

**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**

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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 Speaker Request Box located 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. Thank you for your interest and participation in City government.

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**Regular Meeting**  
**Wednesday, December 16, 1998**  
**Convene 8:59 a.m./Adjourn 2:37 p.m.**

All proposed ordinances and information on other items listed below, which have been provided in advance of this meeting, 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. See also City of Naples home page <http://www.naples.net/govern/city/index.htm> or call the City Clerk's Office, 434-4701. All written, audio-visual and other materials presented to the City Council in conjunction with deliberations during this meeting will become the property of the City of Naples and will be retained by the City Clerk.

1. Roll call – *All present*
2. Invocation and Pledge of Allegiance - *Reverend Susan Diamond, First Christian Church*
3. Announcements

Presentation by the David Lawrence Foundation

*One behalf of the City, Chief Kevin Rambosk, of the Police & Emergency Services Department, and Presidents' Council representative Martha Dykeman accepted the Outstanding Community Policing Award presented by the National League of Cities and United States Department of Justice in recognition of the "Loving Our Kids and Locking Our Guns Program".*

*City Manager Richard Woodruff also presented a framed Naples Daily News front page article to Fred Gleim, of the Utilities Department, which pictured Fred leading the City of Naples Kazoo Band in the Christmas Parade. Further, Dr. Woodruff announced that today was the Bobby Evans Blood Drive and a bloodmobile would be stationed at the Norris Center and 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 21 - Consider waiving the consultant selection process and authorize a purchase order for water and sewer design services for Goodlette-Frank Road between U.S. 41 and Central Avenue \ Contractor: Coastal Engineering Consultants, Inc. \ Amount: \$46,000.00 (not to exceed) \ Funding: CIP #99L02 and CIP #99N04.*

*Item 22 (a, b, c) - Consider recommendations of the Naples/Marco Island Intergovernmental Committee.*

*Item 23 - Consider ranking the competitive bids for the sale of 24 +/- acres of City property on Goodlette-Frank Road and authorizing the City Manager to execute a sales contract.*

*Set Agenda and Add Items 21, 22, 23/Herms/Nocera/7-0*

## Scheduled Agenda Items

Some of the items on the following agenda may have been scheduled for an estimated time. (See Scheduled Agenda Items Section at the end of this agenda.) 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 and may be taken out of numerical order.

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### 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*

- 5-a. Approval of Minutes.

*Approved 11/16/98 and 11/30/98 Workshop Meetings/Herms/Van Arsdale/7-0*

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#### •Special Events Committee

- 5-b. Consider the following Special Events:

- (1) Naples Concert Band - 1/24/99, 2/14, 3/7, 3/28
- (2) Gulf Coast Big Band - 1/17/99, 2/7, 4/11
- (3) Naples Daily News Jazz Band - 1/31/99, 3/14

*Approved/Herms/Van Arsdale/7-0*

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#### •Resolution •Development Services

- 5-c. Authorize a Consent and Joinder of Mutual Use Agreement with Collier County for construction and maintenance of culvert pipes - Seagate Drive at Clam Pass.

*98-8420/Herms/Van Arsdale/7-0*

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#### •Purchase Order •Development Services

- 5-d. Authorize an after-the-fact purchase order for water main improvements at 837 5th Avenue South \ Contractor: Jensen Underground, Inc., Naples, Florida \ Amount: \$19,950.00 (not to exceed) \ Funding: CIP #99L02.

*Approved/Herms/Van Arsdale/7-0*

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•Change Order  
•Development Services

- 5-e. Authorize a change order for additional work to water main and storm sewer improvements on the 4th Avenue South Project \ Contractor: Kyle Construction, Inc., Naples, Florida \Amount: \$33,327.05\ Funding CIP #98L19.

*Approved/Herms/Van Arsdale/7-0*

**End Consent Agenda**

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- Second Reading of an Ordinance  
•Resolution  
•Voluntary Annexation Agreement  
Petition 98-AX1  
•Development Agreement  
Petition 98-D2  
•Petitioner: Grand Inn By The Airport  
•Agent: Michael R. Fernandez  
•Planning Advisory Board  
recommendation for approval  
•Approved on First Reading 12/2/98

6. Consider the following as it relates to a 5.22 acre parcel located on the north side of Davis Boulevard immediately east of the City limits:

- 6-a. **Public Hearing** to consider a voluntary annexation into the City; and

*Continued to 1/6/99 Regular Meeting/Herms/Coyle/6-1 (Van Arsdale dissenting)*

- 6-b. A development agreement for construction of a 136-unit transient lodging facility with a 2,000 square foot meeting space and a 6,600 square foot restaurant.

*Continued to 1/6/99 Regular Meeting/Herms/Coyle/6-1 (Van Arsdale dissenting)*

*A prior motion by Herms to table Items 6-a and 6-b in order to allow further review and revision of the Development Agreement was amended to the above motion for continuance.*

*Council requested that staff provide a comparison, during the 1/6/99 Regular Meeting, between the proposed development and the new 41-10 zoning.*

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- Second Reading of 2 Ordinances  
•2 Resolutions  
•Comprehensive Plan  
Amendment 98-CPASS2  
•Rezone Petition 98-R9  
•Variance Petition 98-V26  
•Conditional Use Petition 98-CU23  
•Petitioner: Collier Co. Historical  
Society  
Agent: Jacqueline Frank  
•Planning Advisory Board  
recommendation for approval  
•Approved on First Reading 12/2/98

7. Consider the following in conjunction with the Wilkinson House historic property at 40 Ninth Avenue South:

- 7-a. **Public Hearing** to change the land use designation from Low-Density Residential to Public, Semi-Public and Private Recreation;

*98-8421/Herms/Nocera/4-3 (MacKenzie, Van Arsdale, Barnett dissenting)*

- 7-b. **Public Hearing** to rezone the property from "R1-15" Residence District to "PS" Public Service;  
*98-8422/Herms/Nocera/4-3 (MacKenzie, Van Arsdale, Barnett dissenting)*
- 7-c. Grant a variance to minimum lot area requirements in the "PS" Public Service zoning district; and  
*98-8423/Herms/Nocera/4-3 (Van Arsdale, MacKenzie, Barnett dissenting)*
- 7-d. Grant a conditional use for a cultural facility/museum.  
*98-8424 Amended to include the additional conditions listed in Attachment 1 of this Annotated Agenda/Herms/Nocera/4-3 (MacKenzie, Van Arsdale, Barnett dissenting)*

*At the request of Council Member Herms, Council indicated initial support for an upcoming special event in Cambier Park intended to raise funds for the Wilkinson House.*

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•Resolution  
•Planning

8. Consider adopting the 41-10 Master Plan, as prepared by the 41-10 Special Committee, in order to provide guidelines for public and private improvements within the downtown area.  
*98-8426 Amended as follows: 1) Last sentence on Page 14 to read, "Buildings of up to three and four stories in accordance with the procedures described on Page 15 will help create . . . "; 2) Add to Page 3: "Landscaping enhancements on Goodlette Road should be encouraged through a cooperative effort with the Collier County Government". Map will also indicate corridor landscaping on Goodlette Road. 3) Page 5 - Approve the four mid-block, shadow of the green crossings provided that "no right turns on red" can be established at those crossings used by school children/Coyle/Barnett/4-1 (Nocera and Herms abstaining, Van Arsdale dissenting)*

*Staff report to be amended to refer to the 41-10 Master Plan as a recommended plan (as opposed to conceptual plan).*

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- Second Reading of an Ordinance
- Text Amendment Petition 98-T9
- Petitioner: City of Naples
- Approved on First Reading 12/2/98

9. **Public Hearing** to consider adding a new Division 29 to Article II, Zoning Districts, of Chapter 102 of the Code of Ordinances in order to establish a new "D" Downtown District.

**98-8427/Van Arsdale/Nocera/7-0**

*A prior motion by Herms and seconded by MacKenzie to approve as amended in Section 102-856 to provide that the parking so allocated by Council is limited to the street adjacent to the property except that those properties fronting U.S. 41 may ask for parking on adjacent avenues, failed 3-4. (Nocera, Coyle, Van Arsdale, Barnett dissenting)*

*The 41-10 Committee to review the above language in order to clarify on-street parking allocations.*

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- Resolution
  - Waiver from Distance Petition 98-WD1
  - Petitioner: Campiello, Inc.
  - Staff recommendation for approval

10. Consider a waiver to permit the sale of alcoholic beverages at 1177 3rd Street South, within 500 feet of an existing licensee.

**98-8428/Amended to require the same hours of operation as "Tommy Bahama's" (Sunday through Thursday 11 a.m.-12 midnight. and Friday through Saturday 11 a.m.-1 a.m.)/Tarrant/Van Arsdale/6-0 (Coyle absent)**

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- Resolution
  - Variance Petition 98-V22
  - Petitioner: Kmart Corporation
  - Agent: Todd Pressman
  - Planning Advisory Board recommendation for denial

11. Consider a variance from Section 106-35(c)(1) of the Code of Ordinances in order to permit a 10' x 37' wall sign at 4383 9th Street North (Kmart store in Park Shore Plaza).

**Denied/Herms/Coyle/5-1 (Tarrant dissenting, Coyle absent)**

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- 4 Resolutions
  - Conditional Use Petitions 98-CU21 and 98-CU22
  - Allocation/Sale of Parking Spaces
  - Petitioner: Fifth Avenue Associates of Naples
  - Agent: John Passidomo, Esquire
  - Planning Advisory Board recommendation for approval of conditional use requests

12. Consider the following as it relates to proposed development at 625 5th Avenue South:

- 12-a. Grant a conditional use for a drive-up window accessory to a financial institution.

**98-8429/Amended to include the following five additional conditions: 1) There is to be no transient lodging requested; 2) This conditional use approval shall not authorize the intrusion of**

*the building into the adjacent property; 3) Construction access will be limited to maximum extent possible to 4th Avenue South and to the extent possible not to interfere with activities on 6th Street; 4) If required, the backflow preventer will be relocated to north of property at petitioner's expense, and; 5) All construction staging for the commercial structure must occur on site/Van Arsdale/Nocera/4-2 (Herms and Tarrant dissenting, Coyle absent)*

- 12-b. Grant a conditional use for a 14-unit residential complex to be located at the southeast corner of 4th Avenue and 6th Street South.

*98-8430/Amended to include the 5 additional conditions outlined in Item 12-a above/Van Arsdale/Nocera/5-2 (Herms and Tarrant dissenting)*

- 12-c. Authorize the sale of 5 available parking spaces in the City Parking Garage at the established per space price of \$19,300.00.

*98-8431/Amended to include a stipulation that in the event the residential units revert back to commercial use, the allocated parking spaces will return to the parking reserve/Van Arsdale/Nocera/4-3 (Herms, Tarrant, Coyle dissenting)*

- 12-d. Authorize allocation of 12 parking spaces in the City Parking Garage for the proposed residential development.

*98-8432/Amended to include the stipulation outlined in 12-c above/Van Arsdale/Nocera/4-3 (Coyle, Tarrant, Herms dissenting)*

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•Resolution  
•Planning

13. Consider submittal of the Consolidated Annual Performance and Evaluation Report as required by U.S. Department of Housing & Urban Development.

*98-8433/MacKenzie/Nocera/7-0*

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•Second Reading of an Ordinance  
•City Attorney  
•Approved on First Reading 12/2/98

14. **Public Hearing** to consider amending Section 46-69 (11) of the Code of Ordinances in order to clarify the regulations pertaining to the prohibition of alcoholic or intoxicating beverages in City parks or facilities.

*98-8434/Herms/Nocera/6-1 (Tarrant dissenting)*

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- Second Reading of an Ordinance
  - City Attorney
  - Approved on First Reading 12/2/98
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- Special Events Committee
  - Deferred from 12/2/98 Regular Meeting
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- Resolution
  - Human Resources
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- Bid 98-29
  - Utilities
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- Requested by Council Member Tarrant
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15. **Public Hearing** to consider amending Section 2-266 of the Code of Ordinances in order to require a City Airport Authority appointee to be a City resident and domiciled within the City.

***98-8435/Herms/Coyle/4-3 (Van Arsdale, Nocera, Barnett dissenting)***

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16. Consider the following special event (*originally submitted at 12/2/98 Regular Meeting*):

Island Club Light Jazz Poolside - Every Monday 12/98-3/99.

***Approved the December events and require conditional use approval for the remaining scheduled events. Council to consider remaining scheduled events on a month-to-month basis until the conditional use petition is finalized/Van Arsdale/Nocera/7-0***

***A prior motion by Van Arsdale and seconded by Coyle to deny the request as submitted was withdrawn.***

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17. Consider a wage adjustment for non-bargaining employees.

***98-8436/Van Arsdale/MacKenzie/7-0***

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18. Consider the rental of a John Deere payloader, for use by the Utilities Department, with an option to purchase after 1 year \ Vendor: Neff Machinery, Inc., Fort Myers, Florida \ Total Annual Rental: \$42,700.00 \ Purchase Price after 1 year: \$118,195.74 \ Funding: CIP #99P18.

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

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19. Consider a request by Council Member Tarrant to reconsider Council's December 2, 1998 decision to continue indefinitely further consideration of the underground utility project for Port Royal.

***Reconsider this matter at the 1/6/98 Regular Meeting/Herms/Tarrant/6-1 (Van Arsdale dissenting)***

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•Requested by Council Member Herms

20. Consider endorsing the position of The Florida League of Cities as it relates to modifications in State law regarding utilities and telecommunications.

***98-8437/Nocera/Herms/7-0***

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•Purchase Order  
•Development Services

21. Consider waiving the consultant selection process and authorize a purchase order for water and sewer design services for Goodlette-Frank Road between U.S. 41 and Central Avenue \ Contractor: Coastal Engineering Consultants, Inc. \ Amount: \$46,000.00 (not to exceed) \ Funding: CIP #99L02 and CIP #99N04.

***Approved/Van Arsdale/Nocera/4-3/ (Herms, Tarrant, Coyle dissenting)***

***A prior motion by Herms and seconded by Tarrant to approve using Hole, Montes & Associates on this project with a request that Kevin Stoneburner (Bayfront Marketplace) provide the City's engineer with the surveying work done in this area, failed 3-4. (Van Arsdale, MacKenzie, Nocera ,Barnett dissenting)***

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•Requested by Council Member Herms

22. Consider the following recommendations of the Naples/Marco Island Intergovernmental Committee.

- 22-a. Request that the Board of County Commissioners establish a policy in order to appoint a representative of the Marco Island tourist industry to the Tourist Development Council.

***Support the policy statement outlined in the 12/10/98 letter to Board of County Commissioners Chairman Barbara Berry/ Herms/Nocera/6-1 (Tarrant dissenting)***

- 22-b. Request that the Board of County Commissioners share Tourist Development Tax Funds (Category A) with the cities of Naples and Marco Island.

***Support the policy statement outlined in the 12/11/98 letter to the Board of County Commissioners Chairman Barbara Berry/Herms/Nocera/6-1 (MacKenzie dissenting)***



- 22-c. Support proposed legislation that would provide for an additional one cent Tourist Development Tax in order to fund municipal beach access facilities, beach parking facilities, or parks.

*A motion by Herms to support this legislation and also include historical museums and designated historical structures as authorized uses of revenue, seconded by Nocera, failed 3-4 (MacKenzie, Van Arsdale, Tarrant ,Barnett dissenting)*

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•Resolution  
•City Manager

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23. Consider ranking the competitive bids for the sale of 24 +/- acres of City property on Goodlette-Frank Road and authorizing the City Manager to execute a sales contract.

*98-8438/Herms/Tarrant/7-0*

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#### Correspondence and Communications

*At Council Member Tarrant's request, there was a consensus of Council to direct the City Attorney to research the legal aspects of recovering funds from Florida Power and Light in regards to the Port Royal Underground Utility Project. Mr. Tarrant also requested consensus to direct Southwest Florida Water Management and Big Cypress to provide information regarding the potable water inventories; a workshop is planned with the director of the Big Cypress Basin to present this information. Council Member Nocera stated that the Naples Pop Warner Gators had won the 1998 National Championship and requested that this distinction be added to the City's wooden signs. Vice Mayor MacKenzie asked for consensus of Council to direct Mr. Cuyler to investigate legal recourse against MediaOne regarding possible franchise violation; it was decided Cable Franchise Attorney Adrian Herbst would coordinate this research with Mr. Cuyler then make recommendations to Council.*

Open Public Input - None

Adjourn - 2:37 p.m.

Attachment 1 (See Item 7-d above)

*Additional conditions in the approval of the Conditional Use Petition 98-CU23 (Wilkinson House):*

- 1. No regularly scheduled motorized tours that incorporate the area of Ninth Avenue South, west of Gulf Shore Boulevard shall be permitted.*
- 2. The use of commercial and public buses for the purpose of tours of the property at 40 Ninth Avenue South shall not be permitted. However, a trolley or similar vehicle may be used as a shuttle service for special events.*
- 3. No more than three events annually shall be permitted to use a tent. The use of the tent shall be limited to a total of 48 hours for any one event. Tents may not be used twice within a 7 day period.*
- 4. Hedges and landscape plants shall be well maintained and cut to a height that will adequately shield the property, but should not restrict the view of the beach from neighboring properties.*
- 5. A total of 26 events shall be permitted annually as follows:*

*Events with 40 or less people – 12 times per year*

*Events with 41-100 people – 12 times per year*

*Events with 100-350 people – 2 times per year*

*Events with 100-350 people shall require the Historical Society to notify the adjacent property owners (residents on 9<sup>th</sup> Ave. west of Gulf Shore Blvd.) in writing 14 days prior to the scheduled event.*

*Permits shall be required through appropriate city departments for events for 40 persons or more.*

*No more than two events of more than 12 persons will be allowed per week. There will be no limitation of events with 12 persons or less.*

- 6. From November through May, house tours shall be limited to Tuesday through Friday and only one weekend day from 1 to 4 p.m. From May through October, house tours shall be limited to one weekday and one weekend day from 1 to 4 p.m.*