

**Amended Annotated**  
**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**

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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.

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**Regular Meeting**  
**Wednesday, August 6, 1997**  
***Convened 9:00 a.m. / Adjourned 12:31 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. Roll call – *All Present*
2. Invocation and Pledge of Allegiance – *Revered Elwood Kern, Naples Church of God*
3. Announcements –  
*City Manager Richard Woodruff commended the Naples citizenry for their participation in the “National Night Out” event.*
4. Items to be added –  
*City Manager Woodruff requested the following items be added to the Agenda:*  
**Item 25**      *Authorize an interlocal agreement with Collier County for an evaluation study of the Gordon River Extension Basin*  
**Item 26**      *Purchase order for construction of water improvements along 6<sup>th</sup> Avenue South*  
**Item 27**      *Authorize an interlocal agreement with Collier County for relocation of a raw water line at Livingston Road and Golden Gate Parkway*  
**Item 28**      *Consider a bid award for street-striping City streets*

*Set Agenda adding Items 25, 26, 27, and 28 and removing Consent Agenda  
Items 5c (1) and 5d for separate discussion/Van Arsdale/Sullivan/7-0*

**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 Community Redevelopment Agency 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 may have been scheduled for an estimated time. 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 an estimated time will be considered at the discretion of Council

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### 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 Items 5a, 5b, 5c (2-5), 5e, and 5f and remove Items 5c(1) and 5d for separate discussion/Sullivan/Nocera/7-0*

- 5a. Approval of Minutes – 6/16/97 *Budget Workshop*; 7/21/97 *Workshop*; 7/23/97 *Special Meeting*  
*Approved/Sullivan/Nocera/7-0*
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• Resolution  
• Natural Resources  
• Pursuant to Resolution 96-7696

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- 5b. Revise a previously granted variance to construct a single-family residence and a swimming pool and pool deck, Gulfward of the Coastal Construction Setback Line at 649 Gulf Shore Boulevard North.  
*97- 8017/Sullivan/Nocera/7-0*
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• Special Events Committee

- 5c. Approve the following Special Events:
1. 4<sup>th</sup> Annual Naples Sports Festival-8/10
  2. Eglise de Jesus Christ Full Gospel Conference – 8/29-31
  3. 11<sup>th</sup> Annual Triathlon – 9/6-7
  4. American Heart Association Heartwalk – 9/27
  5. 2<sup>nd</sup> Annual Winter Bonfire & Celebration – 1/31/98

*Approve 5c (2-5)/Sullivan/Nocera/7-0*  
*Approve 5c(1)/Sullivan/Van Arsdale/5-2*  
*(MacKenzie and Tarrant dissenting)*

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•Resolution  
•City Manager  
•Tabled on June 18, 1997

- 5d. Authorize an agreement for horse and carriage operations with Calvary Carriage Company relating to the use of City streets and designated carriage stops within the City.

*97-8018 Amended to require renewal in one year/Van Arsdale/Sullivan/5-2 (Barnett and Tarrant dissenting)*

*A prior motion to deny/Tarrant/Barnett/failed 3-4*

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•Budget Amendment  
•City Manager

- 5e. Authorize the transfer of funds from the 1997 General Fund Contingency to a new Capital Improvement Fund Account to underwrite the City-wide Parks Master Plan.

*Approved/Sullivan/Nocera/7-0*

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•Purchase Authorization  
•Information Services

- 5f. Authorize purchase of a “Graphical User Interface” in order to expand its use to other City departments \ Vendor: HTE, Lake Mary, Florida \ Total Cost: \$15,950.00 (not to exceed) \ Funding: CIP #98T12.

*Approved/Sullivan/Nocera/7-0*

**End Consent Agenda**

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•Resolution  
•Planning

**9:15 a.m.**

6. Consider amending the Community Development Block Grant Citizen Participation Plan to reflect new U.S. Department of Housing and Urban Development requirements.

*97-8019/Van Arsdale/Nocera/6-0 (Sullivan absent)*

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•Resolution  
•Planning

**9:20 a.m.**

7. Consider a one year action plan for the Community Development Block Grant Program, as required by the U.S. Department of Housing and Urban Development, and authorize the plan’s submittal to HUD.

*97-8020/Sullivan/Nocera/7-0*

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•Resolution  
•Alley Vacation Petition 97-AV2  
•Petitioner: City of Naples  
•Planning Advisory Board  
recommendation to approve

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•2 Resolutions  
•City Manager

8. Consider vacating the 15-foot by 120 foot north/south alley east of and adjacent to 109 9<sup>th</sup> Street South. (*See related item below*)

***97-8021 Amended to exclude the landscaping requirement/Nocera/Van Arsdale/ 7-0***

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9. Consider the following as it relates to City owned property on 1<sup>st</sup> Avenue South near the intersection with U.S. 41: (*see related item above*)

9a. Grant utility easements to FPL, Media One, Sprint.

***97-8022/Van Arsdale/Prolman/5-2  
(MacKenzie and Sullivan dissenting)***

9b. Authorize the sale of land, generally being 22 ½ feet wide by 120 feet deep.

***97-8023/MacKenzie/Van Arsdale/7-0  
A prior motion to approve with proceeds of the sale distributed to the 41-10 Project/Van Arsdale/Nocera/failed 2-5***

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•Resolution  
•Conditional Use Petition 97-CU11 (97-53)  
•Petitioner: Coastal Bank Corporation  
•Planning Advisory Board  
recommendation for conceptual approval

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10. Consider a conditional use for a drive-through facility in the C2-A Zoning District at 1010 Fifth Avenue South.

***97-8024 Amended to strike Section 2 /  
Tarrant/MacKenzie/6-1 (Van Arsdale dissenting)***

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•Resolution  
•Conditional Use Petition 97-CU12 (97-54)  
•Petitioner: Suntrust Bank,  
Southwest Florida  
•Agent: Bruce Rogers  
•Planning Advisory Board  
recommendation to approve

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11. Consider a conditional use for one additional lane at an existing bank drive-through facility at 3201 9<sup>th</sup> Street North.

***97-8025/Sullivan/Tarrant/7-0***

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- Resolution
  - Variance Petition 97-V3 (97-23)
  - Petitioner: Philip McCabe
  - Planning Advisory Board recommendation to approve
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12. Consider a variance from Section 110-54(a)(1) of the Code of Ordinances in order to permit awnings at 691 Fifth Avenue South (the north portion of the 1<sup>st</sup> floor addition on 4<sup>th</sup> Avenue South and a portion on 7<sup>th</sup> Street South) to encroach the entirety of the required 10-foot front yard setback along these frontages.

***97-8026 Amended to eliminate the requirement for retractable awnings/Van Arsdale/Sullivan/7-0***

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- Resolution
  - Variance Petition 97-V13 (97-58)
  - Petitioner: Moorings Plaza Limited Partnership, LLLP
  - Agent: Dennis Pr. Cronin, Esquire
  - Planning Advisory Board recommendation to approve
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13. Consider a variance from Section 102-416 of the Code of Ordinances for existing buildings at 1795 to 1841 9<sup>th</sup> Street North which encroach front and side yard setbacks and do not meet landscape requirements.

***97-8027/Sullivan/Van Arsdale/7-0***

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- Resolution
  - Variance Petition 97-V14 (97-60)
  - Petitioner: Burton and Ruth Elvig
  - Agent: Patrick O'Connor and/or Robert Hattemer, Prudential Florida Realty
  - Planning Advisory Board recommendation to approve
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14. Consider a variance from Section 102-146 of the Code of Ordinances for an existing screen enclosure at 485 Spinnaker Court which encroaches side and rear yard setbacks.

***97-8028/Sullivan/Van Arsdale/7-0***

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- Resolution
  - Variance Petition 97-V15 (97-59)
  - Petitioner: Holiday Associates of Naples
  - Agent: Myra Tashman
  - Planning Advisory Board recommendation to approve
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15. Consider a variance from Section 110-37(a)(1) of the Code of Ordinances in order to permit a 6-foot fence in front yard setbacks at 1100 9<sup>th</sup> Street North.

***97-8029 Amended to include all PAB recommendations/Prolman/Sullivan/7-0***

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- First Reading of an Ordinance
  - Text Amendment Petition 97-T8 (97-62)
  - Petitioner: City of Naples
  - Planning Advisory Board recommendation to approve
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16. Consider amending Section 86-205(e) of the Code of Ordinances in order to revise the process for administrative grants of variance.

***Approved/Sullivan/Van Arsdale/7-0***

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•First Reading of an Ordinance  
•Text Amendment Petition 97-T9 (97-61)  
•Petitioner: City of Naples  
•Planning Advisory Board  
recommendation to approve

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•Second Reading of 3 Ordinances  
•Finance  
•Approved on First Reading 7/23/97

17. Consider amending the Fifth Avenue South Special Overlay District Regulating Plan, as reference in Section 102-1094(g) of the Code of Ordinances, in order to revise the location designated for a parking structure.

*Approved/Sullivan/Nocera/7-0*

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18. Consider the following relating to utility fees for Fiscal Year 1997-1998 (to be effective after 10/6/97).

- 18a. **Public Hearing** to consider an ordinance amending Appendix "A", "Fee Schedule" (with reference to Section 66-26) of the Code of Ordinances in order to revise water service rates.

*97-8030/Van Arsdale/Sullivan/7-0*

- 18b. **Public Hearing** to consider an ordinance amending Section 66-108 of the Code of Ordinances in order to revise sewer service rates.

*97-8031/Sullivan/Van Arsdale/7-0*

- 18c. **Public Hearing** to consider an ordinance amending Appendix "A", "Fee Schedule" of the Code of Ordinances (with reference to Section 66-196) in order to revise stormwater management utility fees.

*97-8032/MacKenzie/Sullivan/7-0*

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•Second Reading of an Ordinance  
•City Manager  
•Approved on First Reading 6/18/97  
•Continued from 7/23/97 Special Meeting

19. **Public Hearing** to consider an ordinance authorizing the imposition and collection of special assessments to fund the cost of capital improvements providing a special benefit to local areas within the City.

*97-8033/Van Arsdale/Nocera/5-2 (MacKenzie and Tarrant dissenting)*

*A prior motion to continue/Tarrant/Prolman/failed 3-4 (Nocera, Sullivan, Van Arsdale, and Barnett dissenting)*

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•Resolution  
•City Manager

10:20 a.m.

20. Consider establishing a special assessment district, by resolution, to fund street lighting and road improvements in the Third Street and the Avenues area.

***97-8034 to include Option #3 (lighting and alleyway improvements assessed district-wide based on street frontage only) /Van Arsdale/MacKenzie/6-1 (Tarrant dissenting)***

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•Bid #97Q13

21. Consider awarding a bid for street light luminaries to be installed in the Third Street South shopping district \ Vendor: Consolidated electric Supply, Naples, Florida \ Price: \$225,150.00 \ Funding: Third Street South Lighting Assessment District.

***Approved with staff directed to hold the bid until the second assessment resolution (pursuant to Item 19 and 20 above) is approved by Council and all periods of legal challenge have expired/Sullivan/Nocera/6-1 (Tarrant dissenting)***

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•Resolution  
•City Clerk

22. Consider appointing one member to the City of Naples Airport Authority.

***97-8035 Appointing Ronald M. Pennington/ Prolman/MacKenzie/7-0***

***A prior motion to appoint Leonard Thornton/ Sullivan/Nocera/failed 3-4 (MacKenzie, Prolman, Van Arsdale, Barnett dissenting) No action taken on a prior motion to appoint Richard Gentil/Nocera/Sullivan after appointment of Ron Pennington***

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•Purchase Order  
•Development Services

23. Consider authorizing a purchase order for construction of water, sewer, and drainage improvements on 4<sup>th</sup> Avenue South \ Contractor: Kyle Construction, Inc., Naples, Florida \ Price: \$168,853.75 \ Funding: CIP #98L19.

***Approved/Sullivan/Van Arsdale/7-0***

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•First Reading of an Ordinance  
•Utilities

24. Consider an ordinance amending Section 54-71 of the Code of Ordinances, "Establishment of Type I and II Refuse Fees", to provide for the disposal of horticultural debris and rates for the sale of premium horticultural products.

*Approved/MacKenzie/Van Arsdale/7-0*

•Resolution  
•Development Services

25. Consider an interlocal agreement with Collier County for a Comprehensive Evaluation and Environmental Assessment of the Gordon River Extension Basin.

*97-8036 /MacKenzie/ Sullivan/6-1 (Tarrant dissenting)*

*Consensus to submit a letter requesting the evaluation and assessment boundaries include the Gordon River, the Gordon River Basin, Naples Bay, and the estuaries leading to Rookery Bay*

•Purchase Authorization  
•Development Services

26. Authorize a purchase order for construction of water improvements along 6<sup>th</sup> Avenue South from 8<sup>th</sup> Street to 12<sup>th</sup> Street and on 12<sup>th</sup> Street from 6<sup>th</sup> Avenue South the U.S. 41. \ Contractor: Kyle Construction, Inc. \ Amount: \$75,614.00 (not to exceed) \ Funding: CIP#98L18.

*Approved/Van Arsdale/Nocera/7-0*

•Resolution  
•Development Services

27. Consider an interlocal agreement with Collier County for the relocation of a 36" raw water line located at the intersection of Livingston Road and Golden Gate Parkway.

*97-8037 Setting a cap for City participation at 50%/Sullivan/Nocera/7-0*

•Bid #98-04  
•Development Services

28. Authorize a purchase order to provide street striping, on an as-needed basis, Contractor: Duralast Enterprises, Inc. and Trutwin Industries, Inc. \ Amount: \$20,000.00 each (not to exceed) \ Funding: Streets/Traffic Professional Services Account.

*Approved/Nocera/Sullivan/7-0*



**Correspondence and Communications – *Council Member Sullivan relayed a complaint from a resident living near Bay Marina regarding its use as a staging area for Key Island development. No citizens were present at the meeting to speak on this issue.***

**Open Public Input – *The following citizens spoke at the meeting: Ann Douras, Susan McCullom, Dale Chlumsky, Norma Shepard, Bruce Anderson, Jose Aragon, Stephen Farrington, Barbara Walker, Richard Raub, Karen Triplett, Bruce Rankin, Alan Reynolds, George Vukobratovich, and Marc Fletcher.***

**Adjourn – 12:31 p.m.**

***Items were considered in the following order:***

***1,2,3,4,5a,5b,5c(2-5),5e,5f,5c(1),5d,6,7,8,9a,9b,10,11,12,13,14,15,16,17,18a,18b,18c,19,20,21,22,23,24,25,26,27,28***