



City Council Chamber
735 Eighth Street South
Naples, Florida 34102

City Council Regular Meeting – December 15, 1999 – 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:

Kevin Rambosk, City Manager
Kenneth B. Cuyler, City Attorney
William Harrison, Assistant City Manager
Ron Lee, Planning Director
Jon Staiger, Natural Resources Manager
Susan Wiesing, Human Resources Director
Tara Norman, City Clerk
Cory Ewing, Planner
Ann Walker, Planner
Laura Spurgeon, Planner
Jessica Rosenberg, Recording Specialist
Duncan Bolhover, Admin. Specialist
Reverend Cowfer
Michael Simonik
Clark Russell

Skip Quillen
Joe Biasella
George Varnadoe
Don Pickworth
John Passidomo
Arlene Guckenberger
Cheryl Coyle
Harry Timmons
Charles Kessler
Other interested citizens and visitors

Media:

AnneElena Foster, Naples Daily News

INVOCATION & PLEDGE ALLEGIANCEITEM 2

Reverend Bill Cowfer, First Presbyterian Church.

ANNOUNCEMENTSITEM 3

None.

ITEMS TO BE ADDED:ITEM 4

City Manager Kevin Rambosk requested the addition of the following items noting that Item 6-a and 6-b, as listed on the agenda, should be renumbered to 6-c and 6-d respectively. He also noted that staff would request continuance of Items 7 and 8.

Item 6-a. Authorize a purchase and sale agreement in the amount of \$8 million for the Fleischmann Property located south of the Coastland Center Mall on the east side of US 41, 1390-1690 9th Street North.

Item 6-b. Authorize a second amendment to an agreement with Joan F. Tobin, personal representative of the estate of Dorette K. Fleischmann, relating to the Fleischmann Property located south of the Coastland Center Mall on the east side of US 41, 1390-1690 9th Street North.

Item 17 Contract to perform engineering services relative to Calusa Bay Lakes and Coastal Ridge Wellfield \ Vendor: Hartman & Associates, Inc. \ Amount: \$15,000.00 \ Funding: Utilities Administration Professional Services.

Item 18 Authorize negotiations with Camp Dresser & McKee to provide engineering services associated with Drainage Basin III storm sewer system upgrades.

Item 19 Reconsider the 12/1/99 denial of the heavy wooden support beams at Yabba Island Grill at the Wynn Building on Fifth Avenue South.

MOTION by Van Arsdale to SET THE AGENDA ADDING ITEMS 17, 18, 19, CONTINUING ITEMS 7 AND 8 TO THE 1/5/00 REGULAR MEETING, RENUMBERING ITEMS 6-a AND 6-b to 6-c AND 6-d RESPECTIVELY, AND ADDING NEW ITEMS 6-a AND 6-b; 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).

CONSENT AGENDA

APPROVAL OF MINUTESITEM 5-a

September 27, 1999 Special Meeting, November 3, 1999 Regular Meeting, November 15, 1999 Workshop Meeting, and November 15, 1999 Joint Workshop Meeting.

..... ITEM 5-b

AUTHORIZE PURCHASE OF THE "WORK ORDER/FACILITY MANAGEMENT SOFTWARE SYSTEM" \ VENDOR: H.T.E., INC., ORLANDO, FLORIDA \ COST: \$46,490.00 \ FUNDING: CIP #97T02. City Manager Kevin Rambosk confirmed that although this program does not allow for project goal-tracking, staff has access to other programs that do.

.....ITEM 5-c

AWARD AN ANNUAL BID FOR SOD USED IN CITY LANDSCAPE PROJECTS \ VENDOR: BATTISTA FARMS, INC., FORT MYERS, FLORIDA \ TOTAL COST: \$40,000.00 (INSTALLED) \ FUNDING: PARKS AND PARKWAYS 52-00 ACCOUNT (OPERATING BUDGET).

RESOLUTION 99-8719..... ITEM 5-d

A RESOLUTION APPROVING AN INCREASE IN DENTAL INSURANCE PREMIUMS AND AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER IN AN AMOUNT NOT TO EXCEED \$45,000; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 99-8720.....ITEM 5-e
A RESOLUTION APPOINTING ONE BARGAINING UNIT MEMBER TO THE BOARD OF TRUSTEES OF THE GENERAL EMPLOYEES' RETIREMENT SYSTEM FOR THE BALANCE OF A FOUR-YEAR TERM EXPIRING DECEMBER 21, 2002; AND PROVIDING AN EFFECTIVE DATE. Title not read.

MOTION by MacKenzie to APPROVE CONSENT AGENDA ITEMS 5-a THROUGH 5-e; 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).

END CONSENT AGENDA

RESOLUTION 99-8721.....ITEM 6-a
A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR PURCHASE AND SALE, IN SUBSTANTIALLY THE FORM ATTACHED HERETO, WITH CHANGES APPROVED BY THE CITY MANAGER AND DONALD A. PICKWORTH, ESQ., ATTORNEY FOR THE CITY OF NAPLES, FOR THE PURCHASE OF BLOCKS 36, 37 AND 38, TIER 10, TOGETHER WITH VACATED 15TH AVENUE NORTH AND 16TH AVENUE NORTH AND THE VACATED EAST-WEST ALLEYS IN BLOCKS 37 AND 38, PLAN OF NAPLES (FLEISCHMANN PROPERTY), LOCATED ON U.S. 41 NORTH; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Kevin Rambosk (9:06 a.m.). Assistant City Manager William Harrison explained that this item provides the City right of first refusal, the Council having already authorized a bond referendum to finance the purchase. The City has retained legal counsel and an appraiser. He added that a deposit of \$80,000.00 will be returned to the City if the referendum fails. Mr. Harrison also noted for the record the last paragraph of Attorney Donald Pickworth's 12/14/99 letter relating to execution of the agreements by the Estate.

Attorney Pickworth provided other information on the contract noting it provides an additional 10 days to terminate if the appraisal shows a lesser value. He recommended against retaining a 1966 agreement for the establishment of landscape buffer strips with largely City maintenance noting that the development agreement would establish buffer regulations. Attorney Pickworth also discussed various types of deeds, saying that while it is unknown whether the City would receive a warranty deed or a personal representative's deed, the City would receive insurance title.

Although Council discussed protecting the land by placing it in the Naples Land Preservation Trust, Council Member Van Arsdale warned against relinquishing the land to an entity over which the citizens have no control. Council Member Herms suggested a deed restriction to ensure protection of the unique habitat. He also recommended extending the termination date of the agreement to enable the City to certify the election results. Attorney Pickworth therefore confirmed that February 10th would be the final deadline, and noted that the City must exercise its right to purchase by this date or it would lose its \$80,000.00 deposit. He further stated that the \$8 million purchase price would be guaranteed until the April 15th closing date.

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

MOTION by Herms to APPROVE RESOLUTION 99-8721 WITH THE UNDERSTANDING THAT THERE WOULD BE AN ENVIRONMENTAL AUDIT AND AN APPRAISAL, THAT THE TERMINATION DATE OF THE AGREEMENT WOULD BE EXTENDED TO 2/10/00 AT 5:00 P.M., AND THAT THE CITY WOULD REQUEST A WARRANTY DEED IF IT IS AVAILABLE. This motion was 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).

During the vote, Council Member Tarrant stated that his approval is contingent on a warranty deed and with the understanding that the land will be placed in the Naples Land Preservation Trust. Attorney Cuyler indicated that he would research this latter issue.

RESOLUTION 99-8722.....ITEM 6-b

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A SECOND AMENDMENT TO THE AGREEMENT BETWEEN JOAN F. TOBIN, AS THE PERSONAL REPRESENTATIVE OF THE ESTATE OF DORETTE K. FLEISCHMANN, AND THE CITY OF NAPLES; AND PROVIDING AN EFFECTIVE DATE. Title read by Assistant City Manager William Harrison (9:44 a.m.). Mr. Harrison explained that this is strictly to remove the aforementioned 1966 landscape maintenance agreement, and that staff recommends approval.

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

MOTION by Herms to APPROVE RESOLUTION 99-8722; 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 99-8723.....ITEM 6-c

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A DEVELOPMENT AGREEMENT, ATTACHED HERETO, WHICH ESTABLISHES THE DEVELOPMENT STANDARDS FOR A 9.58 ACRE PARCEL BOUNDED BY FLEISCHMANN BOULEVARD ON THE NORTH, 10TH STREET ON THE EAST, 14TH AVENUE NORTH ON THE SOUTH, AND U.S. 41 ON THE WEST, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Kevin Rambosk (9:44 a.m.). Planning Director Ron Lee noted that the development standards proposed are consistent with those of Highway Commercial zoning with few exceptions. These exceptions include the maximum square footage of building, setbacks from the habitat of special concern, building stories, and parking. He confirmed that the development agreement would be in effect for 10 years. Council Member Herms noted that the low density would provide for reasonable development. Council briefly discussed building height and Mr. Lee confirmed that an owner must secure a conditional use in order to construct a parking garage. Natural Resources Manager Jon Staiger explained that the petitioner has tentative plans to demolish a portion of the sand pine scrub, and then to perform appropriate mitigation. Although Council Member Herms noted the importance of retaining this entire habitat, Planner Ann Walker explained that the habitat bisects the property which would virtually prevent a unified development.

Fleischmann Estate attorney George Varnadoe reiterated that the petitioner is requesting only minor departures from current zoning to facilitate reasonable use of the property, and then provided additional information on the offsite mitigation. Council Member Herms however warned of a potential conflict with the City's Comprehensive Plan relative to the development of the habitat of special concern, but Dr. Staiger clarified that the proposed project would be possible with sufficient justification and the adherence to stringent requirements. Council Member Herms then questioned whether prohibiting development on a certain percentage of the property would constitute a taking. City Attorney Cuyler however explained the threshold is an inordinate burden on a property causing a diminution in value; the owner has the ability to file a claim for this diminished value. Council Member Coyle observed, however, that the underlying premise of the Comprehensive Plan is to balance the need to protect the environment with the

needs of the community. Council Member Tarrant voiced appreciation to the petitioner for endeavoring to make the project low intensity and low density. Council Member Herms proposed asking the citizens whether they preferred total protection for these areas or certain levels of development. Council briefly discussed the impact of the referendum limiting commercial building heights; however, Attorney Cuyler stated that all would be subject to the same regulations but that he would research the mechanism to handle exceptions. Council briefly discussed the existing on-site building at the corner of Fleischmann Boulevard and U.S. 41.

Public Input: None. (10:34 a.m.)

MOTION by Tarrant to **APPROVE RESOLUTION 99-8723 WITH THE UNDERSTANDING THAT IF THE CITY DOES NOT PURCHASE THE PROPERTY, THE EXISTING BUILDING MUST BE REFURBISHED OR REMOVED WITHIN THREE YEARS.** This motion was 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).

RESOLUTION 99-8724..... ITEM 6-d
A RESOLUTION GRANTING PETITION 99-DSEI3 FOR A DEVELOPMENT OF SIGNIFICANT ENVIRONMENTAL IMPACT FOR PROPERTY LOCATED SOUTH OF COASTLAND CENTER MALL AND ON THE EAST SIDE OF US 41, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.
Title read by City Manager Kevin Rambosk (10:35 a.m.).

Public Input: None. (10:35 a.m.)

MOTION by Van Arsdale to **APPROVE RESOLUTION 99-8724;** 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).

ORDINANCE (Continued)..... ITEM 7
AN ORDINANCE AMENDING SECTION 1.2 OF THE CHARTER OF THE CITY OF NAPLES, FLORIDA, IN ORDER TO ANNEX A 9.97-ACRE PARCEL KNOWN AS THE CITY OF NAPLES WATER STORAGE FACILITY PROPERTY LOCATED AT 1601 BURNING TREE DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, AND TO REDEFINE THE BOUNDARIES OF THE CITY OF NAPLES TO INCLUDE SAID PROPERTY; AND PROVIDING AN EFFECTIVE DATE. Title not read.

Public Input: (on continuance): None. (10:36 a.m.)

MOTION by Van Arsdale to **CONTINUE TO THE 1/5/00 REGULAR MEETING;** 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).

ORDINANCE (Continued)..... ITEM 8-a
AN ORDINANCE ADOPTING SMALL SCALE COMPREHENSIVE PLAN AMENDMENT PETITION 99-CPASS4, ASSIGNING A PUBLIC, SEMI-PUBLIC INSTITUTIONAL FUTURE LAND USE DESIGNATION TO PROPERTY LOCATED AT 1601 BURNING TREE DRIVE, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE. Title not read.

ORDINANCE (Continued)..... ITEM 8-b
AN ORDINANCE GRANTING REZONE PETITION 99-R15 IN ORDER TO REZONE PROPERTY AT 1601 BURNING TREE DRIVE FROM “R1-10,” RESIDENCE DISTRICT TO “PS,” PUBLIC SERVICE, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION (Continued).....ITEM 8-c
A RESOLUTION GRANTING CONDITIONAL USE PETITION 99-CU24 FOR
CONDITIONAL USE APPROVAL FOR A CONTINUATION OF EXISTING USES AT
1601 BURNING TREE DRIVE, MORE PARTICULARLY DESCRIBED HEREIN;
PROVIDING FOR THE CITY CLERK TO RECORD SAID CONDITIONAL USE; AND
PROVIDING AN EFFECTIVE DATE. Title not read.

Public Input: (on continuance): None. (10:37 a.m.)

MOTION by Van Arsdale to **CONTINUE TO THE 1/5/00 REGULAR MEETING**; 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 99-8725.....ITEM 9-a
A RESOLUTION GRANTING LIVE ENTERTAINMENT PETITION 99-LE1 FOR
APPROVAL OF LIVE ENTERTAINMENT AT 711 FIFTH AVENUE SOUTH, MORE
PARTICULARLY DESCRIBED HEREIN, SUBJECT TO THE CONDITIONS LISTED
HEREIN; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Kevin Rambosk (10:38 a.m.). Planner Laura Spurgeon noted that the petitioner seeks approval for live entertainment until 11:30 p.m. on various days of the week. Staff recommends approval with listed conditions including the stipulation that the doors and windows remain closed during performances. Planning Director Ron Lee pointed out that this requirement is standard for all live entertainment applications. Petitioner Skip Quillen, however, noted that Council has in fact excused certain establishments from this regulation, and urged that he receive the same consideration. Council Member Van Arsdale noted that the paramount issue is actually the noise level emanating from the building. Council Member Herms cautioned that the sound of the steel drums would most likely carry into the nearby residential area. Mr. Quillen stated that he would comply with the mandated noise level. Nevertheless, City Manager Kevin Rambosk noted that some complaints have been registered although staff has found the noise levels in this area to be in compliance with current regulations. Staff, he said, is continuing to work on noise ordinance revisions. Council Member Nocera proposed a motion to approve without the requirement to close doors and windows; however further discussion ensued.

Public Input: 10:46 a.m. **Philip McCabe, 699 Fifth Avenue South**, voiced concern regarding the noise level especially impacting his nearby hotel guests and requested that Council establish a procedure for remedy should the noise become excessive. Council Member Tarrant urged establishment of a noise and amplified music policy sensitive to residential needs. Mr. Quillen explained that he would most likely present steel drums only early in the evening and that the wooden roof, with an aesthetic tin covering, would absorb much of the sound.

MOTION by Nocera to **APPROVE WITHOUT THE RECOMMENDED CONDITION THAT THE DOORS AND WINDOWS BE CLOSED AND CLARIFYING THAT COUNCIL MUST ANNUALLY RENEW THE PERMIT**. The motion was seconded by Van Arsdale and failed 2-5, all members present and voting (Nocera-yes, Herms-no, Van Arsdale-yes, Tarrant-no, Coyle-no, MacKenzie-no, Barnett-no).

MOTION by MacKenzie to **APPROVE RESOLUTION 99-8725 WITH STAFF RECOMMENDATIONS AND CLARIFYING THAT COUNCIL MUST ANNUALLY RENEW THE PERMIT**; 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).

RESOLUTION 99-8726..... ITEM 9-b
A RESOLUTION GRANTING RESIDENTIAL IMPACT STATEMENT PETITION 99-RIS2 FOR PROPERTY LOCATED AT 711 FIFTH AVENUE SOUTH, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO THE CONDITIONS LISTED HEREIN; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Kevin Rambosk (11:05 a.m.).

Public Input: None. (11:05 a.m.)

MOTION by MacKenzie to APPROVE RESOLUTION 99-8726 WITH THE STIPULATION THAT THE OPERATIONAL PLAN BE A PART OF THE RESOLUTION; *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).*

..... ITEM 19
RECONSIDER THE 12/1/99 DENIAL OF THE HEAVY WOODEN SUPPORT BEAMS AT YABBA ISLAND GRILL AT THE WYNN BUILDING ON FIFTH AVENUE SOUTH. (11:05 a.m.) Council Member Coyle stated that the petitioner has acted in compliance with a valid permit and should therefore not be penalized for what may have been a Staff Action Committee (SAC) or staff procedural error. He added that although Council may not favor the semi-permanent construction, approval should not be withdrawn. Council Member Herms noted although he did not disagree, there was a question when Council had actually conferred approval for the awning. He also voiced concern regarding the absence of a public walkway.

John Passidomo, petitioner's attorney, explained that he had reviewed all relevant City files and provided a chronology, a copy of which is contained in the City Clerk's office in the file for this meeting. He explained that Council had given approval for the wood columns and railings on 10/6/99, and only later began considering the awnings at a subsequent Workshop Meeting. He noted that Council did not discuss the columns and railings at that time, and gave no indication that it would reverse its prior decision. He further noted that Council Member Tarrant's request for reconsideration concerned the tin roof awning; however, SAC had already appropriately conferred its decision on this issue making Council reconsideration inappropriate. He added that the result of that reconsideration was to disallow the wooden support beams, a decision for which Council had given no public notice. He stressed that this action was therefore a nullity, and stressed that there is no matter appropriate for reconsideration. Attorney Passidomo therefore requested that the petitioner be allowed to complete the construction as authorized.

Council Member Tarrant cautioned that, unlike other establishments, the public pavement under the awnings would not allow safe public passageway. He also questioned whether SAC had the authority to take final action on the awnings. City Attorney Kenneth Cuyler clarified that SAC does approve items that, unless appealed, are not presented to Council. Council Member Herms however questioned whether SAC can approve awnings with ground supports. Council Member Van Arsdale, SAC Chairman, clarified that SAC approves only those matters permitted by Code, and that these awnings were a component of the plaza design. Regarding public access, he noted that there is ample passageway on either side of the awning. He further noted that Council Workshop discussions pertained to the permanency of the structure in the public right-of-way, and only incidentally, the material of the awning. Council Member Herms however voiced doubt that Council had in fact discussed the awnings in the overall plaza approval.

Public Input: None. (11:42 a.m.)

MOTION by Van Arsdale to ALLOW AWNING TO REMAIN AND BE USED AS INTENDED BY PROPERTY OWNER; *seconded by Nocera and*

carried 4-3, all members present and voting (Herms-no, Coyle-yes, Tarrant-no, MacKenzie-no, Nocera-yes, Van Arsdale-yes, Barnett-yes).

During the vote, Council Member Coyle urged that Council not rescind approval for a structure after its construction. Vice Mayor MacKenzie suggested instead that the City fund its removal. Council Member Van Arsdale urged that Council either comply with current laws or amend them. Council Member Herms however noted that he believed Council Members have at times ignored current laws, especially those pertaining to Planned Developments.

Recess 11:43 a.m. to 12:05 p.m. It is noted for the record that all Council Members except Mayor Barnett were present.

RESOLUTION 99-8727.....ITEM 11
A RESOLUTION ADOPTING THE CARVER-RIVER PARK MASTER PLAN; AND PROVIDING AN EFFECTIVE DATE. (12:05 p.m.) Planner Susan Golden stated that Council and neighborhood residents have previously reviewed the Neighborhood Master Plan, a copy of which is contained in the City Clerk's Office in the file for this meeting. She referenced several pertinent issues of concern including drainage, street improvements, and necessary safety enhancements to the intersection between Goodlette-Frank Road and Fifth Avenue North. She added that citizens have also voiced opposition to the conditions at both the Florida Power & Light and Naples Daily News properties. They also stressed the need to improve the entranceway to Anthony Park, and to provide additional programs and staffing. Ms. Golden then noted that the Master Plan establishes a proposal for the construction of approximately 12 affordable single family homes. Regarding funding options aside from Community Development Block Grants (CDBG), staff has identified Tax Increment Financing (TIF) funds, gas taxes, and utility taxes. Referring to the proposed Master Plan timetable, she noted the high priority assigned to the construction of the new River Park Community Center and the shoreline stabilization project, then identified other projects to be addressed in the coming years. Ms. Golden requested that Council adopt the Master Plan with the inclusion of specific projects in future Capital Improvement Programs.

Council Members Tarrant and Nocera recommended Habitat for Humanity to construct the affordable homes. Council Member Coyle questioned the objections of a number of citizens who, he noted, did not support the low-income housing. Council Member Herms voiced support for the plan, but cautioned that a new Council may change objectives and priorities. He nevertheless recommended implementing an aggressive program of improvements which would include landscaping, street improvements, and lighting and urged cooperation between staff and property owners. Council Member Coyle urged that the Master Plan reflect Council's exact goals and priorities only so as to provide accurate public perception.

Public Input: 12:30 p.m. **Willie Anthony, address not given**, urged support for the Master Plan but voiced concern regarding public parking in front of residential properties, and the possible congestion resulting from the additional housing.

MOTION by Nocera to APPROVE RESOLUTION 99-8727; seconded by Herms and carried 6-0 (Coyle-yes, Herms-yes, MacKenzie-yes, Nocera-yes, Tarrant-yes, Van Arsdale-yes, Barnett-absent). Council will conduct a workshop in the neighborhood to identify all areas of concern.

RESOLUTION 99-8728.....ITEM 10
A RESOLUTION APPROVING THE SUBMITTAL OF THE CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT AS REQUIRED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD); AND PROVIDING AN EFFECTIVE DATE. Title not read. Planner Susan Golden explained that the City spent approximately \$120,000.00 the prior year in CDBG funds for such activities as canal dredging in the River Park East subdivision and housing rehabilitation. She added there is

approximately \$490,000.00 available in the current year in new entitlements and carryover funds, all of which was allocated in the budgeting process.

Public Input: None. (12:48 p.m.)

MOTION by Nocera to APPROVE RESOLUTION 99-8728; seconded by Van Arsdale and carried 6-0 (Coyle-yes, Herms-yes, MacKenzie-yes, Nocera-yes, Tarrant-yes, Van Arsdale-yes, Barnett-absent).

.....ITEM 16
FINAL REPORT OF THE NAPLES BAY PROJECT COMMITTEE. (TWO OR MORE MEMBERS OF THE NAPLES BAY PROJECT COMMITTEE MAY ATTEND.) (12:48 p.m.) City Manager Kevin Rambosk expressed appreciation to all members of the committee. Natural Resources Manager Jon Staiger referenced the final report, a copy of which is contained in the file for this meeting in the City Clerk's Office, and noted that several goals require further action. Acting Committee Chairman Michael Simonik explained that the committee's goal was to provide a comprehensive study of all pertinent issues affecting Naples Bay and briefly detailed issues it had undertaken, including water quality, vessel control, and the establishment of the harbor master position. He noted that he believed the most pressing item still requiring Council action concerns marine unit staffing.

Committee Member Joe Biasella noted the implementation of new channel signage, but recommended that the marine patrol establish procedures to notify the boating public of various holidays not shown on signage. Council Member Coyle suggested placing flashing lights on markers to indicate when speed zones are in effect. Dr. Staiger stated that staff would research Coast Guard and other regulations. Mr. Biasella also urged that Council enact an ordinance enforcing the mooring balls and to supplement the harbor master position with additional staffing. Mr. Biasella also requested action on speed control and establishment of an ongoing committee. He also urged that Councils strive to preserve local marinas. Council Member Coyle recommended expediting necessary actions. Committee Member Harry Timmons noted the importance of land use matters and explaining the inter-related nature of many of the issues, recommended that Council develop a holistic view of the Bay. He also provided recommendations regarding riprap and zoning.

Public Input: (1:45 p.m.) Ed Rough, address not given, marina developer, urged that Council maintain C2a zoning, and establish a plan to clean the Bay.

MOTION by Coyle to APPROVE WITH THE UNDERSTANDING THAT STAFF WILL PRESENT AN OVERVIEW AT THE 1/3/00 WORKSHOP MEETING OF THE STEPS NECESSARY TO ACCOMPLISH OUTSTANDING PLAN GOALS. This motion was seconded by Van Arsdale 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 1:59 p.m.

ORDINANCE (First Reading)ITEM 12
AN ORDINANCE ADDING SUBSECTION (11) TO SECTION 50-432 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES PROVIDING AN OPTION OF CONTINUING PARTICIPATION IN THE TRUST FUND; ADDING SECTION 50-433, SPECIAL RETIREMENT ELECTION FOR MEMBERS OVER 44, TO THE CODE OF ORDINANCES OF THE CITY OF NAPLES TO PROVIDE FOR A SPECIAL RETIREMENT OPTION FOR MEMBERS OF THE POLICE OFFICER'S PENSION AND RETIREMENT SYSTEM REACHING THE AGE OF AT LEAST FORTY-FOUR (44) YEARS AND COMPLETING A MINIMUM OF TWENTY (20) YEARS OF SERVICE AS OF NOVEMBER 1, 1999; PROVIDING FOR WAIVER OF EARLY

RETIREMENT PENALTIES; AND PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE. Title read by Assistant City Manager William Harrison (1:59 p.m.). Mr. Harrison explained that this is affordable because those officers retiring would be replaced with new employees at lower salaries. Human Resources Director Susan Wiesing confirmed that currently five officers are eligible for this option. Mr. Harrison reviewed the various funding sources for the police pensions plans, and stressed the importance of offering early retirement because of inherent physical demands.

Public Input: None. (2:05 p.m.)

MOTION by Herms to APPROVE AT FIRST READING; seconded by Nocera and carried 5-0 (Coyle-yes, Herms-yes, MacKenzie-yes, Nocera-yes, Tarrant-yes, Van Arsdale-absent, Barnett-absent).

RESOLUTION 99-8729.....ITEM 13
A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN EMPLOYMENT AGREEMENT WITH KEVIN J. RAMBOSK AS CITY MANAGER; AND PROVIDING AN EFFECTIVE DATE. Title read by Assistant City Manager William Harrison (2:05 p.m.). Mr. Harrison noted that because of recent significant increase in City housing costs, the \$1,500.00 monthly housing allowance had been included. He also clarified the proposed sick leave policy. In addition, Mr. Harrison confirmed that Mr. Rambosk would exercise the early police retirement option, but that that he would not draw this pension while an active City employee. However, he has agreed to not accept City funds into the management pension plan for those four years. Although it was proposed the City Manager may use an assigned City vehicle to and from work and for official business, Council made the modification which appears below.

Public Input: None (2:20 p.m.)

MOTION by Nocera to APPROVE RESOLUTION 99-8729 REPLACING SECTION 14 ENTITLED “ASSIGNED VEHICLE” WITH “CAR ALLOWANCE” WHICH WOULD AUTHORIZE A \$350.00/MONTH PAYMENT TO THE CITY MANAGER TO COVER ALL ORDINARY EXPENSES RELATIVE TO USE OF HIS PERSONAL VEHICLE. This motion was seconded by Coyle and carried 5-0 (Coyle-yes, Herms-yes, MacKenzie-yes, Nocera-yes, Tarrant-yes, Van Arsdale-absent, Barnett-absent).

ORDINANCE (First Reading)ITEM 14
AN ORDINANCE AMENDING SUBSECTION (1) OF SECTION 2.5 OF THE CHARTER OF THE CITY OF NAPLES RELATING TO THE SALARIES OF THE MAYOR AND CITY COUNCIL MEMBERS TO PROVIDE FOR AN INCREASE IN THE SALARY OF THE MAYOR FROM \$18,000.00 TO \$20,000.00 PER YEAR, AND THE SALARY OF EACH COUNCIL MEMBER FROM \$12,000.00 TO \$14,000.00 PER YEAR; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE. Title read by City Attorney Kenneth Cuyler (2:20 p.m.).

Public Input: None. (2:20 p.m.)

MOTION by Nocera to APPROVE AT FIRST READING; seconded by Coyle and carried 4-1 (Coyle-yes, Herms-yes, MacKenzie-no, Nocera-yes, Tarrant-yes, Van Arsdale-absent, Barnett-absent).

RESOLUTION 99-8730.....ITEM 15-a
A RESOLUTION APPOINTING ONE MEMBER TO THE PLANNING ADVISORY BOARD FOR THE BALANCE OF A THREE-YEAR TERM EXPIRING MAY 20, 2000; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Kevin Rambosk (2:21 p.m.). Council Member Herms nominated Marvin Easton. Council Member Nocera nominated Rhona Saunders, but this motion failed for lack of second.

Public Input: None. (2:21 p.m.)

MOTION by Herms to APPROVE RESOLUTION 99-8730 APPOINTING MARVIN EASTON; *seconded by Tarrant and carried 5-0 (Coyle-yes, Herms-yes, MacKenzie-yes, Nocera-yes, Tarrant-yes, Van Arsdale-absent, Barnett-absent).*

RESOLUTION (To be re-advertised) ITEM 15-b
A RESOLUTION APPOINTING ONE CITY RESIDENT TO THE BEACH RENOURISHMENT/MAINTENANCE COMMITTEE FOR THE BALANCE OF A TWO-YEAR TERM, EXPIRING OCTOBER 6, 2000; AND PROVIDING AN EFFECTIVE DATE. Title not read. Vice Mayor MacKenzie proposed that Council consider again noticing this vacancy because only one applicant responded.

Public Input: None. (2:22 p.m.)

MOTION by MacKenzie to RE-ADVERTISE THE POSITION AND ALLOW GARY HICKS' APPLICATION TO CARRY FORWARD; *seconded by Herms and carried 5-0 (Coyle-yes, Herms-yes, MacKenzie-yes, Nocera-yes, Tarrant-yes, Van Arsdale-absent, Barnett-absent).*

RESOLUTION 99-8731..... ITEM 15-c(1)
A RESOLUTION APPOINTING ONE CITY RESIDENT TO THE CITY/COUNTY AFFORDABLE HOUSING COMMISSION FOR A THREE-YEAR TERM EXPIRING DECEMBER 14, 2002; AND PROVIDING AN EFFECTIVE DATE. Title not read. City Clerk Tara Norman noted that Mr. Mumm had not been available for interview, but that he is still interested in the position.

Public Input: None. (2:23 p.m.)

MOTION by Nocera to APPROVE RESOLUTION 99-8731 RE-APPOINTING BRUCE MUMM; *seconded by Herms and carried 5-0 (Coyle-yes, Herms-yes, MacKenzie-yes, Nocera-yes, Tarrant-yes, Van Arsdale-absent, Barnett-absent).*

RESOLUTION 99-8732..... ITEM 15-c(2)
A RESOLUTION APPOINTING ONE CITY RESIDENT TO THE CITY/COUNTY AFFORDABLE HOUSING COMMISSION FOR A THREE-YEAR TERM EXPIRING DECEMBER 14, 2002; AND PROVIDING AN EFFECTIVE DATE. Title not read.

Public Input: None. (2:24 p.m.)

MOTION by Nocera to APPROVE RESOLUTION 99-8732 APPOINTING JOHN HOUTON; *seconded by Herms and carried 5-0 (Coyle-yes, Herms-yes, MacKenzie-yes, Nocera-yes, Tarrant-yes, Van Arsdale-absent, Barnett-absent).*

RESOLUTION 99-8732-A ITEM 17
A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A PROPOSAL, IN SUBSTANTIALLY THE FORM ATTACHED HERETO, BETWEEN HARTMAN AND ASSOCIATES, INC., AND THE CITY OF NAPLES, IN AN AMOUNT NOT-TO-EXCEED \$15,000 FOR THE PURPOSE OF PROVIDING ADDITIONAL PROFESSIONAL SERVICES TO RESEARCH PERMIT FILES AT THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT (SFWMD) RELATIVE TO THE CALUSA BAY DEVELOPMENT AND ITS SURFACE WATER MANAGEMENT LAKES; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Kevin Rambosk (2:25 p.m.).

Mr. Rambosk confirmed that Hartman & Associates would test for pesticides and herbicides under the City's other contract with this firm. He clarified that this contract would however provide for additional investigative avenues in which to determine whether all applicable

regulations were applied during the design and review process of the Calusa Bay development. He predicted that Council would receive a report in 30 days.

Public Input: None. (2:34 p.m.)

MOTION by Herms to APPROVE RESOLUTION 99-8732-A; seconded by Nocera and carried 5-0 (Coyle-yes, Herms-yes, MacKenzie-yes, Nocera-yes, Tarrant-yes, Van Arsdale-absent, Barnett-absent).

Council Member Tarrant recommended that any meetings between Hartman & Associates and the developer or other entities be open to the public and that Council be notified.

.....**ITEM 18**
CONSIDER AUTHORIZING NEGOTIATIONS WITH CAMP DRESSER & MCKEE TO PROVIDE ENGINEERING SERVICES ASSOCIATED WITH DRAINAGE BASIN III STORM SEWER SYSTEM UPGRADES. (2:34 p.m.)

Public Input: None. (2:34 p.m.)

MOTION by Nocera to APPROVE ITEM 18; seconded by Herms and carried 5-0 (Coyle-yes, Herms-yes, MacKenzie-yes, Nocera-yes, Tarrant-yes, Van Arsdale-absent, Barnett-absent).

CORRESPONDENCE & COMMUNICATIONS (2:34 p.m.)

Council Member Coyle noted that he had recently addressed the Legislative Delegation relative to the Federal Emergency Management Agency (FEMA) flood level changes and control of tourist tax funds. He explained that although the Legislative Delegation had no authority relative to FEMA, he had received initial support regarding the potential resolution of this issue on a Federal level. He added that the tourist tax fund issue would, however, be addressed in the near future at the State level, and recommended that the Mayor correspond with Senator Burt Saunders and Representative J. Dudley Goodlette to emphasize these needs. Council Member Tarrant proposed also informing County Commissioners. / City Attorney Kenneth Cuyler confirmed that at least five members of Council must be present for the Special Meeting to be held at 5:05 p.m. / Council Member Herms noted that staff had not yet determined whether Development of Regional Impact (DRI) approval is required for the Grand Central Station project, and added that it should go through the DRI process, if warranted, prior to Council review. Council Member Coyle stated that Naples Community Hospital had pledged to uphold all 41-10 zoning regulations; however, Council Member Herms explained that if the submitted plan not does not meet all requirements, there may not be sufficient time to submit a new plan and/or apply for variances. Council Member Coyle therefore suggested that approval be contingent on adherence to the zoning codes. / City Manager Kevin Rambosk then stated that beginning December 16th the County would be placing additional sand on the beach in the vicinity of Doctor's Pass. He provided information on the proposed truck routes and predicted the project would be completed in 10 days with 65 loads of sand per day placed on the beach. Mr. Rambosk also noted the provision for adequate notification to residents and confirmed that the sand has been sifted and washed. Council Member Nocera proposed that staff investigate the feasibility of using sand in the Venetian Bay area dredging.

OPEN PUBLIC INPUT (2:45 p.m.)

None.

ADJOURN (2:45 p.m.)

Bill Barnett, Mayor

Tara A. Norman, City Clerk

Prepared by:

Jessica R. Rosenberg, Recording Specialist

Minutes approved: 1/19/00

Fleischmann-Chamber

PROPOSAL BENEFITS

1. Xeric Scrub Habitat retained and enhanced.
2. Area 1 habitat remains at .60 acres.
3. Area 2 habitat retained at .65 acres.
4. Mitigation site protected and retained at 2.15 acres.
5. Total habitat area enlarged from 2.05 acres to 3.40 acres — an increase of 1.35 acres = a 65% increase.
6. Commercial potential reduced by 140,410 sq. ft.
7. Traffic reduced and impact on neighborhood reduced.
8. Educational enhancements for Lake Park School and for Fleischmann Park Center Programs.
9. Adds land to Naples Land Conservation Trust Fund — 2.15 acres.
10. Establishes the Development standards of the parcel.
11. Allows the settlement of the Estate/IRS issues.

WilsonMiller

MITIGATION ACRES
TOTAL 2.15 AC.
XERIC SCRUB 1.35 AC.
TOTAL 2.15 AC.

SECC 34
7/99/2000
APPROXIMATE BOUNDARY

**FLEISCHMANN-CHAMBER
MITIGATION PROPERTY**

CLIENT: NEAPOLITAN ENTERPRISES

WilsonMiller

