



City Council Chamber
735 Eighth Street South
Naples, Florida 34102

City Council Regular Meeting – October 4, 2000 - 9:00 a.m.

Mayor MacKenzie called the meeting to order and presided.

ROLL CALLITEM 1

Present: Bonnie R. MacKenzie, Mayor
Joseph Herms, Vice Mayor

Council Members:
Gary Galleberg (arrived 9:18 a.m.)
William MacIlvaine
Fred Tarrant
Penny Taylor
Tamela Wiseman

Also Present:

Kevin Rambosk, City Manager
Robert Pritt, City Attorney
Ron Lee, Planning Director
William Harrison, Asst. City Manager
Dan Mercer, Public Works Director
Jon Staiger, Natural Resources Manager
Don Wirth, Community Services Director
George Archibald, Traffic Engineer
David Lykins, Recreation Manager
Susan Golden, Planner
Cory Ewing, Planner
Jessica Rosenberg, Recording Specialist
Kelly Espinoza, Admin. Specialist
Pastor Paul Jarrett
Pat Distasio
Charles Kessler

Nancy Stroud
Ron Pennington
Dennis Cronin
Robin Doyle
Richard Yovanovich
Leo Salvatori
George Varnadoe
Chip Merriam
Leslie Norins
Rocky Scofield
Kate Corkell
Mark Gillis
Other interested citizens and visitors
Media:
Denise Zoldan, Naples Daily News

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

Pastor Paul Jarrett, Naples Church of Christ

ANNOUNCEMENTSITEM 3

None.

Mayor MacKenzie noted that there were registered speakers to address Item 6 (Champney Bay Rezone and development of significant environmental impact (DSEI)); however, the petitioner had requested continuance.

SET AGENDA (ADD OR REMOVE ITEMS)ITEM 4

Item 8-b(9b) Consider two additional dates (11/4/00 and 12/2/00) for the Naples Art Association – Art in the Park series.

Item 25 Amendment to allow eight performers for Oktoberfest at Hofgarten Brauhaus October 20-29, 2000.

Item 26 Consider requesting Board of County Commissioners to reenact the Unincorporated MSTU.

Item 27 Confirm retention of a geologist relative to Administrative Hearing petition on proposed Collier County aquifer storage and recovery (ASR) well.

Item 28 Discussion of requirement for waterfront commercial boat slips (requested by Council Member Taylor).

Item 29 Request authorization to retain an attorney in regard to a case involving the Collier County Sheriff's Office.

Vice Mayor Herms made a motion, seconded by Council Member Taylor, to set the agenda with the added items, plus continuation of Item 6; however, further discussion ensued. Mayor MacKenzie asked whether the registered speakers wished to address Item 6 at that time or to defer comments until the October 18th Regular Meeting; registered speakers Elaine Page and Walter Keller both declined to speak.

Dennis Cronin, attorney representing various property owners in the vicinity of the subject property, stated that he had been unaware of the request for continuance, and that he would be unavailable October 18th but would on November 1st. He stated that a threshold issue relating to access to the property should be resolved between the property owners and the petitioner before the matter proceeds. City Attorney Bob Pritt clarified that the petitioner requested withdrawal of the Planned Development (PD) and DSEI applications for Parcel 1 and the combined application for Parcels 1 and 3, and to continue the PD and DSEI applications for Parcels 3, 4.1, and 6 until October 18th. Planning Director Ron Lee further clarified that there are now only six of the original 10 applications remaining. Vice Mayor Herms modified his motion to set a date certain of November 1st for the continuance. City Attorney Pritt however, explained that Council should not consider continuing Item 6 until its set time of 9:30 a.m. Vice Mayor Herms again modified his motion to set the agenda with all the proposed additions, except continuing Item 6. Mayor

MacKenzie stated that she could not support adding all items proposed in one motion, and therefore requested a roll call.

It is noted for the record that Council Member Galleberg arrived at 9:18 a.m.

Public Input: None. (9:18 a.m.)

MOTION by Herms to SET THE AGENDA ADDING ITEMS 8-b(9-b), 25, 26, 27, 28, AND 29; seconded by Taylor and carried 5-2, all members present and voting (Tarrant-yes, Galleberg-yes, Herms-yes, Wiseman-no, Taylor-yes, MacIlvaine-yes, MacKenzie-no.)

ORDINANCE 00-8955.....ITEM 5

AN ORDINANCE AMENDING SECTION 78-170 AND SUBSECTION 78-171 (d) (1) OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES; AND ADDING SUBSECTION 78-171 (f) TO THE CODE OF ORDINANCES OF THE CITY OF NAPLES IN ORDER TO CREATE A TEMPORARY UNRESTRICTED CHARTER BOAT DESIGNATION; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE. Title read by City Manager Kevin Rambosk. (9:19 a.m.) Mayor MacKenzie noted two registered speakers. City Manager Rambosk stated that staff had incorporated all Council's previous concerns, and noted that a temporary status would not permit charter operation from any facility other than a commercial slip.

Public Input: (9:21 a.m.) **Robin Doyle, 4501 North Tamiami Trail #300**, attorney for the charter boat captains formerly berthed at Turner Marine, stated that changes accurately address all previous concerns and expressed appreciation to staff and Council for its actions to preserve the waterfront. **Ed Ruff, 899 10th Street South**, stated that the Naples Boat Club (former Turner Marine) has striven to assist charter boat operators during redevelopment but explained that the charter boat parking was relocated due to a collapsed seawall. He affirmed that docking rates are competitive.

Council Member Galleberg made a motion to approve; however, further discussion ensued. Council Member Wiseman recommended adding a definition for permanently displaced, (meaning without the ability to return), in order to enhance readability.

Public Input: None. (9:29 a.m.)

MOTION by Galleberg to ADOPT ORDINANCE 00-8955 PROVIDING A DEFINITION FOR PERMANENTLY DISPLACED; 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).

At this point, Vice Mayor Herms made a motion to continue Item 6 until November 1st at 9:30 a.m. City Manager Kevin Rambosk however stated that the petitioner's attorney had requested to address Council prior to a decision on the continuance. Mr. Herms therefore withdrew his motion.

APPROVAL OF MINUTES (9:30 a.m.)ITEM 8-a

Mayor MacKenzie requested an amendment to Page 3 of the 9/19/00 Special Meeting minutes in order to specify, "Mayor MacKenzie said she had reservations about the budget as presented."

(WITHDRAWN).....ITEM 8-b(2)
MONSTER DASH (FLEISCHMANN BLVD.) – 10/28/00 (9:31 a.m.) Recreation Manager David Lykins explained that there had been difficulty in arranging sponsorship; therefore, both the City and the organizers believed it best to withdraw the event for this year.

At this point, Council Member Wiseman noted that Council had received minutes for the 9/6/00 Regular Meeting, but that City Clerk Tara Norman had recommended deferring approval until October 18th.

ST PATRICK'S DAY PARADE – 3/17/01 (9:33 a.m.).....ITEM 8-b(6)
Recreation Manager David Lykins stated that there would be a \$25 entry fee. Council Member Galleberg requested a breakdown of the commercial entries, and Council Member MacIlvaine underscored the prohibition against open alcoholic beverage containers. Mr. Galleberg voiced concerns relative to the parade; however, Mayor MacKenzie suggested that Council address various details with the organizers at a future workshop. (See motion on Page 5)

CONSENT AGENDA

APPROVAL OF MINUTESITEM 8-a
September 19, 2000 Special Meeting minutes as amended. (See Page 3).

APPROVE THE FOLLOWING SPECIAL EVENTS:ITEM 8-b(1)
1) Naples High School Homecoming Parade (Fifth Avenue South) – 10/20/00.

.....ITEM 8-b(3)
BARRON COLLIER HIGH SCHOOL BAND CHRISTMAS CONCERT (CAMBIER PARK BANDSHELL) – 12/8/00 (Alt. Date: 12/15/00)

.....ITEM 8-b(4)
EXPRESSO JAZZ ENSEMBLE CONCERT (CAMBIER PARK BANDSHELL) – 12/10/00.

.....ITEM 8-b(5)
NAPLES COMMUNITY SAILING CENTER SPRING REGATTA (LOWDERMILK PARK) 3/10 – 3/11/01.

.....ITEM 8-b(7)
NAPLES ARTCRAFTERS (FLEISCHMANN PARK) – 10/21/00 AND 2/17/01.

.....ITEM 8-b(8)
NAPLES ARTCRAFTERS (CAMBIER PARK) – 1/27/01, 3/17/01, AND 4/14/01.

.....ITEM 8-b(9)
NAPLES ART ASSOCIATION – ART IN THE PARK (VONLIEBIG ART CENTER & PARK STREET) – 1/6/01, 2/3/01, 3/3/01, 4/7/01.

.....ITEM 8-b(10)
NAPLES ART ASSOCIATION NATIONAL ART SHOW (CAMBIER PARK) – 2/23 - 25/01.

.....ITEM 8-b(11)
FIFTH AVENUE SOUTH ASSN. EVENINGS ON FIFTH 1/11, 2/8, 3/8, 4/12, 5/10, 10/11, 11/8/01.

.....ITEM 8-b(12)
NAPLES DOWNTOWN ART FESTIVAL – 3/24-25/01.

.....ITEM 8-b(13)
MOTHER'S DAY WEEKEND ON FIFTH – 5/10 – 5/12/01.

.....ITEM 8-b(14)
OKTOBERFEST & ART SHOW (FIFTH AVENUE SOUTH) – 10/19 – 21/01.

.....ITEM 8-b(17)
OLD NAPLES TUBACHRISTMAS (FIFTH AVENUE SOUTH) – 12/04/01.

.....ITEM 8-b(18)
MAIN STREET CHRISTMAS WALK & AVENUE OF LIGHTS – 12/6/01.

MOTION by Herms to APPROVE CONSENT AGENDA ITEMS 8-a (AS AMENDED); 8-b (1,3,4,5,7,8,9,10,11,12,13,14,17, and 18); AND REMOVING ITEMS 8-b(6,15,16, and 19) FOR SEPARATE DISCUSSION; 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).

END CONSENT AGENDA

..... ITEM 8-b(9b)

CONSIDER TWO ADDITIONAL DATES (11/4/00 AND 12/2/00) FOR THE NAPLES ART ASSOCIATION – ART IN THE PARK SERIES. (9:41 a.m.) Council Member Taylor stated that although Park Street would be partially closed, the alley north of the Naples Art Association would remain open; therefore, she requested approval of the two additional dates. City Manager Kevin Rambosk clarified that Park Street would be closed 10 a.m. to 4 p.m. Naples Art Association President Jeanette Kessler explained that the Art Association would use Park Street from just south of the alley to the end of the Naples Women's Club parking lot, which totals merely half a block and that vehicles could access Park from Eighth or Fifth.

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

MOTION by Taylor to APPROVE THE TWO ADDITIONAL DATES OF 11/4/00 AND 12/2/00 FOR THE NAPLES ART ASSOCIATION – ART IN THE PARK SERIES; 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 8-b(6) continued from Page 4)

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

MOTION by Herms to APPROVE WITH A WORKSHOP SCHEDULED IN THE NEXT MONTH TO CLARIFY PARADE ISSUES; 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).

ORDINANCE.....ITEM 6-a

AN ORDINANCE GRANTING REZONE PETITION 00-R7 TO REZONE FROM C, CONSERVATION TO PD, PLANNED DEVELOPMENT TO ALLOW FOR THE CONSTRUCTION OF A SINGLE FAMILY RESIDENCE ON A 1.38 ACRE PROPERTY IDENTIFIED AS PARCEL 1, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE. (Title not read.)

ORDINANCE.....ITEM 6-c

AN ORDINANCE GRANTING REZONE PETITION 00-R8 IN ORDER TO REZONE FROM C, CONSERVATION TO PD, PLANNED DEVELOPMENT, TO ALLOW FOR THE CONSTRUCTION OF A SINGLE FAMILY RESIDENCE ON A 2.33 ACRE PROPERTY IDENTIFIED AS PARCEL 3, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE. (Title not read.)

ORDINANCE.....ITEM 6-e
AN ORDINANCE GRANTING REZONE PETITION 00-R9 IN ORDER TO REZONE FROM C, CONSERVATION TO PD, PLANNED DEVELOPMENT TO ALLOW FOR THE CONSTRUCTION OF A SINGLE FAMILY RESIDENCE ON A .78 ACRE PROPERTY IDENTIFIED AS PARCEL 4.1, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE. (Title not read.)

ORDINANCE.....ITEM 6-g
AN ORDINANCE GRANTING REZONE PETITION 00-R10 IN ORDER TO REZONE FROM C, CONSERVATION TO PD, PLANNED DEVELOPMENT TO ALLOW FOR THE CONSTRUCTION OF A SINGLE FAMILY RESIDENCE ON A 3.91 ACRE PROPERTY IDENTIFIED AS PARCEL 6, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE. (Title not read.)

ORDINANCE..... ITEM 6-i
AN ORDINANCE GRANTING REZONE PETITION 00-511 IN ORDER TO PERMIT REZONING FROM C, CONSERVATION TO PD, PLANNED DEVELOPMENT TO ALLOW FOR THE CONSTRUCTION OF A SINGLE FAMILY RESIDENCE ON 3/71 ACRES IDENTIFIED AS A COMBINATION OF PARCELS 1 AND 3, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE. (Title not read.)

It is noted for the record that the corresponding resolutions would be considered at Second Reading.

Petitioner's attorney Richard Yovanovich (Goodlette, Coleman, & Johnson) requested that Council continue this item until October 18th because further delay would require Second Reading to occur after the November conservation charter amendment ballot issue, the passage of which may affect the status of the petitions. If not, he said he would request that the matter proceed later that day. Attorney Cronin stated that another attorney in his firm could be present, and agreed to an October 18th continuance.

Public Input: None. (9:30 a.m.)

MOTION by Wiseman to CONTINUE ITEMS 6-c, 6-d,6-e,6-f,6-g and 6-h to THE OCTOBER 18, 2000 REGULAR MEETING; 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).

MOTION by Herms to WITHDRAW ITEMS 6-a, 6-b, 6-i, and 6-j; 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 8-b(15)
FIFTH AVENUE SOUTH ASSN. BUSINESS EXPO – 11/10/01. (9:52 a.m.)

.....ITEM 8-b(16)
NAPLES DOWNTOWN THANKSGIVING ART FESTIVAL – 11/24-25/01. (9:52 a.m.)

.....ITEM 8-b(19)
DOWNTOWN NEW YEARS ART FESTIVAL – 12/29-12/30/01. (9:52 a.m.)

It is noted for the record that items 8-b (15,16, and 19) were considered concurrently.

Public Input: (9:52 a.m.). Vinny Ricigliano, 455 Fifth Avenue South, Bully's Fifth Avenue Grill owner, stated that the Fifth Avenue South Association is determined to resolve any outstanding special event issues including traffic, parking, monetary concerns, and excess

booths, and said that the Association has reduced the number of street closures for the third consecutive year. Although asking that Council approve the December 29-30, 2001 Downtown New Years Art Festival as presented, he said that the Association would be amenable to rescheduling the one-day business expo from Saturday, November 10th to Sunday, November 11th to accommodate certain business owners and to alleviate traffic. He added that the Association would also reschedule the Downtown Art Festival currently slated for Thanksgiving weekend to July if necessary; Council Member MacIlvaine commented that the Staff Action Committee (SAC) had unanimously approved this. Vice Mayor Herms questioned whether the Association would consider moving the business expo to Cambier Park; Mr. Ricigliano stated this would be a possibility if the original plan were not approved. **Martha Gill, 2725 12th Street North**, voiced approval for the Downtown New Years Art Festival as presented. **Gloria Kovacs, 677 Banyan Boulevard**, declined to speak at this time.

MOTION by Wiseman to APPROVE ITEM 8-b(15) (FIFTH AVENUE SOUTH ASSN. BUSINESS EXPO) FOR NOVEMBER 11, 2001 ON FIFTH AVENUE;
seconded by Galleberg and carried 4-3, all members present and voting
(Galleberg-yes, Herms-no, MacIlvaine-no, Tarrant-yes, Taylor-no, Wiseman-
yes, MacKenzie-yes).

MOTION by Wiseman to APPROVE ITEM 8-b(16) (NAPLES DOWNTOWN THANKSGIVING ART FESTIVAL 11/24 – 25/01) WITH THE UNDERSTANDING THAT THE FIFTH AVENUE SOUTH ASSOCIATION WOULD WORK WITH STAFF FOR THE 2002 EVENT;
seconded by Galleberg and carried 4-3, all members present and voting
(Taylor-no, MacIlvaine-no, Wiseman-yes, Galleberg-yes, Tarrant-yes, Herms-no,
MacKenzie-yes.

Council Member Wiseman said that she viewed the SAC petition as a means for the Fifth Avenue South Association to expedite an alternative date, and that she did not perceive a conflict in the petitions. Council Member Galleberg stated although he felt the events strain the neighborhood, he believed the Fifth Avenue South Association recognizes their magnitude, and further emphasized that the events are should be civic in nature. Mayor MacKenzie concurred with Mr. Galleberg and added that the City needs to better manage the many special events.

MOTION by Wiseman to APPROVE 8-b(19) (DOWNTOWN NEW YEARS ART FESTIVAL – 12/29-12/30/01);
seconded by Tarrant and unanimously
carried, all members present and voting
(Herms-yes, Galleberg-yes, Taylor-yes,
MacIlvaine-yes, Wiseman-yes, Tarrant-yes, MacKenzie-yes).

Public Input: (10:10 a.m.) **Gloria Kovacs, 677 Banyan Boulevard**, Fifth Avenue South Association Vice President, expressed appreciation to Council, and stressed that the Association would cooperate in devising plans that would benefit the City, the merchants, and the residents.

RESOLUTION 00-8956.....ITEM 8-c
A RESOLUTION WAIVING COMPETITIVE BIDS PURSUANT TO CITY CODE,
SECTION 2-356 (4) AND AUTHORIZING THE PURCHASE OF SIX (6) IN CAR
CAMERAS AND ACCESSORY EQUIPMENT FOR USE IN POLICE VEHICLES; AND
PROVIDING AN EFFECTIVE DATE. (10:11 a.m.) Title not read.

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

MOTION by Herms to APPROVE RESOLUTION 00-8956 AS PRESENTED;
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).

ORDINANCE 00-8957.....ITEM 9

AN ORDINANCE ADOPTING LARGE SCALE COMPREHENSIVE PLAN AMENDMENT PETITION 00-CPA2, AMENDING POLICY 1-1 OF THE CONCURRENCY MANAGEMENT SYSTEM ELEMENT OF THE COMPREHENSIVE PLAN TO CHANGE THE LEVEL OF SERVICE STANDARD FOR SHUFFLEBOARD COURTS FROM ONE COURT PER 2,500 PERSONS TO ONE COURT PER 4,000 PERSONS, AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Kevin Rambosk (10:12 a.m.)

Public Input: None. (10:12 a.m.)

MOTION by Wiseman to ADOPT ORDINANCE 00-8957 AS PRESENTED;
seconded by Taylor and carried 5-0 (Galleberg-yes, Herms-absent, MacIlvaine-absent, Tarrant-yes, Taylor-yes, Wiseman-yes, MacKenzie-yes).

ORDINANCE 00-8958.....ITEM 10

AN ORDINANCE ADOPTING LARGE SCALE COMPREHENSIVE PLAN AMENDMENT PETITION 00-CPA1, AMENDING POLICY 3-2 AND ADDING A NEW POLICY 3-2.1 OF THE PARKS, RECREATION AND OPEN SPACE ELEMENT OF THE COMPREHENSIVE PLAN TO IDENTIFY NATURAL HABITAT AREAS AS AREAS THAT SHOULD BE MAINTAINED AND ACQUIRED, AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Kevin Rambosk (10:13 a.m.)

Public Input: None. (10:13 a.m.)

MOTION by Wiseman to ADOPT ORDINANCE 00-8958 AS PRESENTED;
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).

RESOLUTIONITEM 19

A RESOLUTION APPROVING A CONSENT AGREEMENT, IN SUBSTANTIALLY THE FORM ATTACHED HERETO, BETWEEN THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT, THE GROVES OF NAPLES, INC., AND THE CITY OF NAPLES CONCERNING THE SURFACE WATER MANAGEMENT SYSTEM AT CALUSA BAY AND GOODLETTE FRANK ROAD, (PERMIT NO. 11-01421-P, AND RELATED APPLICATIONS); AND PROVIDING AN EFFECTIVE DATE. (10:14 a.m.)

Title read by City Manager Kevin Rambosk during the discussions below. City Manager Rambosk stated that he was not satisfied with the settlement agreement, which calls for submission of costs for relocation of the wells after the agreement is executed. He said he would prefer agreeing to costs with South Florida Water Management District and including them in the agreement before it is signed. City Manager Rambosk then read the resolution title. (10:19 a.m.).

City Manager Rambosk explained that staff believes that \$318,325 would be sufficient to cover all costs associated with the installation of two wells. Public Works Director Dan Mercer confirmed that this figure is an average of three bids submitted. There is a \$30,000 contingency included which would be escrowed and any unspent portion reverting to the developer. City Manager Rambosk stated that the land cost is not included since the City may use lands in any of its well sites, largely at no cost. Council Member Wiseman recommended establishing an

agreement whereby the City would submit invoices to an escrow agent rather than The Groves of Naples. Vice Mayor Herms noted that The Groves of Naples would also remit approximately \$40,000 to the City to reimburse it for costs it had already incurred. Council Member Tarrant urged that the City Attorney verify that The Groves of Naples is a registered corporation, and Council Member MacIlvaine suggested investigating its solvency. City Manager Rambosk recommended that Council authorize staff to confirm costs, and make necessary corrections in order to present an amended agreement in two weeks. South Florida Water Management District representative Chip Merriam registered no objection.

Public Input: None. (10:32 a.m.)

MOTION by Herms to CONTINUE TO THE 10/18/00 REGULAR MEETING; 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). Staff was directed to finalize the agreement per Council's instructions.

.....ITEM 11

DISCUSSION OF A PREVIOUSLY APPROVED PLANNED DEVELOPMENT DOCUMENT FOR THE CITY BLOCK BOUNDED ON THE EAST BY US 41 NORTH, ON THE SOUTH BY 5TH AVENUE NORTH, ON THE WEST BY 8TH STREET NORTH AND ON THE NORTH BY 6TH AVENUE NORTH. (10:32 a.m.) City Attorney Bob Pritt noted that this item is a discussion only and is not quasi-judicial. City Manager Kevin Rambosk stated that petitioner Leslie Norins had previously addressed his proposal to staff relative to the consequences of the commercial building height charter amendment.

Recess 10:35 a.m. to 10:52 a.m. It is noted for the record that the same Council Members were present when the meeting reconvened.

Attorney Leo Salvatori, of Quarles & Brady, representing Newblock, Inc., and Lorcar Inc., noted that these two corporations own the City Center Plaza Planned Development (PD) parcel. He said however that he had believed this item would be heard after 1:30 p.m., and that his clients not yet arrived. Mr. Salvatori stated that Council had approved the PD for the construction of a four-story office building prior to the height charter amendment being approved. The Norins, principals of the aforementioned corporations, later requested a hearing relative to their equitable estoppel rights, but were denied. However, based on suggestions by several Council Members and citizens, his clients had later redrawn their plans. Although the structure had been modified to three stories of 40 feet, the total is 43 feet due to a three-foot parapet, and 50 feet in several places due to the arches, designed to hide equipment. He asked that Council allow his clients to construct the building substantially in conformance with the modified site plan and an indication that a building permit would be issued.

City Attorney Pritt stated that this matter should be conducted as a quasi-judicial proceeding. He however urged Council to refer this matter to staff to determine necessary applications; Council, he said, should hear all testimony at the time of the formalized proceeding. Council Member Tarrant expressed dismay at this further delay.

Mr. Salvatori pointed out that while a 10% increase in the square footage could be allowed, staff could not approve the exceeding of the charter amendment. Planning Director Ron Lee confirmed that the Planning Advisory Board (PAB) would review any request to amend the PD; however, Mr. Salvatori pointed out that the PD already allows a taller height than what is proposed. Council Member Taylor made a motion, seconded by Council Member MacIlvaine, to

follow the City Attorney's direction while offering an apology for the resultant delay; however, further discussion ensued. Council Member Galleberg commented that this matter could become a vested rights issue.

Public Input: (11:08 a.m.) **Leslie Norins**, principal of the aforementioned corporations, stated that he found it highly irregular that Council would conduct business involving vital City property without the prime petitioner being present. Mayor MacKenzie explained that the agenda called only for a discussion, but that Attorney Salvatori had made a request which should only be handled through a duly noticed quasi-judicial proceeding, and since no petition had been filed, there is no petitioner. Mayor MacKenzie however stated that she had been unaware that Dr. Norins was not yet present when discussion began, and therefore apologized for proceeding. Dr. Norins stated that he had tried to reach a suitable compromise to avoid litigation. He urged that Council proceed properly but to also resolve the matter as quickly as possible.

City Attorney Pritt further explained that for staff to receive Council's guidance, it should be noticed as such and not merely identified as a discussion item. Council Member Wiseman observed that Council had declined to adopt a procedure for handling vested rights claims as a result of the charter amendment and Mr. Lee suggested that Council either establish a vested rights process, revisit the handling of embellishments, or conduct a voter referendum.

Council Member Galleberg suggested that since the charter amendment does not cover embellishments, Council simply grant a variance. City Attorney Pritt stated that the petitioner could determine this with staff and file the appropriate application, which would in turn would lead to staff, PAB, and Council reviews. At that time, Council could turn its attention to this particular parcel as well as the larger issue of interpretation. Conversely, he said, the petitioner also needs to know if in fact no application can be filed in this instance and whether there is no possible avenue of relief. Mr. Salvatori stated that he would follow any procedure recommended.

MOTION by Taylor to REFER PETITIONER TO STAFF TO FILE THE APPROPRIATE APPLICATIONS; *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 00-8959.....ITEM 12

A RESOLUTION GRANTING VARIANCE PETITION 00-V10 FROM SECTION 102-121 (4) a OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, WHICH REQUIRES THAT FOR EVERY ONE FOOT A PIER EXTENDS BEYOND THE 22-FOOT LIMIT, THE SIDE YARD SETBACKS SHALL INCREASE BY TWO FEET, IN ORDER TO PERMIT THE CONSTRUCTION OF A PIER ENCROACHING THE SIDE YARD SETBACKS, AT 1099 NELSON'S WALK; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Kevin Rambosk during discussion below. (11:29 a.m.) Council Member Taylor said she believed she should recuse herself from voting since the petitioner, Truly Nolen, is a recurring client. City Attorney Bob Pritt clarified that if the decision in this matter could inure to Ms. Taylor's financial gain or loss or create the appearance of doing so, she would be able to abstain from voting with the necessary documentation. Natural Resources Manager Jon Staiger stated that the number of non-conforming structures was a concern of the Port Royal Property Owners Association Dock and Shoreline Committee when considering amendments to the R1-15A zoning ordinance to better manage dock dimensions. One of these changes was the increase in the required side yard setbacks from 12 ½ feet to 20

feet, which affects the current petition, he said. Rather than addressing numerous exceptions, the committee chose to simplify the ordinance and felt that if the neighbors did not object to an expansion or change to a non-conformity, and if the committee found the request reasonable, the petitioner could simply apply for a variance. Dr. Staiger said that staff, however, may not be able to recommend approval in this case because it is self-imposed, and therefore does not meet the standards for variance approval.

The City Clerk administered a voluntary oath to those intending to offer testimony on this issue; witnesses responded in the affirmative. During ex-parte disclosures, Mayor MacKenzie said she had met with petitioner's agent Rocky Scofield and members of the staff and public, and viewed the Planning Advisory Board (PAB) videotape; Council Member MacIlvaine said he had had no contact; Council Member Galleberg stated that he had met with Mr. Scofield, and viewed the PAB videotape; Council Member Taylor stated that she had briefly spoken to Mr. Scofield and had reviewed the PAB audiotape; Council Member Wiseman said she had met with Mr. Scofield and had also reviewed the PAB audiotape; Vice Mayor Herms stated that he had declined a request to meet with Mr. Scofield so that all discussions would be public; and Council Member Tarrant stated that he had reviewed the PAB audiotape. When questioned by City Attorney Pritt, Mr. Scofield affirmed he was satisfied with disclosures.

Natural Resources Manager Staiger confirmed that the dock had been legal when constructed according to law, and that the present request to expand the pier to 80 feet would not have required a variance before the regulations had changed. Dr. Staiger explained that it is now difficult to obtain a permit to dredge in Naples Bay in order sufficiently accommodate a deeper draft vessel. The petitioner's five-foot draft sailboat would run aground at the current dock; as such, the dock should be 20 feet longer. Mayor MacKenzie said she thought it unreasonable for someone to have to move a fairly new dock to comply with new regulations. Council Member Wiseman stated that even with the extension to 80 feet, the dock would not protrude farther than the docks on the adjoining property. Dr. Staiger concurred and affirmed this request would cause no navigational problems. Council Member MacIlvaine stated that he believed this request to be reasonable. Although saying she did not generally favor variances, Council Member Wiseman agreed, and recommended approval. Dr. Staiger briefly addressed dock sizes and their required water depths. Council Member Galleberg commented that instead of centering the dock, the Code should stipulate centering the vessel.

Petitioner's agent Rocky Scofield stated that the committee had, in fact, devised plans to center the docks in the middle of the lots, and reiterated that, due to the property's location, there would be no impact to navigation. Mr. Scofield added that he believed the petition as presented provides the most practical and logical solution and entered into the record three letters of support. (See Attachment 1) **Public Input:** None (12:09 p.m.)

MOTION by Wiseman to APPROVE RESOLUTION 00-8959 MAKING A FINDING OF FACT THAT THE THREE CRITERIA FOR A VARIANCE HAVE BEEN MET DUE TO THE UNIQUE CONFIGURATION AND LOCATION OF THE LOT; seconded by MacIlvaine and carried 6-0-1, all members present and voting (Galleberg-yes, Herms-yes, MacIlvaine-yes, Tarrant-yes, Taylor-abstain - (See Attachment 2), Wiseman-yes, MacKenzie-yes).

Recess 12:10 p.m. to 1:35 p.m. It is noted for the record that the same Council Members were present when the meeting reconvened.

ORDINANCE (First Reading).....ITEM 7-a
AN ORDINANCE AMENDING TABLE 1, LAND USE SUMMARY, OF THE GREY OAKS PUD; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Kevin Rambosk (1:35 p.m.).

RESOLUTION (Continued) ITEM 7-b
A RESOLUTION GRANTING PETITION 00-D1 FOR A THIRD AMENDMENT TO DEVELOPMENT ORDER OF THE CITY COUNCIL OF THE CITY OF NAPLES, FLORIDA, FOR GREY OAKS DRI PLANNED DEVELOPMENT LOCATED IN SECTION 26, TOWNSHIP 49 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Kevin Rambosk. (1:35 p.m.) Council Member MacIlvaine disclosed that he is a member of the Grey Oaks Country Club, but did not believe this would engender a voting conflict of interest; City Attorney Bob Pritt concurred. Mayor MacKenzie noted that Planning Advisory Board (PAB) Chairman Stanley Hole had submitted correspondence regarding a conflict of interest which City Attorney Beverly Grady had disclosed regarding this case. City Manager Rambosk read this document into the record. (See Attachment 3.) PAB Member Charles Kessler affirmed that the PAB as a whole was not informed of any conflict, that Mrs. Grady was not present at the meeting, and that no legal questions had been raised.

City Attorney Pritt confirmed that Roetzel & Andress has a conflict of interest in this matter and recommended that Council appoint Nancy Stroud (Weiss, Serota, and Helfman) as alternate counsel. In response to Council Member Tarrant, City Attorney Pritt stated that Mrs. Grady does not attend every PAB meeting. Although unfamiliar with the nature of the conflict, he said he understood that Roetzel & Andress had performed unrelated legal work for one of the owners of Grey Oaks. He stated that unless both affected parties agree to waive the conflict, an attorney could not represent both. Mayor MacKenzie noted that Council had not reached consensus on the need for alternate counsel. Vice Mayor Herms made a motion seconded by Council Member Tarrant to engage Attorney Nancy Stroud to represent the City on this issue; however, further discussion ensued.

Nancy Stroud stated that she had received the petition documents, but that she had not yet reviewed all of them. Noting that Ms. Stroud had been present for most of the meeting, Council Member Wiseman questioned who would be responsible for the cost of her time. Ms. Stroud stated that although she had been reviewing documents during the meeting, she had not been retained, and consequently could not bill the City. Council Member Taylor recommended adding to the motion that Ms. Stroud be compensated for the time already spent at the meeting.

Public Input: None. (1:55 p.m.)

MOTION by Herms to ENGAGE NANCY STROUD UNDER THE SAME TERMS AND CONDITIONS AS SHE IS CURRENTLY ENGAGED BY THE CITY ON ANOTHER PROCEEDING AND WITH THE UNDERSTANDING THAT SHE IS COMPENSATED FOR THE TIME SPENT IN REVIEW OF RELEVANT DOCUMENTS; seconded by Tarrant and carried 4-3, all members present and voting (Wiseman-no, MacIlvaine-no, Tarrant-yes, Galleberg-no, Herms-yes, Taylor-yes, MacKenzie-yes).

Council Member Wiseman disputed the need for separate counsel. Council Member Tarrant disagreed stating that he believed it unwise to proceed without adequate legal counsel. Council

Member Galleberg however concurred with Council Member Wiseman and pointed out that the petitioner had waived what he deemed the relevant side of the conflict. He added that he did not believe that either Mrs. Grady or Mr. Pritt had performed any work personally for the petitioner. Council Member Taylor said she believed it prudent to take the advice of the City Attorney in this instance, and Mayor MacKenzie said that although she had seen no evidence that Council would need an attorney, she did not want to further delay the petition. Council Members Wiseman and Tarrant however noted that Ms. Stroud had indicated she was not prepared to proceed at this time, but Mayor MacKenzie stated that she is prepared to allow Ms. Stroud to assist Council as much as she was able. The City Clerk then administered a voluntary oath to those intending to offer testimony on this issue; witnesses responded in the affirmative.

During ex-parte disclosures, Mayor MacKenzie said she had met with petitioner's agent George Varnadoe involving only documentation contained in the public record and to members of the public, as well as viewing the property in question and the PAB videotape; Council Member MacIlvaine stated that he had received correspondence from Scott Lutgert with whom he had had former dealings, and had spoken with Dick Baker, General Manager of the Lutgert Companies Grey Oaks; Council Member Galleberg stated that he had a brief non-substantive telephone call from Scott Lutgert simply advising him that this would be on the Council agenda, stated that he had merely advised Scott Lutgert that this would be on the Council agenda, had met with representatives of Grey Oak's owners to become familiar with their proposal, and viewed the PAB videotape; Council Member Taylor said she had spoken briefly with Larry Mullins regarding this issue, and had reviewed the PAB audiotape; Council Member Wiseman disclosed a telephone conversation with Mr. Lutgert similar to Mr. Galleberg's, a meeting with Mark Morton and Mr. Mullins regarding the materials before Council, and review of the PAB audiotape; and Vice Mayor Herms and Council Member Tarrant each said they had had no discussions with anyone. Council Member Tarrant however questioned why Council Member MacIlvaine recused himself from voting on a previous Royal Poinciana Golf Club (RPGC) annexation issue, but would, however, vote on this issue, noting that Mr. MacIlvaine is a member of both clubs. Mr. MacIlvaine stated that when the RPGC issue arose, he did not realize what a small percentage of that club his membership comprised. Mr. MacIlvaine pointed out that since that time, the Board of Directors at RPGC assured him that any legal fees incurred by RPGC could not have been shifted onto the membership, and therefore said that if this matter arose again, he would not recuse himself from voting.

Petitioner's agent George Varnadoe suggested that since Ms. Stroud has not yet reviewed all the documents, the City Attorney should review and approve any action that Council takes at this meeting. He explained that the request is to amend the Grey Oaks development order for that portion of Grey Oaks that is within the City, and stated that the project had previously been approved as a Development of Regional Impact (DRI). In order to have a planned community with one set of development standards, the City and Council had in 1990 entered into an Interlocal Agreement whereby the County took the lead in reviewing development standards for the entire project. The City took the position that as long as the development order and Planned Unit Development (PUD) document did not exceed certain criteria it had specified, it would comply, Mr. Varnadoe said. The City later adopted a PD, the development order, and an annexation agreement. Certain refinements are now being proposed for the City quadrant which he said would benefit residents and the community at large. Mr. Varnadoe explained that the total 354 acres would not change, but the residential units would decrease from 764 to a maximum of 464, and the commercial acreage from 30 acres to 14.4 acres. The commercial

square footage would also be significantly reduced by way of transfer to the northeast quadrant, which is outside the City. He further stated that the overall traffic impact of the project has been reduced 14 ½ % percent from the original DRI as permitted due to a 40% reduction in density. He added that the Board of County Commissioners of Collier County had unanimously approved the changes as presented in June.

Council briefly discussed City impact fees. In response to Council, Planning Director Ron Lee stated that the Southwest Florida Regional Planning Council had indicated that the project was not a substantial deviation from the prior version, and that there would no additional regional impacts. Mr. Varnadoe also noted that the project would not contain the two proposed internal flyovers, which will actually result in improved traffic flows and the level of service at project buildout. In response to Council, he said he agreed with all staff recommendations and added that the developer would absorb the cost of installing traffic signals. He also clarified that his clients are Naples Golf Course Holdings, Ltd. (the Lutgert interests), who will perform the residential development in the City, and Halstatt Partnership, who jointly own property in the City. Mr. Lee added that Council would later review the required General Development and Site Plan (GDSP) for the commercial component, as well as the platting involved in the residential component. Mr. Varnadoe also stated that although the PUD and PD permit a 50 foot height in commercial, he would comply with the City's 42-foot maximum commercial height limitation for that part of the project in the City.

(Prior to testimony, Attorney Stroud administered a voluntary oath to Traffic Engineer George Archibald; he responded in the affirmative.) Mr. Archibald stated that the net effect on traffic on Golden Gate Parkway would be a reduction in trips, but that the net effect on Airport Pulling Road would be reduction in certain trips only. He added that while the flyovers would have served certain purposes, their removal would cut density as well as the associated trips and thus compensate. He therefore predicted no change in the level of service on Airport Pulling Road, although the Livingston Road improvement would however, improve the present level of service. Project Traffic Consultant Mark Gillis reiterated that the proposed project would result in a significant overall traffic reduction from the originally approved DRI, and would specifically reduce City traffic by 50% because of the reduction in dwelling units and commercial square footage. Mr. Varnadoe entered the following exhibits into the record: the 1998 Master Development Plan H1, the DRI/PD Master Plan Map H-1 City, a chart showing the increases and reductions in acreage, residential units, square footage, and open space, and the original approved Master Plan of 1990. (See Attachment 4.)

Council Member Wiseman made a motion to approve Item 7-a seconded by Council Member MacIlvaine; however, further discussion ensued. Attorney Stroud recommended that Council continue Item 7-b (the resolution) to Second Reading of the ordinance. Planning Director Lee, however, stated that Table 1, which outlines the proposed changes, is also on the site plan so that Council could simply approve the resolution, which would include the site plan and delete Item 7-a (the ordinance). However, Mr. Varnadoe asked that this be contingent upon the City Attorney's review. Attorney Stroud recommended continuing Item 7-a, and that she review the matter in the meantime. Council Member Wiseman withdrew her motion and Council Member MacIlvaine his second. Mrs. Wiseman then made a motion to delete Item 7-a; Mayor MacKenzie nevertheless recommended approving it on First Reading and considering the resolution on Second Reading. Vice Mayor Herms then made a motion to approve Item 7-a, seconded by Council Member MacIlvaine.

Public Input: None. (2:55 p.m.)

MOTION by Herms to APPROVE ITEM 7-a AT FIRST READING; seconded by MacIlvaine and unanimously approved, all members present and voting (Galleberg-yes, Tarrant-yes, MacIlvaine-yes, Wiseman-yes, Taylor-yes, Herms-yes, MacKenzie-yes).

Council briefly discussed amending the resolution to reflect the 42 foot height limitation which was supported by Attorney Varnadoe.

MOTION by Taylor to CONTINUE ITEM 7-b TO THE 10/18/00 REGULAR MEETING; 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 00-8960.....ITEM 13

A RESOLUTION GRANTING VARIANCE PETITION 00-V9 FROM SECTION 102-116 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, WHICH REQUIRES A SIDE YARD SETBACK OF 12.5 FEET APPLICABLE TO THE FIRST 10 FEET OF VERTICAL HEIGHT, IN ORDER TO PERMIT THE CONSTRUCTION OF A RESIDENCE WITH THE 12.5-FOOT SIDE YARD SETBACK APPLICABLE TO THE FIRST 12.5 FEET OF VERTICAL HEIGHT, AT 1231 GALLEON DRIVE, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Kevin Rambosk (2:56 p.m.). The City Clerk administered a voluntary oath to those intending to offer testimony on this issue; witnesses responded in the affirmative. Kate Corkell of Randall Stofft Architects, representing the petitioner, stated that the Port Royal Property Owners' Association (PRPOA) had not intended to change spatial perception requirements when increasing side yard setbacks and is now proposing revisions thereof. She asked that Council therefore approve this variance so that the petitioner could proceed. Planning Director Ron Lee explained that the PRPOA would later request a text amendment to have the spatial perception requirement start at 12 ½ feet to be consistent with the 12 ½ foot side yard setback. Although this would change the pitch of the roof, it would not increase overall building height, he said. Planner Cory Ewing noted a letter from the PRPOA indicating support of the request. (See Attachment 5.) Council Members Taylor and Wiseman said they had reviewed the Planning Advisory Board audiotape; however, the rest of Council registered no contact with any of the parties.

Public Input: None. (3:06 p.m.)

MOTION by Herms to APPROVE RESOLUTION 00-8960 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).

.....ITEM 14

CONSIDER ALLOCATING \$800,000.00 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING OVER THE NEXT 5 YEARS TO CONSTRUCT A NEW RIVER PARK COMMUNITY CENTER. (3:06 p.m.) City Manager Kevin Rambosk stated that the City's Water and Sewer Fund would loan the Community Development Block Grant (CDBG) program these funds to be repaid in three years although staff would consider recommending a revised repayment plan upon the new entitlement program. Assistant City Manager William Harrison stated that the City had sold a parcel of land for \$2.4 million, and that this land would be a legitimate use for those proceeds, and an interfund loan obviates the cost of outside

borrowing. Planner Susan Golden explained that anyone living within the City limits and meeting the income qualifications is eligible to benefit from any CDBG program although an estimated 95% of the block grant money has been earmarked for the Carver-River Park neighborhood. Council Member Galleberg made a motion to approve; however, further discussion ensued. Mayor MacKenzie questioned whether the City could instead borrow funds from Collier County; however, Ms. Golden stated she did not believe the County would be amenable, considering its already significant commitment to the City. In further response to Council, Ms. Golden stated that increasing the funding for this project from \$500,000 to \$800,000 should not jeopardize other proposed City projects.

Public Input: None. (3:13 p.m.)

MOTION by Galleberg to APPROVE ITEM 14 AS PRESENTED; 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).

Recess 3:13 p.m. to 3:28 p.m. It is noted for the record that the same Council Members were present with the meeting reconvened.

.....ITEM 15
CONSIDER ENGAGING AN ENVIRONMENTAL CONSULTANT PERTAINING TO THE MOST RECENT HAMILTON HARBOR PETITION FOR PROPERTY LOCATED ON THE EAST SIDE OF NAPLES BAY. (3:28 p.m.) City Manager Kevin Rambosk stated that staff had provided the resumes of four consultants for Council review, copies of which are contained in the file for this meeting in the City Clerk's Office. Planning Director Ron Lee stated that the standard rate is \$100-150 per hour, and City Manager Rambosk estimated the total cost to be between \$3,000 to \$5,000. Council Member Taylor noted that based on her research, Bernard Yokel's hourly rate would be \$75-80. While not questioning Dr. Yokel's credentials, Mayor MacKenzie stressed the importance of having an independent unbiased appraisal, and noted that Dr. Yokel had previously registered opposition to Hamilton Harbor. Natural Resources Manager Jon Staiger concurred, and predicted that Dr. Yokel's opinion would be open to challenge. Council Member Taylor noted Dr. Yokel's commitment to the environment, and suggested contacting the Collier interests for their opinion.

In response to Council, Mr. Lee stated that these four were the only respondents of the 8-10 he had contacted and that he believed Mark Brown to be the best choice for an independent analysis, noting that he rarely works with developers. Vice Mayor Herms however pointed out that Horner Environmental Professionals had extensive experience in wetland delineation, and questioned Dr. Brown's experience. Dr. Staiger stated that he believed either could perform this work, although he was unfamiliar with Continental Shelf Associates, the other applicant. Vice Mayor Herms recommended further research on the credentials of all.

After further discussion, the majority of Council agreed with narrowing the selection to Dr. Brown and Horner Environmental; however, Council Member Wiseman nevertheless recommended proceeding with Dr. Brown, and Council Member Tarrant urged proceeding with Dr. Yokel. Council Member Tarrant also recommended determining whether the applicants had any past relationship or connection with the Collier interests, but also questioned whether Dr. Staiger could perform the analysis. Dr. Staiger however said that although he had worked with others on delineation projects, he had no formal training in wetland delineation.

Public Input: None. (4:10 p.m.)

MOTION by Herms to DIRECT STAFF TO OBTAIN ADDITIONAL INFORMATION ON HORNER ENVIRONMENTAL PROFESSIONAL AND MARK T. BROWN AND SCHEDULE A SPECIAL MEETING ON 10/16/00 AT 8:15 A.M.; seconded by Taylor and carried 5-2, all members present and voting (Herms-yes, Galleberg-no, Taylor-yes, MacIlvaine-yes, Wiseman-no, Tarrant-yes, MacKenzie-yes).

Following the vote, Council Member Wiseman expressed the view that this demonstrates the inconsistency and micro-managing aspect of the current Council.

RESOLUTION 00-8961.....ITEM 16

A RESOLUTION AWARDED A COOPERATIVE BID PREVIOUSLY AWARDED BY COLLIER COUNTY PURSUANT TO SECTION 2-355 (d) (1) OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES TO TAMIAMI FORD IN ORDER TO PURCHASE THE CITY'S ANNUAL REQUIREMENTS FOR AUTOMOBILES AND LIGHT TRUCKS USING THE PRICES, TERMS AND CONDITIONS OF COLLIER COUNTY'S ANNUAL BID; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Kevin Rambosk (4:10 p.m.) who explained that vehicles would be purchased individually although awarded on one bid to effect cost savings.

Public Input: None. (4:12 p.m.)

MOTION by Herms to APPROVE RESOLUTION 00-8961; 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).

RESOLUTION 00-8962.....ITEM 17-a

A RESOLUTION AWARDED A CONTRACT TO H & H LIQUID DISPOSAL TO FURNISH HAULING SERVICES FOR LIME SLUDGE; AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT THEREFOR; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Kevin Rambosk. (4:12 p.m.)

RESOLUTION 00-8963.....ITEM 17-b

A RESOLUTION AWARDED A CONTRACT TO YAH L MULCHING TO FURNISH HAULING SERVICES FOR BIO-SOLID SLUDGE AND HORTICULTURAL DEBRIS; AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT THEREFOR; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Kevin Rambosk. (4:12 p.m.)

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

City Manager Rambosk confirmed that Yahl Mulching is competitive, and said this service would remove the bio-solids from their present sites and dispose of them in an appropriate location. He added that the City has previously used sludge, but that there is presently a surplus.

Public Input: None. (4:15 p.m.)

MOTION by Herms to APPROVE RESOLUTION 00-8962 AND 00-8963; 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).

.....ITEM 22

DISCUSSION ON PENSION OPTIONS THAT INDIVIDUALLY DEAL WITH A FIVE-YEAR EARLY RETIREMENT INCENTIVE. (4:15 p.m.) City Manager Kevin Rambosk

stated that this item involves a calculated amount of money, not funded by pension sources, that would be used for an additional payment to a former employee, Mae Davis. The first option is a monthly supplement from the General Fund in the amount of \$439.75, the second is an annual check of \$5,277.00 from the General Fund, and the third is a one-time payment of \$60,716.11 from the General Fund contingency. Ms. Davis had indicated a preference for Option 1. Council Member Tarrant made a motion seconded by Vice Mayor Herms to approve Option 1 to be retroactive from the date of retirement; however, further discussion ensued. Council Member Galleberg pointed out that the pension attorneys had recommended against this action, but Vice Mayor Herms and Council Member Taylor disagreed with this interpretation. Ms. Taylor said that the attorneys had indicated that this action should not give rise to claims by other employees which, she said, had been her main concern.

Public Input: None. (4:20 p.m.)

MOTION by Tarrant to APPROVE OPTION 1 RETROACTIVE TO THE DATE OF RETIREMENT AND MAKING A FINDING THAT THE ADDITIONAL PAYMENT IS BY VIRTUE OF A PRIVATE AGREEMENT MADE WITH A FORMER CITY MANAGER; seconded by Herms and carried 6-1, all members present and voting (Taylor-yes, Herms-yes, MacIlvaine-yes, Tarrant-yes, Galleberg-no, Wiseman-yes, MacKenzie-yes).

RESOLUTION 00-8964.....ITEM 18-a

A RESOLUTION AWARDED A COOPERATIVE BID PREVIOUSLY AWARDED BY COLLIER COUNTY PURSUANT TO SECTION 2-355 (d) (1) OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES TO VAN WATERS & ROGERS, INC. IN ORDER TO PURCHASE SODIUM SILCOFLOURIDE USING THE PRICES, TERMS AND CONDITIONS OF COLLIER COUNTY'S ANNUAL BID; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Kevin Rambosk. (4:20 p.m.)

RESOLUTION 00-8965.....ITEM 18-b

A RESOLUTION AWARDED A COOPERATIVE BID PREVIOUSLY AWARDED BY COLLIER COUNTY PURSUANT TO SECTION 2-355 (d) (1) OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES TO HARCROS CHEMICALS, INC. IN ORDER TO PURCHASE CHLORIDE USING THE PRICES, TERMS AND CONDITIONS OF COLLIER COUNTY'S ANNUAL BID; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Kevin Rambosk. (4:21 p.m.)

RESOLUTION 00-8966.....ITEM 18-c

A RESOLUTION AWARDED A COOPERATIVE BID PREVIOUSLY AWARDED BY COLLIER COUNTY PURSUANT TO SECTION 2-355 (d) (1) OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES TO ALLIED UNIVERSAL CHEMICAL COMPANY IN ORDER TO PURCHASE SODIUM HYDROXIDE USING THE PRICES, TERMS AND CONDITIONS OF COLLIER COUNTY'S ANNUAL BID; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Kevin Rambosk. (4:22 p.m.)

RESOLUTION 00-8967.....ITEM 18-d

A RESOLUTION AWARDED A COOPERATIVE BID PREVIOUSLY AWARDED BY COLLIER COUNTY PURSUANT TO SECTION 2-355 (d) (1) OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES TO SATCO, INC. IN ORDER TO

PURCHASE SULFURIC ACID USING THE PRICES, TERMS AND CONDITIONS OF COLLIER COUNTY'S ANNUAL BID; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Kevin Rambosk. (4:23 p.m.)

It is noted for the record that Items 18-a through 18-d were considered concurrently.

Public Input: None. (4:23 p.m.)

MOTION by Tarrant to APPROVE RESOLUTIONS 00-8964, 00-8965, 00-8966, and 00-8967 AS PRESENTED; *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

AWARD AN ANNUAL BID FOR IRRIGATION SUPPLIES FOR USE BY PARKS AND PARKWAYS \ VENDORS: MELROSE SUPPLY AND SALES, INC., FORT MYERS, FLORIDA; CENTRAL PUMP & SUPPLY, PALM BAY, FLORIDA; CENTURY RAIN-AID, NAPLES, FLORIDA \ TOTAL ESTIMATED ANNUAL AMOUNT: \$63,400.00 \ FUNDING: PARKS AND PARKWAYS OPERATING BUDGET. (4:23 p.m.)

Public Input: None. (4:24 p.m.)

MOTION by Taylor to APPROVE ITEM 20 AS PRESENTED; *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 21

CONSIDER AWARDING A BID FOR TRIMMING OF CITY-OWNED HARDWOOD AND PALM TREES \ CONTRACTORS: B.E. D'ELIA COMPANIES, NAPLES, FLORIDA AND ASPLUNDH TREE EXPERT CO., INC., ROYAL PALM BEACH, FLORIDA \ TOTAL ESTIMATED ANNUAL AMOUNT: \$190,000.00 \ FUNDING: PARKS AND PARKWAYS – OTHER CONTRACTUAL SERVICES. (4:24 p.m.) City Manager Kevin Rambosk assured the Council that all specifications would in the future be clearly delineated in the bid. Community Services Director Don Wirth stated that the prices are estimates and may vary based on the quantity of trimming. Vice Mayor Herms made a motion to approve, seconded by Council Member MacIlvaine, however; further discussion ensued. Mayor MacKenzie questioned whether there was a specification relating to the reshaping of the trees after Florida Power Light performs its cutting. Mr. Wirth said this option is available and could be included. Mayor MacKenzie however recommended that Council decide this at a future date.

Public Input: None. (4:29 p.m.)

MOTION by Herms to APPROVE ITEM 21 AS PRESENTED; *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).*

Council Member Taylor then requested Council concurrence on the colors presented by Community Services for the former Chamber of Commerce building. Although not the final colors, she said they would improve the building's appearance until it is determined whether it could be saved. After discussion of the original colors, Council took the action below.

Public Input: None. (4:35 p.m.)

MOTION by Herms to PAINT FORMER CHAMBER OF COMMERCE BUILDING (NAPLES PRESERVE SITE) ORIGINAL COLORS (NATURAL WOOD TONES); *seconded by Tarrant and carried 6-1 (Galleberg-yes, Herms-yes, MacIlvaine-no, Tarrant-yes, Taylor-yes, Wiseman-yes, MacKenzie-yes).*

.....ITEM 23

CONSIDER A \$15,000 INCREASE IN THE CITY ATTORNEY'S BUDGET (4:35 p.m.)

City Attorney Bob Pritt said this is request is to adjust legal fees under the current Roetzel & Andress contract. He then referenced an analysis City Council meeting hours over the last two fiscal years (a copy of which is contained in the file for this meeting in the City Clerk's Office). He added that the attorneys have diligently responded to the needs of Council and staff, and asked that Council support this request.

Council Member Galleberg said that he deemed this general legal service which he said is the reason for a cap. City Attorney Pritt further reviewed the data presented. City Attorney Pritt stated that the total fee for general legal counsel in the last fiscal year was corrected from \$180,461 to \$168,940. Vice Mayor Herms stated that the contract however stipulates that fees not exceed \$162,000. Mayor MacKenzie stated that although the numerous special meetings fall under the heading of general legal services, Council would not incur this type of expense annually. Council Member Tarrant stated that part of the reason for the added expense was the firm's failure to provide vital information on the Hamilton Harbor and Royal Poinciana Golf Club issues. Mayor MacKenzie however pointed out that the contract was signed in July 1997, and that all staff have received increases during this time. Mr. Herms said the contract is quite specific in that the City Attorney may approach Council regarding extraordinary or unique legal services and Council shall be authorized to exempt such services from the annual not-to-exceed fee requirement which could have done months before; he further noted the labor attorney could be asked to review the contract if Council has questions.

City Attorney Pritt said that from his point of view, the firm's first concern is service to the client, and reiterated that the firm has met this commitment and affirmed a re-calculation of \$6,940 instead of \$15,000. Council Member Galleberg stated that he construed the whole charter amendment process to be a unique service, but said the cap should otherwise be respected.

Public Input: None. (4:54 p.m.)

MOTION by Galleberg to APPROVE THE REQUEST IN THE AMOUNT OF \$6,940.00; seconded by MacIlvaine and carried 5-2, all members present and voting (Galleberg-yes, Herms-no, MacIlvaine-yes, Tarrant-no, Taylor-yes, Wiseman-yes, MacKenzie-yes).

RESOLUTION (Denied).....ITEM 24

A RESOLUTION AUTHORIZING THE CITY MANAGER AND THE CITY CLERK TO EXECUTE A SCHOOL PROXIMITY TOBACCO ENFORCEMENT CONTRACT IN SUBSTANTIALLY THE FORM ATTACHED HERETO WITH THE DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION, DIVISION OF ALCOHOLIC BEVERAGES AND TOBACCO; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Kevin Rambosk. (4:54 p.m.) who explained that while the Police & Emergency Services Department enforces tobacco regulations as a mater of course, this program would provide approximately \$8,500 in staff overtime. Included is creation of tobacco influence-free zones around schools as well as retail compliance investigations. Council Member Tarrant questioned whether this would involve children in sting operations. Police Commander James Slapp stated that this contract does provide for that type of operation, but explained that staff would utilize a limited number of juveniles in retail store enforcement operations. He also

stressed that participating in this program has led to the discovery of other more serious juvenile crimes.

Council Member Tarrant said he could not support involving juveniles in this capacity. Council Member MacIlvaine questioned the rationale for expending overtime for enforcement of specific laws; however, Commander Slapp explained that this funding emanated from various tobacco company settlements. Mr. MacIlvaine said he believed that police enforcement may not necessarily halt underage tobacco usage, and instead recommended building rapport with teenagers. Commander Slapp stated that this program actually does foster rapport by involving youths with law enforcement, and stressed that they would not be placed in dangerous situations. Council Member MacIlvaine however called the effort misguided. Vice Mayor Herms received confirmation that this money cannot be used for any other anti-tobacco programs.

Public Input: None. (5:09 p.m.)

MOTION by Tarrant to DENY ITEM 24; seconded by MacIlvaine and carried 6-1, all members present and voting (Taylor-yes, Herms-yes, MacIlvaine-yes, Tarrant-yes, Galleberg-yes, Wiseman-yes, MacKenzie-no). Mayor MacKenzie said she maintained her confidence in the program.

Recess 5:09 p.m. to 5:24 p.m. It is noted for the record that the same Council Members were present when the meeting reconvened.

RESOLUTION (Denied).....ITEM 25

A RESOLUTION APPROVING EIGHT (8) PERFORMERS FOR OKTOBERFEST ENTERTAINMENT AT HOFGARTEN BRAUHAUS FROM OCTOBER 20-29, 2000, BETWEEN THE HOURS OF 6:00 P.M. AND 11:00 P.M., AT 898 5TH AVENUE SOUTH, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO THE CONDITIONS LISTED HEREIN; AND PROVIDING AN EXPIRATION DATE AND AN EFFECTIVE DATE. Title read by City Manager Kevin Rambosk. (5:24 p.m.) Council Member Wiseman noted an unpaid lien filed against the establishment for fines. City Manager Rambosk added that while there had been other issues regarding third floor usage, flood panels, and hours of operation, questions have been resolved with no violations pending. Planning Director Ron Lee stated that it was unclear whether the petitioner intended all eight performers to be amplified, and Planner Cory Ewing clarified that currently four performers are allowed, regardless of amplification. Council Member Wiseman noted the lateness of this request and Council Member MacIlvaine commented that next fall there will be residences across the street, which would influence Council's decision in 2001. Council Member Tarrant made a motion to approve, noting both the owner's efforts to be a good neighbor and the short duration of the event; however, there was no second to this motion. Council Member MacIlvaine further commented that he believed four performers to be adequate.

Public Input: None. (5:36 p.m.)

MOTION by Taylor to DENY ITEM 25; seconded by MacIlvaine and carried 6-1, all members present and voting (Herms-yes, Galleberg-yes, Tarrant-no, Wiseman-yes, Taylor-yes, MacIlvaine-yes, MacKenzie-yes).

RESOLUTION (Not enacted).....ITEM 26

A RESOLUTION REQUESTING THE BOARD OF COUNTY COMMISSIONERS REENACT THE UNINCORPORATED MSTU; AND PROVIDING AN EFFECTIVE DATE. Title not read. (5:36 p.m.) Mayor MacKenzie stated that the Marco Island City Council has believed for some time that the way the Sheriff's Department calculates its budget is unfair to municipalities, and have therefore requested the Board of County Commissioners to reenact the

unincorporated Municipal Special Taxing Unit (MSTU); Marco has asked Naples to consider joining this request. Council Members indicated their preference for a resolution presented at the next meeting. Cty Manager Kevin Rambosk stated that he would provide more information at the next meeting as well as the impact of the Sheriff's budget calculation on City tax bills.

.....ITEM 27
CONFIRM RETENTION OF A GEOLOGIST RELATIVE TO THE PETITION FOR ADMINISTRATIVE HEARING CONCERNING COLLIER COUNTY'S PROPOSED AQUIFER STORAGE AND RECOVERY WELL. (5:38 p.m.) City Manager Kevin Rambosk stated that this is a request from staff to retroactively authorize the retention of consultant Donald McNeill, used in conjunction with the City's petition for an Administrative Hearing concerning Collier County's proposed aquifer storage and recovery (asr) well. He stated that the work had totaled \$2,450. Mayor MacKenzie called this a reasonable fee for a valuable service, and Council Member Tarrant stated that he was impressed with the competence of Dr. McNeill's testimony.

Public Input: None. (5:40 p.m.)

MOTION by Tarrant to APPROVE ITEM 27; 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 28
DISCUSSION OF WATERFRONT REQUIREMENTS FOR COMMERCIAL SPACES. (5:41 p.m.) Council Member Taylor urged Council to determine whether it can legally require commercial boat docks when waterfront properties are redeveloped. She voiced concern that commercial diversity is being replaced by private ownership, noting that commercial charter boats are important to the vitality of the City, and could be permanently displaced. Mayor MacKenzie concurred, but expressed concern that to legislate a requirement may constitute contract zoning, and suggested authorizing the City Attorney to review available legal options. City Attorney Bob Pritt said that on a case-by-case basis, this may indeed constitute contract zoning, but noted there may be other ways to proceed. Planning Director Ron Lee stated that there are already a number of requirements to be met for waterfront redevelopment such as public access, and questioned whether this type of stipulation could be included. Based on Supreme Court decisions, City Attorney Pritt stated that the governing body must show a relationship between what it is trying to accomplish and the regulation imposed on those persons involved. Although noting the desirability of mixed-activities waterfront activities, Council Member Tarrant stated opposition to this type of regulation; however said he did not object to the aforementioned research. Council Member MacIlvaine suggested that this type of arrangement could be considered a form of mitigation. City Attorney Pritt noted that incentives to developers may be an option considered. City Manager Kevin Rambosk stated that staff would provide information on the availability of commercial slips, charter boat rules, and related matters later in the month or in November. Vice Mayor Herms said that he believed the only avenues would be for Council to require the petitioner to institute a Planned Development (PD) or to place some type of requirement on the existing zoning which may lead to the rezoning of all of the waterfront. Council Member Wiseman said she believed the issue is part of a bigger picture in terms of the waterfront, calling this a piecemeal approach.

Public Input: None. (5:55 p.m.)

MOTION by Herms to AUTHORIZE RESEARCH OF OPTIONS TO IMPOSE REQUIREMENTS FOR COMMERCIAL WATERFRONT BOAT SLIPS; seconded by Taylor and carried 6-1, all members present and voting (Wiseman-

no, Tarrant-yes, Taylor-yes, Galleberg-yes, Herms-yes, MacIlvaine-yes, MacKenzie-yes).

.....ITEM 29

REQUEST AUTHORIZATION TO RETAIN AN ATTORNEY IN REGARD TO A CASE INVOLVING THE COLLIER COUNTY SHERIFF'S OFFICE. (5:55 p.m.) City Manager Kevin Rambosk stated that this is a request to allow an attorney currently working with the Sheriff's Office in the forfeiture and seizure division to process all cases resulting from the most recent gambling raids. He said a significant amount of property was seized, and that this would make the processing of all the forfeiture cases efficient. Council briefly discussed which activities constitute illegal gambling. City Manager Rambosk confirmed that the attorney's fees would be based upon 20% of the value of the forfeiture, after costs and taken from seizure funds. He noted that the attorney, William Larry Rogers, has for many years handled all seizures for the Sheriff's Department on a contract basis.

Public Input: None. (5:59 p.m.)

MOTION by Herms to APPROVE ITEM 29; 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).

OPEN PUBLIC INPUT (5:59 p.m.)

Colin Kelly, 2811 64th Street SW, speaking on behalf of Parker Beach Restoration system, urged Council to correspond with the appropriate agencies to expedite the permitting process. Natural Resources Manager Jon Staiger explained that the Department of Environmental Protection is requesting more information, but added that if permitting is not received by December, the project would be delayed another year.

MOTION by Wiseman to DIRECT THE NATURAL RESOURCES MANAGER TO DRAFT CORRESPONDENCE (SIGNED BY THE MAYOR) TO THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND THE FISH AND WILDLIFE CONSERVATION COMMISSION REQUESTING TO EXPEDITE THE CITY PERMIT APPLICATION FOR THE SAND WEB SYSTEM; 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).

William Boggess, 1100 Eighth Avenue South, stated that Collier County's most recent specifications for beach fill still do not meet the State's requirements and suggested that the City enact an ordinance requiring beach compatible sand based on State regulations. (Vice Mayor Herms voiced support for this request, saying that Council should approve of sand placed on City beaches, and that it must meet State specifications. A brief discussion of this issue is embodied in the motion below.) He then questioned whether the City had received any response from its September 8th letter to the State regarding compliance; Mayor MacKenzie stated that Senator Connie Mack had asked that the City redirect its correspondence. Mr. Boggess further stated that he had sent a request to the Governor and others to consider criminal charges against the County. Mr. Boggess then expressed appreciation for tree planting in the City rights-of-way. He also stated that he had submitted his application for the Beach Renourishment/Maintenance Committee, and asked for Council's support. Mr. Boggess further offered to display his shell collection at City parks if the City could furnish identification plates

MOTION by Herms to INSTRUCT THE CITY ATTORNEY AND STAFF TO RESEARCH AN ORDINANCE SPECIFYING STATE STANDARDS FOR SAND PLACED ON CITY BEACHES, CITY PERMITTING AND PENALTIES; seconded by Tarrant and carried 5-2, all members present and

voting (Galleberg-no, Herms-yes, MacIlvaine-yes, Tarrant-yes, Taylor-yes, Wiseman-no, MacKenzie-yes).

Although supporting the goal, Council Members Galleberg and Wiseman requested a determination of whether the City can in fact regulate sand.

CORRESPONDENCE & COMMUNICATIONS (6:33 p.m.)

City Manager Kevin Rambosk stated that Council would soon be given the opportunity to view the fire prevention house. / He then noted a donation to the Police & Emergency Services Department of two full rail dragsters for public relations purposes. / City Manager Rambosk then stated that the City would have live operation on Channel 55 for the remainder of this month, and then switch to Channel 78. He added that staff would provide an overview at an upcoming meeting of the City's video capabilities, and make recommendations and requests relating to the production of videos. Council briefly discussed informing the public of the location of the City's channel. / To create equity in using recreational facilities and programs, City Manager Rambosk suggested that County residents pay County fees while using City facilities. / Council Member Taylor expressed hope that Council follows the recommendations from Community Services on the painting of the former Chamber of Commerce Building. / Vice Mayor Herms recommended rebroadcast of the recent Naples Report debate on the proposed conservation charter amendment.

ADJOURN (6:45 p.m.)

Bonnie R. MacKenzie, Mayor

Tara A. Norman, City Clerk

Prepared by:

Jessica Rosenberg, Recording Specialist

Minutes Approved: 11/1/00

10/4/00 Regular Meeting, Attch. 1 Page 1 of 3.



PORT ROYAL

PROPERTY OWNERS' ASSOCIATION, INC.

Kelly Confoy

Executive Manager

October 2, 2000

Scofield Marine Consulting
3554 Exchange Avenue
Suite B
Naples, FL 33942

Dear Rocky:

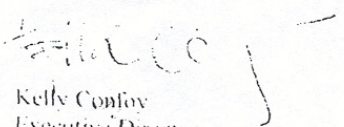
The Port Royal Property Owners' Association has decided to approve the extension of the Truly Nolen dock located on 1099 Nelson's Walk.

Our approval of this variance is based on the fact that the owner has a keeled sailboat, the position of the property, the available waterway, and the approval of the adjacent neighbors.

Please forward this letter as necessary.

Thank you.

Sincerely,


Kelly Confoy

Executive Director

Port Royal Property Owners' Association

Sep 08 00 06:11p

Turrell & Associates, Inc (941) 643-6632

P.2

September 8, 2000

To Whom It May Concern:

I, Clifford Copp, residing at 3685 Nelson's Walk - Port Royal, located adjacent to Truly Nolen's north property line, have reviewed the plans for the proposed extension of Mr. Nolen's dock and have no objection to the dock addition.



Clifford Copp

643-663

September 6, 2000

To Whom It May Concern:

I, John Mehaffey, residing at 1075 Nelson's Walk - Port Royal, located adjacent to Truly Nolen's south property line, have reviewed the plans for the proposed extension of Mr. Nolen's dock and have no objection to the dock addition.


John Mehaffey

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>TAYLOR PENNY ANN (PEnvelope)</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Council member / City of Naples</i>
MAILING ADDRESS <i>995 13th ST N COLLIER</i>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY <i>NAPLES</i>	COUNTY <i>FL</i>	NAME OF POLITICAL SUBDIVISION: <i>City of Naples</i>
DATE ON WHICH VOTE OCCURRED <i>10/4/00</i>		MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE

10/4/00 Regular Mtg.
Attch 2, Page 1 of 2.

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his special private gain. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain of a principal (other than a government agency) by whom he is retained (including the parent organization or subsidiary of a corporate principal by which he is retained); to the special private gain of a relative; or to the special private gain of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes.
- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

You must disclose orally the nature of your conflict in the measure before participating.

You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

Penelope (Penny) Ann Taylor, hereby disclose that on OCTOBER 4, 2000.

1) A measure came or will come before my agency which (check one)

- ☒ inured to my special private gain;
- ☐ inured to the special gain of my business associate, _____;
- ☐ inured to the special gain of my relative, _____;
- ☐ inured to the special gain of _____, by whom I am retained; or
- ☐ inured to the special gain of _____, which is the parent organization or subsidiary of a principal which has retained me.

2) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

MR. TRACY NOTEN ~~is~~ has been a long standing client ~~is the past~~ & will be a client in the future.

On this basis of our long business relationship I have decided, upon advice of the City Attorney, to declare I have a voting conflict and will abstain from voting on this matter.

Date Filed

10/4/00

Signature

Penelope A. Taylor

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317 (1991), A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$5,000.

10/4/00 Regular Mtg, Attch 3, Page 1 of 1.

STANLEY WOLCOTT HOLE
3303 GIN LANE • NAPLES, FLORIDA 33940

3 OCT 00

Hon. Bonnie Mackinzie
Mayor City of Naples
Fax 438⁴4855

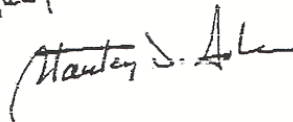
Re: PAB Hearing - Grey Oaks

Dear Bonnie,

1. Occasionally PAB members have legal type questions.
2. If I, as chairman, suspect such questions may arise I have been instructed to request the presence of Beverly Grady - City attorney.
3. Should a question requiring a lawyer arise and Ms. Grady not be present I've been instructed to call and ask if the city attorneys comes to the meeting and answers the question.
4. I remember the Grey Oaks petition before the PAB
5. Beverly Grady informed me that she could not answer question the PAB might raise because of a conflict of interest.
6. I proceeded with the hearing in accordance with the public advertisement.
7. No legal question was raised and no member of the PAB asked for a lawyer to be present.
8. Had either a legal type question been asked or had any member of the PAB requested the presence of a lawyer I know enough to defer/continue until one was furnished
9. The matter was heard and a recommendation was forwarded to Council

Should you have any questions please call -

Respectfully



RECEIVED

OCT - 3 2000

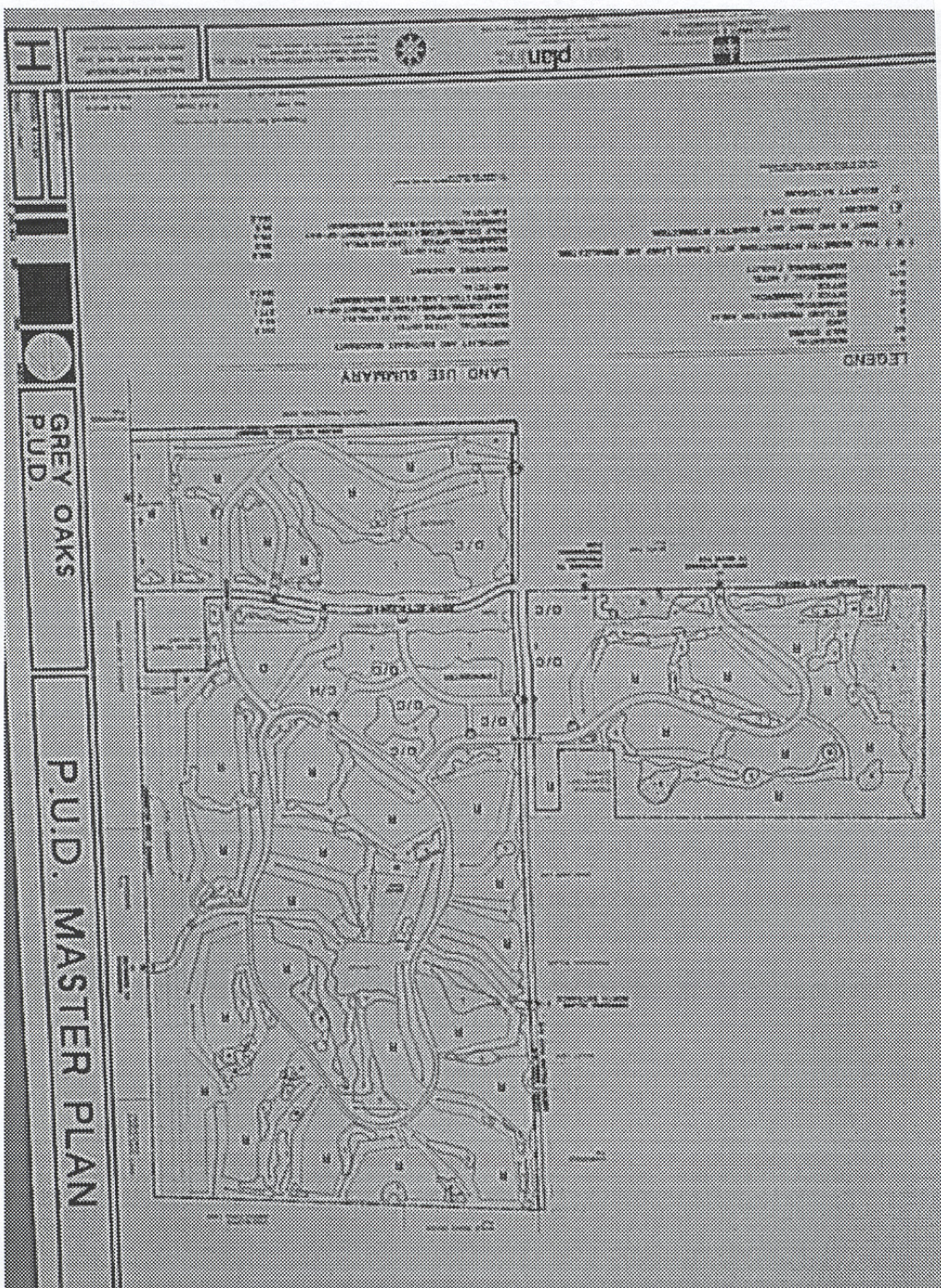
OFFICE OF THE MAYOR





GREY OAKS WEST (CITY OF NAPLES)

	Currently Approved	Proposed Amendment	Difference
Total Acreage-City of Naples	354	354	0
Residential Units	764	464	-300
Commercial Acreage	30	14.4	-15.6
Commercial Square Footage	347,000	100,000	-247,000
Open Space (Golf Course/Conservation/lake)	192.3	232.1	+39.8



Attachment "B"



PORT ROYAL

PROPERTY OWNERS' ASSOCIATION, INC.

August 28, 2000

City of Naples
Attn: Cory Ewing and Brad Weigel
Building Department
735 Eighth Street, South
Naples, FL 34102-6796

Dear Gentlemen:

In regard to the spatial perception issue specified in R1 15A, the Port Royal Association agrees to the following:

1. The Port Royal Association agrees that the new spatial perception rules of the Comprehensive Development Code, City of Naples, FL Ordinance 99-8638 of Section 102-116 stating that the height of 10'0" at a side setback distance of 12'6" from the side property line was an error made during the Association's attempt to combine and compliment the Port Royal and Naples City Codes.
2. The previous profile of height 10' at a setback of 10', or height 12'6" at setback 12'6" results in a forty-five degree angle from the property line. This previous spatial perception profile held by Port Royal, will be the standard to which the Association will return.
3. The Association is taking executive action toward the reversal of the portion of Section A, Ordinance 99-8638, which restricts the spatial perception profile. This will be taken up with the Planning Advisory Board and the City Council.
4. The Association agrees to issue variances to all of the architects/owners in the meantime in regard to this issue.

We ask that the City agree to these variances in the meantime until this oversight is corrected.

Please contact us with any questions or concerns at (941)261-6472.

Thank you.

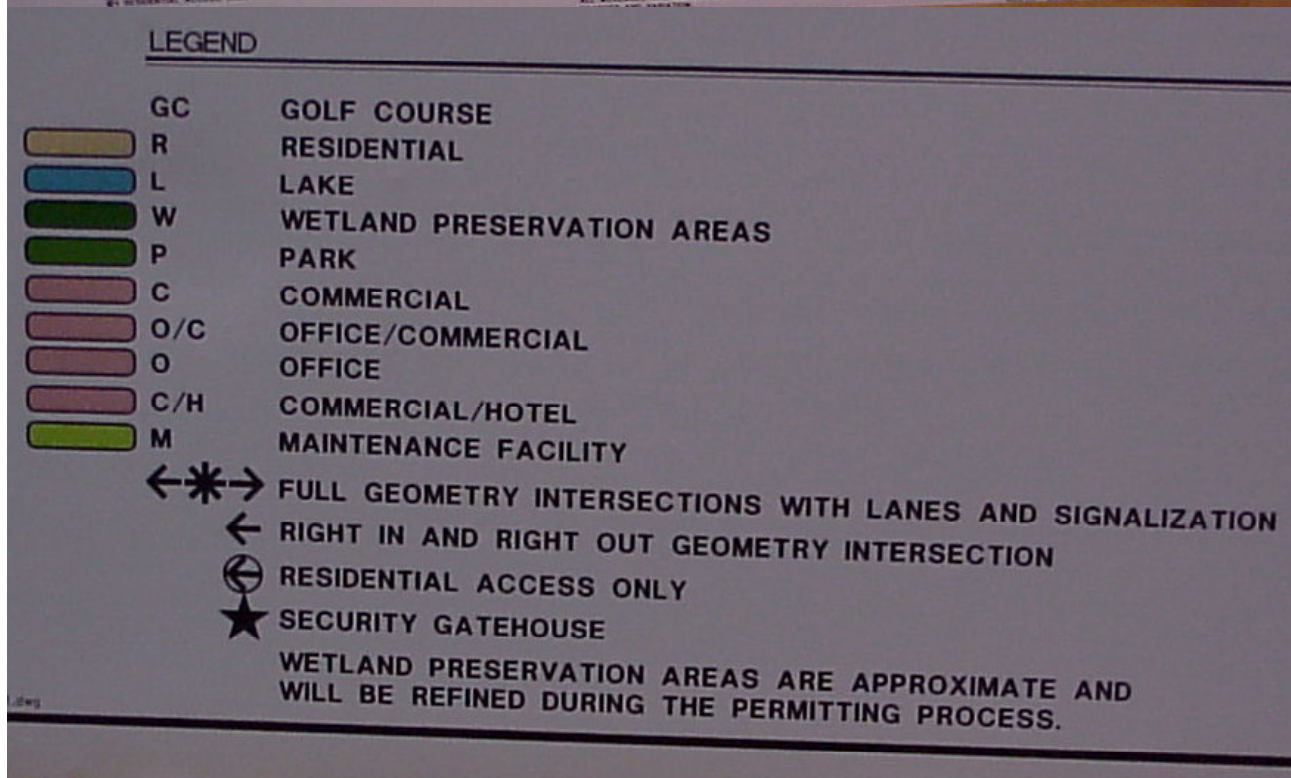
Sincerely,

Kelly Confoy
Port Royal Property Owners' Association Inc.

THE NAPLES PRESERVE

Color Selections for the "Old Chamber Building"



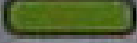


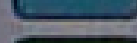


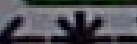
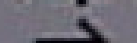

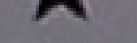





90,40
120,4



LEGEND

	GC	GOLF COURSE
	R	RESIDENTIAL
	(M)	MAINTENANCE FACILITY
	(CL)	GOLF COURSE CLUBHOUSE
	E/F	EMERGENCY MEDICAL/FIRE STATION (#3)
	O/C	OFFICE/RETAIL COMMERCIAL
	L	LAKE
	W	WETLAND PRESERVATION AREAS
		RIGHT-OF-WAY
	OS	OPEN SPACE
		FULL GEOMETRY INTERSECTIONS WITH TURNING LANES AND SIGNALIZATION
		RIGHT IN AND RIGHT OUT GEOMETRY INTERSECTION
		SECURITY GATEHOUSE

BEAR'S PAW
(PD)

BEAR'S PAW
ENTRANCE



NORTHWEST QUADRANT (CITY OF NAPLES)

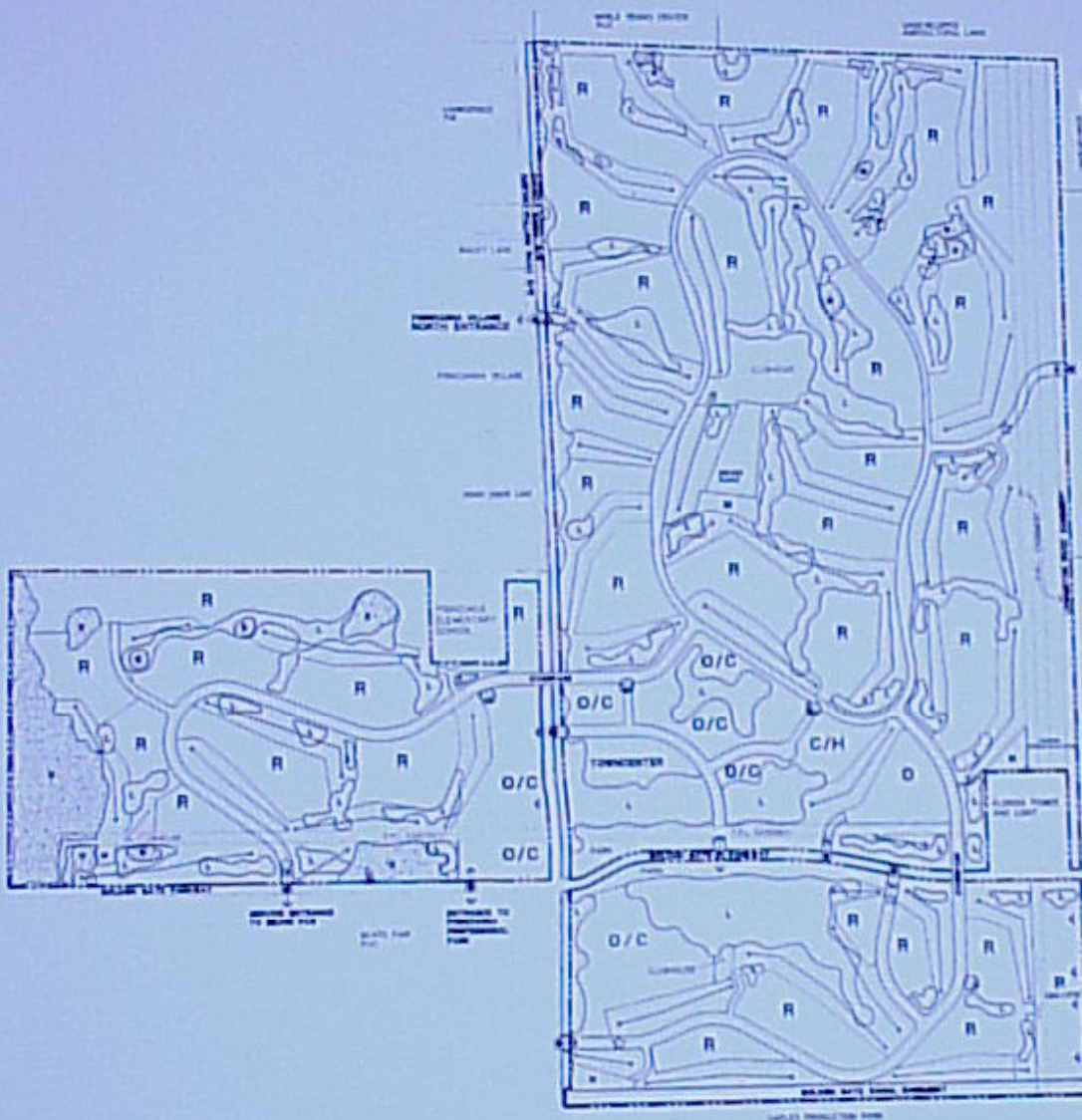
	UNITS/S.F.	ACRES
• RESIDENTIAL	464 UNITS	96.6±
OFFICE/RETAIL COMMERCIAL	100,000 S.F.G.L.A.	14.4±
EMERGENCY MEDICAL/FIRE STATION		1.2±
•• GOLF COURSE/RIGHT-OF-WAY/UTILITIES	18 HOLES	128.7±
CONSERVATION/LAKE/OPEN SPACE		113.1±
SUBTOTAL		354.0±

GENERAL NOTES

- 1) WETLAND PRESERVATION AND ADJACENT OPEN SPACE BUFFERING THE WETLAND PRESERVATION AREAS ARE APPROXIMATE AND WILL BE REFINED DURING THE PERMITTING PROCESS.
 - 2) ALL ACREAGES ARE APPROXIMATE AND SUBJECT TO CHANGES AND/OR VARIATION.
 - 3) E/F LAND USES SHALL INCLUDE FIRE STATION AND EMERGENCY MEDICAL SERVICE FACILITIES. DEVELOPMENT STANDARDS SHALL BE AS SET FORTH IN THE PUBLIC USE (P) DISTRICT OF THE COLLIER COUNTY LAND DEVELOPMENT CODE.
- * THE DEVELOPER MAY RELOCATE UP TO 200 MULTI-FAMILY UNITS FROM THE NORTHWEST QUADRANT TO THE NORTHEAST QUADRANT SO LONG AS THE TOTAL NUMBER OF RESIDENTIAL UNITS IN GREY OAKS DOES NOT EXCEED 1600 UNITS.
- ** GOLF COURSE ACREAGE INCLUDES CLOSHOUSE AND MAINTENANCE FACILITY.

GREY OAKS WEST (CITY OF NAPLES)

	Currently Approved	Proposed Amendment	Difference
Total Acreage-City of Naples	354	354	0
Residential Units	764	464	-300
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Open Space (Golf Course/Conservation/lake)	192.3	232.1	+39.8



P.U.D. MASTER PLAN

GREY OAKS
P.U.D.

LEGEND

- R RESIDENTIAL
- WC WOLF CREEK
- L LAKE
- W WETLANDS PRESERVATION AREA
- C COMMERCIAL
- O/C OFFICE / COMMERCIAL
- D OFFICE
- C/H COMMERCIAL / HOTEL
- M MAINTENANCE FACILITY

- (-)- FULL MEDIAN INTERSECTIONS WITH TURNING LANES AND SIGNALIZATION
- (-)- RIGHT IN AND RIGHT OUT MEDIAN INTERSECTION
- (-)- RESIDENT ALLEY ONLY
- (-)- SECURITY WATCHDOG

LAND USE SUMMARY

NORTHEAST AND SOUTHEAST QUADRANTS		
RESIDENTIAL - 1754 UNITS		299.9
COMMERCIAL/OFFICE - 1000 (81300 S.F.)		95.0
WOLF CREEK RECREATION/PARKING/STREET-OF-WAY		577.1
CONSERVATION/LAKE/WATER MANAGEMENT		190.7
SUB-TOTAL		1062.7
NORTHWEST QUADRANT		
RESIDENTIAL - 1754 UNITS		299.9
COMMERCIAL/OFFICE - 1000 (81300 S.F.)		95.0
WOLF CREEK RECREATION/PARKING/STREET-OF-WAY		577.1
CONSERVATION/LAKE/WATER MANAGEMENT		190.7
SUB-TOTAL		1062.7

1. TOTAL OF 2127.4 ACRES

Prepared for: Hamilton Electric, Inc.
 Date: 10/01/00
 By: J. J. Jones
 Checked by: J. J. Jones
 Date: 10/01/00

GOO
 GARY P. LUMBER & ASSOCIATES, INC.
 CONSULTING ENGINEERS
 1000 N. W. 10th Avenue, Suite 100
 Fort Lauderdale, FL 33304

robby plan inc.
 planning • design • engineering
 1000 N. W. 10th Avenue, Suite 100
 Fort Lauderdale, FL 33304



WILSON-WILLIAMS-REYNOLDS & PECK, INC.
 ENGINEERS, PLANNERS & LAND SURVEYORS
 1000 N. W. 10th Avenue, Suite 100
 Fort Lauderdale, FL 33304

NALEST PARTNERSHIP
 1000 N. W. 10th Avenue, Suite 100
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H

LEGEND

R	RESIDENTIAL
GC	GOLF COURSE
L	LAKE
W	WETLAND PRESERVATION AREAS
C	COMMERCIAL
O/C	OFFICE / COMMERCIAL
O	OFFICE
C/H	COMMERCIAL / HOTEL
M	MAINTENANCE FACILITY

- ↔*↔ FULL GEOMETRY INTERSECTIONS WITH TURNING LANES AND SIGNALIZATION.
- ← RIGHT IN AND RIGHT OUT GEOMETRY INTERSECTION.
- ⊙ RESIDENT ACCESS ONLY
- ☆ SECURITY GATEHOUSE

—WETLAND PRESERVATION AREAS ARE APPROXIMATE
AND WILL BE REFINED DURING THE PERMITTING PROCESS.

LAND USE SUMMARY

NORTHEAST AND SOUTHEAST QUADRANTS

RESIDENTIAL (1936 UNITS)	399.8
COMMERCIAL/OFFICE (956,091 SFGLFA)	90.4
GOLF COURSE/RECREATION/PARK/RIGHT-OF-WAY	577.1
CONSERVATION/LAKE/WATER MANAGEMENT	180.1
SUB-TOTAL	1247.4

NORTHWEST QUADRANT

RESIDENTIAL (764 UNITS)	122.0
COMMERCIAL/OFFICE (347,000 SFGLA)	30.0
GOLF COURSE/RECREATION/PARK/RIGHT-OF-WAY	115.4
CONSERVATION/LAKE/WATER MANAGEMENT	86.8
SUB-TOTAL	354.0

—ALL ACREAGES ARE APPROXIMATE AND ARE SUBJECT
TO CHANGE AND VARIATION.