



City Council Chamber
735 Eighth Street South
Naples, Florida 34102

City Council Regular Meeting – September 1, 1999 Regular Meeting—9:00 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
Joseph Herms
John Nocera
Fred Tarrant
Peter H. Van Arsdale

Also Present:

Richard L. Woodruff, City Manager
Kenneth B. Cuyler, City Attorney
Tara Norman, City Clerk
Kevin Rambosk, Chief of Police & E.S.
Ron Lee, Planning Director
William Harrison, Asst. City Manager
Jon Staiger, Natural Resources Manager
Pamela Schwartz, Recruiter
Keith Mason, Police Officer
Denise Perez, Labor Rel. & Rch. Analyst
Ann Walker, Planner
Cory Ewing, Planner
Jessica Rosenberg, Recording Specialist
Duncan Bolhover, Admin. Assistant
Joe Clausen
Bernie Pita

Joe Bonness
Rev. Dr. Wilfred Webb, Jr.
Gilbert Moncavaiz
Dennis Cronin
Bill Barton
George Vega
John Geshay
Patty Mason
Other interested citizens and visitors

Media:

Denes Husty, Ft. Myers News Press
AnneElena Foster, Naples Daily News

**Prior to commencement of the agenda,
the public was notified of procedures to
be followed by speakers and petitioners.**

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

Rev. Dr. Wilfred Webb, Jr., First Presbyterian Church of Naples

ANNOUNCEMENTSITEM 3

In recognition of his outstanding performance in the recent “Iron Man USA Triathlon,” held in Lake Placid, New York, Mayor Barnett proclaimed September 1st 1999 as “Iron Man Joe D. Bonness Day”.

Retirement of K-9 Officer "Kes" – Chief of Police & Emergency Services Kevin Rambosk recognized the significant contribution Kes, together with partner and trainer Police Officer Keith Mason, has made to City law enforcement and thereby presented a plaque in his honor.

ITEMS TO BE ADDEDITEM 4

Item 20 Consider appointing a selection committee relating to engineering services in the construction of a beach stabilization project.

Dr. Woodruff also noted that Item 5-c would be deleted from the agenda.

MOTION by Herms to SET THE AGENDA ADDING ITEM 20 AND DELETING ITEM 5-c; 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).

CONSENT AGENDA

APPROVAL OF MINUTESITEM 5-a

August 2, 1999 Workshop Meeting, August 2, 1999 Budget Workshop Meeting, and August 16, 1999 Workshop Meeting.

..... ITEM 5-b

APPROVE THE FOLLOWING SPECIAL EVENTS:

- (1) Gulfcoast Runners 20K - 9/12/99
- (2) Ridge Lakes Neighborhood Association Halloween Trick or Treat - 10/31/99
- (3) David Lawrence Foundation Santa's Christmas - 11/27/99
- (4) 3rd Street South TUBACHRISTMAS - 12/7/99
- (5) 5th Avenue South Downtown Festival of the Arts - 3/25-26/00
- (6) 5th Avenue South Mother's Day Weekend - 5/12-14/00
- (7) 5th Avenue South Labor Day Weekend - 9/2-3/00
- (8) 5th Avenue South Oktoberfest - 10/27-29/00
- (9) 5th Avenue South Lifestyle Business Expo - 11/11/00
- (10) 5th Avenue South Christmas Parade & Avenue of Lights - 12/1/00
- (11) 5th Avenue South Winter Art Festival - 12/30-31/00
- (12) 5th Avenue South "Evenings on Fifth"- 1/14/00, 2/11, 3/10, 4/14, 5/12, 10/13, 11/10, 12/8/00

..... ITEM 5-d

AWARD A 2-YEAR BID FOR FERROUS SULFATE FOR USE AT THE WASTEWATER TREATMENT PLANT \ VENDOR: U.S. FILTER WASTEWATER GROUP, INC., SARASOTA, FLORIDA \ BID PRICE: \$0.317 PER GALLON \ EST. ANNUAL COST: \$96,000.00 \ FUNDING: WASTEWATER TREATMENT OPERATING BUDGET (CHEMICALS).

RESOLUTION 99-8613.....ITEM 5-e

AUTHORIZE CHANGE ORDER NO. 4, IN THE AMOUNT OF \$66,693.38, TO WHARTON-SMITH, INC., RELATING TO CONSTRUCTION OF THE WASTEWATER TREATMENT AND RECLAMATION PROJECT. Title not read.

MOTION by Herms to APPROVE CONSENT AGENDA ITEMS 5-a, 5-b, 5-d, and 5-e AND REMOVE ITEM 5-f FOR SEPARATE DISCUSSION;

seconded by Coyle and unanimously carried, all members present and voting (Coyle-yes, Herms-yes, MacKenzie-yes, Nocera-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes).

END CONSENT AGENDA

..... **ITEM 5-f**
AWARD A BID TO FURNISH AND INSTALL A NEW SKYLIGHT ON THE FRONT PORTICO OF CITY HALL \ CONTRACTOR: HIGHPOINT GENERAL CONTRACTING, NAPLES, FLORIDA \ BID AMOUNT: \$57,770.00 \ FUNDING: CIP #99I08 AND #98I12. (9:12 a.m.) Council Member Herms expressed doubt that the design would blend with the contemporary style of the building. City Manager Richard Woodruff suggested tabling the item in order to conduct further discussions with staff architects and Mr. Herms. Dr. Woodruff confirmed that the contract would be re-bid should the design be changed.
Public Input: None. (9:18 a.m.)

MOTION by Herms to TABLE UNTIL THE SEPTEMBER 15, 1999 REGULAR MEETING; *seconded by Van Arsdale and carried 7-0, all members present and voting (Coyle-yes, Herms-yes, MacKenzie-yes, Nocera-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes).*

..... **ITEM 19**
PUBLIC HEARING TO CONSIDER THE TRANSFER OF THE CABLE TELEVISION FRANCHISE FROM MEDIA ONE TO AT&T AND TO CONTINUE THE PUBLIC HEARING FOR FINAL ACTION AT THE NOVEMBER 3, 1999 REGULAR MEETING. (9:18 a.m.) City Attorney Kenneth Cuyler confirmed for Council Member Tarrant that his law firm, Roetzel & Andress, has no ongoing contracts with Media One. Assistant City Manager William Harrison stated that the City is conducting the public hearing based upon the legal advice of the City's franchise attorney, Adrian Herbst, and that final action on the transfer would be taken at the November 3rd Regular Meeting. He noted that the transfer can be denied only if the purchasing entity does not have the legal right, technological ability, or sufficient finances to operate, none of which is appropriate in this case. Council Member Coyle however stated that he believed that the current cable contractor is not performing service in accordance with law or the terms of its contract. He explained that Media One is proposing the establishment of certain guidelines regarding broadcast content, which he said is in violation of federal law. Gilbert Moncavaiz, Media One Corporate Affairs Manager, stressed that Media One has provided the two required government access channels, and that it merely offered suggestions regarding the programming of a third such channel. Council Member Coyle however stated that under the franchise agreements, Media One is required to provide a total of five access channels to City and Collier County governments, and that the cable system should be capable of interconnecting government access channel programming to other adjacent cable systems. Mayor Barnett proposed that Attorney Herbst render an opinion on these matters. Council expressed its goal to have separate City, Collier County, and Collier County School Board channels that all can be broadcast throughout Collier County. Vice Mayor MacKenzie proposed contacting an additional communications attorney should one be necessary. Mr. Moncavaiz confirmed for Council Member Tarrant that Media One is not obligated to provide a public access channel for citizen use. Mr. Tarrant then noted that he believed Media One may be violating its franchise agreement by unlawfully adjusting television volume; however, Mr. Moncavaiz stated that the company's audio level ranges fall within mandated ranges.

Public Input: 9:57 a.m. **Bernard Pita, 244 NW 83rd Street, Miami,** representing a local chapter of the Communications Workers of America, cautioned that AT & T is changing policies and procedures which could adversely affect customer service. Therefore he recommended that Council carefully review AT& T's plans.

MOTION by Van Arsdale to CONTINUE TO THE NOVEMBER 3, 1999 REGULAR MEETING; *seconded by Herms and unanimously carried, all members present and voting (Coyle-yes, Herms-yes, MacKenzie-yes, Nocera-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes).*

Staff was directed to address access channels, volume, and related issues, and to forward this research to Attorney Herbst for review.

ORDINANCE (First Reading).....ITEM 11
AN ORDINANCE AMENDING DIVISION 4, “R1-15A,” RESIDENCE DISTRICT OF CHAPTER 102 OF THE CODE OF ORDINANCES AND SECTIONS 110-54, “YARDS,” AND 110-94, “STANDARDS FOR SITING AND DIMENSIONS OF PIERS AND BOAT LIFTS, PARAGRAPH (c)(6), “PORT ROYAL” OF THE CODE OF ORDINANCES IN ORDER TO PROVIDE ADDITIONAL REQUIREMENTS AND CLARIFICATION TO THE ZONING STANDARDS FOR THE R1-15A ZONING DISTRICT; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.
Title read by City Manager Richard Woodruff (10:04 a.m.). Dr. Woodruff noted that Council has historically adopted zoning standards to incorporate certain deed restrictions. Planning Director Ron Lee added that this would significantly expedite the building permit review process in Port Royal. City Attorney Kenneth Cuyler however clarified that it is not the City’s intent to mirror these deed restrictions, only to consider them in the planning process.

Attorney Dennis Cronin, representing the Port Royal Property Owners Association (PRPOA), confirmed that Port Royal residents have been notified of the proposed changes, and Joe Clausen, President of PRPOA, noted that a survey showed that a majority of the property owners are in support. Later in the discussion, Dr. Woodruff read the survey question into the record (see Attachment 1). Mr. Lee provided clarification on the new regulations regarding minimum lot area, and explained that lots may be combined but not subdivided. Council Member Coyle noted, in regard to pier location and dimensions, that there is no restriction relating to interference with marked channels or navigation; Natural Resources Manager Jon Staiger indicated that he would draft appropriate language. Dr. Staiger also provided clarification on new regulations regarding pier extensions, pier elevation, and sea walls. He also explained the new side yard setback requirements for new docks, vessels, and lifts, and Attorney Cuyler added that existing docks can be re-built at the same location, at the previous setbacks, if destroyed by natural catastrophe. Dr. Woodruff confirmed for Vice Mayor MacKenzie that only new structures or modifications would be required to conform to new utility connections regulations. Council Member Van Arsdale urged that Council determine additional noise standards for pool and air conditioning equipment located in the setbacks. In addition, Council briefly discussed measuring the grade of properties; however, Dr. Woodruff urged that Council consider such standards for City-wide application. Council Member Tarrant received confirmation that neither staff nor the PRPOA has received any requests to continue this item until later in the year.

Public Input: None. (10:38 a.m.)

MOTION by Van Arsdale to APPROVE AT FIRST READING; *seconded by Herms and unanimously carried, all members present and voting (Coyle-yes, Herms-yes, MacKenzie-yes, Nocera-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes).*

Staff was directed to add language prohibiting interference with channel navigation. Regarding new construction, Dr. Woodruff explained that staff generally requests the contractor to collect any debris remaining on roadways, or that staff will perform the clean-up and bill the property owner. Vice Mayor MacKenzie congratulated him and appropriate staff for devising this new procedure.

ORDINANCE (First Reading).....ITEM 10-a
AN ORDINANCE APPROVING REZONE PETITION 99-R10, REZONING PROPERTY OCCUPIED BY THE FIRST PRESBYTERIAN CHURCH, 250 6TH STREET SOUTH, MORE PARTICULARLY DESCRIBED HEREIN, FROM “PS”, PUBLIC SERVICE AND “R3-12”, MULTIFAMILY RESIDENTIAL, TO “PD”, PLANNED DEVELOPMENT, TO ALLOW ADDITIONS AND ALTERATIONS TO THE EXISTING FACILITY; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Richard Woodruff (10:38 a.m.).

RESOLUTION (To be considered upon Second Reading of Item 10-a) ITEM 10-b
A RESOLUTION GRANTING ALLEY VACATION PETITION 99-AV1, TO VACATE THE NORTH 170 FEET OF A TWENTY-FOOT WIDE NORTH/SOUTH ALLEY AND THE EAST 100 FEET OF A TWENTY-FOOT WIDE EAST/WEST ALLEY LOCATED IN BLOCK 18, TIER 6, PLAN OF NAPLES, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Richard Woodruff (10:38 a.m.).

Recess 10:40 a.m. to 10:46 a.m. It is noted for the record that the same Council Members were present when the meeting reconvened.

Chairman of the Church Building Committee, Bill Barton, stated that the church membership had resolved to modernize and enlarge the existing faculties rather than to relocate. He further explained the renovations would increase the sanctuary’s seating capacity, as well as classroom and staff office space. Mr. Barton noted that the church had recently conducted an open meeting to inform neighboring property owners of its plans. Planning Director Ron Lee added that staff had notified property owners within 500 feet, and had received no objections. Petitioner’s agent John Geshay explained that the proposed extensive remodeling would upgrade all aspects of the church facility, and reviewed a scale model of the entire site (a copy of these images is contained in the City Clerk’s Office in the file for this meeting). Council Member Van Arsdale requested that the street trees follow the existing patterns for continuity. Mr. Barton confirmed that an adjacent property owner would receive a portion of the vacated alley, but that the church is investigating acquisition of this property.

Public Input: None. (11:02 a.m.)

MOTION by Nocera to APPROVE ITEM 10-a AT FIRST READING;
seconded by Van Arsdale and unanimously carried, all members present
and voting (Coyle-yes, Herms-yes, MacKenzie-yes, Nocera-yes, Tarrant-yes,
Van Arsdale-yes, Barnett-yes).

MOTION by Nocera to CONTINUE ITEM 10-b TO THE SEPTEMBER
15, 1999 REGULAR MEETING;
seconded by Coyle and unanimously
carried, all members present and voting (Coyle-yes, Herms-yes, MacKenzie-
yes, Nocera-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes).

Council directed the petitioner and staff to explore the feasibility of installing sidewalks on Second and Third Avenues.

ORDINANCE (First Reading).....ITEM 9-a
AN ORDINANCE AMENDING SECTION 1.2 OF THE CHARTER OF THE CITY OF NAPLES, FLORIDA, IN ORDER TO ANNEX A 319.67-ACRE PARCEL, LOCATED AT 4001 GOODLETTE-FRANK ROAD, MORE PARTICULARLY DESCRIBED HEREIN, AND TO REDEFINE THE BOUNDARIES OF THE CITY OF NAPLES TO INCLUDE SAID PROPERTY; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Richard Woodruff (11:02 a.m.).

RESOLUTION (To be considered upon Second Reading of Item 9-a) ITEM 9-b
A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A
DEVELOPMENT AGREEMENT, ATTACHED HERETO, WHICH ESTABLISHES
THE DEVELOPMENT STANDARDS FOR A 319.67-ACRE PARCEL LOCATED AT
4001 GOODLETTE-FRANK ROAD, MORE PARTICULARLY DESCRIBED HEREIN;
AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Richard Woodruff (11:02 a.m.).

RESOLUTION (To be considered upon Second Reading of Item 9-a)ITEM 9-c
A RESOLUTION GRANTING CONDITIONAL USE PETITION 99-CU13, FOR
CONTINUATION OF EXISTING USES AT THE ROYAL POINCIANA GOLF CLUB IN
ACCORDANCE WITH AN APPROVED DEVELOPMENT AGREEMENT, AT 4001
GOODLETTE-FRANK ROAD, 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 (11:02 a.m.). City Attorney Kenneth Cuyler requested that Council disclose any ex parte communications with the petitioner or other parties regarding this issue. Vice Mayor MacKenzie stated that she had spoken to several residents of Poinciana Village to the east of the club's property; all other Council Members indicated that they had spoken to no one. A voluntary oath was then administered by the City Clerk to those intending to offer testimony; witnesses responded in the affirmative. Council Member Tarrant cautioned that considering all of the petition components concurrently may constitute contract zoning. Attorney Cuyler however stated that although staff presents all of the elements of the petition at one time, the annexation ordinance is separate and apart from the other elements.

Dr. Woodruff stated that Royal Poinciana Golf Club (RPGC) is a customer for City re-use water, and that staff had discussed with the Club's Board of Directors the concept of expanding the Club's usage. He clarified that this golf course is one of several that lies directly in the recharge area of the Coastal Ridge Aquifer, and that staff therefore recommends annexing the property in order to give Council jurisdiction over approximately 300 acres of this land. He added that this step may potentially lead to annexations with the other golf courses. Council Member Herms however pointed out that the City would be investing approximately \$700,000.00 in road improvements, but deriving no stormwater assessments. He added that the improvements to Burning Tree Drive would greatly benefit County residents, but the City would not realize any return. Dr. Woodruff noted that the golf course would pay City ad valorem taxes which would help fund the roadway improvements, but because there are no residential units on the property, the golf course would discharge into a County basin. Council Member Herms nonetheless maintained that it is inappropriate to exclude this property from stormwater fees, as the revenues are necessary to support the stormwater system in that part of the City. Council Member Tarrant proposed that the annexation be placed on a referendum. Assistant City Manager William Harrison estimated that the annexation would engender approximately \$23,000.00 of net increased revenues to the City. Mr. Herms however noted it would take a significant amount of time, after the completion of the roadway improvements, before the City taxpayers would recoup this money. Dr. Woodruff confirmed that the roadway improvements would be funded by gasoline taxes, and detailed the proposed enhancements.

Public Input: None. (11:39 a.m.)

MOTION by Van Arsdale to APPROVE ITEM 9-a AT FIRST READING;
seconded by Nocera and carried 4-3, all members present and voting (Coyle-

no, Nocera-yes, Tarrant-no, MacKenzie-yes, Herms-no, Van Arsdale-yes, Barnett-yes).

It is noted for the record that Mayor Barnett left the meeting at 11:40 a.m.

During the vote, Council Member Tarrant reiterated his suggestion to place the issue on a referendum, and expressed concern regarding contract zoning. Vice Mayor MacKenzie stated that she favored the annexation primarily to gain control over the aquifer. Staff was authorized to contact the Country Club of Naples Homeowners Association and other nearby entities to determine preference regarding annexation into the City. Staff was also directed to review the proposed reconfiguration of the Goodlette-Frank/Solana Road intersection.

MOTION by Van Arsdale to CONTINUE ITEMS 9-b and 9-c TO THE SEPTEMBER 15, 1999 REGULAR MEETING; seconded by Nocera and carried 5-1 (Coyle-yes, Herms-yes, MacKenzie-yes, Nocera-yes, Tarrant-no, Van Arsdale-yes, Barnett-absent).

RESOLUTION 99-8614.....ITEM 6
A RESOLUTION AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE A MUTUAL OPERATIONAL ASSISTANCE AGREEMENT IN SUBSTANTIALLY THE FORM ATTACHED HERETO WITH THE COLLIER COUNTY SHERIFF'S OFFICE; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Richard Woodruff (11:44 a.m.).

Public Input: None. (11:44 a.m.)

MOTION by Nocera to APPROVE RESOLUTION 99-8614; seconded by Coyle and carried 6-0 (Coyle-yes, Herms-yes, MacKenzie-yes, Nocera-yes, Tarrant-yes, Van Arsdale-yes, Barnett-absent).

.....ITEM 7
CONSIDER A 2-YEAR BID AWARD, UNDER COLLIER COUNTY BID #99-2949, FOR THE PURCHASE OF GASOLINE AND DIESEL FUEL \ VENDOR: MANSFIELD OIL COMPANY, ATLANTA, GEORGIA \ TOTAL EST. ANNUAL EXPENDITURES: \$250,000.00 \ FUNDING: INDIVIDUAL DEPARTMENT EQUIPMENT SERVICES ACCOUNTS. (11:45 a.m.) City Manager Richard Woodruff stated that the proposal is based upon a competitive bid combined with the Collier County School Board and the Collier County government. He explained that the Naples Airport Authority had been invited to partake in the bid, but that it would not benefit due to differing fuel requirements.

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

MOTION by Coyle to APPROVE ITEM 7; seconded by Nocera and carried 6-0 (Coyle-yes, Herms-yes, MacKenzie-yes, Nocera-yes, Tarrant-yes, Van Arsdale-yes, Barnett-absent).

ORDINANCE 99-8615.....ITEM 8
AN ORDINANCE ADOPTING TEXT AMENDMENT PETITION 99-T8, AMENDING SECTIONS 78-173(a), 86-201, 86-202(c)(4), 86-204(b), 86-207(b)(4), 86-209(c)(2)a., 98-31 AND 110-122(f)(3) OF THE CODE OF ORDINANCES IN ORDER TO ESTABLISH PROPERTY OWNER NOTIFICATION PROCEDURES FOR PETITIONS THAT DO NOT CURRENTLY REQUIRE PROPERTY OWNER NOTIFICATION; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE. Title read by City Manager Richard Woodruff (11:46 a.m.). Dr. Woodruff explained that all land use petitions will now require notification of property owners within 500 feet, although failure to do so will not void the process. He confirmed for Council Member Tarrant that the cost of using certified mail is prohibitive, in addition to difficulties pertaining to its forwarding and receipt.

Public Input: None. (11:48 a.m.)

MOTION by Coyle to APPROVE RESOLUTION 99-8615; seconded by Nocera and carried 6-0 (Coyle-yes, Herms-yes, MacKenzie-yes, Nocera-yes, Tarrant-yes, Van Arsdale-yes, Barnett-absent).

RESOLUTION 99-8616.....ITEM 12
A RESOLUTION APPROVING SAC WAIVER 99-5 FROM SECTION 102-1095(f)(10) OF THE CODE OF ORDINANCES, IN ORDER TO ALLOW BRASS PLAQUES LOCATED ON EACH SIDE OF THE PRIMARY ENTRANCES ON THE NORTH AND SOUTH SIDES OF THE INGRAM BUILDING, 720 5TH AVENUE SOUTH, MORE PARTICULARLY DESCRIBED HEREIN, TO FUNCTION AS THE DIRECTORY SIGNAGE FOR THE BUILDING; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Richard Woodruff (11:48 a.m.). Dr. Woodruff conveyed that the Staff Action Committee (SAC) recommends approval.

Public Input: None. (11:48 a.m.)

MOTION by Herms to APPROVE RESOLUTION 99-8616; seconded by Nocera and carried 6-0 (Coyle-yes, Herms-yes, MacKenzie-yes, Nocera-yes, Tarrant-yes, Van Arsdale-yes, Barnett-absent).

RESOLUTION (Continued)ITEM 13
A RESOLUTION GRANTING CONDITIONAL USE PETITION 99-CU17 FOR TWO DRIVE-UP LANES FOR A PROPOSED FINANCIAL INSTITUTION AT PROPERTY LOCATED AT 2390 NINTH STREET NORTH, 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 Manager Richard Woodruff (11:49 a.m.). Dr. Woodruff noted that the Planning Advisory Board (PAB) recommends approval. Council Member Tarrant questioned whether the financial institution would be an investment company or a bank, and asked for clarification regarding the distinction. As the petitioner was not present, Dr. Woodruff proposed postponing the item.

Public Input (on tabling): None. (11:52 a.m.)

MOTION by Herms to TABLE UNTIL THE SEPTEMBER 15, 1999 REGULAR MEETING; seconded by Tarrant and failed 3-3 (Herms-yes, Coyle-yes, Nocera-no, Van Arsdale-no, MacKenzie-no, Tarrant-yes, Barnett-absent).

Council Member Van Arsdale then made a motion to approve, seconded by Council Member Nocera; however, further discussion ensued. Council Member Van Arsdale contended that questioning the tenant was not relevant, saying that Council should not make determinations based upon this. City Attorney Kenneth Cuyler stated that Council cannot deny a petition based upon ownership, but that Council may request more information. At this point in the discussion, petitioner representative and architect Matt Joyner arrived at the meeting and explained that although the use was intended to be a bank, there was presently no specific tenant. Noting traffic questions, Council Member Coyle recommended that Council not approve drive-up lanes for an unidentified establishment; however, Dr. Woodruff reminded Council that the facility would of necessity be some type of financial institution. Upon recommendation from Dr. Woodruff and several members of Council, Mr. Joyner requested a continuance until such time as the petitioner can determine a tenant. Council Member Van Arsdale withdrew his motion to approve.

MOTION by Herms to CONTINUE ITEM 13 AT PETITIONER'S REQUEST; seconded by Tarrant and carried 5-1 (MacKenzie-yes, Van Arsdale-no, Tarrant-yes, Coyle-yes, Herms-yes, Nocera-yes, Barnett-absent).

RESOLUTION (Continued)ITEM 14-a
PUBLIC HEARING TO CONSIDER AN APPLICATION FOR DETERMINATION OF
VESTED RIGHTS IN ORDER TO PERMIT HOTEL DENSITY AT 26 UNITS PER
ACRE IN THE "D" DOWNTOWN DISTRICT, 221 9TH STREET SOUTH. (12:07 p.m.)

RESOLUTION (Continued) ITEM 14-b
CONSIDER A CONDITIONAL USE IN ORDER TO ADD 14 ROOMS TO AN
EXISTING TRANSIENT LODGING FACILITY AT 221 9TH STREET SOUTH. (12:07
p.m.)

Public Input (on continuance): None. (12:07 p.m.)

MOTION by Herms to CONTINUE ITEMS 14-a and 14-b TO THE
SEPTEMBER 15, 1999 REGULAR MEETING; seconded by Coyle and
carried 6-0 (Coyle-yes, Herms-yes, MacKenzie-yes, Nocera-yes, Tarrant-yes,
Van Arsdale-yes, Barnett-absent).

It is noted for the record that Council Member Van Arsdale left the meeting at 12:08 p.m.

RESOLUTION 99-8617.....ITEM 15-a
A RESOLUTION APPROVING THE SETTLEMENT OF A WORKERS'
COMPENSATION CLAIM WITH ODELL SMITH IN THE TOTAL AMOUNT OF
\$115,000; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Richard
Woodruff (12:08 p.m.).

RESOLUTION 99-8618..... ITEM 15-b
A RESOLUTION AUTHORIZING THE CITY MANAGER AND CITY CLERK TO
EXECUTE A SETTLEMENT AGREEMENT AND MUTUAL RELEASE BETWEEN THE
CITY OF NAPLES AND ODELL SMITH IN THE TOTAL AMOUNT OF \$32,000 AS
SETTLEMENT OF THE LAWSUIT FILED AGAINST THE CITY CLAIMING
DISCRIMINATION; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager
Richard Woodruff (12:08 p.m.).

It is noted for the record that Items 15-a and 15-b were considered concurrently.

Dr. Woodruff explained that the City employee was injured at work by a truck axle falling upon him. He clarified that the City would benefit by paying a lump sum at this time, as the potential liability may be significantly higher.

Public Input: None. (12:11 p.m.)

MOTION by Herms to APPROVE RESOLUTION 99-8617 (ITEM 15-a);
seconded by Coyle and carried 5-0 (Coyle-yes, Herms-yes, MacKenzie-yes,
Nocera-yes, Tarrant-yes, Van Arsdale-absent, Barnett-absent).

MOTION by Herms to APPROVE RESOLUTION 99-8618 (ITEM 15-b);
seconded by Coyle and carried 5-0 (Coyle-yes, Herms-yes, MacKenzie-yes,
Nocera-yes, Tarrant-yes, Van Arsdale-absent, Barnett-absent).

Dr. Woodruff stated, in regard to Item 15-b and the following Item 16, that staff maintains that the City has not violated any person's civil rights. He added, however, that it is in the best interest of the City to settle these claims to eliminate potential exposure to City taxpayers.

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

RESOLUTION 99-8619.....ITEM 16
A RESOLUTION AUTHORIZING THE CITY MANAGER AND CITY CLERK TO
EXECUTE A SETTLEMENT AGREEMENT AND MUTUAL RELEASE BETWEEN THE
CITY OF NAPLES AND ALTON SCRIVENS IN THE TOTAL AMOUNT OF \$49,000 AS
SETTLEMENT OF THE LAWSUIT FILED AGAINST THE CITY CLAIMING

DISCRIMINATION; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Richard Woodruff (12:12 p.m.).

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

MOTION by Herms to APPROVE RESOLUTION 99-8619; seconded by Coyle and carried 6-0 (Coyle-yes, Herms-yes, MacKenzie-yes, Nocera-yes, Tarrant-yes, Van Arsdale-yes, Barnett-absent).

ORDINANCE (Continued)ITEM 17
PUBLIC HEARING TO CONSIDER AMENDING CHAPTER 50 OF THE CODE OF ORDINANCES (ARTICLE IV, "RETIREMENT SYSTEM", ARTICLE V, "FIREFIGHTERS' PENSION AND RETIREMENT SYSTEM", AND ARTICLE VI, "POLICE OFFICERS' PENSION AND RETIREMENT SYSTEM") IN ORDER TO COMPLY WITH APPROPRIATE STATE AND FEDERAL LAWS AND REGULATIONS. (12:13 p.m.)

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

MOTION by Herms to CONTINUE TO THE SEPTEMBER 15, 1999 REGULAR MEETING; seconded by Coyle and carried 6-0 (Coyle-yes, Herms-yes, MacKenzie-yes, Nocera-yes, Tarrant-yes, Van Arsdale-yes, Barnett-absent).

RESOLUTION 99-8620.....ITEM 18
A RESOLUTION OF THE NAPLES CITY COUNCIL RELATING TO THE CONSTRUCTION AND FUNDING OF STREET LIGHTING AND STREET IMPROVEMENTS; CREATING THE ASSESSMENT AREA AND DESCRIBING THE PROPERTY TO BE LOCATED WITHIN THE PROPOSED THIRD AVENUE NORTH ASSESSMENT DISTRICT, AND THE STREET LIGHTING AND STREET IMPROVEMENTS TO BE CONSTRUCTED THEREIN; DETERMINING THE ESTIMATED COST OF THE STREET LIGHTING AND THE STREET IMPROVEMENTS; DETERMINING THAT CERTAIN REAL PROPERTY WILL BE SPECIALLY BENEFITED BY THE STREET LIGHTING AND ESTABLISHING THE METHOD OF ASSESSING THE COSTS OF THE STREET LIGHTING AND STREET IMPROVEMENTS AGAINST THE REAL PROPERTY THAT WILL BE SPECIALLY BENEFITED 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 Richard Woodruff (12:13 p.m.). Council Member Coyle noted that in several areas, the City had paid for street improvements, and questioned the rationale for establishing a special assessment district at this location. Dr. Woodruff stated that the City had intended to establish an assessment district on Sixth Avenue South, but clarified that the storm drainage improvements performed there were funded by the stormwater retention fund. He added that the base of the road on Fourth Avenue North was unusable and that its rebuilding was funded by the gasoline tax. He then clarified City policy regarding the financial responsibility for traffic lights and landscaping, and stressed that all streets, in terms of their assessments and improvements, should be treated the same way. Additionally, it is not unusual to establish an assessment district after the fact, he said. Council Member Herms however noted that Royal Poinciana would not be paying into the stormwater fund for its street improvements (see Item 9-a), and therefore questioned the equity of imposing a special assessment

district on Sixth Avenue South. Dr. Woodruff however urged that the City perform the necessary improvements and set up the assessment districts.

Public Input: None. (12:31 p.m.)

MOTION by Herms to APPROVE RESOLUTION 99-8620; seconded by Van Arsdale and carried 5-1 (Coyle-yes, Herms-yes, MacKenzie-yes, Nocera-yes, Tarrant-no, Van Arsdale-yes, Barnett-absent).

MOTION by Herms to PLACE THE SPECIAL ASSESSMENT DISTRICT ON SIXTH AVENUE SOUTH ON AN UPCOMING AGENDA; seconded by Nocera and carried 5-1 (Nocera-yes, Herms-yes, Van Arsdale-yes, Tarrant-no, Coyle-yes, MacKenzie-yes, Barnett-absent).

During the vote, Council Member Tarrant noted that he believed street work, lighting, landscaping, and drainage improvements are a benefit to the entire City and should be funded by the City budget. Dr. Woodruff stated that the improvements on Third Avenue North would begin shortly, at the request of merchants there.

It is noted for the record that Council Member Van Arsdale left the meeting at 12:32 p.m.

**RESOLUTION 99-8621.....ITEM 20
A RESOLUTION APPOINTING A SELECTION COMMITTEE FOR THE PURPOSE
HEREINAFTER SET FORTH, RELATING TO DESIGN AND CONSTRUCTION OF A
BEACH STABILIZATION PROJECT; AND PROVIDING AN EFFECTIVE DATE.** Title read by City Manager Richard Woodruff (12:32 p.m.). Dr. Woodruff noted that this project had been designed at the expense of private property owners, and that Council, by prior action, agreed to turn it into a public project. He stated that it would be financed by Tourist Development Council (TDC) funds, but would require the Consultant Competitive Negotiation Act (CCNA) process to select an engineer to oversee its construction. He added that any firm may submit its qualifications. Council Member Herms requested that he be considered for the selection committee. Dr. Woodruff added that the staff members serving on the committee would be Jon Staiger, Natural Resources Manager, and Assistant City Manager William Harrison.

Public Input: None. (12:34 a.m.)

MOTION by Herms to APPROVE RESOLUTION 99-8621 APPOINTING COUNCIL MEMBER HERMS; seconded by Nocera and carried 5-0 (Coyle-yes, Herms-yes, MacKenzie-yes, Nocera-yes, Tarrant-yes, Van Arsdale-absent, Barnett-absent).

It is noted for the record that Council Member Van Arsdale returned to the meeting at 12:34 p.m.

CORRESPONDENCE & COMMUNICATIONS (12:34 p.m.)
Council Member Nocera noted that Camp Dresser & McKee had agreed to a reduced contract of \$180,000.00 per Council 8/18/99 motion relative to the Drainage Basin VI Stormwater Pump Station (reduction due to difficulty pertaining to the Port Royal underground utilities project). Regarding the Mobil gas station under construction on Central Avenue and US 41, City Manager Richard Woodruff noted the only areas of concern are the canopy soffit and the proposed addition of an architectural element to the asphalt or concrete in non-pedestrian areas. City Attorney Kenneth Cuyler confirmed that the only conditions that require Mobil's compliance are those actually stipulated in the motion. Dr. Woodruff then confirmed for Council Member Nocera that the First Presbyterian Church, (Item 10) as well as all establishments, are required to pay impact fees, and provided clarification on a deferment agreement staff had made with another entity. There was a motion/Coyle/Tarrant/6-0, (Barnett

absent) to workshop personal watercraft regulations; a representative from the Bay Project Committee will also be present for the discussion. City Attorney Cuyler noted the title loan issue would probably be presented at the October 6th Regular Meeting.

It is noted for the record that Mayor Barnett returned to the meeting at 12:52 p.m.

Council Member Tarrant stated that the Gateway Committee is considering the feasibility of crafting a bronze Calusa Indian statue. Dr. Woodruff noted the desirability of private donations and noted that Council would determine on September 15th whether to authorize the committee to submit a request for qualifications (RFQ). Council briefly discussed the issue of bicycle safety on the new Gordon River bridges; Dr. Woodruff stated he would research the designs and provide a report. Council Member Van Arsdale referred to Item 13 (conditional use for two drive-up windows at a proposed financial institution) and advocated re-opening the issue. Attorney Cuyler reviewed the City's reconsideration policy; however after discussion, Council decided not to re-open the issue. Council Member Nocera referenced a City police officer request for a leave of absence in order to serve in Kosovo. Dr. Woodruff however stressed the importance of compliance with union contract provisions. Dr. Woodruff then stated he would determine the host for the Town Hall Meeting on September 20th as well as provide an update on the status of landscape plantings on Central Avenue. Later in the meeting, he announced that the meeting would actually be for the Police & Emergency Services Department. Council Member Herms questioned the rationale for constructing a new Development Services Building; Dr. Woodruff noted the plans are merely conceptual and that the matter would be brought to Council at a later date. Council Member Tarrant referenced an upcoming meeting to be held at the South Florida Water Management District headquarters regarding aquifer storage and recovery, and requested tape recordings of the proceedings.

It is noted for the record that Council Member Van Arsdale and Council Member Coyle left the meeting at 1:25 p.m.

At the request of Council Member Herms, it was the consensus of Council (Van Arsdale and Coyle absent) to request that the County Commissioners establish a policy whereby aquifer storage and recovery projects would forever be limited to potable water. Dr. Woodruff referenced the Blue Ribbon Committee study regarding future Council salaries, and requested that Council forward to staff their estimated number of work hours per month.

OPEN PUBLIC INPUT (1:30 p.m.).....
None.

ADJOURN (1:30 p.m.).....

Bill Barnett, Mayor

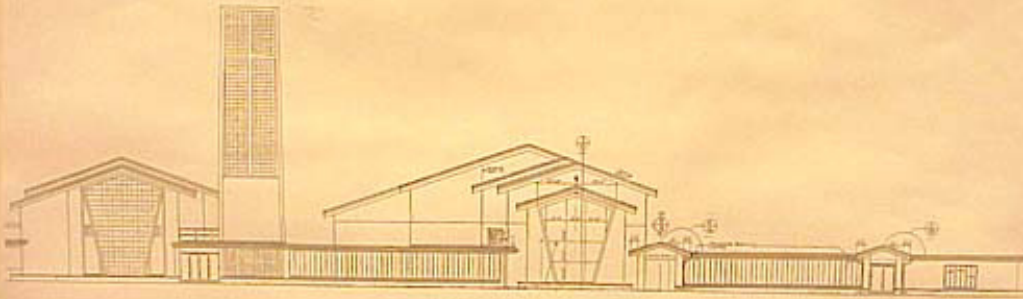
Tara A. Norman, City Clerk

Prepared by:

Jessica R. Rosenberg, Recording Specialist

Minutes approved: 10/6/99

PROPOSED RENOVATIONS:



EXISTING BUILDING ELEVATION;
EAST (SIXTH ST. SOUTH)

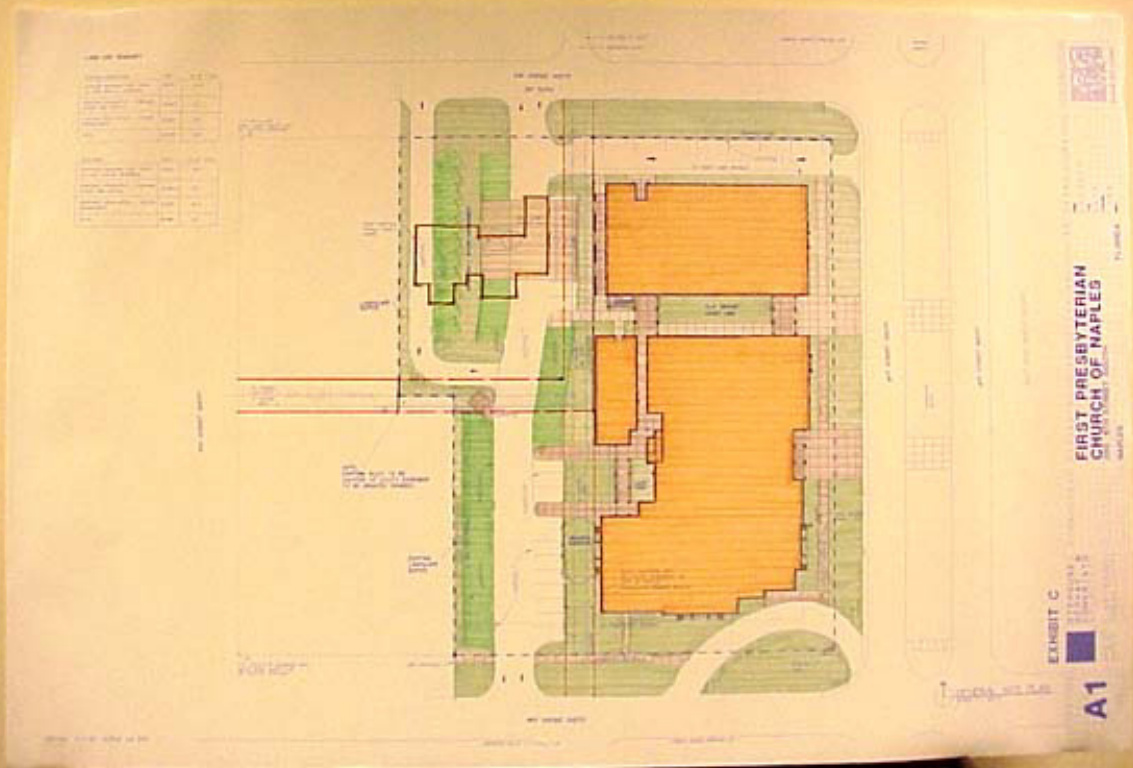


EXISTING BUILDING ELEVATION;
EAST (SIXTH ST. SOUTH)



PROPOSED BUILDING ELEVATION;
EAST (SIXTH ST. SOUTH)





LAND USE SUMMARY

EXISTING CONDITIONS	SQFT	% OF TOTAL
EXISTING BUILDING FOOT-PRINT (AC AND NON-AC (ROOFED))	28,977	47%
EXISTING DRIVEWAYS / PARKING (PAVED AND GRASS)	12,845.3	21%
EXISTING OPEN SPACE / WATER MANAGEMENT	19,269.7	31%
TOTAL	60,900	100

P.L.P. WITH CAP -
EAST 0.18, SOUTH 0.14
OF PLATTED POSITION

PROPOSED	SQFT	% OF TOTAL
PROPOSED BUILDING FOOT-PRINT (AC AND NON-AC (ROOFED))	31,260	50%
PROPOSED DRIVEWAYS / PARKING (PAVED AND GRASS)	28,586.2	46%
PROPOSED OPEN SPACE / WATER MANAGEMENT	21,453.8	34%
TOTAL	81,300	100

