

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
Wednesday, November 1, 1995
Convened 9:03 a.m. / Adjourned 8:47 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 - *Rev. Dr. Bob N. Wallace, Lely Presbyterian Church*
2. Roll call - *All present*
3. Items to be added - *Set agenda; remove Item 20 and add the following items: / Pennington / Sullivan / 7-0*
Item 23 - Authorization to issue purchase orders - utility storm water repairs
Item 24 - Authorization to issue purchase order - street lighting/traffic signal maintenance
Item 25 - Pier restroom reconstruction
Item 26 - Special event - Lake Park Elementary School PTO Carnival
Item 27 - Authorization for "Contribution in Aid of Construction" to Florida Power & Light (conversion to underground utilities in Cambier Park)
Item 28 - Commercial Handbill Permit to Community Directory Company "The Gray Book"
Item 29 - Federal Gas Tax Return Inequalities
4. Announcements -
Presentation of Governor Lawton Chiles' congratulatory message to Robert Iamurri, Manager of Naples Braves Softball Team
Presentation by Dr. Melody Hainsworth regarding the Naples Free-Net.

•Resolution
•Development Agreement
Petition 95-D2
•Petitioner: Dennis Lynch, Trustee
•Continued from 10/18/95

9:15 a.m.

5. **Public Hearing** to consider a request for a development agreement for a 5.86 acre parcel on the west side of U.S. 41, north of Neapolitan Way, to allow for highway commercial uses and a maximum building height of 85 feet.
95-7563 / Korest / VanArsdale / 5-2 (Pennington and Prolman dissenting)

•Resolution

9:30 a.m.

<div>•Development Agreement Petition 95-D3 •Petitioner: Dennis Lynch, Trustee •Continued from 10/18/95</div>	<div>6. Public Hearing to consider a request for a development agreement for a 3.46 acre parcel on the west side of U.S. 41 south of Myrtle Terrace to allow for highway commercial uses a maximum building height of 85 feet. <i>95-7564 As amended to impose present sign ordinance and calling for a review of the Myrtle Terrace access one (1) year after occupancy allowing Council to remove or modify this access if it becomes a problem / Korest / VanArsdale / 6-1 (Pennington dissenting)</i></div>
<div>•Second Reading of an Ordinance •Approved on First Reading 10/18/95</div>	<div>10:00 a.m. 7. Public Hearing to consider amending Sections 78 and 118 of the Code of Ordinances in order to allow temporary use permits to be issued for charter boats. <i>95-7565 / Sullivan / Korest / 5-2 (Tarrant and Muenzer dissenting)</i></div>
<div>•Resolution •Subdivision Plat Petition 95-SD3 •Petitioner: Donald Lusk •Agent: McAnly, Asher & Assoc. •Continued from 10/4/95</div>	<div>10:15 a.m. 8. Consider a preliminary and final plat for a seven unit subdivision to accommodate the "Villas of Old Naples" condominiums, 425-455 Second Avenue South. <i>95-7566 / VanArsdale / Korest / 5-2 (Prolman and Muenzer dissenting)</i></div>
<div>•First Reading of an Ordinance •Rezone Petition 95-R11 Petitioner: Resolution Hospitalities •Reconsideration authorized at 11/1/95 Regular Meeting</div>	<div>10:30 a.m. 9. Reconsideration of a request to rezone a 1.98 acre parcel at the southeast corner of U.S. 41 and High Point Drive in order to accommodate construction of a hotel. <i>Approved as amended to require directional signage at the parking lot exit, to delete the 10th Street North exit and to include the conditions recommended by staff and the Planning Advisory Board / Korest / Sullivan / 6-1 (Prolman dissenting)</i></div>
<div>•First Reading of an Ordinance</div>	<div>11:15 a.m.</div>

<p>•Rezone Petition 95-R12 •Petitioners: Ross Design Associates •Planning Advisory Board recommendation to approve</p>	<p>10. Consider a request to amend a previously approved planned development in order to permit an addition of 452 square feet to an existing office building at 995 Eighth Avenue South. <i>Approved / Sullivan / VanArsdale / 6-1 (Prolman dissenting)</i></p>
<p>•Resolution •Dredge & Fill DR95-02 •Petitioner: Gordon River Hotel Assoc. •Agent: W. Dexter Bender & Assoc.</p>	<p>11:30 a.m. 11. Consider a request for a dredge and fill permit to install riprap, bulkhead and to fill 0.14 acres of submerged river bottom and 0.04 acres of mangrove fringe and, for mitigation, to create an 0.18 acre intertidal shelf to be planted with mangroves at 1221 Fifth Avenue South (Comfort Inn). <i>95-7567 as amended to be subject to staff recommendations, conditioned upon future Council approval of mitigation easement and to limit boat slips to an accessory use of the hotel and its guests / Sullivan / Pennington / 7-0</i></p>
<p>•Resolution •Requested by Planning •Continued from 10/4/95</p>	<p>3:00 p.m. 12. Consider revocation of a prior conditional use approval for live entertainment at Mageiro's Restaurant, 2840 North Tamiami Trail. <i>Failed / Motion to approve as amended to take effect on 12/1/95 / Sullivan / Pennington / 3-3 (Prolman, Tarrant, VanArsdale dissenting; Korest absent). Accept into the record the exhibit book submitted by Michael Volpe, Esquire / Pennington / VanArsdale / 5-1 (Sullivan dissenting; Korest absent)</i></p>
<p>•Second Reading of an Ordinance •Approved on First Reading 10/18/95</p>	<p>13. Public Hearing to consider an ordinance authorizing the sale of bonds, not to exceed \$20,000,000.00, for wastewater system improvements. <i>95-7568 / Pennington / Sullivan / 6-1 (Tarrant dissenting)</i></p>
<p>•Second Reading of an Ordinance</p>	<p>14. Public Hearing to consider an ordinance</p>

•Approved on First Reading 10/18/95

amending the Comprehensive Development Code to recognize the recent reorganization of the Development Services Department and adopt the 1994 editions of the Standard Building Code, Standard Plumbing Code, Standard Mechanical Code, Standard Gas Code, Swimming Pool Code, State of Florida Accessibility Code, and 1993 Energy Efficiency Code for building construction. **Please note: Staff is requesting that this item be continued.**

Continued / Korest / Sullivan / 7-0

•First Reading of an Ordinance
•Human Resources

15. Consider an ordinance amending Section 50 of the Code of Ordinances to eliminate the Blue Ribbon Panel in the selection of members of City of Naples Public Employees Relations Commission members.

Approved / Sullivan / Pennington / 7-0

•First Reading of an Ordinance
•Community Services

16. Consider an ordinance establishing regulatory and maintenance authority over City-owned street trees.

Continued / Pennington / Sullivan / 7-0

•Resolution
Continued from 10/18/95

17. Consider the appointment of a land planner to the Community Redevelopment Agency Advisory Board.

95-7570/ Reappoint Larry Warner / Pennington / Tarrant / 4-2 (Prolman and VanArsdale dissenting; Korest absent)

Consent Agenda

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. *Approve consent agenda (Items 18, 19 and 21); Item 20 removed from consent agenda; Item 22 removed from consent agenda for separate consideration / Korest / Sullivan / 7-0*

18. Approval of Minutes

*October 4, 1995 Regular Meeting
October 16, 1995 Workshop Meeting
October 18, 1995 Regular Meeting (as amended)
Approved / Korest / Sullivan / 7-0*

•Resolution

19. Consider endorsing an administrative grant of variance for a screened pool area which encroaches into the side yard setback at 2570 Crayton Road.
95-7562 / Korest / Sullivan / 7-0
-

**•Resolution
•Police & Emergency Services**

20. Consider the purchase of items of equipment for the Naples Police & Emergency Services Department from the Police Confiscation Trust Fund.
Total Cost: \$98,574.00
Removed from the consent agenda
-

**•Purchase Order
•Planning**

21. Consider purchase of planning management computer software to be utilized for land management and zoning projects. Vendor: H.T.E., Inc., Orlando, Florida / Cost \$20,800.00 / Funding: CIP Project #96C05
Approved / Korest / Sullivan / 7-0
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•Special Events Committee

22. Consider temporary use permits for the following special events:
Community Healthfest 11/11/95
Naples Players Reception 11/12/95
Festival of Lights 11/20/95
P.O.L.O. Street Dance 11/25/95
Special Olympics 11/26/95
Christmas Walk 11/27/95
Fifth Avenue Art Festival 12/30-31/95
Approved / Pennington / Sullivan / 6-0 (Korest absent)

End Consent Agenda

23. Authorization to issue purchase orders - utility storm water repairs (Development Services / Engineering)
Approved / Pennington / Sullivan / 6-0 (Korest absent)

24. Authorization to issue an annual purchase

order - street lighting/traffic signal
maintenance (Development Services)

***Approved / Pennington / Sullivan / 6-0 (Korest
absent)***

25. Amend contract with Kelly Brothers. Inc. to
add construction of the restroom buildings at
the Naples City Pier at a cost of \$92,892.00

***Approved / Pennington / Sullivan / 6-0 (Korest
absent)***

26. Authorization to issue Temporary Use
Permit for Lake Park Elementary School
PTO Carnival

***Approved / VanArsdale / Prolman / 6-0 (Korest
absent)***

27. Authorization for "Contribution in Aid of
Construction" to Florida Power & Light
(conversion to underground utilities in
Cambier Park)

***Approved / Pennington / Sullivan / 6-0 (Korest
absent)***

28. Commercial Handbill Permit to Community
Directory Company "The Gray Book"

***Approved as amended to require delivery to the
door / Sullivan / Pennington / 6-0 (Korest absent)***

29. A resolution regarding federal gas tax return
inequalities (pursuant to request of the
Regional Planning Board)

***95-7569 / Sullivan / Pennington / 6-0 (Korest
absent)***

Open Public Input - None

Correspondence and Communication - City
Attorney Chiaro requested that Council rescind the
appointments of Brian Presley (Community
Redevelopment Agency Advisory Board) and
Arthur Schoenfuss (Code Enforcement Board)
***Approved / Sullivan / Pennington / 6-0 (Korest
absent)***

Mayor Muenzer reminded the public of the
Workshop Meeting (10:00 a.m.) and Special
Meeting (11:30 a.m.) scheduled for November 6,

1995.

City Manager Woodruff announced that the legislative meeting scheduled for November 8, 1995 had been canceled and will not be rescheduled this year.

Adjourn - 8:47 p.m.

Items were considered in the following order:

3, 18, 19, 21, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 22, 26, 27, 29, 12, 23, 24, 25, 28, 17