, she said, the committee had received verbal commitments for \$10,000 in grants and tentative pledges for an additional \$10,000-\$15,000. Inasmuch as the pledges will be forthcoming in 1998, Mrs. MacKenzie requested a credit line from Council of \$2,500 to \$5,000 to be repaid when the pledges are received. Vice Mayor Prolman requested that environmental concerns be emphasized during the November activities, and Council Member MacKenzie assured her this would be a highlight of those events. She concluded by stating that a more detailed report would be presented in 45 to 60 days.

Public Input: None (9:20 a.m.)

MOTION by Van Arsdale to APPROVE a credit line of \$5,000 for the Diamond Jubilee Committee to be repaid; seconded by Sullivan and carried 5-0 (MacKenzie-away from dais, Nocera-yes, Prolman-yes, Sullivan-yes, Tarrant-absent, Van Arsdale-yes, Barnett-yes).

.....ITEM 9
AWARD A 2-YEAR BID FOR TRIMMING CITY-OWNED PALM TREES \ CONTRACTOR: ENVIRONMENTAL CARE, INC., FORT MYERS, FLORIDA \ ESTIMATED ANNUAL EXPENDITURE: \$127,589.40 \ FUNDING: PARKS & PARKWAYS OTHER CONTRACTUAL SERVICES. (9:21 a.m.)

City Manager Richard Woodruff reported that the original low-bidder was not able to meet insurance requirements and, therefore, the issue was again before Council. He added that City Attorney Kenneth Cuyler had reviewed a protest letter from Bruce D'Elia of Total Care Tree Service, a competitive bidder, which questioned the qualifications of Environmental Care, Inc. (This letter is contained in the file for this meeting in the City Clerk's office.) Mr. Cuyler relayed the results of his examination which confirmed that Environmental Care, Inc., did, in fact, have proper insurance, certificates and qualifications.

Public Input: (9:23 a.m.)

Bruce D'Elia, 5880 10th Avenue NW, expressed appreciation for Council's patience.

Council Member Sullivan obtained clarification that the cost differential between the two bidders for chipped palm fronds was approximately \$20,000. In response to an inquiry from Council Member MacKenzie, the branch manager of Environmental Care, Aaron Gross, clarified that the work would be performed from the Naples office, although administrative functions are handled from Fort Myers. He assured Council that in the event of an emergency, they would be mobilized within 24 hours with specialized equipment. Council Member Nocera questioned the length of time it had taken Environmental Care to complete the palm tree trimming on Fifth Avenue, and Community Services Director Don Wirth said the work had, however, been completed by the date specified.

It is noted for the record that Council Member Tarrant arrived at 9:27 a.m.

City Manager Woodruff clarified that the contract with Environmental Care would be terminated should the City become dissatisfied, and, further, that in the event of a hurricane, the City is the company's first responsibility. Mr. Gross acknowledged that these conditions were part of the contract.

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

At this point in the meeting, Dr. Woodruff announced that the Naples Daily News had erred in publishing the date for that day's scheduled meeting of the Community Redevelopment Agency (CRA), Planning Advisory Board (PAB), and Community Redevelopment Agency Advisory Board (CRAAB). Therefore, the CRA meeting scheduled for 10:00 a.m. would not be a joint workshop. Mayor Barnett said the joint meeting would occur at the workshop of December 1st since the 41-10 Master Plan would come before Council on December 3rd.

.....ITEM 5g
AUTHORIZE A PURCHASE ORDER FOR TENNIS COURT LIGHTS AT NAPLES HIGH SCHOOL \ CONTRACTOR: BENTLEY ELECTRIC COMPANY, NAPLES, FLORIDA\ COST: \$31,537.00 (INCLUDING INSTALLATION)\ FUNDING CAPITAL IMPROVEMENTS PROGRAM. (9:36 a.m.)

Community Services Director Don Wirth reported that eight light poles from the Cambier tennis courts were to be installed by the City at the Naples High School tennis courts which have been designated for community use. He said a recent evaluation of the project resulted in an increase in cost which required Council authorization. The lights would operate with a time-clock device that would turn off at 9:00 p.m. City Manager Richard Woodruff related that the tennis courts were recently built by the Collier County School Board at a cost of \$50,000.

Public Input: None (9:41 a.m.)

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

CONSENT AGENDA

APPROVAL OF MINUTES.....ITEM 5a
October 13, 1997 Workshop Meeting; October 15, 1997 Regular Meeting

.....ITEM 5b
ISSUE A PURCHASE ORDER FOR CURB AND GUTTER REPLACEMENT ON 9TH AND 10TH STREETS SOUTH AND 7TH AVENUE SOUTH, ADJACENT TO THE OLD NAPLES TRIANON HOTEL \ CONTRACTOR: BORAN, CRAIG, BARBER & ENGEL CONSTRUCTION CO., INC., NAPLES, FLORIDA \ PRICE: \$27,133.00 (NOT TO EXCEED)\ FUNDING: STREETS/TRAFFIC DIVISION - GAS TAX BUDGET.

.....ITEM 5c
AUTHORIZE THE PURCHASE OF A VACUUM PUMP, FROM A SOLE SOURCE, FOR USE AT THE WATER TREATMENT PLANT \ VENDOR: MONARCH ENGINEERING SYSTEMS, INC., PALM HARBOR, FLORIDA \ PRICE: \$12,736.00 \ FUNDING: CIP #98K10.

(Deleted from the Agenda).....ITEM 5d

.....ITEM 5e
AUTHORIZE THE PURCHASE OF 5 POLICE PATROL VEHICLES \ VENDOR: DUVAL FORD, INC., JACKSONVILLE, FLORIDA \ TOTAL PRICE: \$97,815.00 \ FUNDING CIP #98H01 AND RISK MANAGEMENT FUND.

.....ITEM 5f
APPROVE THE FOLLOWING SPECIAL EVENTS:

- (1) Naples Power Squadron/Boat Parade-12/4
- (2) 5th Avenue South Association/New Years Festival-12/26-28
- (3) Eglise de Jesus Christ Full Gospel Church/Church Event-12/28
- (4) Naples Progressive Gymnastics/"Florida Workout 97"-12/30
- (5) Naples Daily News Dixieland Band Concert-1/25/98
- (6) Gulfcoast Runners/Naples Daily News 1/2 Marathon-1/25/98
- (7) Naples Invitational Art Fest-1/31-2/1/98
- (8) Florida Oz Fest-2/13-15/98

- (9) Naples Senior Expo/Naples Home & Garden Shows-2/25-26/98 & 2/28-3/1/98
(10) Naples Daily News/Kids"n" Kubs Softball Game-2/28/98

.....ITEM 5g
Vice Mayor Prolman had requested this item be removed from Consent Agenda for separate discussion and, therefore, was not included in the motion below. (See page 4)

END CONSENT AGENDA

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

It is noted for the record that Council Member Tarrant subsequently indicated that he wished to cast a negative vote on Item 5b.

RESOLUTION 97-8122.....ITEM 6

A RESOLUTION OF THE MAYOR AND CITY COUNCIL ESTABLISHING DECEMBER 3, 1997, AT 9:15 A.M. AS THE DATE AND TIME, AND THE CITY COUNCIL CHAMBER, 735 EIGHTH STREET SOUTH, NAPLES, FLORIDA, AS THE PLACE, FOR RECEIVING COMMENTS FROM ALL INTERESTED PARTIES RELATIVE TO THE PROPRIETY AND ADVISABILITY OF MAKING INTERSECTION IMPROVEMENTS ON GOODLETTE ROAD AT BAYFRONT MARKETPLACE; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Woodruff (9:42 a.m.)

Assistant City Manager William Harrison noted that this constituted the second resolution for an assessment district under Chapter 170, Fla. Stat., adding that negotiations among the parties are continuing but should be resolved by December 3rd.

Public Input: None (9:43 a.m.)

MOTION by Nocera to ***APPROVE*** Resolution 97-8122; 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 97-8123.....ITEM 7

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT IN SUBSTANTIALLY THE FORM ATTACHED HERETO, WITH CHANGES APPROVED BY THE CITY MANAGER AND CITY ATTORNEY, WITH ANDREA CLARK BROWN ARCHITECTS TO PROVIDE FINAL DESIGN SERVICES FOR THE 4TH AVENUE SOUTH MUNICIPAL PARKING STRUCTURE; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Woodruff (9:44 a.m.)

City Attorney Kenneth Cuyler stated that he was considering several changes to the contract as part of an effort to standardize portions of the City's architectural and other contracts.

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

MOTION by Van Arsdale to ***APPROVE*** Resolution 97-8123 amended to add the word "South" to all references to 4th Avenue; seconded by Nocera and carried 6-1 (MacKenzie-yes, Nocera-yes, Prolman-yes, Sullivan-yes, Tarrant-no, Van Arsdale-yes, Barnett-yes).

RESOLUTION 97-8124.....ITEM 8
AN RESOLUTION GRANTING A WAIVER FROM THE REQUIREMENTS OF THE FIFTH AVENUE SOUTH SPECIAL OVERLAY DISTRICT, SECTION 102-1093(2)n. OF THE CODE OF ORDINANCES, WHICH PROHIBITS BANNERS OVER FIFTH AVENUE SOUTH IN ORDER TO PERMIT A STARTING BANNER FOR THE NAPLES DAILY NEWS HALF MARATHON FROM JANUARY 23, 1998, TO JANUARY 26, 1998; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE. Title read by City Manager Woodruff (9:45 a.m.)

Planner Flinn Fagg reported that the banner would be installed on Friday, January 23rd, and removed on Monday, January 26th.

Public Input: None (9:45 a.m.)

MOTION by Nocera to APPROVE Resolution 97-8124; 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 97-8125.....ITEM 10
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAPLES SUPPORTING AN AMENDMENT TO ARTICLE VIII SECTION 2 (a) AND (c) OF THE FLORIDA CONSTITUTION; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Woodruff (9:46 a.m.)

City Manager Richard Woodruff explained that this amendment to the Florida Constitution would ensure that municipalities could not be abolished by a method different from the method required for their creation. Currently, he said, a municipality is created by state action followed by a referendum of the local voters. However, a city can be abolished by a vote of the state delegation. Council Member Sullivan reported that an effort had been made during the past year to abolish the municipality of Port Richey.

Public Input: None (I:47 a.m.)

MOTION by Sullivan to APPROVE Resolution 97-8125; 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 97-8126.....ITEM 11
A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT, WITH CHANGES APPROVED BY THE CITY MANAGER AND CITY ATTORNEY, IN SUBSTANTIAL COMPLIANCE WITH THE ATTACHED CONTRACT, BETWEEN FLORIDA 1ST HEALTH PLANS, INC., AND THE CITY OF NAPLES, TO PROVIDE THIRD-PARTY ADMINISTRATION SERVICES AND PRESCRIPTION DRUG SERVICES FOR THE CITY'S SELF-INSURED EMPLOYEE HEALTH BENEFITS PLAN; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Woodruff (I:48 a.m.)

Human Resources Director Susan Weising informed Council that due to a change of ownership and difficulties with First Health, the current health plan administrator, Florida First Health had been selected to begin services on January 1, 1998. She added that other clients of Florida First had given positive references. City Attorney Kenneth Cuyler noted, for the record, that this resolution was pursuant to any changes to the contract deemed necessary.

Public Input: None (9:50 a.m.)

MOTION by Van Arsdale to APPROVE Resolution 97-8124; 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 97-8127.....ITEM 12
A RESOLUTION OF THE MAYOR AND COUNCIL AUTHORIZING AN INTERLOCAL AGREEMENT WITH COLLIER COUNTY GOVERNMENT FOR THE CREATION OF A CITY – COUNTY FEMA COORDINATOR; AND PROVIDING AN EFFECTIVE DATE.
Title read by City Manager Woodruff (9:51 a.m.)

City Manager Richard Woodruff said that the City and County building departments had shared a FEMA coordinator who was assigned this task with numerous other duties. However, he noted that he was proposing a one-year trial of a full-time employee dedicated to this one task which would result in lower insurance premiums for each citizen. The costs, he said, would be shared equally by the City and the County from building permit funds. Council Member Van Arsdale urged the FEMA coordinator's job description to include preservation of older structures, and Dr. Woodruff explained that preservation efforts were separate from the function of the proposed employee but would continue through other auspices.

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

MOTION by Sullivan to APPROVE Resolution 97-8127; seconded by Van Arsdale and carried 6-1 (MacKenzie-yes, Nocera-yes, Prolman-yes, Sullivan-yes, Tarrant-no, Van Arsdale-yes, Barnett-yes).

Council Member Tarrant stated that his opposition to the motion was due to his opposition to the FEMA program, calling it overly bureaucratic.

RESOLUTION 97-9128.....ITEM 13a
A RESOLUTION APPOINTING ONE MEMBER TO THE CITY OF NAPLES AIRPORT AUTHORITY; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Woodruff (9:54 a.m.)

City Manager Richard Woodruff explained that Ronald Pennington had been appointed to the Airport Authority to complete an unexpired term and was now applying for a full four-year term. In addition, a four-year appointment was available to replace Ned Putzell whose term had expired.

Public Input: None (9:54 a.m.)

MOTION by MacKenzie REAPPOINTING Ronald Pennington to the Airport Authority for a four-year term; seconded by Prolman and carried 6-1 (MacKenzie-yes, Nocera-no, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes).

RESOLUTION 97-9129.....ITEM 13b
A RESOLUTION APPOINTING ONE MEMBER TO THE CITY OF NAPLES AIRPORT AUTHORITY; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Woodruff (9:55 a.m.)

Public Input: None (9:55 a.m.)

MOTION by Sullivan APPOINTING Leonard Thornton to the Airport Authority for a four-year term; 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).

Other nominations not voted on included a motion by Council Member Nocera and seconded by Council Member Van Arsdale nominating Richard Gentile and a motion by Mr. Van Arsdale, seconded by Council Member MacKenzie, nominating Eric West.

Inasmuch as Mr. Thornton was present at the meeting, various Council Members took the opportunity to encourage improved communications between the Airport Authority and City residents.

RESOLUTION 97-8130.....ITEM 14
A RESOLUTION APPROVING AN ESCROW AGREEMENT PROVIDING SECURITY FOR CERTAIN SITE IMPROVEMENTS AT THE PROPERTY KNOWN AS KEEWAYDIN ISLAND, KEY ISLAND, NAPLES; APPROVING THE RELEASE OF THE PERFORMANCE BOND PREVIOUSLY ISSUED IN FAVOR OF THE CITY AS GUARANTEE FOR COMPLETION FOR SUCH IMPROVEMENTS; AND PROVIDING AN EFFECTIVE DATE. Title not read. (10:00 a.m.)

City Manager Richard Woodruff explained that since ownership of Keewaydin Island had recently changed, it was necessary to release the former owner from the performance bond for infrastructure improvements and establish a new bond with the current owner. Assistant City Manager William Harrison said that an escrow agreement from the new owner and had been reviewed by City Attorney Cuyler.

Public Input: None (10:01 a.m.)

MOTION by Van Arsdale to APPROVE Resolution 97-8130; 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.....

Mayor Barnett commented on an article in the Naples Daily News that, he said, portrayed the NAACP in opposition to actions of the Police and Emergency Services. He recounted that he along with former Mayor Paul Muenzer meet informally, on a regular basis, with residents of the River Park area and during a discussion regarding police patrol cars in the area, Mayor Muenzer and Mr. Anthony had disagreed, although the newspaper article had exaggerated the extent.

Council Member Sullivan referred to a letter from Larry Ingram regarding unreadable channel markers and intrusion by Naples Yacht Club into the Bay and urged the City to remedy the situation. Dr. Woodruff explained that the City had verified that the Yacht Club had placed markers only in locations covered by a submerged land lease and that the markers provide proper notification according to boating regulations. Dr. Woodruff said Natural Resources Manager Jon Staiger would investigate the missing markers, however, and respond in writing to Mr. Ingram.

Dr. Woodruff explained that the City has no regulations governing the length of a commercial dockage facility, and therefore had issued a building permit for the Yacht Club to build a 400-foot extension into the bay. He added, however, that the Naples Bay Project Committee would most likely recommend the City initiate such regulations if jurisdiction is confirmed.

OPEN PUBLIC INPUT
(10:09 a.m.)

Bill Boggess, 1100 8th Avenue South, urged Council to proceed slowly with 41-10 development since sewer and stormwater systems may need renovation also.

ADJOURN
10:11 a.m.

Bill Barnett, Mayor

Tara A. Norman, City Clerk

Prepared by:

Molly Reed, Recording Specialist

Minutes Approved: 12/17/97