

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

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, April 21, 1999

Convene 9:00 a.m./Adjourn 1:01 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 – *Council Member Van Arsdale arrived at 9:03 a.m.*
2. Invocation and Pledge of Allegiance – *Reverend Arthur Holt, Naples Unity Church*
3. Announcements

Arbor Day Proclamation – *Mayor Barnett proclaimed April 30th 1999 as Arbor Day in Naples; Parks and Parkways Supervisor Terry Fedelem noted that a tree dedication ceremony would occur April 30th at the Utility Building Center.*

Sprint's 100-Year Anniversary Proclamation – *Mayor Barnett proclaimed 1999 as Sprint's 100th anniversary year.*

Paint Your Heart Out – *Mayor Barnett recognized the City's efforts in providing housing assistance to needy, low income, elderly, and disabled households and proclaimed May 1st 1999 as "Paint Your Heart Out" day in Naples; Planner Susan Golden noted that 15 homes would be painted on that day and encouraged additional volunteers.*

City Manager Richard Woodruff noted that a ceremony would take place on April 30th at 11:30 a.m. at Cambier Park commemorating the 210th anniversary of the inauguration of George Washington.

Tennis Supervisor Louanne Melone-Fischer announced that Tennis Industry Magazine has designated the Cambier Park Tennis Center its annual "Court of the Year" for amenities, landscaping, and programs; the facility will be featured in the May/June issue of the magazine.

4. Items to be added: *City Manager Richard Woodruff requested that the following items be added to the agenda:*

Item 5-b(5) *Consider a special event request from the Greater Naples Little League regarding an outdoor fundraising event and concert on May 21st.*

Item 16 *Consider a resolution authorizing the City's participation in the Clean Cities Program.*

Set agenda, adding Item 5-b(5) and Item 22/Van Arsdale/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.

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 adding Item 5-b(5)
Van Arsdale/Nocera/7-0***

- 5-a. Approval of Minutes
***April 5, 1999 Workshop Meeting/Van Arsdale/
Nocera/7-0***
-

•Special Events Committee

- 5-b. Approve the following special events:
- (1) Earth Day Celebration - 4/24
 - (2) Naples Beach Hotel SummerJazz Series - 5/22, 6/19, 7/17, 8/21, 9/18
 - (3) Tropicool 5K Run/Walk - 5/2
 - (4) Tropicool Street Dance - 4/23
 - (5) Greater Naples Little League fundraiser and concert – 5/21

Approved/Van Arsdale/Nocera/7-0

**•Change Order
•Development Services**

- 5-c. Authorize a change order to Angie Brewer & Associates for additional administrative services related to Stormwater State Revolving Funds \ Amounts: \$15,400.41 (Application and Agreement Phase) and \$46,497.20 (Bidding, Contract Award, and Construction Phase) \ Funding: Stormwater Other Contractual Services Budget.

Approved/Van Arsdale/Nocera/7-0

End Consent Agenda

- Second Reading of an Ordinance
- Rezone Petition 99-R6
- Petitioner: City of Naples
- Approved at First Reading 4/7/99

6. **Public Hearing** to consider rezoning the following properties in order to be consistent with the City's adopted Comprehensive Plan:

Parcel 18

(northeast corner of West Boulevard North and Seagate Drive) "R1-7.5" Residence District to "PS" Public Service District

Parcel 23

(east side of West Boulevard and north of Neapolitan Way) "R1-15" Residence District to "R3-12" Multifamily District

Parcel 24

(east side of West Boulevard and north of the Park West Condominiums) "R1-15" Residence District to "R3-12" Multifamily District

99-8522/Nocera/Van Arsdale/7-0

- Second Reading of an Ordinance
- Text Amendment Petition 99-T4
- Petitioner: City of Naples
- Approved on First Reading 4/7/99

7. **Public Hearing** to consider amending Section 78-172(a) and 106-104(2) of the Code of Ordinances in order to require water taxis to provide parking consistent with that required for charter boats.

99-8523/Nocera/MacKenzie/7-0

- Second Reading of an Ordinance
- Text Amendment Petition 99-T2
- Petitioner: City of Naples
- Approved on First Reading 3/17/99
- Continued from 4/7/99

8. **Public Hearing** to consider adding Article V to Chapter 110 of the Code of Ordinances in order to establish criteria and procedure for creating a "Residential Impact Statement".

Continued to the May 19th Regular Meeting/Van Arsdale/Nocera/7-0.

- Resolution
- Variance Petition 99-V2
- Petitioner: Susanne Schache
- Planning Advisory Board recommendation for denial
- Continued from 4/7/99

9. Consider a variance from Section 102-176(3)(b) of the Code of Ordinances in order to permit an 11-foot rear yard setback for a screen-enclosed pool at 481 17th Avenue South.

99-8521/Van Arsdale/Nocera/7-0 with the understanding that the City will reimburse the current permit fee, and that the variance applies only to this specific pool at this specific location. (If the pool is relocated, it must conform to the required setback.)

Motion to direct City Manager Woodruff to draft a letter to the Aqualane Shores Property Owners Association explaining the background of this

situation and also to provide the same explanation to the Code Enforcement Board at its next meeting/Herms/Tarrant/4-3 (Coyle, Van Arsdale, Barnett dissenting)

•First Reading of an Ordinance
•City Attorney
•Continued from 4/7/99

10. Consider amending Sections 2-463(d)(2) and 2-465(a) of the Code of Ordinances in order to clarify the extent to which a City public official can interact with City staff on behalf of a client, and to establish a minimum threshold to which required contract language is applicable under the City ethics ordinance.

Approved Section 2-463(d)2 /MacKenzie/Van Arsdale/5-2 (Herms, Tarrant dissenting) with the understanding that a stipulation will be added to preclude public officials from the discussion of a formal variance from the regulations. Also the text will be modified to stipulate that this section of the ordinance applies to building permit applications.

A motion to leave the ethics laws as is with no changes failed 3-4/Herms/Coyle/(Nocera, MacKenzie, Van Arsdale, Tarrant dissenting)

A motion to continue to the May 5, 1999 Regular Meeting failed 3-4/Tarrant/ Herms (Van Arsdale, Coyle, MacKenzie, Barnett dissenting)

There was a consensus of Council to schedule workshop discussions on the proposed changes to Section 2-463 prior to Second Reading.

•Purchase Order
•Development Services

11. Consider purchase orders, based on a City of Fort Lauderdale contract, for sanitary and storm sewer relining and rehabilitation/ Contractor (single source): Philip Utilities/Madsen-Barr, Longwood, Florida \ Amounts (not to exceed): \$206,745.00 (sanitary) and \$44,860.00 (storm sewer) \ Funding: CIP #99N04 and Stormwater Budget.

Approved Van Arsdale/Coyle/7-0

•Purchase Order
•City Quote #99Q09 and #99Q09-A
•Development Services

12. Consider a purchase order for site improvements for Phase 4 of the Facilities Operations Center Project \ Contractor: Haskins, Inc., Bonita Springs, Florida \ Amount: \$631,774.00 (not to exceed) \ Funding: CIP #98V10, #99U20, and Stormwater Professional Services Budget.

Approved/Van Arsdale/Nocera/5-2 (Tarrant, Herms dissenting)

•Purchase Order
•Development Services

13. Authorize an after-the-fact purchase order for utility relocation and improvements necessitated by the reconstruction of the Gordon River Bridge \ Contractor: Archer Western Contractors, Inc., Naples, Florida \ Amount: \$100,000.00 \ Funding: CIP #98L03.

Approved/Tarrant/Van Arsdale/7-0

•7 Resolutions
•City Clerk

14. Consider the following advisory board appointments:
- 14-a. Beach Renourishment/Maintenance Committee (2 appointments)
99-8524/MacKenzie/Nocera/4-3 (Coyle, Tarrant, Herms dissenting) (Alexandra Gunderson)
99-8525/Herms/Tarrant/4-3 (Nocera, Van Arsdale, Barnett dissenting) (Carol Kendall)
- 14-b. Police and Fire Pension Boards of Trustees (2 appointments)
99-8526/MacKenzie/Nocera/7-0 (Marc Gertner)
99-8527/MacKenzie/Van Arsdale/7-0 (Murray Hendel)
- 14-c. Community Services Advisory Board (2 appointments)
99-8528/Nocera/MacKenzie/7-0 (Kimberly Kelley)
A second position for this board will be re-advertised
- 14-d. Moorings Bay Special Taxing District Advisory Committee (1 appointment)
99-8529/MacKenzie/Van Arsdale/7-0 (Roger Zucker)
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•Resolution
•Planning Department

15. Consider an interlocal agreement with Collier County pertaining to the land use approval process for Hamilton Harbor, located in South Naples Bay adjacent to Bayview Park.

99-8530/Nocera/Van Arsdale/6-1 (Tarrant dissenting)

•Resolution

16. Consider a resolution authorizing the City's participation in the Clean Cities Program.

99-8531/Tarrant/Van Arsdale/7-0

Correspondence and Communications

Council Member Tarrant requested that Council adopt the resolution (99-8532) regarding the conflict in Kosovo enacted by the Collier County Republican Executive Committee and include a clause that urges the United States Congress to determine the actual authority to declare military action. Copies are to be sent to elected representatives including the Speaker of the House, head of the Senate, the President and members of Florida delegation. The motion was seconded by Council Member Coyle and carried 6-1 (Council Member Van Arsdale dissenting).

Council Member Tarrant proposed that Council request the South Florida Water Management District for an aquifer inventory, due to the current water restrictions; however, a future workshop was planned on this issue with requested participation from SFWMD and Collier County. Vice Mayor MacKenzie requested action to alleviate congestion surrounding the downtown post office due to adjacent construction. Dr. Woodruff stated he would install appropriate markings and confer with the developer to arrange better traffic solutions. Vice Mayor MacKenzie stated that she favored the inclusion of magazine and catalogue recycling in the negotiations with Waste Management. She then announced the April 19th Workshop Meeting and the Old Naples Preservation Task Force Meeting would be re-broadcast that evening at 6:00 p.m. Council Member Herms requested a parking analysis of the downtown post office site and information regarding how the new and old buildings met the parking requirements. Mr. Herms then requested that the approximately 70 trees not used in the tree-planting program be used to fill gaps in trees elsewhere. Mayor Barnett noted the letter by County Commission Chair Pamela MacKie regarding the status of the rock removal program wherein she explained the project is proceeding and therefore does not favor a requested joint meeting. Mr. Herms requested that staff forward to the Department of Environmental Protection and the Corps of Engineers the cross sections prepared by Coastal Engineering illustrating the exact location of the rocks including a staff analysis of the cross section for every avenue in the entire rock removal zone, outlining where the rocks remain. Mayor Barnett noted that the Community Redevelopment Agency Meeting would be postponed to May 3rd. City Attorney Cuyler noted that an individual utilized another member of his firm in a real estate transaction regarding Bayshore Villas, a project which had come before Council; the individual subsequently provided a written waiver of conflict but then filed a vested rights claim against the City. It was the consensus of Council to allow Mr. Cuyler to continue to represent the City in this matter. Council reiterated that the Old Naples Preservation Task Force and the Old Naples Association would work together without hiring a consultant at this time. Dr. Woodruff stated that he would distribute a memo to Council regarding a recent meeting by the County Commission relative to County landfill. Council Member Coyle noted that reducing

density and building height may impact private property rights, and requested that Mr. Cuyler provide legal clarification.

Open Public Input

William Boggess, 1100 8th Avenue South, expressed his support for the Sprint proclamation and the Clean Cities program resolution; he then expressed dismay regarding the condition of area beaches as large rocks remain despite a large expenditure for their removal. John DeBaun, 1300 Curlew Avenue, also favored the Clean Cities program then registered complaints against the City's harbormaster and a code enforcement inspector, as well as dissatisfaction that a boat ramp had been removed. Albert Abrahams, 1914 Princess Court, Collier County Republican Executive Committee member, stated that he drafted a resolution urging our North Atlantic Treaty Organization (NATO) allies to cease bombing in Kosovo and withdraw to traditional policy of neutrality in the Balkans. Jane Varner, 5154 Berkeley Drive, stated she believed it was a grave mistake to intervene in this conflict and noted the significant loss of life and land; she therefore urged that City Council express its views to the community to help end the bombings. Jane Olds, 879 Meadowland Drive, noted that President Clinton's actions of aggression were not authorized by any governing body and must cease; she therefore urged Council action. Jean Fort, 838 Charlemagne Blvd., stated she feared that if the military actions continue, the United States would be involved for years to come.

Adjourn

1:01 p.m.

Items were considered in the following order:

1,2,3,4,5-a,5-b,5-c,9,6,7,8,10,11,12,13,14-a,14-b,14-c,14-d,15,16