

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, October 7, 1998
Convened 9:00 a.m./Adjourned 4:01 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 absent*
2. Invocation and Pledge of Allegiance - *Pastor I.E. McGowen, Naples Baptist Church*
3. Announcements
 Proclamation of United Way of Collier County Campaign Month
 City Manager Richard Woodruff also commented on the community build program underway to construct an addition to the Fleischmann Park skateboard facility.
4. Items to be added - *City Manager Richard Woodruff requested that the following items be added to the agenda:*

Item 22 *Consider appointing a citizen to the Carver Finance, Inc., Board of Directors*

Item 23 *Consider endorsing the second Gordon River Bridge Corridor Project and recommending that the Metropolitan Planning Organization and Florida Department of Transportation include the project as a funded priority in the FDOT's five-year work program.*

Item 24 *Consider a change order to D. Garrett Construction, Inc., in the amount of \$28,974.00, for handrails in the Municipal Parking Garage \ Funding: Project Contingency.*

Item 25 *Consider a purchase order for survey/engineering services related to drainage, lighting, and sidewalk improvements on Park Street, the 5th Avenue alley, and Cambier Park in the vicinity of the Art Center \ Contractor: Hole, Montes & Associates\ Amount \$5,500.00 \ Funding: Engineering Professional Services Account.*

Set Agenda and Add Items 22, 23, 24, and 25/Herms/Nocera/6-0 (Coyle absent) Revised 10/13/98

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/6-0 (Coyle absent)

- 5-a. Approval of Minutes - *9/14/98 Workshop, 9/16/98 Regular, 9/16/98 Special/*
Approved/Herms/Van Arsdale/6-0 (Coyle absent)

•Special Events Committee

- 5-b. Approve the following special events:
(1) Naples High Homecoming Parade - 10/16
(2) Collier County Auto Show - 10/22-25
(3) The Inn on Fifth - Wedding Reception - 10/10
(4) Red Ribbon Monster Dash Road Race - 10/30

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

**•Special Events Committee
•Continued from 9/16/98**

- 5-c. Approve the 5th Avenue South Evening on 5th - 11/13.

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

**•Resolution
•Human Resources**

- 5-d. Confirm the appointment of one member to the City's Public Employee Relations Commission.

98-8371/Herms/Van Arsdale/6-0 (Coyle absent)

**•Purchase Order
•Utilities**

- 5-e. Authorize the purchase of a front-end loader/backhoe, under an Orange County Public Schools contract, for use by the Water Distribution Division \ Vendor: John Deere Equipment, Inc., Fort Myers, Florida \ Net Price (less \$3,700.00 trade-in allowance): \$34,949.00 \ Funding: CIP #99L16.

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

•Bid #99-09
•Utilities

- 5-f. Award an annual bid for landscape maintenance of various Utilities properties\ Contractor: TLC Lawn Maintenance, Inc., Naples, Florida \ Annual Bid: \$16,520.00 \ Funding Water Treatment-Building & Grounds Maintenance Budget.

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

•Purchase Order
•Utilities

- 5-g. Authorize an after-the-fact purchase order for engineering design services in order to upgrade water lines at Central Avenue and 12th Street \ Contractor: Keene Engineering, Inc., Naples, Florida \ Amount: \$6,900.00 \ Funding: CIP #99L02.

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

End Consent Agenda

•Resolution
•Grey Oaks Development Order
•Petitioner: Halstatt Partnership
•Agent Larry Keesey, Esquire

6. Consider amending the development order for Grey Oaks Planned Unit Development, located at Airport Road and Golden Gate Parkway, in order to increase the golf course from 9 to 18 holes.

98-8372/Nocera/Van Arsdale/6-0 (Coyle absent)

10:00 a.m.

•First Reading of an Ordinance
•Resolution
•Rezone Petition 98-R5
•Alley Vacation Petition 98-AV2
•Petitioners: Lorcar, Inc.
and Newblock, Inc.
•Planning Advisory Board
recommendation for approval

7. Consider the following as it relates to development of the City block bounded on the east by US 41 North, on the south by 5th Avenue North, on the west by 8th Street North and on the north by 6th Avenue North:

- 7-a. Rezone to "PD" Planned Development and "R3-12" Multifamily District in order to permit a mixed-use development with common parking.

Approved to include a stipulation of the PD that both the north/south and east/west driveways will become vehicular easements and that the sidewalk along U.S. 41 (with the exception of the southeast corner) and the 8th Street landscaping will be arranged to conform to the future standards of 41-10 District/Van Arsdale/ Nocera/6-0 (Coyle absent)

Second Reading to take place on 11/4/98.

A prior motion to approve the project with the stipulation that it meet all specifications of the 41-10 Special Committee/Herms/MacKenzie/failed/3-3 (Coyle absent, Nocera, Van Arsdale, and Barnett dissenting)

- 7-b. Vacate the remainder of the east-west alleyway within the above referenced block.

Continued to the 11/4/98 Regular Meeting/Van Arsdale/MacKenzie/6-0 (Coyle absent)

•First Reading of an Ordinance
•Text Amendment Petition 98-T3
•Petitioner: City of Naples
•Planning Advisory Board
recommendation to deny

8. Consider amending Section 102-538 of the Code of Ordinances in order to limit the height of boat storage facilities to 35-feet, measured in the same fashion as other buildings in the "C2-A" Waterfront Commercial District.

Denied/Nocera/MacKenzie/5-1 (Coyle absent, Herms dissenting)

Staff will ascertain whether boat storage facilities are insurable if limited to 48 feet, measured from 12 inches from the crown of the road. If insurable, Council will consider this proposed 48-foot limitation.

•First Reading of an Ordinance
•Text Amendment Petition 98-T7
•Petitioner: City of Naples
•Planning Advisory Board
recommendation for approval

9. Consider amending Sections 102-532 and 102-533 of the Code of Ordinances in order to require conditional use approval for charter boats with a carrying capacity of 150 or more persons.

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

•3 Resolutions
•Conditional Use Petitions
98-CU16, 98-CU17, and 98-CU18
Petitioner: Barking Dog Entertainment
•Planning Advisory Board
recommendation for approval

10. Consider the following as it relates to the establishment of a cocktail lounge at 837 5th Avenue South:

- 10-a. A conditional use for staged entertainment in accordance with Section 102-473(1) of the Code of Ordinances.

98-8379 including staff recommendations/Van Arsdale/Nocera/5-1(Coyle absent, MacKenzie dissenting)

- 10-b. A conditional use for a cocktail lounge in accordance with Section 102-473(8) of the Code of Ordinances.

98-8380 including staff recommendations/Van Arsdale/Herms/5-1(Coyle absent, MacKenzie dissenting)

- 10-c. A conditional use, in accordance with Section 10-1(c)(4) of the Code of Ordinances, in order to permit sale of alcoholic beverages between 7:00 a.m. and 12:00 midnight on Sundays.

98-8381 including staff recommendations/Nocera/Van Arsdale/5-1(Coyle absent, MacKenzie dissenting)

**•Resolution
•Variance Petition 98-V21
•Petitioners: David and Sandra Corneal
•Planning Advisory Board
recommendation for denial**

11. Consider a variance from Section 102-176(3) of the Code of Ordinances in order to permit an 18-foot rear yard setback at 5241 Seashell Avenue.

Motion to approve with stipulation that the variance apply only to the existing structure/Tarrant/Nocera/This motion failed 2-4 (Coyle absent, MacKenzie, Herms, Van Arsdale, and Barnett dissenting)

**•First Reading of an Ordinance
•Rezone Petition 98-R7
•Petitioner: Pamlico Terrace Ltd.
•Agent: John Passidomo, Esquire
•Planning Advisory Board
recommendation for approval**

12. Consider amending the Planned Development Document for Little Harbour, 2177 Gordon Drive, in order to provide standards for development of homes on one and one-half lots.

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

**•Resolution
•Easement Vacation Petition 98-EV1
•Petitioner: Seventh Avenue North Medical Building Limited Partnership
•Agent: Robert Scott Price, Esquire
•Planning Advisory Board
recommendation for approval**

13. Consider vacating 40 X 323-foot north-south drainage easement on the west portion of 681 Goodlette Road.

98-8373/Nocera/Van Arsdale/6-0 (Coyle absent)

Lunch Break

•Resolution
•General Development and
Site Plan Petition 98-GDSP5
•Petitioner: The London Company
•Agent: Mark London
•Planning Advisory Board
recommendation for approval

•Resolution
•Amendment to Airport Utilization Plan
Petition 98-GDSP6
•Petitioner: Naples Airport Authority
•Agent: Theodore Soliday
•Planning Advisory Board
recommendation for approval

•Resolution
•Reconsideration of
Variance Petition 98-V17
•Petitioners: Stephen and Karin Rossi

•First Reading of an Ordinance
•City Manager

•Resolution
•City Manager

14. Consider general development and site plan approval in order to construct two 20,000 square foot structures at the Naples Municipal Airport for use as offices and for aviation maintenance. *(See related item 15 below.)*

98-8382/Nocera/Van Arsdale/4-2 (Coyle absent, Tarrant and Herms dissenting)

15. Consider amending the Airport Utilization Plan in order to change an area designated as "Existing" to "New Site Specific" to accommodate proposed expansion. *(See related Item 14 above.)*

98-8383/Van Arsdale/Nocera/4-2 (Coyle absent, Tarrant and Herms dissenting)

2:00 p.m.

16. Reconsider a previously granted variance from Section 102-205(2) that permits two adjacent 50-foot wide lots at 545 Central Avenue. *(Pursuant to 9/16/98 Regular Meeting)*

Motion and second for reconsideration withdrawn (See 9/16/98 Regular Meeting). With no further action, this item was deleted from the agenda.

17. Consider amending Section 106-239(b) of the Code of Ordinances in order to clarify hours of operation for tree trimming and tree removal.

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

18. Consider authorizing a contract and purchase order to renew the City's self-insurance program with Arthur J. Gallagher and Company \ Renewal Premiums 1998-1999: \$486,886.00 \ Program Administration: \$39,688.00 \ Funding: Fiscal Year 1999 Budget.

98-8384/Nocera/Van Arsdale/5-0 (Coyle and Herms absent)

•Resolution
•Community Services

19. Consider naming Cambier Park
Tournament Tennis Courts #5 and #6.
*Install a plaque inside the Cambier Park Tennis
Pro Shop honoring Tommy Boys and Julius
Lesser with the ability to list other names.
Council established the policy that no tennis
courts be named; Staff and Community Services
Advisory Board to provide options regarding
design and placement of the aforementioned
plaque(s)/Barnett/MacKenzie/4-1 (Coyle and
Herms absent, Nocera dissenting).*
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•Resolution(s)
•Community Services

20. Consider the following advisory board
appointments:
20-a. Affordable Housing Commission
(1 vacancy)
*98-8374/Appoint Vanessa Fitz/ Herms/Nocera/6-
0 (Coyle absent)*
20-b. Beach Renourishment/
Maintenance Committee (2 vacancies plus
confirmation of Collier County appointees)
*(1) 98-8375/Appoint Hubert Howard/
MacKenzie/Van Arsdale/4-2 (Coyle absent,
Tarrant and Herms dissenting)*

*(2) 98-8376/Appoint James Brennan/Van
Arsdale/Tarrant/6-0 (Coyle absent)*

*Pursuant to the above, no vote was taken on the
nomination of Peter G. Reppucci by Nocera/
Herms.*

- (3) 98-8377/Confirming Collier County
appointments of Kenneth Dunn, Richard Lydon
(term limit waived), Lee Weeks, and Catherine
Kennedy-Campbell/MacKenzie/Herms/6-0.
(Coyle absent)*
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•Change Order
•City Manager

21. Consider a change order relating to the
Fifth Avenue South Plaza (fountains) \
Contractor: D. Garrett Construction, Inc.,
Naples, Florida \ Amount: (negotiations
pending) \ Funding: Project Contingency
Funds.
*98-8386/Nocera/Van Arsdale/5-0 (Coyle and
Herms absent)*
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•Resolution
•City Clerk

22. Consider appointing a citizen to the Carver Finance, Inc., Board of Directors.
98-8378/Appoint Paul Nick/MacKenzie/Barnett/6-0 (Coyle absent)

23. Consider endorsing the second Gordon River Bridge Corridor Project and recommending that the Metropolitan Planning Organization and Florida Department of Transportation include the project as a program.
98-8387/Van Arsdale/Nocera/4-1 (Coyle and Herms absent, Tarrant dissenting)

Staff directed to research and present to Council within 90 days, alternatives to satisfy citizens' desires on this issue (pursuant to the 2/3/98 Straw Ballot).

•Change Order
•City Manager

24. Consider a change order to D. Garrett Construction, Inc., in the amount of \$28,974.00, for handrails in the Municipal Parking Garage \ Funding: Project Contingency.
98-8385/Tarrant/Van Arsdale/5-0 (Coyle and Herms absent)

•Purchase Order
•Development Services

25. Consider a purchase order for survey/engineering services related to drainage, lighting, and sidewalk improvements on Park Street, the 5th Avenue alley, and Cambier Park in the vicinity of the Art Center \ Contractor: Hole, Montes & Associates \ Amount \$5,500.00 \ Funding: Engineering Professional Services Account.
Approved/Van Arsdale/Nocera/4-1 (Coyle and Herms absent, MacKenzie dissenting)

Correspondence and Communications - City Manager Richard Woodruff distributed copies of correspondence from Attorney William Povlitz, who represents the City in its current litigation with Shannon Development Company, and Council Member Nocera requested that Council be apprised of any contact or requests by Shannon Development. Mr. Povlitz will provide a status report on this case during the 10/21/98 Regular Meeting.

Dr. Woodruff noted that the City's bond attorney, Jack McWilliams, was in the process of changing law firms and it was the consensus of Council that Mr. McWilliams continue as the City's bond counsel.

Vice Mayor MacKenzie commented on the prior day's joint meeting with the City of Marco Island and requested that future joint meetings include Everglades City. Dr. Woodruff also provided an update regarding the removal of sea grass from the beach noting that this process had been halted in areas of active sea turtle nests.

Council authorized the Mayor to draft a letter to the Chairman of the Board of Collier County Commissioners encouraging them to endorse expansion of the Beach Renourishment/Maintenance Committee in order to include Marco Island resident(s). This letter will also advocate Marco Island's participation on the Tourist Development Council.

Open Public Input - None.

Adjourn - 4:01 p.m.

Items were considered in the following order:

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