

**Annotated Agenda**  
**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**

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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 19, 1998**  
**Convened 8:59 a.m./Adjourned 12:07 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 absent*
2. Invocation and Pledge of Allegiance - *Pastor Elwood Kern, Naples Church of God*
3. Announcements - *Presentations by the Police & Emergency Services Department*
4. Items to be added - *City Manager Richard Woodruff requested that the following items be added to the agenda:*
  - Item 13** - *Consider a purchase order for water main improvements on 4th Street between 3rd and 5th Avenues South \ Contractor: Kyle Construction, Inc., Naples, Florida \ Amount: \$85,823.00 (not to exceed) \ Funding: CIP #98102*
  - Item 14** - *Consider a policy regarding funding assistance and land acquisitions for subsequent resale to non-profit entities.*
  - Item 15** - *Consider a change order relating to the Fifth Avenue South Parking Facility \ Contractor: D. Garrett Construction, Inc., Naples, Florida \ Amount: \$139,766.00 \ Funding: Project Contingency Funds.*
  - Item 16** - *Discussion regarding the Naples Municipal Airport Utilization Plan*

*Set Agenda adding Items 13, 14, 15, and 16/Herms/Nocera/6-0 (Van Arsdale absent)*

**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 (Note addition to 5-c)  
Nocera/Herms/6-0 (Van Arsdale absent)*

- 5-a. Approval of Minutes - *7/20/98 Budget Workshop, 7/22/98 Special, 8/3/98 Workshop, 8/5/98 Regular/Approved/Nocera/Herms/6-0 (Van Arsdale absent)*

### •Community Services

- 5-b. Issue an after-the-fact purchase order relating to the 1998 production of the Once in Awhile Park Players \ Totals: \$13,520.49 to Fred Tobias, Writer/Director and \$6,616.41 to Sunset Beach Productions, Musical Arranger \ Funding: Community Services Theater Account.

*Approved/Nocera/Herms/6-0 (Van Arsdale absent)*

### •Special Events Committee

- 5-c. Approve the following special events:  
(1) Swamp Buggy Parade - 10/24  
*City to be listed as co-sponsor*  
(2) Cityjazz 98/99 - 10/10, 11/14, 12/12, 1/9/99, 2/13/99, 3/13/99, 4/10/99

*Approved/Nocera/Herms/6-0 (Van Arsdale absent)*

### •Purchase Order •Community Services

- 5-d. Authorize the purchase of a picnic pavilion to be placed at the end of the Naples Landing Park peninsula \ Vendor: Contract Connection, Inc., Naples, Florida \ Bid Price: \$17,915.00 (through State Negotiated Agreement Price Schedule) \ Funding: City and County CIP.

*Approved/Nocera/Herms/6-0 (Van Arsdale absent)*

•6 Resolutions

•Utilities

5-e. Authorize contracts for the purchase of the following properties surrounding City water production wells:

- (1) West 150 feet of Tract 121, Unit 71, Golden Gate Estates (Robert and Avril Curran)

***98-8317/Nocera/Herms/6-0(Van Arsdale absent)***

- (2) Tract 125, Unit 68, Golden Gate Estates (Robert and Patricia Moseley)

***98-8318/Nocera/Herms/6-0(Van Arsdale absent)***

- (3) West 150 feet of Tract 125, Unit 71, Golden Gate Estates (Jose Nunez)

***98-8319/Nocera/Herms/6-0(Van Arsdale absent)***

- (4) East 180 feet of Tract 125, Unit 71, Golden Gate Estates (Jose and Esther Nunez)

***98-8320/Nocera/Herms/6-0(Van Arsdale absent)***

- (5) Tract 124, Unit 74, Golden Gate Estates (Richard Pitzo)

***98-8321/Nocera/Herms/6-0(Van Arsdale absent)***

- (6) Tract 128, Unit 74, Golden Gate Estates (Rene Selva)

***98-8322/Nocera/Herms/6-0(Van Arsdale absent)***

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•Resolution  
•Development Services

5-f. Grant a 10-foot wide easement to Florida Power & Light for underground utility facilities at the Arts Center in Cambier Park.

***98-8323/Nocera/Herms/6-0 (Van Arsdale absent)***

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•Bid 98-44  
•Development Services

5-g. Authorize a purchase order for installation of rip rap at Naples Landing Park as part of Phase II improvements \ Contractor: Saltsman Construction, Naples, Florida \ Amount: \$44,515.00 \ Funding: City and County CIP.

***Approved/Nocera/Herms/6-0 (Van Arsdale absent)***

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•Development Services

5-h. Provide for the creation of 3-foot bike lanes on Gulf Shore Boulevard between South Golf Drive and 12th Avenue South in lieu of Florida Department of Transportation standard 4-foot bike lanes.

***Approved/Nocera/Herms/6-0 (Van Arsdale absent)***

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**End Consent Agenda**

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**•First Reading of an Ordinance  
•Resolution  
•Pursuant to 8/5/98 Regular Meeting**

6. Consider the following as it relates to the acquisition of 40 Ninth Avenue South for use as a historical museum:

6-a. Consider providing for the issuance of \$2.4 million (not to exceed) Public Service Tax Revenue Bonds, Series 1998.

*Approved/Herms/Coyle/5-1(MacKenzie dissenting, Van Arsdale absent)*

6-b. Consider purchase, re-purchase, and facility management agreements relating to property and structure of historical significance.

*98-8324/Amended to reflect the following: . \$260,000.00 to be placed in escrow with Roetzel & Andress, P.A. no later than 8/26/98 with an additional \$40,000.00 due at closing. The License Agreement's assignment provision may be amended if rights are assigned to Mr. William Blumquist. The City Attorney has the authority to make amendments and clarifications that do not change the structure of the agreement. Herms/Nocera/5-1 (MacKenzie dissenting).*

*The City Attorney noted the following: The City has received the title commitment and survey for the property and a termite inspection has been conducted (Historical Society is aware that termites are present); the purchase contract is conditioned upon an environmental audit, the passage of the bond ordinance, and the receipt of bond proceeds. A property inspection has been provided to the Historical Society.*

*By a prior general motion applying to Items 6-a and 6-b, it was the consensus of Council to support the issuance of bonds and an agreement with the Historical Society that would provide for all of the insurance and maintenance safeguards for the City and payment of interest and principal with a 3-year balloon (later clarified to state that the first payment would be interest only) /Coyle/Nocera/(MacKenzie dissenting).*

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- Second Reading of an Ordinance
  - Rezone Petition 98-R2
  - Petitioner: City of Naples
  - Approved on First Reading 8/5/98
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- Second Reading of an Ordinance
  - Text Amendment Petition 98-T4
  - Petitioner: City of Naples
  - Approved on First Reading 8/5/98
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- Second Reading of an Ordinance
  - Community Services
  - Approved on First Reading 8/5/98
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- Second Reading of an Ordinance
  - City Manager
  - Approved on First Reading 8/5/98
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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).

***98-8325/Herms/Tarrant/6-0 (Van Arsdale absent)***

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8. **Public Hearing** to 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.

***98-8326/Nocera/MacKenzie/4-2 (Herms and Tarrant dissenting, Van Arsdale absent)***

***As a courtesy, the property owners affected by Item 7 (above) will be notified of this ordinance.***

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9. **Public Hearing** to consider amending Section 46-68 of the Code of Ordinances in order to clarify opening and closing times for separate facilities within City parks.

***98-8327/Nocera/Herms/5-1(Tarrant dissenting)***

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10. **Public Hearing** to 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.

***98-8328/Herms/MacKenzie/6-0 (Van Arsdale absent)***

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•Bid 98-43  
•Development Services

11. Consider awarding a bid for the placement of streetlights in the Third Street and the Avenues Lighting District \ Contractor: Bentley Electric Co., Inc., Naples, Florida \ Amount: \$286,748.00 \ Funding: Special Assessment District.

*Approved/Herms/Nocera/6-0 (Van Arsdale absent) Staff to research and report to Council at the next meeting whether those replaced lights belonging to Third Street could be utilized in future 41-10 redevelopment.*

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•Resolution  
•Police & Emergency Services

12. Consider authorizing an interlocal agreement with Collier County to establish an Advanced Life Support Engine Partnership Program.

*98-8316 amended to require the signature of the Mayor on the interlocal agreement/ MacKenzie/Nocera/6-0 (Van Arsdale absent)*

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•Purchase Order  
•Development Services

13. Consider a purchase order for water main improvements on 4th Street between 3rd and 5th Avenues South \ Contractor: Kyle Construction, Inc., Naples, Florida \ Amount: \$85,823.00 (not to exceed) \ Funding: CIP #98102.

*Approved/Nocera/Barnett/6-0 (Van Arsdale absent)*

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•Resolution  
•Requested by Council Member Nocera

14. Consider a policy regarding funding assistance and land acquisitions for subsequent resale to non-profit entities.  
*98-8329 amended in Section 1," . . . not be a funding source for the purchase of property . . . " /Nocera/MacKenzie/6-0 (Van Arsdale absent)*

*Vice Mayor MacKenzie will research other jurisdictions' efforts to encourage property owner and private business involvement in historic preservation efforts.*

*Staff will draft a companion resolution setting a policy whereby the City cannot donate or lease City property to organizations at less than market value. This resolution will be considered at the next Regular Meeting.*

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•Change Order  
•City Manager

15. Consider a change order relating to the Fifth Avenue South Parking Facility \ Contractor: D. Garrett Construction, Inc., Naples, Florida \ Amount: \$139,766.00 \ Funding: Project Contingency Funds.

*Approved/Nocera/MacKenzie/5-1(Herms dissenting, Van Arsdale absent)*

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16. Discussion regarding the Naples Municipal Airport Utilization Plan.

*Staff to prepare options pertaining to C-4 Zoning District which will be presented to Council at the 9/14/98 Workshop Meeting.*

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**Correspondence and Communications**

*In response to Council Member Tarrant, it was confirmed that prior actions (relating to Cambier Park and retaining an attorney in the Key Island litigation) could in fact be taken at a Council Workshop Meeting. Council Member Herms requested workshop discussions pertaining to the City's television channel and also suggested separating upcoming River Park improvements into components, which could be accomplished over a period of years. Vice Mayor MacKenzie commented on an anticipated "Micro-Enterprise Loan Program" which, she noted, could assist property owners involved in 41-10 redevelopment.*

**Open Public Input**

*Robert Brady asked Council to upgrade the Code of Ordinances as it relates to the roll down type of storm shutters. Staff will research this issue and report to Council at the 8/31/98 Workshop Meeting.*

**Adjourn**

**12:07 p.m.**

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

***1,2,3,4,12,5-a,5-b,5-c,5-d,5-e(1), 5-e(2),5-e(3),5-e(4),5-e(5),5-e(6),5-f,5-h,6-a,6-b,7,8,9,10,11,13,14,15, 16***