

Annotated
Naples City Council Agenda
City Council Chamber, 735 Eighth Street South, Naples, Florida

Mayor: Bill Barnett

Vice Mayor: Bonnie R. MacKenzie

City Council: Fred W. Coyle, Joseph Herms, John R. Nocera, 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 6, 1998
Convened 9:00 a.m. / Adjourned 3:12 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 – *Council Member Van Arsdale arrived at 9:05 a.m.*
2. Invocation and Pledge of Allegiance *Bishop Bill McCann, Faith Help Ministries*
3. Announcements
 - “Naples Tourism Week” Proclamation – *Mayor Barnett read a proclamation proclaiming the week of May 3rd “Naples Tourism Week”. John Ayers of the Naples Tourism Council accepted the proclamation.*
 - Recognition of the winners of the “National Drinking Water Week” poster contest – *Utilities Director Dan Mercer presented awards to 12 poster contest winners.*
 - Recognition of the Cambier Park Playground Volunteer Committee – *Michael Watkins, Ellen Goetz and Cynthia DeShields, Co-Chairs of the Cambier Park Playground Committee acknowledged committee volunteers and presented checks totaling \$82,000 to the City for a maintenance account and repayment for the design aspects performed by the Leathers Company.*
4. Items to be added - *None*

Set Agenda deleting Items 7c, 17, and continuing Items 9 and 14 to 5/20/98/Herms/Nocera/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 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 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 the Council.

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 removing Items 5e and 5g for separate discussion/Herms/Nocera/7-0

- 5-a. Approval of Minutes – ***3/18/98 Regular Meeting; 3/30/98 Workshop Meeting/4/1/98 Regular Meeting***

Approved/Herms/Nocera/7-0

•Special Events Committee

- 5-b. After-the fact approval of the following special event:

Tropicool Street Dance – 4/24

Approved/Herms/Nocera/7-0

•Purchase Order •Development Services

- 5-c. Authorize the extension of sewer service on Anderson Drive as part of the West Boulevard Water and Sanitary Sewer Special Assessment Project \ Contractor: Kyle Construction, Inc., Naples, Florida \ Cost: \$14,900.00 (not to exceed).

Approved/Herms/Nocera/7-0

•Purchase Order •Purchasing Division

- 5-d. Authorize the purchase of an economy cargo van, under Florida State contract, for use by the Purchasing Division \ Vendor: Ed Morse Chevrolet North, Inc., Lake Park, Florida \ Total Cost: \$16,199.00 \ Funding: CIP #98D02 and CIP Contingency Fund.

Approved/Herms/Nocera/7-0

•Natural Resources

- 5-e. Open Gulf Shore Boulevard North to Naples Cay for local traffic during reconstruction of the Seagate Drive culverts.

Approved/Van Arsdale/Nocera/7-0

•Purchase Order
•Utilities

- 5-f. Authorize an after-the-fact purchase order for valve repair parts for the Wastewater Treatment Plant \ Vendor: (sole source) Carter & Verplanck, Inc., Tampa, Florida \ Cost: \$15,850.00\ Funding: Water/Sewer Fund.

Approved/Herms/Nocera/7-0

Resolution
•Community Services

- 5-g. Rank the three top firms, in order of preference, to provide design and construction management services for the new Operations Center at the City Dock.
98-8229 amended to require Council approval of final design and during negotiations staff shall determine whether in-house architectural design is feasible/MacKenzie/Van Arsdale/7-0

•Community Services

- 5-h. Consider an after-the-fact approval pertaining to a pilot tree planting program \ Contractor: Gator Landscaping, Naples, Florida \ Cost: \$14,380.67 \ Funding: Utility Tax Contingency Fund.

Approved/Herms/Nocera/7-0

End Consent Agenda

•Resolution
Variance Petition 98-V6 (98-13)
•Petitioner: Dock 5, Inc.
•Planning Advisory Board
recommendation for approval

6. Consider a variance from Section 102-536(1) of the Code of Ordinances in order to permit an awning which will encroach the required front yard setback and extend approximately 18 feet into the City right-of-way at 845 12th Avenue South.
98-8235 amended to state that beverages must be served by a waiter or waitress in the awning area/MacKenzie/Van Arsdale/7-0

•3 Resolutions
•City Manager

7. Consider the following relating to the construction and funding of street and alley lighting and alley improvements in the Third Street and The Avenues Lighting District:
7-a. Repeal Resolutions 97-8034 and 97-8079 which originally established the district.
98-8230/Van Arsdale/Nocera/7-0
7-b. **Public Hearing** to consider the final assessment resolution and to approve the assessment roll.
98-8231/Herms/Van Arsdale/7-0

**Note: Item 7-c will be
withdrawn from the Agenda**

- 7-c. Approve an agreement with Wilson, Miller, Barton & Peek, Inc., for design services.

Removed from the Agenda

**•Resolution
•City Manager
•Continued from 4/15/98**

9:30 a.m.

8. Consider establishing a special assessment district, by resolution, to fund underground power, street lighting, and conduit for future data transmission within the Port Royal and South Gordon Drive neighborhoods.

98-8232/Nocera/Van Arsdale/7-0

**Resolution
•Alley Vacation Petition 98-AV1 (98-21)
•Petitioner: Victor Erday, Jr., Trustee
•Agent: Douglas A. Wood, Esquire
•Planning Advisory Board
recommendation for denial**

9. Consider vacating the 15 x 190-foot alley described as the South 15 feet of Lots 4, 5, and 6, Block C, Lakeview Terrace Replat (south of the building at 600 5th Avenue South).

Continued to 5/20/98/Herms/Nocera/7-0

**•Resolution
•Variance Petition 98-V9 (98-29)
•Petitioner: Robert Arzbaeher
•Agent: John D. Humphreville, Esquire
•Planning Advisory Board
recommendation for approval**

10. Consider a variance from Section 102-176(3)(b) of the Code of Ordinances in order to permit the reconstruction of a pool enclosure in a rear yard setback at 676 Broad Court South.

***98-8233 amended to state that the variance
applies to this structure only and expires when
the structure is razed/Tarrant/MacKenzie/7-0***

**•Resolution
•Conditional Use Petition 98-CU7 (98-31)
•Petitioner: Meson Ole Restaurant
•Planning Advisory Board
recommendation for approval**

11. Consider a conditional use for staged entertainment at the Meson Ole Restaurant, 2212 9th Street North.

***98-8236 amended to state that the conditional
use must be renewed in one year/Van Arsdale/
Herms/7-0***

**•Resolution
•Conditional Use Petition 98-CU6 (98-30)
•Petitioner: Christ Community
Lutheran School
•Planning advisory Board
recommendation for approval**

10:00 a.m.

12. Consider a conditional use for a kindergarten and grade school within the existing facilities of Emmanuel Lutheran Church, 777 Mooring Line Drive.

***98-8234 amended to apply to one year
(renewable) with no parking permitted on public
rights-of-way/Herms/ Coyle/4-3 (Nocera, Van
Arsdale and Barnett dissenting)***

•Resolution
•Development Services
•Continued from 4/15/98

13. Consider accepting an underground utility easement and granting two quit-claim deeds for the previously vacated alley adjacent to the Inn on Fifth, 5th Avenue South at 7th Street.

Continued to 5/20/98/Herms/Van Arsdale/7-0

Lunch Break 12:00 p.m. – 1:30 p.m.

•Second Reading of an Ordinance
•Human Resources
•Approved on First Reading 4/15/98

14. **Public Hearing** to consider amending Sections 50-383(2)(3), 50-431(b), and 50-432 of Article VI of the Code of Ordinances “Police Officers’ Pension and Retirement System” in order to comply with the current collective bargaining agreement by changing the method for determining employee and employer contribution rate and increasing certain benefits.

Continued to 5/20/98/Herms/Nocera/7-0

•Resolution
•First Reading of an Ordinance
•Human Resources

15. Consider the following amendments to the collective bargaining agreement and the General Pension Plan:

- 15-a. Ratify changes to Article 29 “Pension” of the current contract with the American Federation of State, County, and Municipal Employees, Council No. 79 of Local 2017.

98-8237/Van Arsdale/Coyle/7-0

- 15-b. Delete Sections 50-231(b)(7) and 50-235(d), amend Sections 50-233, 50-235(b)(c), 50-242(b), and 50-273, and add Section 50-237 of the Code of Ordinances in order to modify and update the General Pension Plan and to comply with the current collective bargaining agreement.

Approved/Van Arsdale/Coyle/7-0

•First Reading of an Ordinance
•City Manager

16. Consider adding Subsections (6) and (7) to Section 50-201(a) of the Code of Ordinances in order to expand the membership of the Board of Trustees of the General Employees Retirement System.

Approved/Van Arsdale/Coyle/ 7-0

•Bid #98-30
•Continued from 4/15/98

17. Award a bid for the construction of a public parking garage on 4th Avenue South pursuant to April 9, 1998 Bid Opening \ Funding: Community Redevelopment Fund.

Removed from the Agenda

•First Reading of an Ordinance
•City Manager

18. Consider a five-year, non-exclusive franchise agreement with Sprint-Florida, Incorporated, to own, maintain, and operate a public phone system in public rights-of-way within the City.

Approved as amended to specify undergrounding of all wiring unless a waiver is granted from the City/Van Arsdale/ Nocera/7-0

•Development Services
•Continued from 4/15/98

19. Consider accepting the Florida Department of Transportation Feasibility and Functional Design Study for County-wide signal systems including an improved City signal system.

Continued to 5/20/98

•Resolution
•City Clerk

20. Consider appointing one member to the Beach Renourishment/Maintenance Committee.

98-8238 appointing Carol Kendall/Nocera/ Coyle/4-3(MacKenzie, Van Arsdale and Barnett dissenting)

•4 Resolutions
•City Clerk

21. Consider appointing members to the Planning Advisory Board.

98-8239 appointing Alan Korest/Barnett/ Nocera/4-3(Coyle, Herms and Tarrant dissenting)

98-8240 appointing Stanley Hole/ Barnett/ Nocera/ 4-3(Coyle, Herms and Tarrant dissenting)

98-8241 appointing Thomas Selck/ Barnett/ Nocera/4-3(Coyle, Herms and Tarrant dissenting)

98-8242 appointing Michael Williams as alternate member/Barnett/Nocera/7-0

•Requested by Council Member Tarrant
•10/18/95 SAC Waiver
•Resolution 95-7551

22. Consider rescinding a temporary waiver from the Fifth Avenue South Special Overlay District in order to permit a non-conforming exterior building color to remain at 400 Fifth Avenue South.

Approved striking the 11/1/98 deadline/ Tarrant/ Herms/7-0

•Resolution
•City Manager

23. **Public Hearing** to consider the settlement of Circuit Court Case 97-2244-DRM, Anita McKenzie F/K/A Anita Stauffer vs. City of Naples, for the sum of \$45,000.00, without admission of liability.

98-8243/Van Arsdale/Herms/7-0

Correspondence and Communications – Council Member Tarrant requested consideration for including an agenda item relating to year-round horse and carriage operations. City Manager Woodruff will supply details from the record regarding Council's prior decision in order for Council to revisit the issue.

Council Member Coyle requested a staff proposal to restrict the height of all buildings to 35 feet in the C2-A Waterfront Zoning District in order to include boat storage buildings. City Manager Woodruff said that staff would initiate the ordinance process regarding building height and setback standards that would ultimately come before Council for final approval.

Vice Mayor MacKenzie noted that Brittany Condominium residents have applied for a variance in order to continue lighting the top floors of the building. Therefore, the lights will remain on until the variance process is completed.

Council Member Herms requested no smoking signs for the Cambier Park Playground. City Manager Woodruff reported that signs were already on order and receptacles will be placed in the area. In addition, a determination would be made to clarify whether the State law permits a municipality to declare a smoke-free area outdoors.

Mayor Barnett said Council Member suggestions for handling the 18 applications for City Attorney should be forwarded to the City Manager.

Open Public Input – The following citizens spoke regarding the Port Royal Special Assessment District: Norma Shepard Lindsey, Arthur Chesterton, Joe Clausen, Dean Edmonds, and Lindsay Rocco.

Citizens who spoke regarding the proposed school at Emmanuel Lutheran Church were: John Krueckeberg, John Kuerschner, Dan Wall, Ada Rivera, Paul Pelczynski, Jim Bonaquist, Peggy Paradise, Barbara Morton, Richard Faust, and Robert Ott.

Adjourn 3:12 p.m.

Items were considered in the following order: 9, 14, 5a, 5b, 5c, 5d, 5f, 5h, 5e, 5g, 7a, 7b, 8, 10, 12, 6, 11, 13, 15a, 15b, 16, 18, 19, 20, 21a, 21b, 21c, 21d, 22, 23