

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, December 6, 1995
Convened 9:07 a.m. / Adjourned 3:38 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 - *Pastor Dr. Charles M. Lewis, Community Congregational Church*
2. Roll call - *All present*
3. Items to be added
Item 25 - Bid for Park Maintenance
Item 26 - Bid for Re-Decking of City Dock
Item 27 - Bid for Restroom Improvements at Norris Center and City Dock
Item 28 - Bid for Roof Replacement at East Naples Pumphouse
Item 29 - Consider request by Pelican Bay Property Owners Assoc. to delay 12/7/95

annexation information meeting.

4. Announcements - *City Manager Richard Woodruff reminded the public that the kick-off meeting for the 41-10 corridor redevelopment is scheduled for 12/6/95 (6:30 p.m.) in the Council Chambers and will include a presentation by Ray Gindroz. An additional meeting is scheduled for 12/9/95 (10:00 a.m.)*

Mayor Muenzer announced the new Council policy of simultaneous voting through a show of hands.

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.

**Pursuant to establishment of
assessment district**

9:15 a.m.

5. Convening of Board of Equalization to hear and consider any and all complaints as to the special assessments with reference to the Fifth Avenue Special Assessment District and to adjust and equalize the assessments on a basis of justice and right.

5a. 602-604 Fifth Avenue South (Breedon)
*Approve special assessment as levied/
Sullivan/Korest/6-1 (Tarrant dissenting)
(A previous motion by Tarrant to reduce the
special assessment by 50% failed for lack of
second.)*

5b. 365 Fifth Avenue South (Antaramian)
*Approve amount of special assessment and
confirm the amount of the adjustment depending
on whether or not resolution of the adjustment
amount is reached by the staff and the petitioner
no later than January 17, 1996/Sullivan/
VanArsdale/6-1 (Tarrant dissenting)*

5c. 405 Fifth Avenue South (Antaramian)
*Approve amount of special assessment and
confirm the amount of the adjustment depending
on whether or not resolution of the adjustment
amount is reached by the staff and the petitioner
no later than January 17, 1996/Korest/
VanArsdale/6-1 (Tarrant dissenting)*

5d. 399 Fifth Avenue South (Antaramian)
*Approve amount of special assessment and
confirm the amount of the adjustment depending
on whether or not resolution of the adjustment
amount is reached by the staff and the petitioner
no later than January 17, 1996/ Pennington/
Prolman/6-1 (Tarrant dissenting)*

5e. 878-888 Fifth Avenue South (Prince)
*Approve special assessment as levied/Korest/
Pennington/5-2 (Sullivan and Tarrant dissenting)
(A previous motion to reduce special assessment to
20% of the assessment levied/Sullivan/
Tarrant/failed 2-5 (Korest, Pennington, Prolman,
VanArsdale, and Muenzer dissenting)*

5f. 853 Fifth Avenue South (Irwin)
*Approve special assessment as levied/Sullivan/
Pennington/5-1 (Tarrant dissenting; VanArsdale
absent)*

**NOTE: No resolution for item 5 as there were no
adjustments to the special assessment.**

•Resolution
•Pursuant to approval of
privatization on 11/15/95

10:45 a.m.

6. Consider approval of a contract with Joseph
O'Shaughnessy for operation of concession
sales and services at the Fishing Pier.
95-7583/Korest/Pennington/7-0

•Resolution
•Conditional Use Petition 95-CU15
•Petitioner: Michael's Cafe
•Planning Advisory Board
recommendation to approve

11:00 a.m.

7. Consider granting a conditional use for
staged entertainment at Michael's Cafe,
2950 Ninth Street North.

*Continued to 12/20/95 Regular Meeting/Korest/
Pennington/7-0*

•Resolution
•CCSL 95-18
Petitioner: Hondo, Inc.
Agent: Humiston & Moore Engineers

8. **Public Hearing** to consider a request for a
variance to construct a habitable addition to
the east side of an existing residence, to
reconstruct a portion of the residence within
the existing footprint, to rebuild entry
courtyard walls, and to expand a garage
seaward of the Coastal Construction Setback
Line at 2700 Gordon Drive.

95-7580/Pennington/Sullivan/7-0

•First Reading of an Ordinance
•Rezone Petition 95-R13
•Petitioner: Buccaneer's Roost Ltd.
•Planning Advisory Board
recommendation to approve

9. Consider an ordinance amending an existing
Planned Development to allow
encroachment of air conditioning and
mechanical equipment up to 48 inches in
height into required yards at Colonial
Square, 1000 block of Goodlette Road.

Approved/Sullivan/Korest/6-0 (Prolman absent)

•Resolution
•Subdivision Plat Petition 95-SD5
•Petitioner: Binder Building Company
•Planning Advisory Board
recommendation to approve

10. Consider granting preliminary and final
subdivision plat approval for "Bougainvillea
Gardens," a three-lot subdivision at 532 11th
Avenue South.

*Denied and direct staff to bring the issue of
innovative development back to Council in a
Workshop Meeting/Pennington/Prolman/6-1*

(Tarrant dissenting)

<p>•Resolution •Variance Petition 95-V12 •Petitioner: Poinciana Professional Park Agents: Kelly, Price, Passidomo, Siket, Heuerman & Ross •Planning Advisory Board recommendation to approve</p>	<p>11. Consider granting a variance in order to permit a reduction of a required front yard setback to five feet for Poinciana Professional Park, 2600 Golden Gate Parkway. <i>95-7581/Korest/Prolman/7-0</i></p>
<p>•First Reading of an Ordinance •Text Amendment Petition 95-T14 •Planning Advisory Board recommendation to approve</p>	<p>12. Consider an ordinance amending Section 106-39 of the Comprehensive Development Code in order to define additional standards for signs that are exempt from permit requirements. <i>Approved/Prolman/Pennington/7-0</i></p>
<p>•First Reading of an Ordinance •City Manager</p>	<p>13. Consider an ordinance concurring with establishment of a County-wide law enforcement MSTU (Municipal Services Taxing Unit) <i>Approve substitute ordinance/Pennington/Korest/6-1 (Tarrant dissenting)</i></p>
<p>•First Reading of an Ordinance •City Attorney</p>	<p>14. Consider an ordinance amending Section 82-10 of the Code or Ordinances to provide a definition of garage sale and Section 86-208 of the Code of Ordinances to provide for parking and exemption of signs in conjunction with garage sales. <i>Approved/Pennington/Sullivan/7-0</i></p>
<p>•Resolution •Variance Petition 95-V11 •Petitioner: Benton Tolley •Planning Advisory Board recommendation to approve</p>	<p>15. Consider a variance from the 25-foot rear yard setback required in the R1-10 zoning district in order to permit construction of a utility building with a 7½ foot setback at 433 Third Street North. <i>95-7582/Pennington/Sullivan/7-0</i></p>
<p>•First Reading of an Ordinance •Natural Resources •Pursuant to discussion of 10/30/95</p>	<p>16. Consider an ordinance amending Section 114-33 of the Comprehensive Development Code establishing new procedures for permitting of construction seaward of the Coastal Construction Setback Line. <i>Approved/Pennington/Sullivan/7-0</i></p>

<p>•Second Reading of 2 Ordinances •Approved on First Reading 11/15/95</p>	<p>17-a. Public Hearing to consider an ordinance establishing regulatory and maintenance authority over City-owned street trees. <i>Continued to 12/20/95 Regular Meeting/ Sullivan/Pennington/7-0</i></p> <p>17-b. Public Hearing to consider an ordinance adding to the duties of the Community Services Advisory Board the responsibility to act as the City's Tree Board. <i>Continued to 12/20/95 Regular Meeting/ Sullivan/Pennington/7-0</i></p>
<p>•Second Reading of an Ordinance •Approved on First Reading 11/15/95</p>	<p>(Mayor Muenzer requested discussion with Carlton Case of F.P.&L. in a workshop meeting)</p> <p>18. Public Hearing to consider an ordinance amending the boundaries of the City of Naples to include the area known as West Boulevard. <i>95-7584/Sullivan/Pennington/7-0</i></p>
	<p>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. <i>Approve Consent Agenda Items 19-24/ Sullivan/Pennington /7-0</i></p>
	<p>19. Approval of Minutes <i>11/1/95 Regular Meeting; 11/13/95 Workshop Meeting</i> <i>Approved/Sullivan/Pennington/7-0</i></p>
<p>•Resolution</p>	<p>20. Consider approval of an administrative grant of variance for an encroachment into a required side yard at 3950 Gordon Drive. <i>95-7579/Sullivan/Pennington/7-0</i></p>
<p>•Purchase Authorization •Community Services</p>	<p>21. Consider waiving competitive bidding in order to purchase computer software for recreation program registration processing. Vendor: Sierra Digital, Sacramento, California / Price: \$9,335.00 / Funding: CIP Project #96T10 <i>Approved/Sullivan/Pennington/7-0</i></p>

<hr/> <p style="text-align: center;">•Finance</p> <hr/>	<p>22. Consider budget amendments to authorize completion of projects begun in the prior fiscal year and to recognize revenues from a recent stormwater utility fee increase.</p> <p><i>Approved/Sullivan/Pennington/7-0</i></p>
<hr/> <p style="text-align: center;">•Special Events Committee</p> <hr/>	<p>23. Consider a temporary use permit for the Third Street South "TUBACHRISTMAS" December 11, 1995.</p> <p><i>Approved/Sullivan/Pennington/7-0</i></p>
<hr/> <p style="text-align: center;">•Natural Resources</p> <hr/>	<p>24. Consider validation of a permit to repair a shore protection structure at 4540 Gordon Drive.</p> <p><i>Approved/Sullivan/Pennington/7-0</i></p> <p>25. Consider award of bids for landscaping maintenance (Annual Contracts). Bid #96-27 (Community Services). Contractors: T.L.C. Lawn Maintenance, Naples, Florida/Total \$78,840.00; Macia's Lawn Service, Naples, Florida/Total \$14,720.00; A Personal Touch Lawn Service, Naples, Florida/Total \$29,325.00/Funding: Parks & Parkways 31-04 Account.</p> <p><i>Approved/Pennington/Sullivan/7-0</i></p> <p>26. Consider award of bid to replace decking at Municipal Boat Dock. Bid #96-30. Contractor: Nautilus Dredging & Docks, Inc., Naples, Florida/Bid Price \$48,300.00/Funding: C.I.P. Project #96Q02; Dock Repair & Replacement Fund.</p> <p><i>Approved/Sullivan/Pennington/7-0</i></p> <p>27. Consider award of bid for remodeling of restrooms at Norris Community Center and City Dock. Bid #96-25. Contractor: (Norris Center): Surety Construction Co., Bonita Springs, Florida/Total \$28,861.00/Funding C.I.P. Project #95G10 Contractor: (City Dock) Bill Lhota General Contractor, Naples, Florida/Total \$37,733.00/Funding: City Dock Fund.</p> <p><i>Approved/Pennington/VanArsdale/5-2 (Sullivan)</i></p>

and Muenzer dissenting)

28. Consider award of bid for roof replacement at East Naples pump house. Bid #96-21.
Contractor: Highpoint General Contracting, Naples, Florida/Bid Amount: \$15,750.00/
Funding: C.I.P. Project #95K14.

Approved/Sullivan/Pennington/7-0

29. Consider a request from president of the Pelican Bay Property Homeowners Association, Inc. to delay meeting scheduled for 12/7/95 relating to beach access issues.

Approved/ Korest/VanArsdale/6-1 (Tarrant dissenting)

Open Public Input: None

Correspondence and Communications:

Mayor Muenzer referred to a request from Pompano Grill regarding signage and asked for a response from staff.

City Attorney Maria Chiaro was recognized for receiving the "Boss of the Year Award" presented by the Collier County Legal Secretaries' Association.

Council Member Sullivan relayed a communication from a law office regarding an automobile accident at 2030 Gordon Drive and possible solutions were discussed.

Adjourn - 3:38 p.m

Items were considered in the following order: 1, 2, 3, 19, 20, 21, 22, 23, 24, 4, 29, 5a, 5b, 5c, 5d, 5e, 5f, 13, 7, 8, 10, 11, 15, 9, 6, 12, 14, 16, 17a, 17b, 18, 25, 26, 27, 28.