

***ANNOTATED* Naples City Council Agenda**
City Council Chamber, 735 Eighth Street South, Naples, Florida

Mayor: Paul W. Muenzer

Vice Mayor: Alan R. Korest

City Council: Ronald M. Pennington, Marjorie Prolman, Fred L. Sullivan, Fred Tarrant, Peter H. Van Arsdale

City Manager: Dr. Richard L. Woodruff • City Clerk: Marilyn A. McCord • City Attorney: Maria J. Chiaro

Welcome to today's City Council meeting. If you wish to address the Council regarding an item listed on this agenda, please complete a registration form at the rear of the room and place it in the Request Box located to the right of the City Attorney's seat on the Council dais prior to consideration of that item. We ask that speakers limit their comments to 7 minutes and that large groups name a spokesperson whenever possible. (Written materials or other exhibits for entry into the permanent record must be received in the City Manager's Office by noon of the Monday prior to the City Council meeting.) Thank you for your interest and participation in City government.

Regular Meeting
July 19, 1995
CONVENED 9:00 a.m./ADJOURNED 6:16 p.m.

All proposed ordinances and information on other items listed below may be inspected in the office of the City Clerk, Room B, City Hall, or at the Collier County Public Library Research Section, 650 Central Avenue. For further information, call the City Clerk's Office, 434-4701.

1. Invocation and Pledge of Allegiance
Reverend John Glaros, St. Katherine's Greek Orthodox Church
2. Roll call
ABSENT: Fred L. Sullivan, Council Member
3. Items to be added *NONE*
4. Announcements
Police Office Segrue introduced three young men working with the Police & Emergency Services Department in the Scholars' Program, which requires 75 hours of community service prior to graduation from high school.

MOTION to set the agenda, removing Item 8/Pennington/Prolman/6-0 (Sullivan Absent)

MOTION to approve the consent agenda, consisting of Items 17-23/Pennington/Van Arsdale/6-0 (Sullivan Absent)

NOTICE

Formal action may be taken on any item discussed or added to this agenda. Any person who decides to appeal any decision made by the City Council with respect to any matter considered at this meeting (or hearing) will need a record of the proceedings and may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be heard. Any person with a disability requiring auxiliary aids and services for this meeting may call the City Clerk's Office at 434-4701 with requests at least two business days before the meeting date.

Scheduled Agenda Items

Some of the items on the following agenda have been scheduled for a time certain. This schedule will be followed as closely as possible for the convenience of any citizen(s) wishing to address the Council. Items not listed at a time certain will be considered at the discretion of the Council.

<p>•First Reading of 2 Ordinances</p> <p>•Small Scale Comprehensive Plan Amendment 95-CPASS4 (5-a)</p> <p>•Rezone Petition 95-R6 (5-b)</p> <p>•Petitioner: Grace Lutheran Church</p> <p>Agent: Kim Kobza</p> <p>•Planning Advisory Board recommendation to deny (Conditional Use resolution to be submitted on second reading of ordinances.)</p>	<p>9:15 a.m.</p> <p>5. Consider ordinances amending the Comprehensive Plan and rezoning the property owned by Grace Lutheran Church at 800 Banyan Blvd. from single-family residential to public service; and consideration of a conditional use in order to permit the following: pre-school, Sunday school, adult Bible study, adult day care, and parsonage.</p> <p><i>CONTINUE/Prolman/Van Arsdale/6-0 (Sullivan Absent)</i></p>
<p>•Resolution</p> <p>•Reconsideration approved on 6/21/95</p> <p>•Petition previously denied by Council 6/7/95</p>	<p>9:45 a.m.</p> <p>6. Reconsideration of a request by L'Auberge Restaurant, 602 Fifth Avenue South, for a waiver from the Fifth Avenue South Overlay District requirements in order to permit the continued existence of a recently installed nonconforming vertical awning.</p> <p><i>95-7480/Pennington/Tarrant/4-2 (Prolman, Van Arsdale dissenting; Sullivan Absent)</i></p>
<p>•First Reading of an Ordinance</p> <p>•Planning Advisory Board recommendation to approve (withdrawn at 6/7/95 Regular Meeting)</p>	<p>10:00 a.m.</p> <p>7. Consider an ordinance amending Section 106-235 of the Comprehensive Development Code to add earleaf acacia (<i>Acacia auriculiformis</i>), carrotwood (<i>Cupaniopsis anacardioides</i>) and Java plum (<i>Syzygium cumini</i>) to the list of noxious plants which must be removed when property is developed or redeveloped, or from vacant land.</p> <p><i>APPROVED AT FIRST READING, AS AMENDED Prolman, Van Arsdale 4-2 (Tarrant, Van Arsdale dissenting; Sullivan Absent)</i></p>
<p>•Resolution</p> <p>•Nonconformity Petition 95-N1</p> <p>•Petitioner: Tiki Boat Tours</p> <p>•Agent: John Winnie</p> <p>•Continued from Regular Meeting of 6/7/95</p>	<p>11:00 a.m.</p> <p>8. Consider a request for a change in a non-conformity in order to permit the "Tiki II" charter boat to be replaced with the "Buoy One" charter boat at Slip #2, Ole Marina Docks, 1166 Sixth Avenue South.</p> <p><i>(REMOVED FROM AGENDA)</i></p>

<p>•First Reading of an Ordinance •Rezone Petition 95-R8 •Petitioner: Resort Development of Naples Cay Agent: Tom Becnel •Planning Advisory Board recommendation to approve</p>	<p>2:00 p.m. 9. Consider an ordinance rezoning Parcels 7 and 8, Naples Cay from "R3-12" Multi-family to "PD" Planned Development to permit construction of 92 units in two buildings rather than 124 units in five buildings. <i>DENIED/Korest/Van Arsdale/3-3</i> <i>(Pennington, Prolman, Tarrant dissenting; Sullivan Absent)</i></p>
<p>•Resolution •Conditional Use Petition 95-CU8 •Petitioner: Dr. Jon Strohmeyer •Agents: McAnly, Asher & Assoc. •Planning Advisory Board recommendation to approve</p>	<p>10. Consideration of a request for conditional use approval to permit a reduction in the required number of parking spaces for a medical office at 702 Goodlette-Frank Road, based on a parking needs analysis. <i>95-7477/Pennington/Tarrant/6-0 (Sullivan Absent)</i></p>
<p>•First Reading of an Ordinance •Rezone Petition 95-R9 •Petitioner: Progeny II Corp. d/b/a Naples Marina & Boating Center •Planning Advisory Board recommendation to approve</p>	<p>11. Consideration of an ordinance amending an existing planned development at Naples Marina and Boating Center, 475 North Road, to permit construction of a sales office and additional wet and dry boat slips. <i>APPROVE AT FIRST READING</i> <i>Korest/Pennington/6-0 (Sullivan Absent)</i></p>
<p>•Resolution •Development Agreement Petition 95-D1 •Petitioner: Suntide Corp. •Agent: Robert Rogers •Planning Advisory Board recommendation to approve</p>	<p>12. Consideration of a development agreement to preserve the right to develop a maximum of six dwelling units at 649 Tenth Avenue South (Suntide Apartments). <i>95-7479/Tarrant/Van Arsdale/ 4-2</i> <i>(Korest, Prolman dissenting; Sullivan Absent)</i></p>
<p>•Second Reading of an Ordinance •Approved on First Reading 6/7/95</p>	<p>13. Public Hearing to consider an ordinance proposing annexation of the High Point area including High Point Country Club, Catalina at High Point, Royal Palm Point, and certain commercial properties. <i>APPROVE AS AMENDED</i> <i>95-7475/Korest/Van Arsdale/5-1(Pennington dissenting; Sullivan Absent)</i></p>

<p>•Resolution •Requested by Planning</p>	<p>14. Correcting Resolution 3399 adopted December 5, 1979, to revise description of unimproved 33rd Avenue South right-of-way abandoned thereby. 95-7478/Pennington/Van Arsdale/4-2 (Prolman, Muenzer dissenting)</p>
<p>•First Reading of an Ordinance •Natural Resources</p>	<p>15. Consideration of amending Chapter 114 of the Code of Ordinances to incorporate Collier County sea turtle protection regulations. APPROVE AT FIRST READING Pennington/Van Arsdale/6-0 (Sullivan Absent)</p>
<p>•Resolution •Natural Resources</p>	<p>16. Appointment of a qualifications review committee to select a consultant for continuing services in implementing the Doctors Pass Inlet Management Plan. 95-7481/Van Arsdale/Tarrant/6-0 (Sullivan Absent)</p>
<p style="text-align: center;">Consent Agenda</p> <p>All matters taken under this section are considered routine, and action will be taken by one motion. There will be no separate discussion of these items. If discussion is desired, that item(s) will be removed from the Consent Agenda and considered separately.</p> <p><i>4/03/95 Workshop</i> <i>5/08/95 Workshop</i> <i>5/17/95 Regular</i> <i>5/22/95 Special</i> <i>6/07/95 Regular</i> <i>6/19/95 Workshop</i> <i>6/19/95 Budget Workshop</i> <i>6/20/95 Budget Workshop</i> <i>6/21/95 Regular</i></p>	
	<p>17. Approval of minutes. APPROVE/Pennington/Van Arsdale/6-0 (Sullivan Absent)</p>
<p>•Resolution •CCSL 95-03 Owners: George & Patricia Kraus</p>	<p>18. Consider revising Resolution 95-7386, which granted a coastal construction setback line variance to add living space at 2976 Gordon Drive, in order to incorporate changes in the final design of the project. 95-7473/Pennington/Van Arsdale/6-0 (Sullivan Absent)</p>
<p>•Resolution •Requested by City Attorney</p>	<p>19. Consider adoption of procedures to remove the presumption of prejudice regarding ex parte communications with governmental officials in quasi-judicial proceedings, pursuant to §286.0115, Florida Statutes. 95-7474/Pennington/Van Arsdale/6-0 (Sullivan Absent)</p>

<p>•Requested by City Manager</p>	<p>20.</p>	<p>Budget amendment to establish assessments receivable accounts in conjunction with construction of improvements in the Avion Park and Seagate assessment districts. <i>APPROVE/Pennington/Van Arsdale/6-0 (Sullivan Absent)</i></p>
<p>•Award of Bid 95-40</p>	<p>21.</p>	<p>Award of bid for streetscape luminaries on Fifth Avenue South and at Crayton Cove. Vendor: Raybro Electric, Naples, Florida / Totals \$116,130 (Fifth Avenue) and \$16,010 (Crayton Cove) / Funding: Fifth Avenue Assessment District and current operating budget. <i>APPROVE/Pennington/Van Arsdale/6-0 (Sullivan Absent)</i></p>
<p>•Award of Bid 95-35 •Utilities</p>	<p>22.</p>	<p>Award of annual contract for pipe fittings and accessories. Various vendors / Estimated annual expenditure \$707,500 / Funding: Water Dist. & Wastewater Collection inventory accounts. <i>APPROVE/Pennington/Van Arsdale/6-0 (Sullivan Absent)</i></p>
<p>•Development Services</p>	<p>23.</p>	<p>Consideration of a proposal by Dyer, Riddle, Mills & Precourt, Inc., to provide design services in conjunction with Gordon River Bridge replacement on U.S. 41. <i>95-7475/Pennington/Van Arsdale/6-0 (Sullivan Absent)</i></p>

Open Public Input ***NONE***

Correspondence and Communications
Council Member Tarrant asked if someone from Council who had voted in the majority for donating funds to FOCUS would request reconsideration of that matter.

City Attorney Chiaro reviewed the City's regulations pertaining to request for consideration.

Adjourn
6:15 p.m.

