



City Council Chamber
735 Eighth Street South
Naples, Florida 34102

City Council Regular Meeting – August 16, 2000 – 9:00 a.m.

Mayor MacKenzie called the meeting to order and presided.

ROLL CALLITEM 1

Present: Bonnie MacKenzie, Mayor
Joseph Herms, Vice Mayor (Arrived 9:03 a.m.)
Council Members:
Gary Galleberg
William MacIlvaine
Fred Tarrant
Penny Taylor
Tamela Wiseman

Also Present:

Kevin J. Rambosk, City Manager
Beverly Grady, City Attorney
Ron Lee, Planning Director
William Harrison, Asst. City Manager
Lori Burke, Human Resources Director
Jon Staiger, Natural Resources Manager
Don Wirth, Community Services Director
Dan Mercer, Public Works Director
Michael Nichols, Fire Lieutenant
Tara Norman, City Clerk
Cory Ewing, Planner
Jessica Rosenberg, Recording Specialist
Rosalie Berman, Human Resources Coor.
Grace MacFarlane, Admin. Asst.
Father Robert Tabbert
Arlene Guckenberger

Clark Russell
Ernest Linneman
Nancy Stroud
Fred Hardt
Jackie Frank
James Dean
Other interested citizens and visitors

Media:

AnneElena Foster, Naples Daily News

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

Father Robert Tabbert, St. Ann Catholic Church

It is noted for the record that Vice Mayor Herms arrived at the meeting at 9:03 a.m.

ANNOUNCEMENTSITEM 3

Proclamation for Fire Fighter Appreciation Week 8/28/00 – 9/4/00

Employee Recognition Awards

ITEMS TO BE ADDEDITEM 4

Item 20 Consider nominating Henry Nehrling for consideration by the Great Floridians 2000 Committee.

MOTION by Herms to AMEND THE AGENDA BY CONTINUING ITEMS 10, 13, AND 18 TO THE SEPTEMBER 6, 2000 REGULAR MEETING AND DELETING ITEM 12; seconded by MacIlvaine and unanimously carried, all members present and voting. (Galleberg-yes, Herms-yes, MacIlvaine-yes, Tarrant-yes, Taylor-yes, Wiseman-yes, MacKenzie-yes)

MOTION by Herms to ADD ITEM 20 TO AGENDA; seconded by MacIlvaine and unanimously carried, all members present and voting (Galleberg-yes, Herms-yes, MacIlvaine-yes, Tarrant-yes, Taylor-yes, Wiseman-yes, MacKenzie-yes)

MOTION by MacIlvaine to SET AGENDA AS AMENDED ABOVE; seconded by Galleberg and unanimously carried, all members present and voting. (Galleberg-yes, Herms-yes, MacIlvaine-yes, Tarrant-yes, Taylor-yes, Wiseman-yes, MacKenzie-yes)

CONSENT AGENDA

APPROVAL OF MINUTESITEM 5-a

July 31, 2000 Workshop Meeting; July 31, 2000 Budget Workshop Meeting.

SPECIAL EVENTS ITEM 5-b

Approve the following special event:

(1) Vietnam Veterans of America POW/MIA Candlelight Vigil (Cambier Park) 9/15.

.....ITEM 5-c

RATIFY AND CONFIRM ACTION OF CITY MANAGER IN AWARDING BID FOR UNDERGROUND UTILITY WORK FOR THE DEVELOPMENT SERVICES AND SOLID WASTE BUILDINGS \ Vendor: Florida State Underground, Inc., Naples, Florida \ Cost: \$93,084.80 \ Funding: CIP #00B10 and #97P03.

..... ITEM 5-d

AUTHORIZE THE PURCHASE OF A PUMP AND MOTOR FOR USE AT THE PORT ROYAL WATER BOOSTER STATION (LANTERN LANE) \ Vendor: Bob Dean Supply, Ft. Myers, Florida \ Cost: \$13,750.00 \ Funding: CIP #99K32B.

MOTION by Herms to APPROVE CONSENT AGENDA ITEMS 5-a THROUGH 5-d and REMOVE ITEM 5-e FOR SEPARATE DISCUSSION; seconded by Tarrant and carried 7-0. (Galleberg-yes, Herms-yes, MacIlvaine-yes, Tarrant-yes, Taylor-yes, Wiseman-yes, MacKenzie-yes)

END CONSENT AGENDA

RESOLUTION 00-8900.....ITEM 5-e

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT NO. 3 TO TASK ORDER NO. HMA 1-96, BETWEEN HOLE, MONTES AND ASSOCIATES, INC., AND THE CITY OF NAPLES FOR PROFESSIONAL SERVICES

ASSOCIATED WITH THE CITY OF NAPLES WASTEWATER TREATMENT AND RECLAMATION FACILITY CONSTRUCTION PHASE IN AN AMOUNT NOT TO EXCEED \$78,045.05; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Kevin Rambosk (9:19 a.m.). Public Works Director Dan Mercer explained that in 1996 the City negotiated a two-year, \$1,402,000 contract with Hole Montes & Associates (Hole Montes) for contract administration and technical services relating to the expansion and improvement of the Wastewater Treatment Plant. Due to construction delays, Council subsequently approved two amendments to the Hole Montes contract for \$250,000 and \$489,400 respectively. Staff is now requesting another amendment for \$78,000, to be provided on a time and materials basis, in order to complete the project. Mr. Mercer confirmed that the City might seek reimbursement for these additional costs under its contract with the contractor, Wharton Smith Inc.

Referencing his experience in bidding contracts, Council Member Tarrant stated that he had never encountered a situation in which, due to adverse contingencies, a contractor increased his original bid price. He however explained that engineering companies now seem to request a change order automatically at the onset of any difficulty or unforeseen circumstance which reimburses them and virtually guarantees that they will not lose money. Council Member Galleberg said he agreed to a point, but questioned whether Hole Montes was responsible in any way for the delay. Mr. Mercer stated that in his opinion, Hole Montes did not cause the delay and cited the overwhelming magnitude of the project and the shortage of available staff to oversee the work. Council Member Tarrant reiterated his contention that an ethics violation occurred when the attorney hired to defend the City in this matter was recommended by Hole Montes.

In response to Council Member MacIlvaine, Mr. Mercer affirmed that the contract contains a penalty clause, but added that he is generally satisfied with Hole Montes' performance. He noted, however, a lack of quality personnel at the project's early stages but said staff had carefully monitored the daily progress and noted any deficiencies. Mr. Tarrant stated that the City has essentially rendered Hole Montes blameless for any delay by accepting the recommendations of its attorney. At this point, Mayor MacKenzie voiced concern that continuing this conversation may be inappropriate due to the potential litigation with the contractor. City Attorney Beverly Grady stated that Council is indeed creating public record which any involved party could use to its advantage, and that it is wise to focus on the requested amendment.

Vice Mayor Herms noted that the City would have incurred an additional \$800,000 in expenditures for engineering services due to delays. City Manager Rambosk affirmed that all the affected parties are being impacted, and recommended that Council approve the amendment stating that continuation of the project is critical in ensuring a fully functional plant.

Public Input: None. (9:33 a.m.)

MOTION by Wiseman to APPROVE RESOLUTION 00-8900 AS SUBMITTED; seconded by Galleberg and carried 6-1, all members present and voting (Taylor-yes, Herms-yes, MacIlvaine-yes, Tarrant-no, Galleberg-yes, Wiseman-yes, MacKenzie-yes)

.....**ITEM 6**
INTERVIEW WITH CANDIDATE FOR THE CODE ENFORCEMENT BOARD (2ND ALTERNATE) (9:33 a.m.) Council conducted an interview with Ernest Linneman.

.....ITEM 7
CONSIDER A REQUEST FOR DIRECTION ON HAMILTON HARBOR LITIGATION
 (9:42 a.m.) City Manager Kevin Rambosk explained that Council had previously directed him to negotiate an agreement with attorney Nancy Stroud of Weiss Serota Helfman Pastoriza & Guedes, P.A. He added that after obtaining a temporary agreement for under \$5,000, staff presented an agreement for services exceeding that amount, which subsequently failed to receive a majority vote of Council for its approval. He therefore requested further direction. Council Member MacIlvaine made a motion to authorize an agreement with Weiss Serota Helfman Pastoriza & Guedes, P. A. seconded by Vice Mayor Herms; however, further discussion ensued. Mr. Herms received clarification that the present agreement is the updated version, and that the firm had accepted all the proposed changes put forth by Council during prior discussions (6/21/00).

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

MOTION by MacIlvaine to AUTHORIZE AGREEMENT WITH WEISS SEROTA HELFMAN PASTORIZA & GUEDES, P.A. AS NEGOTIATED AT 6/21/00 REGULAR MEETING AND ACCEPTED IN 8/3/00 TRANSMITTAL FROM THE FIRM; seconded by Herms and carried 4-3, all members present and voting (Galleberg-no, Taylor-yes, Tarrant-yes, Wiseman-no, Herms-yes, MacIlvaine-yes, MacKenzie-no)

Mayor MacKenzie relayed her hopes to lower the millage rate this year but said this is unlikely given this unnecessary expense to taxpayers. She added that the City already has an excellent law firm under contract, and there is no reason to retain additional personnel to handle this case. Council Member Tarrant agreed that City Attorney Beverly Grady is performing excellently; however, took the position that Roetzel & Andress would essentially be representing both sides of the same case given the history of this litigation. Council Member Galleberg said this is a result of those who worked to place the burden of these costs on the City. He pointed out that this case was already being challenged in the proper administrative forum; if the alleged defects to this project were indeed true, the administrative judge would have stopped the project.

ORDINANCE 00-8902.....ITEM 9
AN ORDINANCE ADOPTING TEXT AMENDMENT PETITION 00-T12, AMENDING SUBSECTIONS 102-121(3), 102-121(4)a., 110-94(c)3, AND 110—94(5) OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES IN ORDER TO MODIFY PIER DIMENSION AND LOCATION REQUIREMENTS; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE. Title read by City Manager Kevin Rambosk (9:47 a.m.).

Public Input: None. (9:47 a.m.)

MOTION by Herms to ADOPT ORDINANCE 00-8902 AS SUBMITTED; seconded by Wiseman and unanimously carried, all members present and voting (Galleberg-yes, Herms-yes, MacIlvaine-yes, Tarrant-yes, Taylor-yes, Wiseman-yes, MacKenzie-yes)

ORDINANCE (First Reading).....ITEM 11
AN ORDINANCE AMENDING SUBSECTIONS 50-432 (3) AND 50-432 (5) REQUIREMENTS FOR RETIREMENT OF THE POLICE OFFICERS' PENSION AND RETIREMENT SYSTEM IN ORDER TO PROVIDE FOR AN EARLY RETIREMENT OPTION CONSISTENT WITH THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF NAPLES AND THE FRATERNAL ORDER OF POLICE; AND PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION, AND AN EFFECTIVE DATE. Title read by City Manager Kevin Rambosk (9:48 a.m.). City Manager Rambosk explained that a slight Code revision would make the definition for an early retirement consistent with the approved Fraternal Order of Police contract. Specifically, it would allow

early retirement subsequent to the date that the officer reaches the age of 45 years or has completed 20 years of service, whichever occurs earlier. He added that the officer does pay a penalty for that option, but that it would not impact the City or the pension plan. In response to Council, City Manager Rambosk indicated that only one eligible employee would exercise this option, and confirmed that an actual cost savings could accrue should a senior officer retire and be replaced with a new employee at a lower rate.

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

MOTION by MacIlvaine to APPROVE ITEM 11 AT FIRST READING AS SUBMITTED; seconded by Herms and unanimously carried, all members present and voting (Galleberg-yes, Herms-yes, MacIlvaine-yes, Tarrant-yes, Taylor-yes, Wiseman-yes, MacKenzie-yes)

.....ITEM 14
RATIFY AND CONFIRM ACTION OF THE CITY MANAGER IN AUTHORIZING A PURCHASE ORDER FOR STREET IMPROVEMENTS ON 5TH AVENUE NORTH FROM GOODLETTE ROAD TO ANTHONY PARK \ VENDOR: BONNESS, INC., NAPLES, FLORIDA \ COST (NOT TO EXCEED): \$123,961.00 \ FUNDING: COMMUNITY BLOCK GRANT. (9:51 a.m.) City Manager Rambosk explained that a Community Development Block Grant had been awarded to make certain improvements on Fifth Avenue North with the caveat that the funds had to be expended by July 31, 2000. The Mayor had therefore approved an emergency purchase order to ensure compliance to these guidelines.

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

MOTION by Herms to APPROVE ITEM 14 AS SUBMITTED; seconded by MacIlvaine and unanimously carried, all members present and voting (Galleberg-yes, Herms-yes, MacIlvaine-yes, Tarrant-yes, Taylor-yes, Wiseman-yes, MacKenzie-yes)

**RESOLUTION 00-8903.....ITEM 19-a
A RESOLUTION APPOINTING ONE ALTERNATE MEMBER TO THE CODE ENFORCEMENT BOARD FOR THE BALANCE OF AN UNEXPIRED TERM; AND PROVIDING AN EFFECTIVE DATE.** (9:54 a.m.)

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

MOTION by Wiseman to APPOINT ERNEST LINNEMAN; seconded by Taylor and unanimously carried, all members present and voting (Galleberg-yes, Herms-yes, MacIlvaine-yes, Tarrant-yes, Taylor-yes, Wiseman-yes, MacKenzie-yes)

Subsequent to the vote, City Manager Kevin Rambosk read the resolution title.

**RESOLUTION 00-8904.....ITEM 19-b(1)
A RESOLUTION APPOINTING MARC GERTNER TO THE BOARD OF TRUSTEES OF THE FIREFIGHTERS' RETIREMENT TRUST FUND FOR A TWO-YEAR TERM; AND PROVIDING AN EFFECTIVE DATE.** Title read by City Manager Kevin Rambosk (9:55 a.m.).

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

MOTION by MacIlvaine to APPROVE RESOLUTION 00-8904 AS SUBMITTED; seconded by Herms and unanimously carried, all members present and voting (Galleberg-yes, Herms-yes, MacIlvaine-yes, Tarrant-yes, Taylor-yes, Wiseman-yes, MacKenzie-yes)

**RESOLUTION 00-8905.....ITEM 19-b(2)
A RESOLUTION APPOINTING ONE MEMBER TO THE BOARD OF TRUSTEES OF THE FIREFIGHTERS' RETIREMENT TRUST FUND FOR A TWO-YEAR TERM;**

AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Kevin Rambosk (9:56 a.m.).

Public Input: None. (9:56 a.m.)

MOTION by MacIlvaine to **APPOINT KEY CHARLES PITTMAN;** seconded by Herms and unanimously carried, all members present and voting (Galleberg-yes, Herms-yes, MacIlvaine-yes, Tarrant-yes, Taylor-yes, Wiseman-yes, MacKenzie-yes)

RESOLUTION 00-8906.....ITEM 19-b(3)
A RESOLUTION APPOINTING ONE MEMBER TO THE BOARD OF TRUSTEES OF THE FIREFIGHTERS' RETIREMENT TRUST FUND FOR A TWO-YEAR TERM; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Kevin Rambosk (9:57 a.m.).

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

MOTION by MacIlvaine to **APPOINT MURRAY HENDEL;** seconded by Herms and unanimously carried, all members present and voting (Galleberg-yes, Herms-yes, MacIlvaine-yes, Tarrant-yes, Taylor-yes, Wiseman-yes, MacKenzie-yes)

RESOLUTION 00-8907.....ITEM 19-c(1)
A RESOLUTION APPOINTING KEY CHARLES PITTMAN TO THE BOARD OF TRUSTEES OF THE POLICE OFFICERS' RETIREMENT TRUST FUND FOR A TWO-YEAR TERM; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Kevin Rambosk (9:57 a.m.).

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

MOTION by Tarrant to **APPROVE RESOLUTION 00-8907 AS SUBMITTED;** seconded by MacIlvaine and unanimously carried, all members present and voting (Galleberg-yes, Herms-yes, MacIlvaine-yes, Tarrant-yes, Taylor-yes, Wiseman-yes, MacKenzie-yes)

RESOLUTION 00-8908.....ITEM 19-c(2)
A RESOLUTION APPOINTING ONE MEMBER TO THE BOARD OF TRUSTEES OF THE POLICE OFFICERS' RETIREMENT TRUST FUND FOR A TWO-YEAR TERM; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Kevin Rambosk (9:58 a.m.). City Clerk Tara Norman confirmed there are no dual office holding prohibitions or term limits on pension boards.

Public Input: None. (9:58 a.m.)

MOTION by MacIlvaine to **APPOINT MURRAY HENDEL;** seconded by Herms and unanimously carried, all members present and voting (Galleberg-yes, Herms-yes, MacIlvaine-yes, Tarrant-yes, Taylor-yes, Wiseman-yes, MacKenzie-yes)

RESOLUTION 00-8909.....ITEM 19-c(3)
A RESOLUTION APPOINTING ONE MEMBER TO THE BOARD OF TRUSTEES OF THE POLICE OFFICERS' RETIREMENT TRUST FUND FOR A TWO-YEAR TERM; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Kevin Rambosk (9:59 a.m.).

Public Input: None. (9:59 a.m.)

MOTION by Herms to **APPOINT MARC GERTNER;** seconded by MacIlvaine and unanimously carried, all members present and voting (Galleberg-yes, Herms-yes, MacIlvaine-yes, Tarrant-yes, Taylor-yes, Wiseman-yes, MacKenzie-yes)

.....ITEM 20
CONSIDER NOMINATING HENRY NEHRLING FOR CONSIDERATION BY THE GREAT FLORIDIANS 2000 COMMITTEE (10:00 a.m.) Mayor MacKenzie noted that his enormous contribution is evident by his work at the Caribbean Gardens.

Public Input: None. (10:02 a.m.)

MOTION by Herms to APPROVE ITEM 20 AS SUBMITTED; seconded by Tarrant and unanimously carried, all members present and voting (Galleberg=yes, Herms=yes, MacIlvaine=yes, Tarrant=yes, Taylor=yes, Wiseman=yes, MacKenzie=yes)

.....ITEM 16
CONSIDER A POLICY FOR ABSENTEE VOTING BY CITY COUNCIL MEMBERS (10:03 a.m.) Referencing her memorandum to Council, a copy of which is contained in the file for this meeting in the City Clerk's office, City Attorney Beverly Grady explained that she had focused her research on the Florida Attorney General opinions, as no applicable case law exists on this issue. She recommended that should Council decide to proceed in establishing a policy for absentee voting, that this policy should be submitted to the Attorney General for an opinion. Ms. Grady added that Council would have to examine policy issues such the circumstances for using an absentee vote, such as for medical reasons, as well as the level of participation, whether it is through telephone or video conferencing. She noted that some State agencies had been required to develop such a policy, but added that the purview of these agencies covers a substantially larger geographical area.

Mayor MacKenzie questioned the need for an absentee voting policy; Council Member Taylor pointed out that there would likely be meetings in which she would like to participate, but would be unable due to the demands of her livelihood. Council Member Galleberg, however, said that this would be a personal choice, and stated that the absent Council Member would not be able to partake in the dynamics of the meeting. Ms. Taylor however said a Council Member could have full participation through the use of telephone conferencing. Council Member Galleberg pointed out the City Charter requires a quorum, not all present, to conduct business, and added that he felt it incumbent for Council Members to be present. It was also noted that no other federal or state legislature allows this procedure. Council Member Taylor said Council could place conditions on absentee voting, and conceded that it should not be used for frivolous reasons. Mayor MacKenzie stated that the public has a right to expect Council to be present for Regular Meetings, but Council Member Taylor stated it would be wise to at least establish a policy for potential future use. Council Member Wiseman stated she believed this practice would be risky even with an Attorney General opinion, noting that a petitioner's attorney could raise this as a challenge, particularly if the absentee vote is the deciding vote. Council Member Tarrant noted how a Collier County Commissioner had recently telephoned his vote due to medical reasons and Council Member MacIlvaine urged using this procedure for medical reasons only, under specific criteria. Mayor MacKenzie again voiced concern for implementing this policy, and pointed out that the City does not currently have video conferencing capability. Vice Mayor Herms stated that this technology would be important should an emergency arise during a Council hiatus; however, Mayor MacKenzie countered that the Code provides for the Mayor to act for Council in this regard. Council briefly described the cost and logistics of using such equipment. Vice Mayor Herms made a motion to draft an ordinance on absentee voting; however, further discussion ensued. City Attorney Grady recommended confining the ordinance to medical reasons only. Council Member Galleberg said such a policy constitutes bad government and added that the subject only arose after recent four/three split votes on important issues; he also noted occasions when certain Council Members could not be present to cast the majority vote.

City Attorney Grady confirmed that the Attorney General could confer an informal opinion expeditiously and Council briefly discussed the circumstances surrounding the Collier County Commissions recent use of absentee voting.

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

MOTION by Herms to DIRECT THE CITY ATTORNEY TO DRAFT AN ORDINANCE PROVIDING FOR ABSENTEE VOTING (VIA TELEPHONE CONFERENCING) BY A COUNCIL MEMBER IN THE EVENT OF MEDICAL REASONS RELATING TO THAT COUNCIL MEMBER; seconded by Taylor.

During the vote on the above motion, Council Member Tarrant urged that the motion contain the word "major" prior to medical reasons. City Attorney Grady said that if the motion maker and seconder agree to this change, she would recommend re-starting the vote.

MOTION by Herms to DIRECT THE CITY ATTORNEY TO DRAFT AN ORDINANCE PROVIDING FOR ABSENTEE VOTING (VIA TELEPHONE CONFERENCING) BY A COUNCIL MEMBER IN THE EVENT OF MAJOR MEDICAL REASONS RELATING TO THAT COUNCIL MEMBER; seconded by Taylor and carried 4-3, all members present and voting (Herms-yes, Galleberg-no, Taylor-yes, MacIlvaine-yes, Wiseman-no, Tarrant-yes, MacKenzie-no)

Recess 10:41 a.m. to 10:50 a.m. It is noted for the record that the same Council Members were present when the meeting reconvened.

.....**ITEM 8**
EXECUTIVE SESSION RELATING TO ALL HAMILTON HARBOR LITIGATION
(10:50 a.m.) City Attorney Beverly Grady stated that this is a request that Council conduct an attorney/client session in order to discuss ongoing litigation relating to Hamilton Harbor. Mayor MacKenzie then provided the case styles for litigation to be discussed (a copy of the public notice for this session is contained in the file for this meeting in the City Clerk's office) and stated that those attending would be Mayor Bonnie R. MacKenzie; Vice Mayor Joseph Herms; Council Members Gary Galleberg, William MacIlvaine, Fred Tarrant, Penny Taylor, and Tamela Wiseman; City Manager Kevin Rambosk; City Attorneys Beverly Grady and Frederick Hardt; Attorney Nancy Stroud, and Pamela Arsenault of AAF Reporting (court reporter). She added that the estimated time is one hour, and that at the conclusion of the attorney/client session; Council would reconvene and announce the termination of the session.

Recess for Executive Session 10:50 a.m. to 11:34 a.m. It is noted for the record that the same Council Members were present when the meeting reconvened.

Mayor MacKenzie announced that the Executive Session is closed and the open session has reconvened. City Attorney Beverly Grady suggested a motion to authorize the attorneys to file for dismissal of the petition in the City of Naples v. Collier County Enterprises, Ltd., et al, 2nd DCA, Case No. 00-2632.

MOTION by Wiseman to AUTHORIZE THE ATTORNEYS TO FILE FOR DISMISSAL OF THE PETITION (CITY OF NAPLES V. COLLIER COUNTY ENTERPRISES, LTD., ET AL, 2ND DCA, CASE NO. 00-2632); seconded by MacKenzie and unanimously carried, all members present and voting (Tarrant-yes, Galleberg-yes, Herms-yes, Wiseman-yes, Taylor-yes, MacIlvaine-yes, MacKenzie-yes)

City Attorney Grady then advised that she and attorneys Nancy Stroud and Fred Hardt require Council's direction on another Hamilton Harbor case with regard to strategy and litigation expenditures and requested that Council set a time for such meeting. She said that the next Regular Council Meeting scheduled for September 6th would be appropriate, but that Council

could meet sooner. Council Member MacIlvaine suggested conducting the meeting at Council's earliest convenience.

MOTION by Herms to CONVENE A PUBLIC MEETING ON 8/28/00 AT 1:00 P.M. (ATTORNEY/CLIENT SESSION) WITH THE PURPOSE OF CONDUCTING AN EXECUTIVE SESSION ON COLLIER ENTERPRISES, LTD., COLLIER DEVELOPMENT CORPORATION, AND HAMILTON HARBOR, INC., V. CITY OF NAPLES, CASE NO. 00-1562-CA-HDH AT THAT TIME; seconded by Taylor and carried 4-3, all members present and voting (Wiseman-no, MacIlvaine-yes, Tarrant-yes, Galleberg-no, Herms-yes, Taylor-yes, MacKenzie-no)

Council Member Galleberg and Mayor MacKenzie said that this Special Meeting is unnecessary.

.....**ITEM 17**
CONSIDER CONDUCTING EVENING CITY COUNCIL MEETINGS AND WORKSHOPS (11:46 a.m.) Council Member Taylor suggested commencing some of its meetings and workshops at 5:30 or 6:00 p.m. on a trial basis. She said she believed this later time might facilitate greater public participation.

Council Member Tarrant said this could be appropriate if Council knew in advance that the meetings would conclude at a reasonable hour. Council Member MacIlvaine however urged consideration for City staff and not ask that they work after business hours. Council Member Galleberg agreed to try the arrangement in order to gain greater community involvement; however, Council Member Tarrant noted that a prior evening meeting pertaining to the potential Pelican Bay annexation issue garnered very little attendance. City Attorney Beverly Grady explained that this issue is contained in the administrative section of the Code and clarified that Regular Meetings are to be held no less than twice per month, and that they shall usually be held the first and third Wednesdays at 9:00 a.m.; the Code also provides City Council with the authority to reschedule meetings. Mayor MacKenzie suggested that Council retain the present schedule so as to not confuse the public and added that not only would staff overtime be costly but the petitioner's attorneys would also charge their clients substantially for their time after business hours. Further, she commented that regularly scheduled Town Hall meetings might be more appropriate. Council Member Wiseman made a motion to not have regular evening meetings and workshops but to be open to Town Hall meetings as the need arises; however, further discussion ensued.

City Manager Kevin Rambosk confirmed that there may be substantial overtime costs incurred if all meetings were conducted at this hour, however he said that he could allow staff flexibility in its leave time and use alternative schedules. Council Member Taylor recommended surveying staff in this regard; City Manager Rambosk agreed. Vice Mayor Herms voiced support for trying evening meetings; however, Council Member MacIlvaine said the resulting irregular administrative leave schedules would make running the departments extremely difficult.

Public Input: None. (12:05 p.m.)

MOTION by Wiseman to HOLD NO REGULAR OR WORKSHOP MEETINGS IN THE EVENINGS BUT PERMIT EVENING TOWN HALL MEETINGS ON PARTICULAR ISSUES AS THE NEED AND INTEREST ARISE; seconded by MacIlvaine and carried 5-2, all members present and voting (Taylor-no, MacIlvaine-yes, Wiseman-yes, Galleberg-yes, Tarrant-yes, Herms-no, MacKenzie-yes)

At this point in the meeting, Mayor MacKenzie requested that the City Manager obtain estimates on telephone conferencing equipment. (See Item 16)

Recess 12:05 p.m. to 1:29 p.m. It is noted for the record that the same Council Members were present when the meeting reconvened. Prior to the discussion of Item 15, Council decided to take Open Public Input.

Roberta Harris, 680 Bollard Place, explained that her daughter Jennifer had sustained serious injury while participating in the girl's softball league. As part of her recovery Jennifer enrolled in the City's tennis program at Cambier Park, and under the care and leadership of Tennis Supervisor Louanne Melone-Fischer, was able to finish second in the Quail Creek Tennis Tournament. Mrs. Harris offered her family's sincere gratitude to the City and the Cambier Park tennis staff for their attention to her daughter.

..... **15-a**
DISCUSSIONS WITH COLLIER COUNTY HISTORICAL SOCIETY REPRESENTATIVES REGARDING WILKINSON HOUSE FUNDRAISING EFFORTS.

(1:35 p.m.) Jackie Frank, President of the Collier County Historical Society (Society), reviewed the information provided to Council on Wilkinson House fundraising and also noted increases in the Society's membership and overall contributions during her tenure. Mrs. Frank noted that the Society has, to date, met the City's semi-annual payment schedule and has received approximately \$99,700.00 in cash, stock and in-kind donations since May 2000. (A copy of the material referenced by Mrs. Frank is contained in the file for this meeting in the City Clerk's Office.) Additionally, Mrs. Frank reported that the Collier County Commission had authorized a matching grant, which would pay the final \$800,000.00 due on the loan.

At this time Council Member Tarrant offered a motion; however, further Council discussion ensued. Council Members Galleberg and Taylor questioned why the Society had not provided financial statements as Council requested and Mr. Galleberg commented that in-kind donations, such as furnishings, could not be used to pay debt. Miss Taylor then noted a decline in proceeds from Wilkinson House Christmas Galas; Mrs. Frank noted that these particular events were to honor patron members and not solely intended for fundraising. She added, however, that future galas would be organized and advertised differently. Council Member Galleberg said that, based on the 1999 and 2000 donations, the Society could not pay the interest on the outstanding debt, let alone the loan balance, within the next three years. He also noted the Society's promise in 1998 to repay the entire debt in two years. Council Member Taylor took issue with the lack of information on projected fundraising; however, Mrs. Frank noted the outline provided to Council pertaining to a sponsorship program for the home's various rooms; sponsorship of all rooms would provide the funds needed to satisfy the loan. Further, Mrs. Frank indicated that future donations are unpredictable but assured Council that the monies for the next scheduled payment had been raised. Additionally, she noted the Society's periodic additional payments towards the principal and questioned Council's concern about the extension, which she added, had already been approved. Council Member MacIlvaine, however, pointed out that the payments to date fall well short of that required to retire the loan within three years.

Mrs. Frank described current efforts to obtain other grants for this cause; however, Council Member Taylor said she had received information indicating that the Society had, instead, been lax in pursuing available grants. Miss Taylor also expressed concern that the Society may not be financially able to manage this loan. Mrs. Frank requested a copy of the documentation referenced by Miss Taylor and also noted that the Society had since employed a professional grant writer. She also outlined the other administrative personnel/services required in the museum's operation and described the Wilkinson House as belonging to all City and Collier County citizens.

Further Council discussion focused on the aforementioned \$800,000.00 grant and Mrs. Frank explained that the Tourist Development Council had originally recommended that it be paid in three installments; the Collier County Commission, however, had approved it as a matching grant paid only after the Society raised the remaining debt (less \$800,000.00). Although Mrs. Frank noted that this restriction was also placed on TDC grants to other organizations, Miss Taylor said it reflected the County's lack of confidence in the Society's ability to raise funds. Council Member Tarrant again offered to make a motion on this issue; however, there was discussion as to how commercial lending institutions would approach such a loan. Council Member MacIlvaine said in this situation, cash flow and intent to repay is more significant than collateral value. Additionally, the prior years' cash flow would determine projected cash flow with the exception of the \$200,000.00 contributed by the neighbor who had a special interest in maintaining a view of the Gulf. Council Member Galleberg observed that the room sponsorships should likewise be excluded from cash flow computations, as they are one-time events. He also noted that the City could not sell the property (the collateral) at a profit, as a bank would, because of the separate option agreement (third party agreement) between the Society and William Blomquist, which was later assigned to Pamela Sibcy (third party).

Mayor MacKenzie noted that, unlike the third party agreement, there is no provision in the City's deed to this property restricting its use to a museum; she asked whether the City could accept a better offer from another purchaser should the Society default. Prior to further discussion, however, City Attorney Grady suggested that the title to Item 15-b be read into the record.

RESOLUTION (Continued) ITEM 15-b
A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN
AMENDMENT, IN SUBSTANTIALLY THE FORM ATTACHED HERETO, WITH
CHANGES APPROVED BY THE CITY MANAGER AND CITY ATTORNEY,
BETWEEN THE COLLIER COUNTY HISTORICAL SOCIETY INC., AND THE CITY
OF NAPLES, FOR THE PURPOSE OF EXTENDING THE TERM OF THE LICENSE
FOR ACCESS AND USE OF THE WILKINSON HOUSE PROPERTY FOR AN
ADDITIONAL THREE YEARS. Title read by City Manager Kevin Rambosk. (2:00 p.m.)
(See related discussion above.)

Referring to the Mayor's earlier comments, City Attorney Beverly Grady explained that while the City's deed contains no such restrictions, the License for Access and Use Agreement (license agreement) with the Society gives the Society an option to purchase the property within three years; this would preclude the City from selling to another entity during that time. City Attorney Grady further noted provisions within the license agreement defining default. Council Member Galleberg surmised that the third party would certainly exercise the option to purchase (pay off the remainder of the loan) should the Society default in order to take advantage of the property's appreciated value. Mayor MacKenzie also commented that the taxpayers would be protected in either case since the bonds would be repaid. Vice Mayor Herms referred again to the third party agreement's requirement that the property be maintained as a museum and City Attorney Grady explained that this restriction, and others contained in the third party agreement, would become covenants running with the land should the Society exercise its purchase option and receive title to the property. It was noted, however, that the Society and the third party could agree to remove this provision from the third party agreement without the City's concurrence since the City is not a party to this agreement. Mrs. Frank said she likewise understood that the third party agreement requires the property to be maintained as a museum if the option is exercised; however, Council Member MacIlvaine said he would prefer more assurances to that effect.

Attorney Stanley McDonald, on behalf of the Society, questioned Council's objective in making it difficult for the Society to repay this debt. He also took issue with suppositions that the third party agreement could be used for profit and pointed out that the City could likewise profit by hindering the Society from satisfying the loan. Attorney McDonald then reminded Council that the City can control the future use of this property through zoning and added that a public museum has no market value. Attorney McDonald praised Mrs. Frank's work for the Society and noted that to date three-quarters of a million dollars had been raised for the Wilkinson House. Further, he stated that the Society has the opportunity to obtain grant monies to largely satisfy the remaining debt and urged Council not to encumber this process.

Council Member Galleberg, however, countered that Council's concern rests with the Society's ability to repay the loan; he also noted that extending the term of the bond issue for the Society's sake might delay or jeopardize other needed City projects, such as park improvements. Council Member Taylor relayed comments she said she had heard to the effect that community support had declined since Council approved the bond issue in 1998, primarily because of the third party agreement and the Society's current leadership. She added that the information then provided by the Society only confirms that a crisis indeed exists in Wilkinson House fundraising. In response to Council, Assistant City Manager Bill Harrison confirmed that, as of this date, the Society had not defaulted on the loan. City Attorney Grady explained that, pursuant to the license agreement, the Society could, at any time during the three-year period, issue a notice of exercising its option to purchase. Closing must take place within 30 days at which time the City is repaid, the Society receives a deed to the property, and the license agreement is terminated. City Attorney Grady further explained that, in the event of default, and pursuant to the third party agreement, the Society would first notify the third party of the forthcoming default, issue a notice of intent to purchase to the City, close within the required 30 days with funds provided by the third party, and simultaneously deed the property to the third party. Council Member Taylor then noted provisions within the Large Scale Comprehensive Plan Amendment (Ordinance 99-8682) requiring the property to be rezoned back to Low Density Residential if it is no longer used as a historical museum. Planner Ron Lee clarified that subsequent to purchasing the property, the City amended the Comprehensive Plan (Future Land Use Map) with the provision noted by Miss Taylor, rezoned the site to "PS" Public Service, and granted a conditional use (Resolution 98-8424) for a cultural facility/museum. Mr. Lee further noted a provision within Resolution 98-8424 whereby the conditional use approval is null and void if the Society transfers ownership to any other party.

In response to Vice Mayor Herms, Mr. Harrison confirmed that if the loan repayment were calculated strictly on the 15-year amortization schedule, the Society is actually ahead on principal payments. Mr. Herms noted that at this rate the Society could potentially pay off the loan in seven or eight years; however, Council Member MacIlvaine countered that the Society's goal should be to pay the loan within the required three years. Mr. Herms reminded Council that when this loan was approved in 1998, the accelerated three-year pay-off date was included to facilitate the required majority vote and save the house. Council Member MacIlvaine, however, said the three-year balloon was intended to free the City's borrowing capacity for future projects. In this regard, Mr. Harrison noted the City's policy whereby no more than 45% of the proceeds of the City Utility Tax shall be used for debt service. This bond issue, he added, put the City close to this 45% rule. Vice Mayor Herms, however, noted that other revenue sources, not bound by the 45% limit, could be bonded instead. In further discussion, City Attorney Grady also distinguished a "right of first refusal" from an "option".

Council Member Wiseman then questioned who would enforce the requirement in the third party agreement that the property remain a museum and whether this condition could indeed survive conveyance of the property to a third party. City Attorney Grady however, explained (e.g.) that this agreement's restrictions would be recorded when the City conveys title to the Society. The Society would then be responsible for recording the restrictions before deeding the property to a third party, provided the third party agreement remains unchanged. Council then discussed advantages/disadvantages to placing such deed restrictions on the property at this time; however, Mayor MacKenzie cautioned that this might eliminate the third party's motivation to purchase the home to prevent redevelopment of the site. Noting the City Attorney's memorandum on this issue, Mr. Herms suggested that the City grant the three-year extension without the third party's concurrence. (A copy of this material is contained in the file for this meeting in the City Clerk's Office.) City Attorney Grady clarified that Council conditioned its 5/17/00 authorization to extend the loan for three years upon the written concurrence of the third party. She reported, however, that in return for this concurrence, the third party requested additional language in the amendment to the license agreement that would place obligations on the City and grant rights to the third party that do not already exist. As such, the proposed amendment to the license agreement excludes any reference to this third party agreement.

At this time, Mrs. Frank addressed Council Member Galleberg's prior concerns regarding the legal ability of the Society to own property and noted that the By-Laws had been amended in this regard. She also reminded Council that if not for the Blomquists, the house would have been demolished. Mayor MacKenzie, however, recalled that plans were in place at that time to relocate the structure to City property until a suitable, permanent site could be found. Council Member Galleberg further noted however that it was after the 1998 Council approval that the Society revised its By-Laws.

At this time, City Attorney Grady relayed that the City Manager had just received a Supplement to Agreement Regarding Use of Historical Property dated June 12, 2000 wherein the third party had indeed agreed to the three-year extension to the license agreement (Attachment 1). Attorney MacDonald confirmed the authenticity of the document as to signatures; however, City Attorney Grady said the supplemental document had not been provided to her until that time. Vice Mayor Herms suggested options whereby: 1) the City extends the agreement for one year to allow the Society to pay down the loan and perhaps secure private financing; and 2) extend the loan for three years and assist with fundraising efforts with a goal of paying off the loan utilizing the TDC grant. Council Member Taylor said she however favored tabling the issue in order to obtain more information about the TDC grant; she also indicated that another citizen group might want to assume this fundraising project. Council Member Tarrant expressed gratitude to Mrs. Frank, Attorney MacDonald, the Society's Board of Directors, and the Blomquists for their efforts in saving the Wilkinson House and also commended Council Members Taylor and Galleberg for their concern for City taxpayers.

MOTION by Tarrant to EXTEND THE AGREEMENT FOR THREE-YEARS (FROM ORIGINAL DUE DATE) PROVIDED COUNCIL MAKES FINAL DECISIONS ON HOW FUTURE FUNDRAISING EFFORTS ARE CONDUCTED; SAID DECISIONS TO BE MADE WITH THE ASSISTANCE OF A CITY STAFF MEMBER (POSSIBLY THE ASSISTANT CITY MANAGER), A QUALIFIED COUNCIL MEMBER, AND ONE OR TWO CITIZENS WHO ARE NOT CURRENTLY SEATED ON THE HISTORICAL SOCIETY BOARD; seconded by Herms. After the discussion that appears below, this motion and second were withdrawn.

Council discussion then focused on Council's 5/17/00 motion to extend the license agreement conditioned upon the third party's written concurrence that such an extension did not constitute default. City Attorney Grady indicated that this condition of this motion had not been met and, as such, the license agreement had not been extended. Should Council again decide to extend the agreement, the proposed amendment to the license agreement does not reference the condition for third party consent. Council Member Wiseman, however, questioned whether the June 12th supplemental agreement just provided actually satisfied the condition of Council's 5/17/00 motion, but City Attorney Grady explained that this supplemental agreement would in essence preclude the third party from raising the issue of default. She again indicated the 5/17/00 motion was not successful. Council Member Wiseman recollected, however, that the motion only required written concurrence from the third party that the extension did not constitute a default. Referring to his prior motion, Council Member Tarrant recommended that Council Member MacIlvaine assist in the future fundraising ventures because of his banking experience. Mr. MacIlvaine stated that if it were not for the TDC matching grant, he would recommend that the City adhere to the original three-year schedule. Instead, he suggested continuing the issue in order to obtain information from the County as to how the TDC grant will be paid and to ascertain whether the Society can develop a business plan to ensure repayment if the loan is extended. He further described this continuance as a call to the community for support in preserving this house. In order to allow Mr. MacIlvaine to make a motion to this effect, Council Member Tarrant and Vice Mayor Herms withdrew their prior motion and second. There was also discussion as to how the Collier County Commission framed its approval of the TDC funding to the Society.

Public Input: (3:19 p.m.) **Sandy Moffett, 165 Manor Boulevard**, declined to speak.

MOTION by MacIlvaine to CONTINUE ITEM 15 TO THE OCTOBER 18, 2000 REGULAR MEETING IN ORDER TO DETERMINE WHETHER THE \$800,000.00 OF TDC FUNDING ALLOCATED TO THIS PROJECT IS AVAILABLE PRIOR TO THE EXTENDED THREE-YEAR DUE DATE AND TO ALLOW THE COLLIER COUNTY HISTORICAL SOCIETY TO DEVELOP A WRITTEN BUSINESS PLAN TO SPECIFICALLY FORECAST AND REPORT THE FUNDRAISING EFFORTS AND THE FUNDRAISING REQUIRED TO ENSURE TIMELY REPAYMENT; *seconded by Taylor and carried 7-0. (Taylor-yes, Wiseman-yes, Galleberg-yes, Herms-yes, MacIlvaine-yes, Tarrant-yes, MacKenzie-yes)* Prior to the vote, City Attorney Grady confirmed that the original agreement remains in force and was not extended for three years by Council's 5/17/00 action since the condition requiring the third party concurrence was not met. Council Member MacIlvaine again described this motion as one the last opportunities to save the Wilkinson House.

Vice Mayor Herms then offered a motion to allow the Society's fundraising program on the Wilkinson House to be broadcast on Channel 54. Council Member Taylor, however, cautioned against the City taking on the role of fundraiser and other Council Members asked that they first be allowed to preview the program.

CORRESPONDENCE and COMMUNICATIONS (3:21 p.m.).....

Natural Resources Manager Jon Staiger relayed an alert issued by the Legal Environmental Assistance Foundation (LEAF) on the Environmental Protection Agency's (EPA) plans to relax their regulations pertaining to underground injection wells in the State of Florida. To accommodate counties where deep injection wells are not functioning properly, the EPA is considering alternative remedies less restrictive than the present mandate to cease injection into

the well; these alternatives include requiring advanced wastewater treatment and a detailed study of the hydrography of the area. It is the position of LEAF and other environmental organizations, Dr. Staiger explained, to keep current regulations in force and he requested Council's support in urging the EPA not to modify or weaken its regulations. In this regard, Council Member Taylor cited a *Baltimore Sun* article wherein Florida was listed as third in the nation in the injection of toxic substances into the ground.

MOTION by Herms THAT THE MAYOR AND STAFF DRAFT A LETTER URGING THE EPA TO STRENGTHEN, RATHER THAN WEAKEN, EXISTING LAWS PERTAINING TO INJECTION WELLS;
seconded by Tarrant and unanimously carried, all members present and voting. (Galleberg-yes, Herms-yes, MacIlvaine-yes, Tarrant-yes, Taylor-yes, Wiseman-yes, MacKenzie-yes)

Council Member Tarrant relayed a citizen's concerns as to whether the City and commercial establishments within the City are following proper protocol in displaying the American Flag, specifically, as it relates to flying the flag after dark. City Manager Kevin Rambosk indicated that the flags flown at City parks and other City-owned properties are indeed illuminated at night but said he would investigate whether the lighting is operating properly. Mayor MacKenzie also noted existing Code provisions relating to commercial businesses flying the American Flag. Council Member Tarrant then suggested that this protocol be reviewed on an upcoming broadcast of the Naples Report.

Council Member Wiseman also relayed concerns from a citizen regarding City Dock procedures pertaining to the transfer of slips and specific problems arising from ownership of multiple slips by an individual who may have obtained the slips using the names of different entities. She requested future workshop discussions in this regard and City Manager Rambosk noted that staff is currently reviewing these procedures and possible revisions would be presented to Council.

Council Member Taylor suggested workshop discussions on possible legislation to address the problem of stormwater run-off; specifically, as a result of new residential construction built at a higher elevation than adjacent older residences. City Manager Rambosk explained that staff is presently researching this issue and would present options to Council in the future. Council Member Taylor also commented on new computer software recommended by the League of Cities; however, City Manager Rambosk noted recent improvements to the City's computer software in this regard. Miss Taylor then noted an upcoming application regarding an underground gas line and said this may provide an opportunity for Council to address the problem of abandoned underground propane tanks in the City.

Council Member Galleberg noted occasions when empty containers for Neapolitan Springs water had not been accepted for recycling. City Manager Rambosk confirmed that these containers are indeed recyclable and said he would inquire as to why they were not accepted.

Mayor MacKenzie then requested direction regarding the moderator for the Naples Report. Vice Mayor Herms relayed his discussions with commentator Peter Thomas who, he said, expressed an interest in volunteering to host the show. Council Member Tarrant stated that he would strongly favor replacing the current host, Carl Loveday, with Mr. Thomas while Council Member Taylor suggested that the Mayor and Council Members could also alternately serve as hosts. Miss Taylor also questioned whether the Naples Report could be produced within the Council Chambers; however, City Manager Rambosk explained that present sound and lighting capabilities are inadequate for this purpose. City Manager Rambosk noted upcoming

improvements intended to facilitate video productions in the Chambers. Council Member Galleberg and Mayor MacKenzie noted the other duties involved in producing the Naples Report, currently carried out by Mr. Loveday. Council Member Wiseman expressed her confidence in Mr. Loveday's capabilities as host; however, Council Member Taylor said she would prefer Mr. Thomas. Council Member Galleberg echoed Mrs. Wiseman's confidence in Mr. Loveday and Mr. MacIlvaine and Mayor MacKenzie likewise said they would prefer to retain Mr. Loveday as host. Further, Mr. MacIlvaine suggested future involvement of both Messrs. Loveday and Thomas in City broadcasts. As such, the majority of Council determined that Carl Loveday would remain the host of the Naples Report.

MOTION by Herms TO ADD ONE-HALF HOUR TO THE NAPLES REPORT UTILIZING PETER THOMAS AS HOST; seconded by Tarrant.

After the discussion that appears below, this motion carried 4-3. (Wiseman-no, Herms-yes, MacIlvaine-yes, Taylor-yes, Tarrant-yes, Galleberg-no, MacKenzie-no) Mayor MacKenzie questioned whether the television station would underwrite additional programming at this time and further noted the amount of time and effort involved in bringing the Naples Report to fruition. As such, she suggested that Mr. Herms assume the responsibility for the added broadcast. Council Member Wiseman said it may be impossible for the Council to unilaterally decide to add programming and noted the lack of any information as to costs. Mr. Herms, however, responded that other television stations may be available for this purpose and said he would pursue the matter.

Council discussion then focused on topics for upcoming Naples Reports. Vice Mayor Herms suggested a broadcast pertaining to the upcoming Charter amendment referendum (conservation zoned lands); however, Mayor MacKenzie noted that the Naples Report had historically avoided issues coming before voters; Council Members Galleberg and Wiseman likewise agreed that this program should be used for public service/information purposes only. Council Member Taylor; however, suggested that the Naples Report address the Charter amendment referendum through a debate and expressed confidence in Mr. Loveday's ability to moderate such a discussion. Council Member Tarrant stated that although he previously opposed use of taxpayers' funds for this purpose, he would support a debate on the referendum utilizing Mr. Loveday. In later discussion, Council agreed that this topic would be aired on the Naples Report in October. Council also discussed a Naples Report topic pertaining to the Wilkinson House.

MOTION by Herms THAT THE WILKINSON HOUSE BE THE TOPIC FOR THE NAPLES REPORT FOR THE REMAINDER OF AUGUST THROUGH SEPTEMBER, 2000; seconded by Tarrant and carried 6-1
(Wiseman-yes, MacIlvaine-yes, Tarrant-yes, Galleberg-yes, Herms-yes, Taylor-yes, MacKenzie-no)

Council Member Tarrant suggested a topic pertaining to City water operations and possibly the aquifer storage and recovery system controversy. Mayor MacKenzie, however, noted a recent Naples Report broadcast on the City's water operations (November 1999). Council Member Tarrant then suggested a future topic pertaining to the City Dock and the duties of the Dockmaster. Vice Mayor Herms also noted that additional topics will be needed if he is successful in obtaining the additional one-half hour of programming.

Responding to earlier inquiries by Council, City Manager Rambosk explained that the City has adopted Collier County's ordinance prohibiting the inhumane treatment of animals. He also commented on efforts to correct sound problems during Council meeting rebroadcasts and noted

that the area surrounding the former Chamber of Commerce building (Naples Preserve) had been trimmed and mowed.

OPEN PUBLIC INPUT

(4:10 p.m.) None.

ADJOURN

4:10 p.m.

Bonnie R. MacKenzie, Mayor

Tara A. Norman, City Clerk

Prepared by:

Jessica R. Rosenberg, Recording Specialist

Virginia A. Neet, Deputy City Clerk

Minutes approved: 9/6/00

JUN.12.2000 10:57AM

BUCKINGHAM DOOLITTLE NAPLES

NO.313 P.2/3

**SUPPLEMENT TO AGREEMENT REGARDING
USE OF HISTORICAL PROPERTY**

This Supplement to Agreement Regarding Use of Historical Property is entered into on this 12 day of June 2000 by and between the Collier County Historical Society, Inc., a Florida not-for-profit corporation ("Society"), and Pamela Sibcy ("Sibcy").

WITNESSETH

WHEREAS, on or about August 19, 1998, the City of Naples ("City") and Society entered into a License for Access and Use of Property ("License Agreement"), a copy of which is attached hereto as Exhibit "A".

WHEREAS, on or about August 31, 1998, Society and C. William Blomquist and Diane K. Blomquist (collectively "Blomquist") entered into an Agreement Regarding Use of Historical Property ("Use Agreement"), a copy of which is attached hereto as Exhibit "B".

WHEREAS, on or about May 28, 1999, Blomquist, joined by Blomquist-Florida Investments, L.L.C., a Florida limited liability company, assigned all of Blomquist's right, title, and interest in and to the Use Agreement to Sibcy pursuant to the terms of an Assignment of Agreement Regarding Use of Historical Property, a copy of which is attached hereto as Exhibit

"C".

WHEREAS, City and Society have agreed to extend the term of the License Agreement for an additional three (3) year period.

WHEREAS, Sibcy desires to consent to the extension of the License Agreement between City and the Society for such additional three (3) year period.

8/16/00 City Council Regular Meeting
Attachment 1, Page 2 of 2.

NOW, THEREFORE, for and in consideration of the mutual premises and other good and valuable consideration, the receipt whereof is hereby acknowledged, the parties hereto do hereby agree as follows:

1. That the above-recitals are true and correct in all respects.
2. That Sibcy hereby acknowledges and consents to the extension of the License Agreement by and between City and Society for an additional three (3) year term.
3. That Sibcy and Society agree that, to the extent that the Use Agreement refers to the License Agreement, such reference shall also be deemed to include a reference to the Amendment to the License Agreement extending the term thereof for an additional three (3) year term.
4. That all other terms and provisions set forth in the Use Agreement, as assigned to Sibcy, shall remain in full force and effect.

The parties have set their hands and seals hereto on the day and year first above-written.

**COLLIER COUNTY HISTORICAL SOCIETY,
INC.**, a Florida not-for-profit corporation

By: Jackie Frank

Jackie Frank, President

Pamela D. Sibcy
Pamela Sibcy

NAP2313_13