

Amended Annotated Agenda
Naples City Council Agenda
City Council Chamber, 735 Eighth Street South, Naples, Florida
Mayor: Bill Barnett

Vice Mayor: Marjorie Prolman

City Council: Bonnie R. MacKenzie, John R. Nocera, Fred L. Sullivan, Fred Tarrant, Peter H. Van Arsdale

City Attorney: Kenneth B. Cuyler · City Clerk: Tara A. Norman · City Manager: Dr. Richard L. Woodruff

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 4 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, May 7, 1997
9:00 a.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. Roll call - *Sullivan Absent*
2. Invocation and Pledge of Allegiance - *Pastor Ronald R. Walter, Emmanuel Lutheran Church*
3. Announcements
Mayor Barnett read a proclamation designating May 7, 1997 as "George Henderson Day" in honor of retiring Sergeant-at-Arms George Henderson
Mayor Barnett read a proclamation designating May 4-10, 1997 as "Naples Tourism Week"
Utilities Director Dan Mercer and Mayor Barnett read a proclamation designating May 4-10, 1997 as "Drinking Water Week"
Utilities Director Dan Mercer presented awards to student winners of the "Annual Drop Savers Poster Contest"
Tennis Supervisor Louanne Melone-Fisher presented each Council Member with an official "28th Annual City of Naples Tennis Championship" tee shirt.
4. Items to be added
Council Member Van Arsdale requested that the following item be added to the Agenda:
Item 23 *Consider a waiver from the Fifth Avenue South Special Overlay District to permit a temporary sandwich board sign at 824 Fifth Avenue South*
Set Agenda adding Item 23/Van Arsdale/Nocera/6-0 (Sullivan absent)

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.

9:15 a.m.

Consent Agenda

5. 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/Van Arsdale/Nocera/6-0 (Sullivan absent)

- 5-a. Approval of Minutes - *4/2/97 Regular Meeting; 4/14/97 Workshop Meeting; 4/16/97 Regular Meeting*

Approved/Van Arsdale/Nocera/6-0 (Sullivan absent)

•Purchase Order
•Utilities

- 5-b. Authorize a purchase order to construct a truck dumping station for the Wastewater Treatment Plant \ Contractor: Kyle Construction, Inc., Naples, Florida \ Bid Price: \$20,300.00 \ Funding: State Revolving Loan Fund.

Approved/Van Arsdale/Nocera/6-0 (Sullivan absent)

•Bid #97-38
•Utilities

- 5-c. Award a bid for 2 pump control valve assemblies for the Water Treatment Plant \ Vendor: Hughes Supply, Inc., Fort Myers, Florida \ Price: \$23,188.00 \ Funding: CIP Project #97K38.

Approved/Van Arsdale/Nocera/6-0 (Sullivan absent)

•Special Events Committee

- 5-d. Approve the following special events:
American Cancer Society Relay for Life"-5/16-17
"March for Jesus"-5/17
"Celebration of Life" Row/Walk for Breast Cancer - 5/31

Approved/Van Arsdale/Nocera/6-0 (Sullivan absent)

·Resolution ·Variance Petitioner 97-AGV1 ·Petitioner: Marianne B. Lowenkron	5-e. Approve an administrative grant of variance for an encroachment into a required side yard setback at 1890 Gordon Drive. <i>97-7950/Van Arsdale/Nocera/6-0 (Sullivan absent)</i>
·Bid #97-42 ·Utilities	5-f. Award a bid for 3 variable frequency drives for the Water Treatment Plant \ Vendor: Electric Motors of Palm Beach, West Palm Beach, Florida \ Price: \$99,273.00 \ Funding: CIP Project #96K35. <i>Approved/Van Arsdale/Nocera/6-0 (Sullivan absent)</i>
End Consent Agenda	
·First Reading of an Ordinance ·Text Amendment 97-T5 ·Petitioner: City of Naples ·Planning Advisory Board recommendation to approve	6. Consider amending Section 106-39 of the Code of Ordinances in order to revise the requirements for "no trespassing" signs and to correct language pertaining to location of real estate signs. <i>Continued to 5/21/97 Regular Meeting/Prolman/Van Arsdale/6-0 (Sullivan absent)</i>
·First Reading of an Ordinance ·Police & Emergency Services	7. Consider amending Chapter 42, "Offenses and Miscellaneous Provisions", of the Code of Ordinances by creating Article III "Trespassing" in order to provide for business crime prevention. <i>Continued to 5/21/97 Regular Meeting/Prolman/Van Arsdale/6-0 (Sullivan absent)</i>
·First Reading of an Ordinance ·Text Amendment 97-T4 ·Petitioner: City of Naples ·Planning Advisory Board recommendation to approve	8. Consider amending Subsection 106-36(a)(6) of the Code of Ordinances in order to regulate the location and number of ground signs. <i>Workshop discussions to take place on 5/19/97</i> <i>Continued to 5/21/97 Regular Meeting/Nocera/Van Arsdale/6-0 (Sullivan absent)</i>
·First Reading of an Ordinance ·Rezone Petition 97-R2 ·Petitioner: Pamlico Terrace, Ltd. ·Agent: John M. Passidomo ·Planning Advisory Board recommendation to approve	9. Consider amending the Planned Development Document for the Little Harbour Subdivision in order to permit accessory units. <i>Approved/Tarrant/MacKenzie/6-0 (Sullivan absent)</i>

•Resolution
•Variance Petition 97-V8
•Petitioner: George Beasley
•Agent: Thomas E. Selck
•Planning Advisory Board
recommendation to approve

10. Consider granting a variance from Section 102-146(1) of the Code of Ordinances in order to permit construction of a porch roof and interior courtyard renovations within the front yard setback at 110 16th Avenue South.

97-7951/Van Arsdale/Prolman/6-0 (Sullivan absent)

10:00 a.m.

11. Consider the following as it relates to a proposed 191-room hotel in a 3.9 acre parcel located on the west side of U.S. 41, south of Myrtle Terrace.

- 11-a. Amend Development Agreement 95-D3 to allow for Highway Commercial uses and a maximum building height of 50 feet.

97-7954 amended as follows:

Sec.2/Para.2: "A 15-foot easement shall be provided across the property as required by the Engineering Division."

Sec.2/Para.2 (4b): to limit the monument sign to 15 feet in height.

Sec.3: June 6, 1997 effective date

Van Arsdale/Nocera/4-2 (Prolman and Tarrant dissenting; Sullivan absent)

- 11-b. Grant a conditional use approving a parking needs analysis to allow a parking ratio of 1.37 spaces per guest room.

97-7955 as amended in Section 2:

Delete proposed parking remedies 2 and 3 and replace with the following remedy order:

- 1) Valet parking as referenced in Conditional Use Petition 97-CU5*
- (2) Increase parking by 10% by paving over the storm sewer system (proposed remedy #1)*
- (3) Purchase additional property for off-site valet parking*

Sec. 5: June 6, 1997 effective date

Van Arsdale/Nocera/4-2 (Prolman and Tarrant dissenting; Sullivan absent)

•3 Resolution
•Development Agreement Petition 97-D1
•Conditional Use Petitions 97-CU4 & 97-CU5
•Petitioner: Cooper Realty Company, Inc.
•Agent: J. Dudley Goodlette
•Planning Advisory Board
recommendation to approve

11-c. Grant a conditional use for a valet parking plan.

97-7956 amended as follows:

Sec.4: June 6, 1997 effective date

Van Arsdale/Nocera/4-2 (Prolman and Tarrant dissenting; Sullivan absent)

•Resolution
•City File: CCSL 97-09
•Petitioners: Mr. & Mrs. Laman Gray
•Agent: Brett D. Moore, P.E.,
Humiston & Moore Engineers

12. **Public Hearing** to consider granting a variance to demolish an existing single-family resident and to construct a new residence, Gulfward of the Coastal Construction Setback Line at 56 Gulf Shore Boulevard South.

97-7952/Van Arsdale/Nocera/6-0 (Sullivan absent)

•Resolution
•Dredge and Fill Permit Application DR 97-01
•Applicants: Mr. & Mrs. David Hopkins
•Agent: Stephen Coleman,
Royal Palm Builders II, Inc.

13. **Public Hearing** to consider a dredge and fill permit to construct either a concrete bulkhead or a 100-foot revetment along the rear property line and to place fill behind the structure at Lot 26, Unit 1, Seagate Subdivision, located south of 5122 Starfish Avenue, to the same grade as the adjacent lot.

97-7957/Van Arsdale/Prolman/5-0 (Sullivan and Nocera absent)

•Resolution
•Natural Resources

14. Consider accepting a proposal with Coastal Engineering Consultants, Inc., (not to exceed \$18,000.00) to produce a Contaminant Assessment Report for the closed Equipment Services Division underground storage tank site and the adjacent stormwater lift station site.

97-7958/Prolman/Van Arsdale 5-0 (Sullivan and Nocera absent)

•Second Reading of an Ordinance
•Rezone to Planned Development Petition 97-R3
•Petitioner: Bayfront Marketplace, Inc.
•Agent: David Kitchens/Cooper Carry & Assoc.
•Approved on First Reading 4/16/97

15. **Public Hearing** to consider amending a previously approved planned development for the Bayfront Marketplace in order to revise the development plan for property located in the 400 block of Goodlette Road South.

97-7959 amended to include the following provisions:

Sec. 3 (13): Add Art Allen to the list of parties for the required mutual agreement; clarify that, if

agreement cannot be reached, any of the parties

may bring the issue to the City Council for final resolution.

Add Para. (14) (staff will work with the City Attorney to formulate appropriate language reflecting the intent of the petitioner and Comfort Inn regarding signage in the event that direct access cannot be obtained)

Staff directed to research the possibility of an ordinance requiring Florida Power and Light to underground their utilities at time of replacement due to regular maintenance/upgrading in the general right-of-way.

Van Arsdale/Prolman/6-0 (Sullivan absent)

10:30 a.m.

•Development Services
•NOTE: Item 16-a may be discussed
in conjunction with Item 11

16. Consider approval of traffic calming techniques for the following streets:

16-a. Myrtle Terrace from West Blvd. to U.S. 41

Adopt the plan which shows two turn-arounds on Myrtle Terrace in the proximity of the zoning line.

The exact location and other specifics for the turn-arounds to be determined after working with the affected residential and commercial properties.

Van Arsdale/Prolman/6-0 (Sullivan absent)

16-b. Old Trail Drive from Park Shore Drive to U.S. 41

Approve conceptual solution with plans, funding and dates of installation to be determined during upcoming budget discussions

Nocera/Van Arsdale/6-0 (Sullivan absent)

16-c. Bow Line Drive from Crayton Road to Mooring Line Drive

Approve conceptual solution with plans, funding, and dates of installation to be determined during upcoming budget discussions

Nocera/Van Arsdale/6-0 (Sullivan absent)

16-d. 7th Avenue North from 8th Street to Gulf Shore Blvd.

Approve conceptual solutions with plans, excluding a traffic circle at Gulf Shore Blvd., funding and dates of installation to be determined during upcoming budget discussions

Nocera/Van Arsdale/6-0 (Sullivan absent)

16-e. Gordon Drive/Aqualane Shores
Withdrawn from Agenda

<hr/> •Resolutions •City Clerk	<hr/> 17. Consider appointments to the Beach Renourishment/Maintenance Committee. <i>17a/ 97-7960 appointing Alexandra Gunderson</i> <i>Prolman/Nocera/6-0 (Sullivan absent)</i> <i>17b/ 97-7961 appointing David Ashbaugh</i> <i>Prolman/MacKenzie/6-0 (Sullivan absent)</i> <i>17c/ Continued to 5/21/97</i>
<hr/> •Resolutions •City Clerk	<hr/> 18. Consider appointments to the Planning Advisory Board. <i>18a/ Continued to 5/21/97</i> <i>18b/ 97-7962 appointing James Rideoutte</i> <i>MacKenzie/Van Arsdale/6-0 (Sullivan absent)</i> <i>18c/ Continued to 5-21-97</i>
<hr/> •Resolutions •City Clerk	<hr/> 19. Consider appointment to the Code Enforcement Board <i>19a/ 97-7963 appointing James Dean</i> <i>Nocera/Tarrant/4-2 (Van Arsdale and MacKenzie</i> <i>dissenting; Sullivan absent)</i> <i>19b/ 97-7964 appointing James Boughton</i> <i>MacKenzie/Van Arsdale/6-0 (Sullivan Absent)</i> <i>19c/ 97-7965 appointing Tamela Wiseman</i> <i>Prolman/Van Arsdale/6-0 (Sullivan absent)</i> <i>A prior motion by MacKenzie/Van Arsdale</i> <i>appointing David Szempruch, failed 2-4</i> <i>(Nocera, Prolman, Tarrant, and Barnett</i> <i>dissenting; Sullivan absent)</i>
<hr/> •Resolutions •City Clerk	<hr/> 20. Consider appointments to the Community Services Advisory Board. <i>20a/ 97-7966 appointing Robert Iamurri</i> <i>MacKenzie/Van Arsdale/6-0 (Sullivan absent)</i> <i>20b/ 97-7967 appointing Clark Russell</i> <i>Nocera/Tarrant/6-0 (Sullivan absent)</i> <i>20c/ Continued to 5/21/97</i>
<hr/> •Resolution •Natural Resources	<hr/> 21. Consider requesting the Florida Department of Environmental Protection to establish a Coastal Construction Elevation Standard that considers the unique character of the single-family residential portion of the city, between South Golf Drive and Gordon Pass. <i>97-7953/Van Arsdale/Prolman/6-0 (Sullivan</i>

absent)

•Development Services

22. Consider authorizing the purchase of a Document Imaging/Management System \ Vendors: H.T.E., Inc., Orlando, Florida, Microsoft Corp., and Gateway 2000 \ Price: \$145,300.00 (not to exceed) \ Funding: CIP Project #97B05 and General Fund Reserves (Restricted for Building & Zoning).

Approved/Van Arsdale/Barnett/6-0 (Sullivan absent)

**•Added Item
•Sign Waiver Request**

23. Consider a waiver from the Fifth Avenue South Special Overlay District in order to permit a temporary 24"x 48" sandwich sign at 824 5th Avenue S.

97-7968/Van Arsdale/Prolman/6-0 (Sullivan absent)

Correspondence and Communications - Council Member MacKenzie requested an option for a smaller "No Trespassing" sign (pursuant to Item 6 which was continued until 5/21/97)

Council Member Van Arsdale commented on recent litigation relating to the Cambier Park and the possible effect on the Use Agreement with the Naples Players.

Open Public Input - None

Adjourn - 3:10 p.m.

Items were considered in the following order:

5a,5b,5c,5d,5e,5f,6,7,8,9,10,12,21,16a,11a,11b,11c,13,14,15,16b,16c,16d,17a, 17b,18a,19a, 19b, 19c,20a, 20b,22,23