



City Council Chamber
735 Eighth Street South
Naples, Florida 34102

City Council Regular Meeting – September 2, 1998, 9:14 a.m.

Mayor Barnett called the meeting to order and presided.

ROLL CALLITEM 1

Present: Bill Barnett, Mayor
Bonnie R. MacKenzie, Vice Mayor
Council Members:
Fred Coyle (Arrived at 11:29 a.m.)
Joseph Herms
John Nocera
Fred Tarrant
Peter H. Van Arsdale

Also Present:

Dr. Richard L. Woodruff, City Manager
Kenneth B. Cuyler, City Attorney
William Harrison, Assistant City Manager
Kevin Rambosk, Chief of Police &
Emergency Services
Tara Norman, City Clerk
Virginia Neet, Deputy City Clerk
Duncan Bolhover, Admin. Specialist
Ron Lee, Planner
Corey Ewing, Planner
Werner "Duke" Haardt
Bill Boggess
Reverend Arthur Holt
Nancy Fisher
Arlene Guckenberger
Jackie Frank

Carl Loveday
Michael Fernandez
Tom Trettis
Judith Pendergast
Everett Thayer
Ranae Bowles
Jack Bowles
Kay Wheelock

Media:

David Taylor, MediaOne
Eric Staats, Naples Daily News
Michelle Vachon, Naples Daily News

INVOCATION and PLEDGE OF ALLEGIANCE.....ITEM 2
Reverend Arthur Holt, Naples Unity Church.

ANNOUNCEMENTSITEM 3
Mayor Barnett congratulated the candidates in the prior day's election. He also relayed Council Member Coyle's request to delay the appointments to the Airport Authority (Item 17) to later in the meeting.

City Manager Richard Woodruff reminded the public of upcoming Special Meetings relating to adoption of the City's budget and millage rate for next fiscal year. These meetings will take place at 5:05 p.m. on September 3rd and September 16th in City Council Chambers.

ITEMS TO BE ADDEDITEM 4
City Manager Richard Woodruff requested that the following items be added to the agenda:

Item 6-c Consider a request by the seller of 40 9th Avenue South (Historic House) to delay the closing date to October 19, 1998.

Item 18 Consider a change order to Camp, Dresser & McKee, Inc. in an amount not to exceed \$114,348.00 for engineering services relating to Phase II of the drainage Basin VI Stormwater Pump Station.

MOTION by Herms to SET AGENDA and ADD ITEMS 6-c AND 18; seconded by Nocera and carried 6-0. (Coyle-absent, Herms=yes, MacKenzie=yes, Nocera=yes, Tarrant=yes, Van Arsdale=yes, Barnett=yes)

CONSENT AGENDA

APPROVAL OF MINUTESITEM 5-a
August 17, 1998 Workshop Meeting and August 19, 1998 Regular Meeting.

.....**ITEM 5-c**
AWARD A BID (2-YEAR CONTRACT) FOR TRAFFIC AND STREET SIGNS \ Vendors: Municipal Supply and Sign Company, Naples, Florida and Rocal, Inc., Frankfort, Ohio \ Est. Annual Expenditure: \$19,300.00 \ Funding: Streets Division. ***Staff is authorized to utilize the lower bidder when bulk purchases are feasible.***

RESOLUTION 98-8330.....ITEM 5-d (1)
A RESOLUTION APPOINTING ONE RETIREE, CURRENTLY RECEIVING BENEFITS FROM THE GENERAL EMPLOYEES RETIREMENT SYSTEM, TO THE BOARD OF TRUSTEES OF THE CITY OF NAPLES GENERAL RETIREMENT SYSTEM; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 98-8331.....ITEM 5-d(2)
A RESOLUTION APPOINTING ONE RESIDENT OF THE CITY WITH EXPERTISE IN FINANCIAL MARKETS TO THE BOARD OF TRUSTEES OF THE CITY OF NAPLES GENERAL RETIREMENT SYSTEM; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 98-8332.....ITEM 5-d(3)
A RESOLUTION APPOINTING ROBYN COKER TO THE BOARD OF TRUSTEES OF THE POLICE OFFICERS' RETIREMENT TRUST FUND; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 98-8333.....ITEM 5-d(4)
A RESOLUTION APPOINTING ROBYN COKER TO THE BOARD OF TRUSTEES OF THE FIREFIGHTERS' RETIREMENT TRUST FUND; AND PROVIDING AN EFFECTIVE DATE. Title not read.

.....**ITEM 5-e**
**AWARD A BID FOR LANDSCAPING AND IRRIGATION WORK RELATED TO GULF SHORE BOULEVARD NORTH MEDIAN RENOVATION ** Contractor: Hannula Landscaping, Inc., Bonita Springs, Florida \ Total Bid Price: \$75,443.40 \ Funding: CIP#98F48 and CIP#97F22.

RESOLUTION 98-8334..... ITEM 5-f
A RESOLUTION AUTHORIZING THE CITY MANAGER TO DRAFT AND EXECUTE AN AGREEMENT, TO BE REVIEWED AND APPROVED BY THE CITY ATTORNEY, BETWEEN THE CITY OF NAPLES AND DOMINICA RECREATION PRODUCTS, INC./GAMETIME IN THE AMOUNT OF \$69,692.00 FOR THE DESIGN, PURCHASE AND INSTALLATION OF DESIGNATED PLAYGROUND EQUIPMENT AND SURFACING FOR THE FLEISCHMANN PARK PLAYGROUND; AND PROVIDING AN EFFECTIVE DATE. Title not read.

MOTION by Van Arsdale to APPROVE CONSENT AGENDA ITEMS 5-a, 5-c (See amendment above), 5-d, 5-f and REMOVE ITEM 5-b FOR SEPARATE DISCUSSION; seconded by Nocera and carried 6-0. (Coyle-absent, Herms-yes, MacKenzie-yes, Nocera-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes). Prior to the motion, Council discussed Item 5-c and it was agreed that staff would be authorized to utilize the low bidder when bulk purchases are feasible.

.....**ITEM 5-b**
AUTHORIZE ESTABLISHMENT OF FEES FOR THE STORAGE OF SMALL, PRIVATE, NON-MOTORIZED BOATS AT SPECIFIED CITY-BEACH ENDS. (9:21 a.m.)

City Manager Richard Woodruff provided historical information regarding the City's five designated beach ends that are available, at no charge, for storage of non-motorized vessels or sailboats. Currently, the Police and Emergency Services Department administers the 33-space program which includes issuing stickers that are affixed to the vessels, monitoring compliance to the program's regulations, and notifying the boat owners when storm conditions warrant the vessels' removal. Staff is recommending that Council establish an annual storage fee of \$120.00 in order to cover administration costs. In response to Council Member Herms, Dr. Woodruff noted that initially the program offered the spaces to City residents first with a waiting list, comprised mainly of County residents. Recent beach renourishment (widening); however, has decreased demand and approximately 30% of the storage spaces are now utilized by County

residents with no waiting list. Council Member Van Arsdale noted that a fee would discourage use of the spaces solely as free storage and Dr. Woodruff pointed out that the \$120.00 annual charge was approximately one-half of that charged by area dry-storage facilities. In response to Council, Chief of Police and Emergency Services Kevin Rambosk explained that most of the program's current administrative costs occur during storm events when owners are notified to remove their vessels. Dr. Woodruff also noted that the annual fee would coincide with the renewal of the storage permit.

Public Input: (9:31 a.m.)

Ranae Bowles of 561 92nd Avenue North stated that she and her mother use their space for Gulf access and not just for storage. She also took the position that the beach is public and should be available for use without charge. **Jack Bowles of 561 92nd Avenue North** contended that a \$120.00 annual charge is not warranted and that charging the proposed fee would only add to administrative costs. He also noted that, over time, this annual fee would be a significant cumulative cost to the users. **Kay Wheelock of 5860 18th Avenue N.W.** said that she represented the working segment of the population and reminded Council that this program provides Gulf access to those who cannot afford large boats. In response to Council Member Nocera, Ms. Wheelock confirmed that the \$120.00 annual fee would be a hardship.

Council Member Tarrant said the City should encouraged use of sailboats and suggested an annual fee of no more than \$50.00. Council Member Herms, however, pointed out that in many cases the fees, paid over a period of years, would actually exceed the value of average vessel stored at the beach ends.

MOTION by Herms to DENY ITEM 5-b; seconded by Tarrant. After the discussion that appears below, this motion carried 5-1. (Tarrant-yes, Van Arsdale-no, Coyle-absent, Herms-yes, MacKenzie-yes, Nocera-yes, Barnett-yes).

Council Member Van Arsdale noted current violations to program regulations and suggested that the proposed fees would allow closer monitoring and also deter use of beach ends for storage only. In response, City Manager Woodruff pledged that staff would work to better administer the current program, regardless of a fee.

ORDINANCE 98-8335.....ITEM 6-a
AN ORDINANCE OF THE CITY OF NAPLES, FLORIDA, PROVIDING FOR THE
ISSUANCE OF NOT EXCEEDING \$2,400,000 PUBLIC SERVICE TAX REVENUE
BONDS, SERIES 1998, OF THE CITY TO FINANCE A PORTION OF THE COST OF
THE ACQUISITION OF CERTAIN REAL PROPERTY WITHIN THE CITY FOR USE
AS A HISTORIC MUSEUM; PROVIDING FOR THE PAYMENT OF THE BONDS
FROM THE PROCEEDS OF THE PUBLIC SERVICE TAX COLLECTED BY THE
CITY; PROVIDING FOR THE RIGHTS OF THE HOLDERS OF THE BONDS;
DESIGNATING THE BONDS AS QUALIFIED TAX-EXEMPT OBLIGATIONS UNDER
SECTION 265(b)(3) OF THE INTERNAL REVENUE CODE; PROVIDING FOR THE
SALE OF THE BONDS; MAKING CERTAIN COVENANTS AND AGREEMENTS IN
CONNECTION THEREWITH, AND PROVIDING AN EFFECTIVE DATE. Title read by
City Manager Richard Woodruff. (9:47 a.m.)

RESOLUTION 98-8336..... ITEM 6-b
A RESOLUTION OF THE CITY OF NAPLES, FLORIDA, AUTHORIZING THE SALE OF THE CITY'S NOT EXCEEDING \$2,400,000 PUBLIC SERVICE TAX REVENUE BONDS, SERIES 1998; APPROVING THE PROPOSAL OR COMMITMENT LETTER FOR THE PURCHASE OF THE BONDS OF THE SUCCESSFUL PURCHASER AND AWARDING THE BONDS TO SUCH PURCHASER; APPROVING CERTAIN DETAILS WITH RESPECT TO THE BONDS INCLUDING THE INTEREST RATE OR RATES, THE TERM OF THE BONDS, THE REDEMPTION PROVISIONS AND THE RESERVE REQUIREMENT, IF ANY; AUTHORIZING ALL OTHER NECESSARY ACTION BY THE CITY IN CONNECTION WITH THE DELIVERY OF THE BONDS, AND PROVIDING AN EFFECTIVE DATE.

.....ITEM 6-c
CONSIDER A REQUEST BY THE SELLER TO DELAY THE CLOSING DATE RELATING TO THE ACQUISITION OF 40 NINTH AVENUE SOUTH TO OCTOBER 19, 1998.

It is noted for the record that Items 6-a, 6-b, and 6-c were discussed concurrently.

Assistant City Manager William Harrison provided information regarding the bid opening and noted that NationsBank had submitted the lowest bid (4.42% annual interest rate for the life of the bond issue). He explained that this bond issue is structured to permit prepayment at any time and in any amount without penalty and he also provided additional detail regarding the loan's repayment schedule.

Council Member Van Arsdale took the position that the Collier County Historical Society had yet to prove that they could repay the loan and said he was concerned that Society's fundraising proposal would transform this beachfront residence into a major commercial operation. Mr. Van Arsdale also pointed out that Council had yet to address the issue of rezoning this single-family property to Public Service. Council Member Tarrant, however, countered that Council should consider the fact that this action will prevent a mega-house from being built on the site. Vice Mayor MacKenzie also expressed concern with what she described as spot zoning and reiterated that the City would be pledging a large portion of its borrowing power at a potential risk to future projects. Mrs. MacKenzie stated that although the house is well worth saving, Council had not had the time to carefully consider the issue.

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

MOTION by Herms to ADOPT Ordinance 98-8335 (Item 6-a); seconded by Tarrant and carried 4-2. (Coyle-absent, Herms-yes, MacKenzie-no, Nocera-yes, Tarrant-yes, Van Arsdale-no, Barnett-yes)

MOTION by Herms to APPROVE Resolution 98-8336 (Item 6-b) as submitted; seconded by Tarrant and carried 4-2. (Van Arsdale-no, Coyle-absent, Herms-yes, MacKenzie-no, Nocera-yes, Tarrant-yes, Barnett-yes)

MOTION by Herms to APPROVE Item 6-c and extend the closing date to October 19, 1998; seconded by Nocera and carried 5-1. (Coyle-absent, Herms-yes, MacKenzie-yes, Nocera-yes, Tarrant-yes, Van Arsdale-no, Barnett-yes)

Prior to the vote, Mr. Harrison informed Council that the bond closing would take place prior to September 30, 1998 and it was confirmed that the City Attorney is authorized to amend the documents accordingly (if necessary).

ORDINANCE (First Reading).....ITEM 11
AN ORDINANCE AMENDING SECTIONS 110-87 AND 110-123 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES IN ORDER TO ESTABLISH MAXIMUM DENSITY STANDARDS FOR TRANSIENT LODGING FACILITIES; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.
Title read by City Manager Richard Woodruff. (9:58 a.m.)

City Manager Richard Woodruff explained that this ordinance is based upon Council's request to amend the Code as it relates to transient lodging facility density standards. Planner Ron Lee referred to the staff report and reviewed current Collier County standards. Mr. Lee explained that proposed amendments were conceived by equating County activity centers to the City's commercial areas and, likewise, County urban areas to City residential districts. Planner Lee then reviewed the amendments proposed by staff and the Planning Advisory Board and specifically noted when a 16-unit per acre limit could apply under the new ordinance. Council Member Van Arsdale, however, referred to hotels currently under construction on Pine Ridge Road and commented that County standards may not be an appropriate model to follow.

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

MOTION by Herms to APPROVE this ordinance on First Reading to include the staff recommendation of 26 units per acre for commercial and any planned development rezones, 16 units per acre would be the maximum in the residential zoning unless the underlying zoning is of less density; seconded by Tarrant and carried 5-1. (Coyle-absent, Nocera-yes, MacKenzie-yes, Herms-yes, Tarrant-yes, Van Arsdale-no, Barnett-yes) Prior to the vote, City Attorney Cuyler cautioned that although he had not been apprised as such, a claim based upon the *Bert Harris Act* could be made if an investor has purchased property with the expectation of developing at a higher density. He also explained that Council's approval or denial of a conditional use for a transient lodging facility must be based upon the criteria specified in the current Code.

A prior motion by Council Member Van Arsdale to approve the ordinance on First Reading, with the PAB's recommendations of allowing the planned development process for 50 units, failed for lack of second.

.....**ITEM 7**
CONSIDER A GUARANTEED MAXIMUM PRICE CONTRACT WITH OWEN-AMES-KIMBALL COMPANY FOR CONSTRUCTION OF AN ADDITION TO THE POLICE & EMERGENCY SERVICES BUILDING (NEGOTIATIONS PENDING). (10:07 a.m.)

City Manager Richard Woodruff referred to the staff report and explained that this item pertains to the construction of a new Police and Emergency Services Center through a Construction Management at Risk contract. As an alternative to receiving competitive bids, Dr. Woodruff

explained that this Construction Management at Risk process allowed the previously approved contractor (Owen-Ames-Kimball Company) to receive competitive bids from all sub-contractors on this project which were then reviewed by a design committee.

Assistant City Manager William Harrison then verified that there is no debt associated with this project which is primarily funded by Police Confiscation Funds and Police Impact Fees. He also noted that these funds can only be used for new capital improvements specifically related to law enforcement. Further, Mr. Harrison informed Council that Building Official William Overstreet had volunteered his services as project architect.

In response to Council Member Tarrant, Dr. Woodruff provided additional information regarding the Construction Management at Risk process, which is one of the options available through State law. Mr. Tarrant complimented staff and noted the savings realized by utilizing Mr. Overstreet rather than an outside architect. Council then discussed specific design aspects of the project and Dr. Woodruff noted that the building will accommodate future development of a third floor.

Public Input: None. (10:16 a.m.)

MOTION by Van Arsdale to APPROVE Item 7 as submitted; seconded by Barnett. After the discussion that appears below, this motion carried 6-0. (Coyle-absent, Herms-yes, MacKenzie-yes, Nocera-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes)

Mr. Overstreet noted that actual costs could potentially be less than the contract's guaranteed maximum and Steven Shimp of Owen-Ames-Kimball Company assured Council that a full accounting of expenses would be provided by the end of the project. Mr. Shimp also noted that any savings from the guaranteed maximum amount would be returned to the City; Owen-Ames-Kimball Company's fee is a fixed amount. Later in the discussion, it was confirmed that the roof is designed to withstand 140-mile per hour winds and the building would have a concrete ceiling over the second floor. In response to Council Member Herms, Mr. Overstreet also verified that the roof design calls for tongue and groove plywood.

**RESOLUTION 98-8337.....ITEM 8-a
A RESOLUTION GRANTING CONDITIONAL USE PETITION 98-CU14, FOR
CONDITIONAL USE APPROVAL OF A TRANSIENT LODGING FACILITY, IN
ACCORDANCE WITH SECTION 4(C)(10) OF THE APPROVED DEVELOPMENT
AGREEMENT, AT 4805 NINTH STREET NORTH, 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 Richard Woodruff. (10:19 a.m.)**

**RESOLUTION 98-8338..... ITEM 8-b
A RESOLUTION GRANTING CONDITIONAL USE PETITION 98-CU13, APPROVING
A PARKING NEEDS ANALYSIS TO PERMIT 128 PARKING SPACES RATHER
THAN 147 REQUIRED IN ACCORDANCE WITH SECTION 106-104(18) OF THE
CODE OF ORDINANCES AT 4805 NINTH STREET NORTH, MORE PARTICULARLY**

DESCRIBED HEREIN, SUBJECT TO THE CONDITION 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 Richard Woodruff. (10:19 a.m.)

It is noted for the record that Items 8-a and 8-b were discussed concurrently.

Michael Fernandez, representing petitioner Naples CFC Enterprises, Inc., outlined the proposed Staybridge Hotel project which, he noted, is before Council under provisions of a previously approved development agreement. Mr. Fernandez also cited efforts to scale down the project to meet all Code requirements. He confirmed that although the petitioner was willing to install the required 147 parking spaces at Council's request, approval of 128 spaces allows a larger landscape buffer at the rear of the property. Mr. Fernandez then confirmed, for the record, that the western landscape buffer would be enhanced with an eight-foot concrete-component wall and substantially more mature trees than originally proposed. He also noted an agreement with an adjacent residential community to retain trees along the property line, if possible, and stated that the petition meets the conditional use criteria.

In response to Council Member Van Arsdale, Mr. Fernandez provided additional information regarding property setbacks while Vice Mayor MacKenzie asked whether hotel guests could be encouraged to access the beach via Pine Ridge Road. In response, Mr. Fernandez predicted that the hotel staff would suggest a non-residential route to the beach.

Public Input (Items 8-a and 8-b): None. (10:28 a.m.)

MOTION by Van Arsdale to APPROVE Resolution 98-8337 as submitted; seconded by Barnett. After the discussion that appears below, this motion carried 5-1. (Nocera-yes, Herms-no, MacKenzie-yes, Coyle-absent, Tarrant-yes, Van Arsdale-yes, Barnett-yes)

Council Member Herms referred to current conditional use guidelines and took the position that Council had the latitude to determine whether the proposed density was proper. He then referred to Item 11 (above) regarding new regulations proposed for transient lodging density, and requested a second motion to limit this project to 26 units per acre. Council Member Van Arsdale, however, pointed out that this petition meets present Code requirements. City Attorney Cuyler reminded Council that Item 11 was only First Reading of the ordinance which has yet to be adopted into law and also warned of legal risks should Council arbitrarily require a lower density than the Code now prescribes. Council Member Herms then suggested that the issue be tabled until after Second Reading of the new density ordinance. In further discussion, Council Member Van Arsdale said he felt there was little correlation between density and good design and Council Member Tarrant stated that although he was not happy with this project's density, current criteria should apply in this case.

MOTION by Van Arsdale to APPROVE Resolution 98-8338 as submitted; seconded by Barnett and carried 4-2. (Herms-no, MacKenzie-yes, Nocera-yes, Tarrant-no, Van Arsdale-yes, Coyle-absent, Barnett-yes) Only staff direction is required if it becomes necessary to expand the parking into the landscaped area. After the vote, Council Member Van Arsdale suggested more emphasis on the parking needs analysis program and its intent to substitute greenspace for blacktop (unused parking).

Recess 10:38 a.m. to 10:47 a.m. It is noted for the record that the same Council Members were present when the meeting reconvened. Upon reconvening, City Manager Richard Woodruff noted that the petitioner for Item 9 was not present and it was determined that this item would be considered later in the meeting.

RESOLUTION (Continued)ITEM 10
A RESOLUTION GRANTING VARIANCE PETITION 98-V19 FROM SECTION 110-37 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, WHICH LIMITS MAXIMUM FENCE HEIGHT TO THREE FEET IN FRONT YARD SETBACK AREAS, IN ORDER TO PERMIT A SIX FOOT HIGH FENCE IN A FRONT YARD SETBACK AREA AT 5164 SEAHORSE AVENUE; AND PROVIDING AN EFFECTIVE DATE. Title not read. (10:47 a.m.)

Public Input: None. (10:47 a.m.)

MOTION by Herms to CONTINUE Item 10 (no date certain stated); seconded by MacKenzie and carried 6-0. (Coyle-absent, Herms-yes, MacKenzie-yes, Nocera-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes)

ORDINANCE (First Reading).....ITEM 12-a
AN ORDINANCE ADDING A NEW DIVISION 6.5 TO CHAPTER 102 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES ESTABLISHING A NEW ZONING DISTRICT TITLED “R1-10A, RESIDENCE DISTRICT” AND RENUMBERING THE REMAINING DIVISIONS OF CHAPTER 102.7; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE. Title read by City Manager Richard Woodruff. (10:48 a.m.)

ORDINANCE (First Reading)..... ITEM 12-b
AN ORDINANCE GRANTING REZONE PETITION 98-R6 IN ORDER TO REZONE PORTIONS OF PARK SHORE UNITS 1, 3 AND 4, MORE PARTICULARLY DESCRIBED HEREIN, TO R1-10A, RESIDENCE DISTRICT; PROVIDING A SEVERABILITY CLAUSE; A REPEALER PROVISION; AND AN EFFECTIVE DATE. Title read by City Manager Richard Woodruff. (10:48 a.m.)

It is noted for the record that Items 12-a and 12-b were discussed concurrently.

City Manager Richard Woodruff stated that the proposed ordinances were before Council at the request of Park Shore residents. Judith Pendergast, President of the Park Shore Association, thanked Council and the Planning Department for assistance in drafting the proposed legislation. Planner Ron Lee then provided additional information regarding the Park Shore Association's request that the City resolve discrepancies between the between current zoning and Park Shore deed restrictions. He also noted how this new zoning district, similar to that established for Port Royal, would be the framework for future modifications and implementation of the Comprehensive Plan and Vision 2005. The second request, Mr. Lee added, is to rezone portions of Park Shore to the newly established R1-10A Zoning District. In response to Council, Dr. Woodruff confirmed that all properties included the new zoning district are currently governed by deed restrictions and described the proposed ordinances as a proactive step by the City and

Park Shore Association to maintain those deed restrictions. City Attorney Cuyler, however, stated for the record that the deed restrictions are a secondary consideration and Council should base its decision on the best interests (health, safety, welfare) of the residents.

Public Input (Items 12-a and 12-b): None. (10:53 a.m.)

MOTION by Van Arsdale to ***APPROVE*** this ordinance (Item 12-a) on First Reading (to include the City Attorney's comments); seconded by Herms and carried 6-0. (Coyle-absent, Herms-yes, MacKenzie-yes, Nocera-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes)

MOTION by Herms to ***APPROVE*** this ordinance (Item 12-b) on First Reading (to include the City Attorney's comments); seconded by Nocera and carried 6-0. (Coyle-absent, Herms-yes, MacKenzie-yes, Nocera-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes)

RESOLUTION.....ITEM 9
A RESOLUTION GRANTING VARIANCE PETITION 98-V18 FROM SECTION 106-33 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, WHICH REQUIRES THAT THE SIGN AREA OF POLE SIGNS BE MEASURED AS THE TOTAL AREA WITHIN THE SMALLEST PARALLELOGRAM, TRIANGLE, CIRCLE, OR SEMICIRCLE WHICH WILL COMPLETELY ENCLOSE THE OUTSIDE PERIMETER OF THE OVERALL SIGN, INCLUDING THE BORDER, IF ANY, BUT EXCLUDING THE SUPPORTS OR POLE COVER, IN ORDER TO PERMIT A SEVENTY-FIVE SQUARE FOOT POLE SIGN AT 2355 NINTH STREET NORTH; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Richard Woodruff. (10:54 a.m.)

City Manager Richard Woodruff referred to the staff report and noted that the Planning Advisory Board had recommended denial.

Public Input: None. (10:55 a.m.)

MOTION by MacKenzie to ***DENY*** Item 9; seconded by Van Arsdale and carried 6-0. (Coyle-absent, Herms-yes, MacKenzie-yes, Nocera-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes) City Attorney Cuyler noted for the record that the petitioner did not appear to present the request to Council.

RESOLUTION 98-8339.....ITEM 13
A RESOLUTION APPOINTING AN ARCHITECTURAL SELECTION COMMITTEE FOR THE PURPOSE OF ESTABLISHING SELECTION CRITERIA, REVIEWING PROPOSALS SUBMITTED BY PROFESSIONAL ARCHITECTURAL FIRMS AND SETTING UP THE INTERVIEW PROCESS RELATIVE TO THE RIVER PARK COMMUNITY CENTER BUILDING; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Richard Woodruff. (10:56 a.m.)

City Manager Richard Woodruff reviewed the list of proposed committee members and relayed staff's recommendation for approval. (A copy of the material referenced by Dr. Woodruff is contained in the file for this meeting in the City Clerk's Office.) Council Member Herms suggested that the committee also meet with Building Official William Overstreet to determine

whether the building's design could be accomplished in-house. Vice Mayor MacKenzie concurred; however, Council Member Van Arsdale noted the extent of Mr. Overstreet's current workload and also commented that using different architects would result in more diverse building designs.

Public Input: None. (11:00 a.m.)

MOTION by Van Arsdale to APPROVE Resolution 98-8339 WITH THE PROVISION THAT THE COMMITTEE ALSO INTERVIEW AND CONSIDER BUILDING OFFICIAL BILL OVERSTREET WHEN RANKING ARCHITECTS; seconded by Nocera and carried 6-0. (Coyle-absent, Herms-yes, MacKenzie-yes, Nocera-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes)

**RESOLUTION 98-8340.....ITEM 14
A RESOLUTION OF THE MAYOR AND COUNCIL ESTABLISHING CITY POLICY
FOR THE USE OF PUBLIC LANDS BY NON-PROFIT GROUPS; AND PROVIDING
AN EFFECTIVE DATE. Title read by City Manager Richard Woodruff. (11:00 a.m.)**

City Manager Richard Woodruff noted amendments to Attachment A of the resolution, pursuant to Council's direction at the prior Workshop. (A copy of this material is contained in the file for this meeting in the City Clerk's Office.) Council Member Herms suggested further modifications to Paragraph 3(C) to provide for review by advisory boards, other than the Community Services Advisory Board, and also suggested a requirement for a super-majority vote. Council Member Van Arsdale, however, observed that this policy would work to the disadvantage of private efforts, such as that by the Art Association and the Naples Players. Vice Mayor MacKenzie noted that the policy should apply to both profit and non-profit organizations and also suggested additional language to exempt historic markers.

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

MOTION by MacKenzie to APPROVE Resolution 98-8340 AMENDED AS FOLLOWS: 1) THE OPENING PARAGRAPH TO REFLECT BUILDING OR STRUCTURES OWNED BY ANY INDIVIDUAL OR ORGANIZATION; 2) PARAGRAPH 1 AMENDED TO REFLECT ANY INDIVIDUAL OR ORGANIZATION (EITHER PROFIT OR NON-PROFIT) AND APPROVAL BY CITY COUNCIL BY A SUPER-MAJORITY VOTE; 3) PARAGRAPH 3-C AMENDED TO REPLACE THE WORDS "COMMUNITY SERVICES ADVISORY BOARD" WITH "THE APPROPRIATE ADVISORY BOARD"; 4) PARAGRAPH 3-E AMENDED TO REQUIRE A SUPER-MAJORITY VOTE OF CITY COUNCIL; AND, 5) PARAGRAPH 6 TO BE ADDED EXEMPTING HISTORIC MARKERS FROM THIS POLICY; seconded by Herms and carried 5-1. (Coyle-absent, Herms-yes, Nocera-yes, Van Arsdale-no, Tarrant-yes, MacKenzie-yes, Barnett-yes) Prior to the vote, Council Member Van Arsdale noted potential disparities between the proposal and current policies relating to the Cambier Park tennis facilities and the City Dock. He also reiterated that the policy is inconsistent and would discourage initiatives by organizations and individuals that may be providing a service to the City.

RESOLUTION 98-8341.....ITEM 15
A RESOLUTION AFFIXING THE SALARY OF THE CITY CLERK; AND PROVIDING
AN EFFECTIVE DATE. Title read by City Manager Richard Woodruff. (11:16 a.m.)

Mayor Barnett explained that he had requested this item and added that the City was fortunate to have Tara Norman as its City Clerk. In response to Council Member Herms, it was noted that the City Clerk's current salary was affixed when Mrs. Norman was appointed in 1996.

Public Input: None. (11:17 a.m.)

MOTION by Herms to APPROVE Resolution 98-8341 as submitted; seconded
by Van Arsdale and carried 6-0. (Coyle-absent, Herms-yes, MacKenzie-yes,
Nocera-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes)

It is noted for the record that City Manager Richard Woodruff was not present during the discussion of Item 16.

RESOLUTION 98-8342.....ITEM 16
A RESOLUTION APPROVING AN EMPLOYMENT AGREEMENT WITH THE CITY
MANAGER, IN SUBSTANTIALLY THE FORM ATTACHED HERETO; AND
PROVIDING AN EFFECTIVE DATE. Title not read. (11:17 a.m.)

Mayor Barnett informed Council that he had reviewed the employment agreement with City Manager Woodruff who had agreed to its terms and conditions. Council Member Herms recommended modifying Section 13 to require 14 days' (rather than 45) notice in the event of resignation and also suggested that the agreement specify a two-year duration. Vice Mayor MacKenzie, however, stated that she would be more comfortable with a 45-day notice of resignation since the agreement may be used as the prototype for future agreements, possibly with different City Managers. City Attorney Cuyler further noted that a fixed term may interfere with the contract's severance provision and explained that the contract, as drafted, continues until either termination or resignation. Other aspects of the agreement were reviewed and discussed and Council Member Nocera observed that the proposed salary was in fact conservative when compared to other municipalities of similar population. Council Member Van Arsdale then suggested making the salary increase effective immediately rather than January 1, 1999, as a show of support for the City Manager.

It is noted for the record that Council Member Coyle arrived at the meeting at 11:29 a.m.

Public Input: None. (11:30 a.m.)

MOTION by Van Arsdale to APPROVE Resolution 98-8342 AMENDED TO
MAKE THE SALARY ADJUSTMENT EFFECTIVE IMMEDIATELY;
seconded by Nocera and unanimously carried, all members present and voting.
(Coyle-yes, Herms-yes, MacKenzie-yes, Nocera-yes, Tarrant-yes, Van Arsdale-
yes, Barnett-yes)

RESOLUTION 98-8343.....ITEM 17-a
A RESOLUTION APPOINTING ONE MEMBER TO THE CITY OF NAPLES
AIRPORT AUTHORITY; AND PROVIDING AN EFFECTIVE DATE. Title read by City
Attorney Kenneth Cuyler. (11:30 a.m.)

RESOLUTION 98-8344..... ITEM 17-b
A RESOLUTION APPOINTING ONE MEMBER TO THE CITY OF NAPLES
AIRPORT AUTHORITY; AND PROVIDING AN EFFECTIVE DATE. Title read by City
Attorney Kenneth Cuyler. (11:30 a.m.)

It is noted for the record that Items 17-a and 17-b were discussed concurrently.

Mayor Barnett requested that Council Members submit their nominations which he said would be voted upon in the order made. The order of nominations are reflected in the following motions:

Public Input: (11:32 a.m.)

Everett Thayer of 1690 Avion Place said Ron Soulard was too emotional and not qualified to serve on the Airport Authority. He added that Mr. Soulard would only disrupt the process and he urged Council to vote against his appointment.

MOTION by Herms to APPOINT Ron Soulard to the Naples Airport Authority (APPROVE Resolution 98-8343); seconded by Tarrant and carried 5-2 (MacKenzie-yes, Herms-yes, Coyle-yes, Nocera-yes, Tarrant-yes, Van Arsdale-no, Barnett-no)

MOTION by Van Arsdale to APPOINT Rich Gentile to the Naples Airport Authority; seconded by Nocera. This motion failed 3-4. (Tarrant-no, Herms-no, MacKenzie-no, Nocera-yes, Coyle-no, Van Arsdale-yes, Barnett-yes)

MOTION by Tarrant to APPOINT Tom Trettis to the Naples Airport Authority; seconded by Coyle. This motion failed 3-4. (MacKenzie-no, Nocera-no, Tarrant-yes, Van Arsdale-no, Coyle-yes, Herms-yes, Barnett-no)

MOTION by Van Arsdale to APPOINT Eric West to the Naples Airport Authority (APPROVE Resolution 98-8344); seconded by MacKenzie and carried 4-3. (Tarrant-no, Van Arsdale-yes, Coyle-no, Herms-no, MacKenzie-yes, Nocera-yes, Barnett-yes)

MOTION by Herms to APPOINT Tom Ryan to the Naples Airport Authority; seconded by Nocera. Upon the appointments of Ron Soulard and Eric West, there was no vote on this motion.

RESOLUTION 98-8345..... ITEM 18
A RESOLUTION AUTHORIZING A CHANGE ORDER TO CAMP DRESSER MCKEE,
INC., TO PROVIDE PROFESSIONAL ENGINEERING SERVICES, AS DESCRIBED IN
"EXHIBIT "A" - AMENDMENT 1, WHICH IS ATTACHED HERETO AND MADE A
PART HEREOF, FOR PHASE II OF THE DRAINAGE BASIN VI STORMWATER
PUMP STATION AND SYSTEM IMPROVEMENTS; AND PROVIDING AN
EFFECTIVE DATE. Title not read. (11:37 a.m.)

City Manager Richard Woodruff provided background information regarding Phase II of the Stormwater Pump Station and System Improvements project noting that studies indicate a continuing need for a pump station near the Police & Emergency Services Department. Staff is requesting approval of a change order in the amount of \$114,348.00 in order to proceed with the design/engineering of this pump station. Vice Mayor MacKenzie observed that Exhibit A - Amendment 1 lacks a provision in which all plans, drawings, etc. become the property of the owner (City) upon payment and it was agreed that this provision would be added to the change order. In response to Council Member Herms, Dr. Woodruff provided additional detail regarding design, location, and projected cost of the replacement pump station and noted that the goal of this project is to help eliminate flooding at Central Avenue and Tenth Street during heavy rains. Mr. Herms commented on the proposed cost of the generator and requested that staff research whether the Police Department generator could be combined with the need for electricity at the pump station.

Public Input: None. (11:43 a.m.)

MOTION by Van Arsdale to APPROVE Resolution 98-8345 AMENDING EXHIBIT A - AMENDMENT 1 TO PROVIDE THAT ANY AND ALL PLANS, DRAWINGS, SPECIFICATIONS, AND REPORTS WOULD BECOME THE PROPERTY OF THE OWNER (CITY) UPON PAYMENT. STAFF TO RESEARCH THE POSSIBILITY OF COMBINING THE GENERATOR IN THE POLICE & EMERGENCY SERVICES DEPARTMENT WITH THE NEED FOR ELECTRICITY AT THIS FACILITY; seconded by MacKenzie and unanimously carried, all members present and voting. (Coyle-yes, Herms-yes, MacKenzie-yes, Nocera-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes)

CORRESPONDENCE and COMMUNICATIONS (11:44 a.m.)

City Attorney Cuyler referenced current litigation pertaining to the Wilderness Country Club and relayed the Wilderness Property Owners Association's offer to accept \$12,165.45 as settlement in their claim for attorney's fees and costs. After further discussion, however, the four Council Members who had previously opposed reimbursement of legal fees (July 22, 1998 Special Meeting) indicated that they would not rescind their votes based upon this settlement offer. In sustaining her vote, Vice Mayor MacKenzie said she did not condone the City paying legal fees absent a Court directive, particularly since such an action would fall outside normal legal parameters.

OPEN PUBLIC INPUT (11:51 a.m.)

Bill Boggess, of 1100 8th Avenue South, complimented Council and its recent action in conveying its concern regarding the beach renourishment project to the U.S. Army Corps of Engineers and the Department of Environmental Protection. Mr. Boggess nevertheless criticized the City for not responding to what he described as the waste of \$3 to \$5 million of tourist tax revenue for beach renourishment and further claimed that, as a result of Coastal Engineering Consultants' failure, the beach will never be what it should. He further suggested that the public have more voice in matters before Council.

CONTINUATION OF CORRESPONDENCE and COMMUNICATIONS (11:55 a.m.).....

Vice Mayor MacKenzie requested that all advisory board meetings be video taped, effective immediately; however, it was the consensus of Council to delay this directive pending the September 14th Workshop wherein proposed formats and guidelines for the City's cable television channel would be discussed. Staff was directed to inventory the video taped programs currently held by the departments and it was determined that Council would consider scheduling/format options for the upcoming programs (as presented by staff) on a quarterly basis.

Council Member Herms questioned the status of a Code amendment that would allow a commercial property owner to obtain a permit for building improvements up to \$25,000.00. Mr. Herms also received clarification regarding curbing and sidewalk improvements near Cambier Park and requested that future tree planting updates specify the number of trees planted (previously unplanned). Additionally, he commented on engineering fees associated with the beach renourishment project to which Council Member Van Arsdale suggested that the City take a position, during the upcoming legislative session, regarding the state's prohibition of bidding out this form of engineering service.

It is noted for the record that Council Member Coyle left the meeting at 12:16 p.m.

At the request of Dr. Woodruff, Council designated the Collier County Historical Society as its authorized agent in order to proceed with the petition to rezone 40 9th Avenue South to Public Service (See Item 6 above).

MOTION by Herms to DESIGNATE THE COLLIER COUNTY HISTORICAL SOCIETY AS THE CITY'S AUTHORIZED AGENT IN ORDER TO PROCEED WITH THE REZONING OF 40 9TH AVENUE SOUTH TO PUBLIC SERVICE; seconded by Nocera and carried 6-0. (Coyle-absent, Herms-yes, MacKenzie-yes, Nocera-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes)

At the request of the Naples Airport Authority, Council delayed the upcoming Joint Workshop Meeting to October 5, 1998. Council Member Tarrant also informed Council that he had requested a legal opinion from City Attorney Cuyler regarding provisions that are contained in the deed used to convey property from John Pulling to the City.

ADJOURN.....
12:20 p.m.

Bill Barnett, Mayor

Tara A. Norman, City Clerk

Prepared by:

Virginia A. Neet, Deputy City Clerk

Minutes Approved: 9/16/98.