

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
August 5, 1998
Convened 9:00 a.m. – Adjourned 1:19 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 – *Father Tim Navin, St. Peters Catholic Church*
3. Announcements – *Mayor Barnett presented certificates to City employees in recognition of years of service. Debbie Horvath of the American Red Cross presented certificates and custom pins to the Naples Firefighters who had assisted in controlling the fires in north Florida. Mayor Barnett then recognized City Clerk Tara Norman for successfully completing the required examinations to become a Certified Records Manager.*
4. Items to be added - *Assistant City Manager William Harrison requested the addition of:*
Item 24: Authorization to issue a change order to Lodge Construction, Inc.
Item 25: A request for Council to name an attorney to represent the City in the Naples Landing issue.

Set Agenda removing Item 21 and adding Items 24 and 25/Van Arsdale/Herms/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.

Revised 8/18/98

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/Herms/Van Arsdale/7-0

• City Clerk

- 5-a. Approval of Minutes –
6/17/98 Regular Meeting; 7/20/98 Workshop Meeting; 7/21/98 Special Meeting
Approved/Herms/Van Arsdale/7-0

• Community Services

- 5-b. Approval of special events:
 1) Fourth Annual Naples Sports Festival
 Duathlon - August 8
 2) Moorings Presbyterian Church
 Concert - August 23
 3) American Heart Association
 Heartwalk 98 - October 3

Approved/Herms/Van Arsdale/7-0

• Resolution
• Human Resources

- 5-c. Cancel current contract, execute a new contract, and designate an agent of record for provision of dental insurance benefits for City employees.

98-8299/Herms/Van Arsdale/7-0

• Resolution
• City Manager

- 5-d. Authorize International City Management Association Retirement Corporation to provide administrative services for the City's Supplemental Retirement Savings Plan.

98-8300/Herms/Van Arsdale/7-0

• Purchase Authorization
• Development Services

- 5-e. Authorize issuance of a purchase order in the amount of \$30,859.68 to Florida Department of Transportation for utility relocation in conjunction with the Gordon River Bridge reconstruction project.

Approved/Herms/Van Arsdale/7-0

End Consent Agenda

- **Second Reading of an Ordinance**
- **Approved on First Reading 6/17/98**

6. **Public Hearing** to consider an ordinance establishing a Code of Ethics for City officers and City employees.

98-8304 Amended to add the following to paragraph F:

*3. By majority vote of City Council, the post employment restrictions may be waived. Request for waiver must be made by the specific City Managerial employee involved, appear on an advertised regular agenda of City Council, and be approved by majority vote of Council
Barnett/Nocera/6-1(Van Arsdale dissenting)*

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- **First Reading of an Ordinance**
 - **Rezone Petition 98-R2**
 - **Petitioner: City of Naples**
 - **Planning Advisory Board recommendation to approve**

10:00 a.m.

7. **Public Hearing** to consider an ordinance rezoning certain properties on the east side of Gulf Shore Boulevard between Banyan Boulevard and Mooring Line Drive from R3-15 Multi-family to R3-15 Multi-family Coquina Sands (CS) and R3-15 Multi-family Moorings (Mor).

Approved/MacKenzie/Herms/7-0

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- **Resolution**
 - **Nonconformity Petition 98-N1**
 - **Petitioner: Mercy Bathey**
 - **Agent: John Remington**
 - **Planning Advisory Board recommendation to approve**

8. Consider permitting the addition of a boat lift to a nonconforming dock at 4111 Gordon Drive.

98-8301/Van Arsdale/Nocera/7-0

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- **Resolution**
 - **Variance Petition 98-V15**
 - **Petitioner: L. Darrell Addison**
 - **Planning Advisory Board motion to approve failed 3-4**

9. Consider a variance from Section 102-206(4) of the Code of Ordinances in order to permit a 15-foot front yard setback in the R1-7.5 zoning district at 1010 28th Avenue North.

98-8302/Tarrant/Nocera/5-2(Coyle and Herms dissenting)

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- **Resolution**
 - **Variance Petition 98-V16**
 - **Petitioner: A.R.S. Venture**
 - **Planning Advisory Board recommendation to deny**

10. Consider a variance from Section 102-175(1) of the Code of Ordinances in order to permit a 77-foot lot width in the R1-10 zoning district at 95 12th Avenue South.

98-8303/Amended to require Council's approval of a General Development Site Plan (GDSP) in the event they desire a 20' setback on Gulf Shore Boulevard/Van Arsdale/Nocera/5-2(MacKenzie and Coyle dissenting)

- Resolution
- Variance Petition 98-V17
- Petitioners: Stephen and Karin Rossi
- Planning Advisory Board recommendation to deny

11. Consider a variance from Section 102-205(2) of the Code of Ordinances in order to permit two adjacent 50-foot wide lots in the R1-7.5 zoning district at 545 Central Avenue.

98-8305/Amended to require Council's review approval of a General Development Site Plan (GDSP) for both lots/Van Arsdale/Nocera/4-3 (Coyle, Herms and MacKenzie dissenting)

- First Reading of an Ordinance
- Text Amendment Petition 98-T4
- Petitioner: City of Naples
- Planning Advisory Board recommendation to approve

12. Consider an ordinance establishing a public hearing process to determine vested right status of property owners; establishing an application deadline, establishing criteria and requiring completed applications; providing for review by the City Manager or designee; establishing criteria for vested rights; providing limitations on vested rights; and providing for public hearing notice.

Approved/MacKenzie/Nocera/7-0

- Resolution
- Variance Petition 98-V14
- Petitioner: Ardissonne Condominium Association, Inc.
- Agent: Harold Armstrong
- Planning Advisory Board recommendation to deny

13. Consider granting 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 Ardissonne Condominium, 4400 Gulf Shore Blvd. North.
- Denied with stipulation that lights be relocated in 90 days/Herms/MacKenzie/6-1/(Van Arsdale dissenting)***

- First Reading of an Ordinance
- Community Services

14. Consider amending Section 46-68 of the Code of Ordinances to clarify opening and closing times for separate facilities within Cambier Park.

Approved/Van Arsdale/Herms/7-0

- First Reading of an Ordinance
- City Manager

15. Consider amending Section 78-58 (a)(13) of the Code of Ordinances to prohibit bicycles, skateboarding, roller skating, in-line skating and scooters on the Naples Pier.

Approved to include a comma after "skates" in #13/Tarrant/Van Arsdale/7-0

- Bid Award
- City Manager

16. Consider awarding a bid for construction of the Fifth Avenue South Plaza. (Continued from 7/22/98 Special Meeting)

Approved to award contract to D. Garrett Construction/Nocera/Van Arsdale/6-1(Herms dissenting)

<ul style="list-style-type: none"> • Resolution • Pursuant to 7/22/98 Special Meeting and 8/3/98 Workshop discussions 	<p>17. Consider adoption of procedures regarding establishment of assessment districts.</p> <ul style="list-style-type: none"> • <i>98-8306/Amended to:</i> • <i>Add to paragraph 2 that a waiver for a workshop will require the approval of the Mayor;</i> • <i>Add to paragraph 4 that the number of streetlights may be increased by no more than 10%; and</i> • <i>Add to paragraph 5 that a document will be drafted to explain in full that additional costs may be incurred, including average costs and the maximum and minimum ranges/</i> <p><i>Herms/MacKenzie/7-0</i></p>
<ul style="list-style-type: none"> • Resolution • Planning 	<p>18. Consider approval of a one-year action plan and budget for the Community Development Block Grant Program in conjunction with housing, community development and economic development activities.</p> <p><i>98-8307/Van Arsdale/Nocera/7-0</i></p>
<ul style="list-style-type: none"> • Resolution • City Manager 	<p>19. Consider declaring a 20-acre parcel of land on Goodlette-Frank Road as surplus and authorize receipt of competitive bids.</p> <p><i>98-8308/Amended to include:</i></p> <ul style="list-style-type: none"> • <i>Application to the County to rezone the land to residential; and</i> • <i>Consideration of a trade for property within the City /</i> <p><i>Herms/Tarrant-7-0</i></p>
<ul style="list-style-type: none"> • Bid 98-40 • Utilities 	<p>20. Consider award of a bid for a commercial refuse front loader. Vendor: McNeilus Companies, Inc., Lithia Springs, Georgia \ Cost: \$140,000.00 \ Funding: CIP #98P08</p> <p><i>Approved/Van Arsdale/Nocera/7-0</i></p>
<ul style="list-style-type: none"> • Bid 98-43 • Development Services 	<p>21. Consider award of bid for electrical work in the Third Street Lighting District, pursuant to July 30 bid opening.</p> <p><i>Removed from the Agenda.</i></p>
<ul style="list-style-type: none"> • 6 Resolutions • City Clerk • Pursuant to 8/3/98 interviews 	<p>22. Appointments to the following boards:</p> <ul style="list-style-type: none"> a) Board of Appeals (2 vacancies) <p><i>98-8309 appointing John Wiseman for term expiring in 2002/Van Arsdale/Nocera/7-0</i></p> <p><i>98-8310 appointing Austin Lynch for term expiring in 2000/Van Arsdale/Nocera/7-0</i></p>

- b) Community Redevelopment Area Advisory Board (1 vacancy)

***98-8311 appointing Sandy Ramsey/Herms/
Nocera/7-0***

- c) Board of Trustees - Police Officers' Retirement Trust Fund (2 vacancies)

***98-8312 appointing William MacIlvaine/Tarrant/
Herms/7-0***

***98-8313 appointing Murray Hendel/Nocera/
Herms/7-0***

- d) Board of Trustees - Firefighters' Retirement Trust Fund (2 vacancies)

***98-8314 appointing William MacIlvaine/Nocera/
Tarrant/ 7-0***

***98-8315 appointing Key Charles Pittman/Herms/
Tarrant/7-0***

• Pursuant to City Council
discussion at 7/22/98 Special Meeting

23. Discussion regarding possible purchase of house at 40 Ninth Avenue South.

Motion that:

- ***City proceed in a contract to purchase the home for \$2.6 million;***
- ***Issue bonds for period of 15 year with interest to be determined by the local market;***
- ***City to have an agreement with the Collier County Historical Society to repurchase the home;***
- ***\$300,000 to be paid by the Historical Society as follows: \$20,000 by August 10; \$240,000 cash by August 17; and \$40,000 at closing;***
- ***The City will retain the option to resell the property; and***
- ***A review of this arrangement will occur in April, 1999***

***Approved/Herms/Tarrant/4-3(MacKenzie, Van
Arsdale and Barnett dissenting)***

•Purchase Order Increase
•City Manager

24. Consider an increase the Lodge Construction Inc. purchase order for additional funds needed for the air-conditioning (HVAC) for the new Utilities Office building, including a fresh-air upgrade.

***Approved/Nocera/Van Arsdale/5-2(Herms and
Tarrant dissenting)***

25. Discussion regarding selection of counsel relating to litigation with Key Island Developers.

It was determined that at 1:30 p.m. on August 17, Council would interview the following attorneys: John Cardillo, Michael Volpe, Joseph Stewart and Gary Shirk.

Correspondence and Communications - None

Open Public Input: *Bill Boggess asked Council to urge the County to accelerate beach rock removal. It was the consensus of Council to hold a joint workshop with the Beach Renourishment Committee at the August 31 workshop.*

Vice Mayor MacKenzie introduced a proposed format for a City television program to be broadcast on MediaOne. It was the consensus of Council (Tarrant dissenting) for her to proceed with the plans and return to Council with more detailed information.

Adjourn 1:19 p.m.

Items were considered in the following order:

5a, 5b, 5c, 5d, 5e, 23, 8, 7, 9, 10, 16, 6, 11, 12, 13, 14, 15, 17, 18, 19, 20, 22a(1), 22a(2), 22b, 22c(1), 22c(2), 22d(1), 22d(2), 24, 25