

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, January 17, 1996
Convened 9:03 a.m. / Adjourned 5:55 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 Susan Diamond*
2. Roll call - *All Present*
3. Items to be added - ***Item 23 - Bid Award for Decking Material - City Dock***
Item 24 - Amendment to Noxious Plant Ordinance
4. Announcements
 - Recognition of the services of the Beach Renourishment Committee members.*
 - Special recognition to Jerry Pugh of Continental Cablevision*
 - Invitation to celebration of Florida Arbor Day.*
 - Announcement that the City of Naples would be awarded the Tree City U.S.A. designation in recognition of the City's tree maintenance and planting programs.*

Second Reading of an Ordinance
Approved at First Reading 1/3/96
•**Rezone Petition 95-R16**
•**Petitioner: Andrew Wolfe**

9:15 a.m.

5. **Public Hearing** to consider an ordinance amending an existing planned development at Wolfe Marina at the southwest corner of River Point Drive and U.S. 41, in order to reduce the number of previously approved boat slips and to include additional uses consistent with the C2-A Waterfront District.
96-7618 as amended to require approval of the dumpster location by the City Manager or his designee/Korest/Sullivan/7-0

•**First Reading of an Ordinance**
•**Change in Text Petition 96-T1**
•**Third Street Overlay District Regulations**
•**Petitioner: City of Naples**

9:30 a.m.

6. Consider an ordinance amending Division 5, "Third Street Commercial Area Special Overlay District," of the Comprehensive Development Code.
Tabled until the 3/6/96 Regular Meeting/ Sullivan/Tarrant/5-2 (Korest and VanArsdale dissenting)

<p>•Resolution •Planning</p>	<p>10:30 a.m.</p> <p>7. Consider revocation of a prior conditional use approval for staged entertainment at Mageiro's Restaurant, 2840 North Tamiami Trail.</p> <p><i>96-7620/ Based upon non-compliance of the conditions contained in Paragraphs 2 and 3 of Section 2 of Resolutions 95-7343 and 95-7389 and amended as follows:</i></p> <p><i>1) replace references to live entertainment with "staged entertainment";</i></p> <p><i>2) the 6th "WHEREAS" clause to state: "Since November 1, 1995, 14 complaints were received, and staff recommends that City Council revoke the conditional use to allow the adjacent residential properties peace and quiet enjoyment.";</i></p> <p><i>3) effective date is 30 days from date of passage;</i></p> <p><i>4) the 5th "WHEREAS" clause to state: "City Council finds that the noise level of the restaurant has exceeded Section 106-239(h) of the Comprehensive Development Code; the noise from the entertainment can be heard outside the restaurant, at the rear property line."/</i></p> <p><i>Pennington/Sullivan/5-2 (Korest and Tarrant dissenting)</i></p> <p><i>A motion by Tarrant to table Item 7 for further consideration failed for lack of second.</i></p>
<p>•Resolution •Pursuant to 12/20/95 Regular Meeting</p>	<p>8. Consider contract with Dr. Herb Marlowe for services as a facilitator to assist with the comprehensive planning process.</p> <p><i>96-7622/ amended as follows:</i></p> <p><i>1) Section 2 of agreement - "Compensation shall not exceed \$10,000.00 without approval by City Council of an addendum to the contract."</i></p> <p><i>2) Section 3 of agreement - effective date shall continue through May 31, 1996/Pennington/VanArsdale/6-1 (Tarrant dissenting)</i></p>
<p>•Second Reading of an Ordinance Approved at First Reading 1/3/96</p>	<p>9. Public Hearing to consider an ordinance amending Section 58-66 of the Code of Ordinances in order to exempt real estate sales persons and individual sales persons from payment of occupational license fees.</p> <p><i>96-7621/Korest/VanArsdale/7-0</i></p>

<p>•Resolution •River Park Apartments •Requested by Planning</p>	<p>10. Consider supporting efforts for rehabilitation or replacement of the River Park Apartments. <i>96-7619/Pennington/Sullivan/7-0</i></p>
<p>•First Reading of an Ordinance •Amendment to Perc Ordinance •Human Resources</p>	<p>11. Consider an ordinance amending Section 50.85 of the Code of the City of Naples for the purpose of including a provision regarding the modification of collective bargaining agreements due to financial urgency. <i>Approved/Pennington/Sullivan/7-0</i></p>
<p>•Utilities</p>	<p>12. Consider entering into a construction management contract for the Wastewater Treatment Plant expansion. <i>96-7623/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>Approved Consent Agenda Items 13-16 and 19-22 and Removed Items 17 and 18 for separate discussion.</i> <i>Pennington/Sullivan/7-0</i></p> <p>13. Approval of Minutes - <i>12/20/95 Regular Meeting; 1/2/96 Workshop Meeting</i> <i>Approved/Pennington/Sullivan/7-0</i></p>
<p>•Resolution •Development Services</p>	<p>14. Consider granting a ten foot wide easement to Florida Power & Light Company for the construction, operation and maintenance of underground electric utility facilities along the east side of Cambier Park. <i>96-7614/Pennington/Sullivan/7-0</i></p>
<p>•Resolution •Development Services</p>	<p>15. Authorization to execute subordination of City utility interests to the State of Florida Department of Transportation in conjunction with improvements to U.S. 41 over the Gordon River Bridge. <i>96-7615/Pennington/Sullivan/7-0</i></p>

<p>•Resolution •Development Services</p>	<p>16. Authorization to execute subordination of City utility interests to Florida Power & Light to facilitate construction and maintenance of underground power lines at the City Dock. <i>96-7616/Pennington/Sullivan/7-0</i></p>
<p>•Purchase Authorization •Utilities</p>	<p>17. Authorization to issue an after-the-fact purchase order for emergency repairs to a water main at Fleischmann Boulevard and Goodlette-Frank Road. Contractor: Cross Country Pipe & Rail, Naples, Florida \ Total Price: \$21,748.43 \ Funding: CIP Project #96L02. <i>Approved/Sullivan/Pennington/7-0</i></p>
<p>•Bid #96-32 •Community Services</p>	<p>18. Consider award of bid for construction of storage room at the Norris Community Center. Contractor: Highpoint General Contracting, Naples, Florida \ Bid Price: \$13,500.00 \ Funding CIP Project #95G10. <i>Continued to 2/7/96 Regular Meeting/ Pennington/Sullivan/7-0</i></p>
<p>•Bid #96-35 •Community Services</p>	<p>19. Award of bid for annual contract to furnish labor and equipment to transplant palm trees. Contractor: Gator Landscaping, Naples, Florida \ Est. Fiscal Year Expenditures: \$35,000.00 \ Funding: Parks & Parkways Operating Budget and Various C.I.P. Projects. <i>Approved/Pennington/Sullivan/7-0</i></p>
<p>•Resolution •Human Resources</p>	<p>20. Consider renewing contract with Employee Assistance Services of Southwest Florida. <i>96-7617/Pennington/Sullivan/7-0</i></p>
<p>•Bid #96-20 •Utilities</p>	<p>21. Award of bid to purchase Supervisory Control & Data Acquisition (SCADA) System for the Water Treatment Plant. <i>Approved/Pennington/Sullivan/7-0</i></p>

**•Purchase Authorization
•Community Services**

22. Authorization to waive competitive bidding in order to issue an annual purchase order for turf maintenance. Contractor: Chemlawn Services, Fort Myers, Florida \ Annual Total: \$60,019.00 \ Funding: Parks & Parkways Operational Budget.

Approved/Pennington/Sullivan/7-0

End Consent Agenda

23. Authorization to waive competitive bidding in order to purchase decking material for City Dock. Vendor: Marine Lumber, Naples, Florida \ Total: \$23,450.00.

Approved/Tarrant/Sullivan/7-0

**•First Reading of an Ordinance
•Amendment to Nuisance Ordinance**

24. Consider an ordinance amending Subsection (c) of Section 106-235 of the Comprehensive Development Code by addressing trimming and removal of noxious plants.

Approved/Prolman/Pennington/6-1 (Tarrant dissenting)

Open Public Input - None

Correspondence and Communications - Mayor Muenzer announced that there would be no Workshop Meetings prior to the February 7, 1996 Regular Meeting.

Adjourned - 5:55 p.m.

Agenda Items were taken in the following order:

1,2,3,13,14,15,16,19,20,21,22,4,5,6,10,7,9,8,11,12,17,18,23,24,