

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, September 2, 1998
Convened 9:14 a.m. / Adjourned 12:20 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 Coyle arrived at 11:29 a.m.*
2. Invocation and Pledge of Allegiance - *Reverend Arthur Holt, Naples Unity Church*
3. Announcements - *Mayor Barnett congratulated the candidates in yesterday's election. He also relayed Council Member Coyle's request to delay the appointments to the Airport Authority (Item 17) to later in the meeting.*

City Manager Richard Woodruff reminded the public of upcoming Special Meetings relating to adoption of the City's budget and millage rate for next fiscal year. These meetings will take place at 5:05 p.m. on September 3rd and September 16th in City Council Chambers.

4. Items to be added
City Manager Richard Woodruff requested that the following items be added to the agenda:
Item 6-c *Consider a request by the seller of 40 9th Avenue South (Historic House) to delay the closing date to October 19, 1998.*
Item 18 *Consider a change order to Camp, Dresser & McKee, Inc. in an amount not to exceed \$114,348.00 for engineering services relating to Phase II of the drainage Basin VI Stormwater Pump Station.*

Set Agenda and add Items 6-c and 18/Herms/Nocera/6-0 (Coyle absent)

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 Items 5-a, 5-c (see amendment below), 5-d, 5-e, 5-f and remove Item 5-b for separate discussion/Van Arsdale/Nocera/6-0 (Coyle absent)

5-a. Approval of Minutes - 8/17/98 Workshop and 8/19/98 Regular
Approved/Van Arsdale/Nocera/6-0 (Coyle absent)

•Resolution
•City Manager

5-b. Authorize establishment of fees for the storage of small, private, non-motorized boats at specified City-beach ends.
Denied/Herms/Tarrant/5-1(Coyle absent, Van Arsdale dissenting)

•Bid #99-02
•Development Services

5-c. Award a bid (2-year contract) for traffic and street signs \ Vendors: Municipal Supply and Sign Company, Naples, Florida and Rocal, Inc., Frankfort, Ohio \ Est. Annual Expenditure: \$19,300.00 \ Funding: Streets Division..
Approved/Van Arsdale/Nocera/6-0 (Coyle absent)
Staff is authorized to utilize the lower bidder when bulk purchases are feasible

•4 Resolutions
•City Clerk

5-d. Consider the following pension board appointments as chosen by the Boards of Trustees:
(1) One retiree to the City of Naples General Retirement System.
98-8330/Van Arsdale/Nocera/6-0 (Coyle absent)

- (2) One resident to the City of Naples General Retirement System.

98-8331/Van Arsdale/Nocera/6-0 (Coyle absent)

- (3) One member to the Board of Trustees of the Police Officers' Retirement Trust Fund.

98-8332/Van Arsdale/Nocera/6-0 (Coyle absent)

- (4) One member to the Board of Trustees of the Firefighters' Retirement Trust Fund.

98-8333/Van Arsdale/Nocera/6-0 (Coyle absent)

**•Bid #98Q22
•City Manager**

- 5-e. Award a bid for landscaping and irrigation work related to Gulf Shore Boulevard North median renovation \ Contractor: Hannula Landscaping, Inc., Bonita Springs, Florida \ Total Bid Price: \$75,443.40 \ Funding: CIP#98F48 and CIP#97F22.

Approved/Van Arsdale/Nocera/6-0 (Coyle absent)

**•Purchase Order
•Community Services**

- 5-f. Issue a purchase order, under State "SNAPS" contract #650876, for equipment and surfacing for the Fleischmann Park Playground Project \ Designer/Builder: Dominica Recreation Products, Inc., \ Total Price (including installation): \$72,398.00 \ Funding: CIP #98G08.

98-8334/Van Arsdale/Nocera/6-0 (Coyle absent)

End Consent Agenda

**•Second Reading of an Ordinance
•Approved on First Reading 8/19/98
•Resolution**

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

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

98-8335/Herms/Tarrant/4-2(Coyle absent, MacKenzie and Van Arsdale dissenting)

- 6-b. Authorizing the sale of \$2.4 million (not to exceed) Public Tax Revenue Bonds, Series 1998 to the qualified low bidder.

98-8336/Herms/Tarrant/4-2 (Coyle absent, MacKenzie and Van Arsdale dissenting)

- 6-c. Consider a request by the seller to delay the closing date to October 19, 1998.

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

City Attorney is authorized to amend the documents accordingly (if necessary).

**•Resolution
•Police & Emergency Services**

7. Consider a Guaranteed Maximum Price Contract with Owen-Ames-Kimball Company for construction of an addition to the Police & Emergency Services Building (negotiations pending).

Approved (\$1,977,636.00)/Van Arsdale/Barnett/6-0 (Coyle absent)

**•2 Resolutions
•Conditional Use Petition 98-CU14
•Conditional Use Petition 98-CU13
•Petitioner: Naples CFC Enterprises, Inc.
•Agent: Michael R. Fernandez
•Planning Advisory Board
recommendation for approval**

10:00 a.m.

8. Consider the following as it relates to development of a 4-story, 122-room hotel at 4805 9th Street North:

- 8-a. A conditional use for a transient lodging facility in accordance with the approved development agreement.

98-8337/Van Arsdale/Barnett/5-1 (Coyle absent, Herms dissenting)

- 8-b. A conditional use approving a parking needs analysis in order to reduce the number of required parking spaces to 128.

98-8338/Van Arsdale/Barnett/4-2 (Coyle absent, Herms, Tarrant dissenting)

To only require staff direction if it becomes necessary to expand the parking into the landscaped area.

**•Resolution
•Variance Petition 98-V18
•Petitioner: Red Lobster
•Agent: Thomas Sign & Awning Co.
•Planning Advisory Board
recommendation for denial**

9. Consider a variance from Section 106-33 of the Code of Ordinances in order to permit a 75-square foot pole sign at 2355 9th Street North.

Denied/MacKenzie/Van Arsdale/6-0 (Coyle absent)

Noted for the record that the petitioner did not appear to present the request to Council.

•Resolution
•Variance Petition 98-V19
•Petitioner: Hyrum Smith
•Agent: Edmond Koester
•Planning Advisory Board
recommendation for denial

•First Reading of an Ordinance
•Text Amendment Petition 98-T5
•Petitioner: City of Naples
•Planning Advisory Board
recommendation for approval
with amendments

•First Reading of 2 Ordinances
•Text Amendment Petition 98-T6
•Rezone Petition 98-R6
•Petitioner: City of Naples
•Planning Advisory Board
recommendation for approval

•Resolution
•Community Services

10. Consider a variance from Section 110-37 of the Code of Ordinances in order to permit a 6-foot high fence in a front yard setback at 5164 Seahorse Avenue.

*Continued (no date certain stated)/ Herms/
MacKenzie/6-0 (Coyle absent)*

11. Consider amending Sections 110-87 and 110-123 of the Code of Ordinances in order to establish maximum density standards for transient lodging facilities.

Approved with the staff recommendations (26 units per acre for commercial and any planned development rezones; 16 units per acre for any residential zoning unless the underlying zoning is of less density/Herms/Tarrant/5-1 (Coyle absent, Van Arsdale dissenting)

A prior motion by Van Arsdale to approve with the provisions recommended by the Planning Advisory Board (Planned Development process) failed for lack of second.

12. Consider the following in order to resolve discrepancies between zoning and deed restrictions for single-family portions of Park Shore:

12-a. Add Division 6.5 to Chapter 102 of the Code of Ordinances in order to establish Zoning District "R1-10A, Residence District."

Approved/Van Arsdale/Herms/6-0 (Coyle absent)

12-b. Rezone portions of Park Shore Units 1, 3, and 4 to the newly established R1-10A, Residence District.

Approved/Herms/Nocera/6-0 (Coyle absent)

13. Consider appointing an Architectural Selection Committee relative to the River Park Community Center Building.
*98-8339 with the provision that the committee also interview and consider Building Official Bill Overstreet when ranking architects/Van Arsdale/
Nocera/6-0 (Coyle absent)*
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•Resolution
•City Manager
•Pursuant to 8/19/98 Regular Meeting

14. Consider establishing a policy regarding the placement of buildings, owned by non-profit organizations, on City-owned lands.
98-8340 Attachment A amended as follows:
1) *The opening paragraph to reflect building or structures owned by any individual or organization.*
2) *Paragraph 1 amended to reflect any individual or organization (either profit or non-profit) and approval by City Council by a super-majority vote.*
3) *Paragraph 3-C amended to replace the words "Community Services Advisory Board" with "the appropriate advisory board".*
4) *Paragraph 3-E amended to require a super-majority vote of City Council.*
5) *Paragraph 6 to be added exempting historic markers from this policy.*
MacKenzie/Herms/5-1 (Coyle absent, Van Arsdale dissenting)

•Resolution
•Mayor

15. Consider affixing the salary of the City Clerk.
98-8341/Herms/Van Arsdale/6-0 (Coyle absent)

•Resolution
•Mayor

16. Consider an amended employment agreement with the City Manager.
98-8342 Amended to reflect that the salary increase is effective immediately/Van Arsdale/Nocera/7-0.

•2 Resolutions
•City Clerk

17. Consider appointing two members to the Naples Airport Authority.
98-8343 Appointing Ron Soulard/Herms/Tarrant/5-2(Van Arsdale, Barnett dissenting)

98-8344 Appointing Eric West/Van Arsdale/MacKenzie/4-3 (Coyle, Herms, Tarrant dissenting)

A prior motion Van Arsdale/Nocera to appoint Rich Gentile failed 3-4 (Coyle, Herms, MacKenzie, Tarrant dissenting).

A prior motion Tarrant/Coyle to appoint Tom Trettis failed 3-4 (MacKenzie, Nocera, Van Arsdale, Barnett dissenting)

Upon the appointments of Ron Soulard and Eric West, no vote was taken on the nomination (Herms/Nocera) of Tom Ryan.

•Change Order
•Development Services

18. Consider a change order to Camp, Dresser & McKee, Inc. in an amount not to exceed \$114,348.00 for engineering services relating to Phase II of the drainage Basin VI Stormwater Pump Station.

98-8345/Amended in Exhibit A - Amendment 1 to provide that any and all plans, drawings, specifications, and reports would become the property of the owner (City) upon payment. Staff to research the possibility of combining the generator in the Police & Emergency Services Department with the need for electricity at this facility/Van Arsdale/MacKenzie/7-0.

Correspondence and Communications

City Attorney Cuyler referenced current litigation pertaining to the Wilderness Country Club and relayed the Wilderness Property Owners Association's offer to accept \$12,165.45 as settlement in their claim for attorney's fees and costs. It was the consensus of Council, however, to uphold its prior action (7/22/98 Special Meeting) opposing reimbursement of legal fees in this matter.

Vice Mayor MacKenzie requested that all advisory board meetings be video taped, effective immediately; however, it was the consensus of Council to delay this directive pending the September 14th Workshop Meeting wherein proposed formats and guidelines for the City's television channel would be discussed. Staff was directed to take an inventory of video taped programs currently held by the departments and it was determined that Council would consider scheduling/format options for the upcoming programs (as presented by staff) on a quarterly basis.

Council Member Herms questioned the status of a Code amendment that would allow a commercial property owner to obtain a permit for improvements up to \$25,000.00. Mr. Herms also received clarification regarding curbing and sidewalk improvements near Cambier Park and requested that future tree planting updates specify the number of trees planted (previously unplanned). Additionally, he commented on the engineering fees associated with the beach renourishment project to which Council Member Van Arsdale suggested that the City take a position, during the upcoming legislative session, regarding the state's prohibition to bidding out this form of engineering service.

At the request of Dr. Woodruff, Council designated the Collier County Historical Society as its authorized agent in order to proceed with the petition to rezone 40 9th Avenue South to Public Service (See Item 6 above)/Herms/Nocera/6-0 (Coyle absent)

At the request of the Naples Airport Authority, Council delayed the upcoming Joint Workshop Meeting to October 5, 1998.

Council Member Tarrant informed Council that he had requested a legal opinion from City Attorney Cuyler regarding provisions within the deed used to convey property from John Pulling to the City.

Open Public Input - Bill Boggess

Adjourn - 12:20 p.m.

Items were considered in the following order:

1,2,3,4,5-a,5-c,5-d,5-e(1),5-e(2),5-e(3),5-e(4),5-f,5-b,6-a,6-b,6-c,11,7,8-a,8-b,10,12-a,12-b,9,13,14,15,16,17-a,17-b,18