

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 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.

Regular Meeting
Wednesday, February 3, 1999
Convened 8:58 a.m./Adjourned 3:32 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 Vincent Carroll, Naples Church of Christ*
3. Announcements
Employee Recognition Awards
Mayor Barnett and City Manager Richard Woodruff recognized and presented plaques to those employees who have completed five, ten, and twenty years of service to the City.

Awards presentation by the C.O.N.C.E.R.N. Committee
(City of Naples Concerned Employees Resource Network)

Mayor Barnett read a proclamation designating February 1-7, 1999 as "The Boys and Girls Club of Collier County Week" and recognized Tennis Professional Johan Kriek for his involvement in the "Johan Kriek Classic for Kids" golf and tennis events.
4. Items to be added: *City Manager Richard Woodruff requested that the following items be added to the agenda:*

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|-----------------------|---|
| <u>Item 20</u> | (a) Consider a waiver from Section 102-1095(f)(7), 5th Avenue South Special Overlay District, in order to install non-conforming signage at 898 5th Avenue South |
| | (b) Consider an appeal of a decision of the Staff Action Committee which denied installation of balcony flower boxes at 898 5th Avenue South |
| <u>Item 21</u> | Consider approval of "Chalk Art" special event - 3/27-28 - 12th Avenue South between 3rd and 4th Streets |

Set Agenda adding Items 20 (a)(b) and 21 and remove Item 5-i from the Consent Agenda for separate discussion/Herms/Van Arsdale/7-0

Revised 2/9/99

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.

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 through 5-h
(Item 5-i removed for separate discussion by
prior motion)/Van Arsdale/Nocera/7-0***

- 5-a. Approval of Minutes.

***Approved/1/6/99 Regular Meeting; 1/18/99
Workshop Meeting; 1/18/99 Town Hall
Meeting/Van Arsdale/Nocera/7-0***

•Special Events Committee

- 5-b. Approve the following special events:

- (1) 16th Annual Taste of Collier - 4/25
- (2) Island Club Lightjazz Poolside - 2/1, 2/8,
2/15, 2/22

Approved/Van Arsdale/Nocera/7-0

•Bid #99-14 •Utilities

- 5-c. Award a bid for an emergency standby generator for use at the Fleischmann Park master pump station \ Vendor: Superior Power Equipment, Inc., Fort Myers, Florida \ Price: \$23,536.00 \ Funding: CIP #99X10.

Approved/Van Arsdale/Nocera/7-0

After-the Fact Purchases •Utilities

- 5-d. Approve three after-the-fact purchases relating to the hauling of sea grass from the Naples beaches after Hurricane Georges \ Vendors: Bonita Limestone Transportation, Young Trucking, Inc., and H&H Liquid Sludge Disposal \ Total Price: \$61,060.58 \ Funding: (Project Georges).

Approved/Van Arsdale/Nocera/7-0

•**Bid #99-15**
•**Police & Emergency Services**

- 5-e. Award a bid for the purchase of a modular office building for use by the Police & Emergency Services Department \ Vendor: Creative Modular Building, Inc., Tampa, Florida \ Price: \$30,577.00 \ Funding: CIP #99E02.

Approved/Van Arsdale/Nocera/7-0

•**Resolution**
•**Community Services**

- 5-f. Authorize an Interlocal Agreement with Collier County relating to shared funding for beach access, the Naples Landing Park Phase III Improvement Program, and skateboard park improvements.

99-8456/Van Arsdale/Nocera/7-0

•**Budget Amendment**
•**Community Services**

- 5-g. Approve the transfer of \$30,000.00 from the Contingency Fund to the Community Services Department 1999 Capital Funds for the continuation of the Fleischmann Park room renovations (Project #98G07).

Approved/Van Arsdale/Nocera/7-0

•**Bid #99Q-04**
•**Information Services**

- 5-h. Authorize purchase, maintenance, and support agreements for a new IBM AS/400 Model S20 computer for use in financial management and land use applications \ Vendor: Midrange Support & Service, Inc., Delray Beach, Florida \ Total Bid: \$91,120.00.

Approved/Van Arsdale/Nocera/7-0

•**Bid #99-20**
•**Community Services**

- 5-i. Award a bid for the furnishing and planting of street trees \ Contractors: Stahlman Landscape Co., Naples, Florida and Horticultural Industries, Sarasota, Florida \ Total Costs: \$51,550.00 \ Funding: FY98-99 Operating Budget.

Approved/Van Arsdale/Herms/7-0

End Consent Agenda

•**Resolution**
•**Police & Emergency Services**

6. Consider authorizing the expenditure of \$1,500.00 of law enforcement trust funds in order to support "TRIAD" crime prevention programs for senior citizens.

99-8458/Van Arsdale/Coyle/7-0

•Resolution
•City Manager

7. Consider establishing a special assessment district, by resolution, to fund street lighting and street improvements on Second Avenue North.

99-8459/Nocera/Van Arsdale/7-0

•First Reading of an Ordinance
•Finance

8. Consider providing for the issuance of a \$3,000,000.00 Redevelopment Refunding Revenue Bond, Series 1999, in order to refund the outstanding Redevelopment Revenue Bond, Series 1998.

Approved/Tarrant/Nocera/5-1 (MacKenzie dissenting, Herms absent)

•Resolution
•Variance Petition 98-V27
•Petitioner: Naples, FL, Inc.(d/b/a Zoran)
•Agent: Dennis P. Cronin
•Planning Advisory Board recommendation for approval

•Supermajority vote required

9. Consider a variance from Section 110-37 of the Code of Ordinances in order to permit a 17.6-foot high wall in a rear yard setback at 856 3rd Avenue South.

A motion to approve with a suggestion to staff and the petitioner that the westernmost alley be limited to southbound traffic/Van Arsdale/Nocera/4-3. (Herms,Coyle,Tarrant dissenting) (This motion failed due to supermajority requirement)

•First Reading of 3 Ordinances
•Voluntary Annexation Petition 99-AX1
•Small Scale Comprehensive Plan Amendment Petition 99-CPASS1
•Rezone Petition 99-R2
•Petitioners: Mark Woodward and Sanford Thalheimer, Co-Trustees
•Agents: David Humphrey and Anthony Pires, Jr.
•Planning Advisory Board recommendation for approval

•Supermajority vote required for Rezone Petition 99-R2

10. Consider the following as it relates to a .94 acre parcel located at the northeast corner of US 41 and Ridge Street:

- 10-a. A voluntary annexation into the City of Lot 50, Rosemary Heights. (.16 acre portion of the subject property)

Approved/Nocera/Van Arsdale/7-0

- 10-b. Amend the Future Land Use Map of the Comprehensive Plan to "HC" Highway Commercial for Lot 50, Rosemary Heights.

Approved/Nocera/Van Arsdale/7-0

- 10-c. Rezone the property to "PD," Planned Development to provide for the development of a 3-story, 15,000 sq. ft. general commercial office building.

Approved/Nocera/Van Arsdale/7-0

•Resolution
•Conditional Use Petition 99-CU2
•Petitioner: Campiello, Inc.
•Planning Advisory Board
recommendation for approval

11. Consider a conditional use for staged entertainment at Campiello's Restaurant, 1177 3rd Street South.
99-8460 to include all staff recommendations and amended to be a 90-day conditional use automatically renewable on July 1, 1999, and every quarter thereafter until April 1, 2000, unless otherwise requested by Council, at which time review of this conditional use is required/Nocera/Barnett/6-1 (MacKenzie dissenting)

A prior motion by Nocera/Barnett to approve as submitted with staff recommendations failed 2-5 (Herms, Van Arsdale, Tarrant, Coyle, MacKenzie dissenting)

•Resolution
•Conditional Use Petition 99-CU3
•Petitioner: Hofgarten Brauhaus
•Agent: Martin Ycaza
•Planning Advisory Board
recommendation for approval

12. Consider a conditional use for staged entertainment at Hofgarten Brauhaus, 898 5th Avenue South.
99-8461 as amended in Section 2(G) to be a 90-day conditional use automatically renewable on July 1, 1999, and every quarter thereafter until April 1, 2000, unless otherwise requested by Council, at which time review of this conditional use is required/Van Arsdale/Nocera/6-1 (MacKenzie dissenting)
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•First Reading of an Ordinance
•Text Amendment Petition 99-T1
•Petitioner: City of Naples
•Planning Advisory Board
recommendation for approval

13. Consider amending Section 106-183 of the Code of Ordinances to allow the City Manager to determine the location for sidewalk construction.
Approved as amended to also authorize the City Manager to vary the standard of width of the sidewalk (based upon conditions)/MacKenzie/Tarrant/7-0
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•First Reading of an Ordinance
•Rezone Petition 99-R3
•Planning Advisory Board
recommendation for approval

•Supermajority vote required

14. Consider rezoning property within the area generally bounded by 7th Avenue North, 8th Street, 5th Avenue South and Goodlette-Frank Road (also known as the 41-10 District) to "D" Downtown District.
Continued to the 2/17/99 Regular Meeting/ Herms/MacKenzie/7-0
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•First Reading of an Ordinance

•Rezone Petition 99-R5

•Petitioner: City of Naples

**•Planning Advisory Board
recommendation for approval**

•Supermajority vote required

15. Consider rezoning the following properties in order to be consistent with the City's adopted Comprehensive Plan:

Parcel 8

(northeast corner of Goodlette-Frank Road and Central Avenue) "PD" Planned Development to "PS" Public Service

Parcels 9 & 10

(east of 13th Street North at Central Avenue) "I" Industrial to "PS" Public Service

Parcel 11

(north of Central Avenue and east of 13th Street North) "I" Industrial to "C" Conservation

Parcel 12

(northeast corner of 12th Street North and 14th Avenue North) "R1-7.5", Residence District to "PS" Public Service

Parcel 14

(north of 14th Avenue North and west of Goodlette-Frank Road) "R1-10", Residence District to "PS", Public Service

Parcel 15

(northwest corner of Golden Gate Parkway and Goodlette-Frank Road) "R1-7.5," Residence District to "PS", Public Service

Approved/Van Arsdale/Coyle/7-0

Second Reading of this ordinance will coincide with consideration of conditional use petitions for those parcels which contain existing structures or are used for some other purpose.

•Second Reading of an Ordinance

•Building & Zoning

•Approved on First Reading 1/20/99

16. **Public Hearing** to consider amending Sections 94-74(a)(b) and 94-43 of the Code of Ordinances in order to provide for owner-builder construction of commercial buildings (based upon Florida Statutes) and to establish the "City of Naples, Standard for Floodplain Management".

99-8463 approved by separate votes (see below)

Approve portion pertaining to Section 94-43 "Standard for Floodplain Management" amended to exclude the reference to 20% on Page 12, Paragraph 2/Herms/Nocera/6-1. (Tarrant dissenting)

Approve portion pertaining to Section 94-74(a)(b) "Construction by Unlicensed Builders"/Herms/Tarrant/6-1 (MacKenzie dissenting)

•Community Services

17. Consider a preliminary design study and budget estimate for the new Waterfront Operations Center at the City Dock.

Approved/(Authorize the staff to proceed)/Van Arsdale/Barnett/6-1 (Herms dissenting)

Scheduled Agenda Items

This schedule will be followed as closely as possible; however, none of the items listed below will be considered **BEFORE** the scheduled time.

**•Resolution
•City Manager**

9:15 a.m.

18. **Public Hearing** to receive input regarding the plan to expand and upgrade various stormwater facilities including funding which is anticipated to be derived from the Florida Department of Environmental Protection State Revolving Fund loan program.

99-8457/with direction to staff to consider Alternative 4 (25-Year Road Flooding Level of Service) in the planning process/Van Arsdale/Nocera/7-0

10:00 a.m.

19. Consider the following as it relates to a 24.92-acre parcel located in the southwest corner of the Naples Municipal Airport near North Road.

- 19-a. A voluntary annexation into the City.

Approved/Van Arsdale/Nocera/7-0

- 19-b. Rezoning to "C-4" Airport Commercial District in order to integrate the property into existing airport uses.

*Approved(with the Utilization Plan to be Conservation)/Van Arsdale/Nocera/4-3 (Tarrant, Coyle,Herms dissenting)
(See motion below pertaining to supermajority requirement)*

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- First Reading of 2 Ordinances
•Voluntary Annexation Petition 99-AX2
•Rezone Petition 99-R4
•Petitioner: Naples Airport Authority
•Agent: Frank X. Kowalski
•Planning Advisory Board
recommendation for
approval (with amendments)

•Supermajority vote required
for Rezone Petition 99-R4**

Motion that Item 19-b require a simple majority vote of Council since the property is in the

process of being annexed (with the understanding that Council will address the issue of the supermajority requirement as it applies to annexation issues and possibly modify the law)/Van Arsdale/Nocera/4-3. (Herms,Coyle, Tarrant)

A prior motion to approve by VanArsdale/Nocera was withdrawn to allow for a motion and vote regarding the supermajority requirement on Item 19-b.

Council directed the City Attorney to address the issue of the supermajority requirement's application to annexed properties.

·2 Resolutions
·SAC Waiver Petition 99-3
·Petitioner: Hoftgarten Brauhaus
·Staff Action Committee
recommendation for denial
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20-a. Consider a waiver from Section 102-1095(f)(7), 5th Avenue South Special Overlay District, in order to install non-conforming signage at 898 5th Avenue South.

A motion to approve by Nocera/Tarrant failed 3-4 (MacKenzie,Van Arsdale,Coyle,Herms dissenting)

20-b. Consider an appeal of a decision of the Staff Action Committee which denied installation of balcony flower boxes at 898 5th Avenue South.

99-8462/Nocera/Van Arsdale/7-0

21. Consider approval of "Chalk Art" special event - 3/27-28 - 12th Avenue South between 3rd and 4th Streets.

Approved/Van Arsdale/Nocera/7-0

Correspondence and Communications

City Attorney Kenneth Cuyler was directed to continue work on the language for the second Gordon River Bridge funding ballot question. Council Member Herms stated that the Old Naples Association asked that the Old Naples and Aqualane Shores boundaries as reflected in the Comprehensive Plan, be researched as their accuracy was in question. Mr. Herms announced a day which was established to commemorate George Washington, and he noted a request for a proclamation and planting of a tree on April 30th in Cambier Park; Council concurred. Mr. Herms also requested a copy of the stormwater budget and a revenue/expenditure history. He then made a motion (seconded by Council Member Tarrant) to proceed with the rezoning of the west quadrant of the airport from "C-4" Airport Commercial District to "C" Conservation. After a brief discussion, Council decided instead to table

this motion (made by Vice Mayor MacKenzie, seconded by Council Member Van Arsdale with Council Members Coyle, Herms, and Tarrant dissenting). He then made a motion (seconded by Council Member Tarrant) to place on a future agenda the rezoning of the Airport Authority's property along the bay currently zoned "R1-7.5" Residence District to "C" Conservation; after a brief discussion he altered his motion to reflect that the City would be the petitioner. There was a full consensus of Council. City Manager Richard Woodruff stated that Michelbob's, the restaurant that provided the meals for the recent Bonfire event, has donated \$4,830.00 to the bandshell fund. Council Member Nocera referred to discussions at the prior Town Hall Meeting regarding conditions at the corner of Davis Boulevard and U.S. 41 and suggested contacting Senator Burt Saunders and Representative Dudley Goodlette for their assistance. Council Member Van Arsdale referred to comments made by public speaker Jim Dean and requested Council input concerning the alleged infractions committed by one of its board members; Dr. Woodruff stated that he would research the attendance history of one of the other members Mr. Dean had mentioned.

Open Public Input –

Bob Brady, 2234 Gulf Shore Boulevard North, was not present when called to speak.

Amy Rego, 1060 Sixth Street South, Old Naples Association President, stated that a draft report produced by the Old Naples Task Force identifies Mary Brett incorrectly as the Old Naples Association President. She stressed that the report does not represent the work of the current Old Naples Association and asked that its name therefore be removed.

Jim Dean, 1320 28th Avenue North, stated that he believed the complaints leveled against Heaven, the cigar bar which recently received a waiver from the 500-foot alcohol beverage requirement, were largely unfounded.

Mr. Dean also stated that he felt Council should look closely at the new board member candidates as well as those requesting reappointment; he maintained that those in office should be good citizens and commented on what he felt was poor behavior of the part of some members including one who has had liens assessed for code violations.

Adjourn – 3:32 p.m.

Items were considered in the following order:

1,2,4,3,5-a,5-b,5-c,5-d,5-e,5-f,5-g,5-h,5-i,18,19-a,19-b,6,7,8,9,10-a,10-b,10-c,11,12,20-a,20-b,13,14,15,16,17,21