

Revised
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, June 17, 1998
Convened 8:59 a.m. / Adjourned 4:47 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 9:03 a.m.***
2. Invocation and Pledge of Allegiance - ***Pastor James Conrad, Covenant Presbyterian Church***
3. Announcements - ***Mayor Barnett proclaimed June 17, 1998 as "George Henderson Day" in honor of the City's former Sergeant-at-Arms. Battalion Chief Frank Davis, of the Police & Emergency Services Department, recognized members of Fire Operations who contained a recent fire involving boats and docks at the southern end of Gordon Drive.***
4. Items to be added - ***City Manager Richard Woodruff requested that the following item be added to the agenda:***
Item 25 - Consider repealing Ordinance 97-7934 which voluntarily annexed a 3.27 acre unimproved parcel land located with the Wilderness PUD
Dr. Woodruff also asked that Items 10, 12, and 15 be continued and approval of Consent Agenda Item 5-b be contingent upon re-verification that the low bidder has met all licensing and competency card provisions. In the event the low bidder has not met all of the requirements, the bid will be awarded to the second low bidder.

Set Agenda and Continue Items 10, 12, and 15/Van Arsdale/Nocera/7-0 (Later in the meeting Item 12 was continued to the 7/22/98 Special Meeting and it was determined that Item 10 would be considered later this year. Item 15 will be considered on 7/22/98.

Mayor Barnett relayed a request from London Helicopters to land a helicopter at the Coastland Mall and asked that this discussion take place at the end of the meeting.

Council Member Tarrant requested consideration of Item 9 immediately after the Consent Agenda. Approved/Tarrant/Herms/4-3 (MacKenzie, Van Arsdale, Barnett dissenting)

Revised 6/23/98

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 with the additional condition to 5-b/Van Arsdale/Herms/7-0

- 5-a. Approval of Minutes - 4/15/98 Regular Meeting; 5/4/98 Workshop Meeting; 6/1/98 Workshop Meeting/Approved/Van Arsdale/Herms/7-0
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•Purchase Order
•Police & Emergency Services

- 5-b. Authorize a purchase order for landscaping and irrigation work as part of the Operations Center improvements at the Police & Emergency Services Department \ Contractor: Hannula Landscaping, Inc. \ Cost: \$58,917.25 \ Funding: CIP #97I07.

Approved contingent upon re-verification that the low bidder has met all licensing/competency card provisions. In the event the low bidder does not meet all requirements, the bid will be awarded to the second low bidder/Van Arsdale/Herms/7-0

•3 Resolutions
•City Manager

- 5-c. Authorize contracts with the Variable Annuity Life Insurance Company (VALIC) to provide pension administrative services for the City's 401(a) Supplemental Retirement Savings Plan, 457(b) Deferred Compensation Plan, and Management Pension Plan.

(1) 98-8270/Van Arsdale/Herms/7-0

(2) 98-8271/Van Arsdale/Herms/7-0

(3) 98-8272/Van Arsdale/Herms/7-0

•Bid #95-26
•Utilities

- 5-d. Award a bid for construction of an interconnect with Collier County's water system, for potable water needs during emergency periods, and authorize a \$39,092.46 reimbursement to the County for expenses incurred \ Contractor: Kyle Construction, Inc. \ Amount: \$53,434.91 \ Funding: CIP #97L15 and #98L02.

Approved/Van Arsedale/Herms/7-0

•Purchase Order
•Community Services

- 5-e. Approve an after-the-fact emergency purchase order for repairs to the River Park pool \ Contractor: Nassau Pools, Inc. \ Amount: \$12,268.00 \ Funding: Facilities Maintenance.

Approved/Van Arsedale/Herms/7-0

•Resolution
•City Manager

- 5-f. Endorse the 1998 Membership Reapportionment Plan of the Naples-Collier County Metropolitan Planning Organization.

98-8273/Van Arsedale/Herms/7-0

•Resolution
•Planning

- 5-g. Establish public hearing procedures for those City-initiated rezone petitions pertaining to parcels greater than 10 contiguous acres, in order to hold the public hearings during Regular City Council Meetings.

98-8274/Van Arsedale/Herms/7-0

•Purchase Order
•Natural Resources

- 5-h. Issue a purchase order for a depth survey of Naples Bay and Moorings Bay Systems \ Contractor: John E. Chance & Associates, Inc. \ Cost: \$40,000.00 \ Funding: CIP funds allocated for Naples Bay Project Committee projects and Moorings Bay Taxing District reserves.

Approved/Van Arsedale/Herms/7-0

End Consent Agenda

•Resolution
•City Manager
•Continued from 6/3/97

6. **Public Hearing** to consider settlement of litigation, Charter Club of Naples and Others vs. the City of Naples, relating to Naples Landing. (Pursuant to 5/20/98 Regular Meeting)

On behalf of the plaintiff, Attorney Anthony

Pires relayed that the City's 5/20/98 counter-offer was not accepted.

City will hold in abeyance pending requests for discovery directed to plaintiff(s) represented by Attorney Pires - conditioned upon no additional litigation/Herms/Tarrant/7-0.

•Resolution
•City Manager

7. Consider a request from Charter Club of Naples and Others for reimbursement of legal fees pertaining to Naples Landing litigation. *See related item above.*

Based on the plaintiff's rejection of the 5/20/98 counter-offer (See Item 6), Council did not consider this item.

•Second Reading of an Ordinance
•Rezone to Planned
Development Petition 98-R4
•Petitioner: Shannon Development
•Agent: J. Dudley Goodlette, Esquire
•Approved on First Reading 6/3/98

8. **Public Hearing** to consider rezoning the northern 61 acres of Keewaydin Island, south of Gordon Pass, to "PD" Planned Development to allow 18 single-family homes and accessory uses/structures and development of the associated shore station at 260 Bay Road.

98-8275/Conditioned upon agreed hours of operation, use of pontoon vessels (made to appear as pleasure boats) when transporting workers or solid waste, the use of sealed containers when transporting solid waste, and the developers agreement that every effort will be made to utilize the Naples transfer site for the transfer of solid waste/Nocera/Van Arsdale/4-3 (Coyle, Herms, Tarrant dissenting)

Council Member Herms's prior second to this motion was withdrawn.

•Requested by Council Member Tarrant

9. Consider rescinding the right of Keewaydin Island developers to use Naples Landing as a construction staging area.

Rescind the 6/2/97 City Council approval relating to the utilization of Naples Landing by the Key Island developers/Tarrant/Nocera/4-3 (MacKenzie, Van Arsdale, Barnett dissenting)

A prior motion by Tarrant/Nocera to rescind Resolutions 97-7930 and 97-8000 was withdrawn.

Lunch Recess: noon – 1:30 p.m.

•Resolution
•City Manager

10. **Public Hearing** to consider the final assessment resolution and to approve the assessment roll to fund installation of underground power, street lighting, and conduit for future data transmission within the Port Royal and South Gordon Drive neighborhoods.

Continued to fall or winter of 1998 per prior motion.

•Resolution
•SAC Waiver Petition 98-6
•Petitioner: Gatehouse Corporation/
Susanne Schache
•Staff Action Committee
recommendation for denial

11. Consider a waiver from Section 102-1093(2)g of the Code of Ordinances "Fifth Avenue South Special Overlay District" to permit after-the-fact installation of non-conforming pavers in the right-of-way at 898 5th Avenue South.

98-8276/Herms/Tarrant/6-1 (Van Arsdale dissenting)

•Resolution
•Variance Petition 98-V12
•Petitioner: Club Brittany at
Park Shore, Inc.
•Agent: John M. Passidomo, Esquire
•Continued from 6/3/98

1:30 p.m.

12. Consider a variance from Section 110-88(b) of the Code of Ordinances in order to permit exterior lighting above the first habitable floor at The Brittany, 4021 Gulf Shore Blvd. North.

Continued to 7/22/98 Special Meeting/Van Arsdale/Herms/7-0

•Second Reading of an Ordinance
•Rezone to Planned
Development Petition 98-R3
•Petitioner: Pamlico Terrace Ltd./
Carl and Dana Nagel
•Agent: John M. Passidomo, Esquire
•Approved on First Reading 6/3/98

13. **Public Hearing** to consider rezoning the Little Harbour Subdivision, 2177 Gordon Drive, in order to amend the Planned Development Document to permit an unroofed pool and spa to be placed in a front yard, with approval of a landscape plan, and to reduce one of the front yard setbacks to 25-feet.

98-8277/Van Arsdale/Nocera/5-2 (Coyle, Herms dissenting)

•Resolution
•City Manager

14. Consider establishing a special assessment district, by resolution, to fund street lighting and street improvements on Fourth Avenue North between U.S. 41 and 10th Street.

98-8281/Approving the assessment with the ability to review the plan and options regarding cost allocations (point by point) when the final

assessment resolution is considered at the 7/22/98 Special Meeting/Herms/Van Arsdale/5-1 (Tarrant dissenting, Nocera abstaining)

Notices to property owners will be based on Exhibit C as submitted.

•Resolution
•Alley Vacation Petition 98-AV1 (98-21)
•Petitioner: Victor Erday, Jr., Trustee
•Agent: Douglas A. Wood, Esquire
•Planning Advisory Board
recommendation for denial
•Continued from 6/3/98

15. 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 600 5th Avenue South).

Continued by prior motion.

•Resolution
•Conditional Use Petition 98-CU11
•Petitioner: Media One Enterprises, Inc.
•Agent: SBA, Inc.
•Considered by the Planning
Advisory Board on 6/10/98

16. Consider a conditional use for an unmanned communications facility within the "C2" General Commercial zoning district at 550 Goodlette-Frank Road North. 98-8282/Approved with the stipulation that the water retention will be an underground retention area of stone or rock covered with grass which is level with the existing grade/Herms/Tarrant/6-0 (Van Arsdale absent).
An alternative of using perforated pipe, a gravel ditch, and level surface grass was also discussed and agreed as acceptable.
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•Resolution
•Conditional Use Petition 98-CU12
•Petitioner: City of Naples
•Considered by the Planning
Advisory Board on 6/10/98

17. Consider a conditional use for a training facility for Fire, Police, and Utilities in the "PS" Public Service zoning district at the northeast corner of 15th Avenue North at 10th Street.
98-8283/Van Arsdale/Herms/7-0
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•Second Reading of an Ordinance
•Planning
•Approved on First Reading 6/3/98

18. **Public Hearing** to consider text amendments to the future land use, coastal conservation, and transportation elements of the adopted Comprehensive Plan.
98-8284 As submitted/Van Arsdale/Nocera/4-3 (Tarrant, Coyle, Herms dissenting)
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•Second Reading of an Ordinance
•City Manager
•Approved on First Reading 6/3/98

19. **Public Hearing** to consider amending Subsection 2-119(c) "Personal Vehicles" of the Code of Ordinances in order to update mileage reimbursement rates to meet Internal Revenue Service guidelines.
Deleted from the Agenda.
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•Second Reading of an Ordinance
•City Attorney
•Approved on First Reading 6/3/98

20. **Public Hearing** to consider amending Subsection (a) and adding Subsections (c) and (d) to Section 1-15, General Penalty, amending Division 3 of Article VII of Chapter 2, "Administration", of the Code of Ordinances in order to clarify methods of enforcement, provide a schedule of penalties to be assessed for civil infractions, and adopt a supplemental method of enforcement.

98-8278/Van Arsdale/Nocera/5-2(Herms, Tarrant dissenting)

•Second Reading of an Ordinance
•Building & Zoning
•Approved on First Reading 6/3/98

21. **Public Hearing** to consider amending Sections 94-32, 94-33, 94-34, 94-35(a), (b), and (c), 94-37, 94-39, 94-40, 94-41, and 94-42(a) by adopting the Standard Building Code Congress International, Inc. (1997 Edition) and adding Section 94-43, "Standard for Floodplain Management", and deleting Article III of Chapter 114.

98-8279/Herms/Nocera/7-0

(First Reading of ordinance amending code to adopt the State's ruling for commercial buildings allowing permits to be issued to owners for improvements up to \$25,000 so long as the permit is not for structural changes and not above one floor to take place at 7/22/98 Special Meeting)

•Resolution
•Bid #98-37
•Utilities

22. Consider awarding a bid and authorizing a contract for the construction of a water booster station at Broad Avenue and 9th Street South and water line upgrades in the Port Royal area, pursuant to the June 12, 1998 Bid Opening \ Funding: CIP#97K32.

98-8280/Van Arsdale/Nocera/7-0

•Resolution
•Bid #98-35
•Community Services

23. Consider awarding a bid and a 3-year contract to O'Shaughnessy's, Inc., for operation of the Lowdermilk Park concession facility.

98-8285/waiving minor irregularity contained in the O'Shaughnessy, Inc. proposal/Van Arsdale/MacKenzie/5-2 (Herms, Nocera dissenting)

•First Reading of an Ordinance
•Pursuant to 6/1/98 Workshop

24. Consider establishing a Code of Ethics for City officers and City employees.

Approved/Herms/Tarrant/6-1 (Van Arsdale dissenting)

Second Reading to take place on 8/5/98.

•First Reading of an Ordinance
•City Manager

25. Consider repealing Ordinance 97-7934 which voluntarily annexed a 3.27 acre unimproved parcel land located with the Wilderness PUD.

Approved/Herms/Van Arsdale/7-0

Correspondence and Communications

By motion/Herms/Nocera/7-0/Council permitted London Helicopters to land a helicopter on the Coastland Mall parking lot in conjunction with the "Big Boys, Big Toys" exhibition. This authorization is limited to one landing and take-off which must occur when the mall is closed.

By motion/Herms/Barnett/7-0/Council dissolved the 41-10 Special Committee.

It was the consensus of Council that Mayor Barnett would draft a letter to the State Attorney's Office (on behalf of the City Council) urging prompt resolution of the current inquiry into the campaigns of Council Members Coyle, Herms and Tarrant.

Open Public Input - None.

Adjourn - 4:47 p.m.

Items were consider in the following order: 1,2,3,4,10,15,19,5-a,5-b,5-c(1),5-c(2),5-c(3),5-d,5-e,5-f,5-g,5-h,9,6,7,8,11,12,13,19,20,21,22,14,16,17,18,23,24,25