

## **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**

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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, May 19, 1999**

**Convened 9:01 a.m./Adjourned 6:53 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 Herms arrived at 9:06 a.m. and Council Member Van Arsdale arrived at 9:08 a.m.*
2. Invocation and Pledge of Allegiance – *Reverend David Mallory, First Assembly of God Church*
3. Announcements  
*"Archie Turner Day" Proclamation – Mayor Barnett proclaimed May 30<sup>th</sup> as Archie Turner in the City of Naples.*  
  
*On behalf of the Collier County Historical Society, Jackie Frank presented Mayor Barnett with a portrait of E.G. Wilkinson, the first elected Mayor of Naples.*
4. Items to be added: *City Manager Richard Woodruff requested that the following items be added to the agenda:*

**Item 14**      *Consider a request by Council Member Tarrant to reconsider the hiring of Smith, Currie & Hancock LLP to represent the City in the wastewater plant construction litigation.*

*Set agenda, adding Item 14/Nocera/MacKenzie/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, removing Item 5-d for separate discussion/Van Arsdale/ MacKenzie/7-0*

- 5-a. Approval of Minutes

*April 21, 1999, Regular Meeting and May 3, 1999, Workshop Meeting/Van Arsdale/ MacKenzie/7-0*

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### •Special Events Committee

- 5-b. Approve the following special events:
- (1) Comfort Inn indoor/outdoor entertainment (Thursdays) - 5/20 - 9/9
  - (2) 5th Avenue South Labor Day Weekend - 9/4-5
  - (3) 5th Avenue South Concert/Musical Review at the Cambier Bandshell - 9/24
  - (4) 5th Avenue South Oktoberfest - 10/22-24
  - (5) American Heart Association Heart Walk - 10/23
  - (6) 5th Avenue South Thanksgiving Weekend Festival - 11/27-28
  - (7) 5th Avenue South Christmas Walk and Parade - 12/3
  - (8) 5th Avenue South Concert/Musical Review at the Cambier Bandshell - 12/26
  - (9) Restoration Church New Year's Eve Prayer and Praise Gathering - 12/31
  - (10) Naples Art Association National Art Show- 2/25-2/26/00
  - (11) Naples Artcrafters - 10/16, 11/13, 12/11, 1/15/00, 2/19/00, 3/25/00, 4/15/00

*Approved with the following modifications: Item 5-b(1) approved only from 5/20 through 6/20 – subsequent dates to be approved by staff on a case-by-case basis. Fifth Avenue events are approved with no co-sponsorship and the*

*understanding that they occur on Fifth Avenue between Eighth and Third Streets only - this policy is subject to evaluation after the first two events/Van Arsdale/MacKenzie/7-0*

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•Resolution  
•City Clerk

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5-c. Reschedule the July 7, and July 21, 1999 Regular City Council Meetings to the Regular City Council Meeting of August 4, 1999.

*99-8535/Van Arsdale/MacKenzie/7-0*

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•Resolution  
•City Clerk  
•Pursuant to discussions at the  
5/5/99 Regular Meeting

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5-d. Appoint seven members to a Blue Ribbon Committee relating to employment benefits for elected officials.

*99-8536/Van Arsdale/MacKenzie/7-0*

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•Resolution  
•City Manager

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5-e. Authorize a 3-year lease of 2 Ford Ranger electric trucks for use by the Beach Specialists and Meter Reading departments  
Vendor: World Ford/Hollywood,  
Hollywood, Florida \ Cost: \$16,416.00 \  
Funding: Water & Sewer Fund (Capital Contingency).

*99-8541/Nocera/Van Arsdale/6-1(Tarrant dissenting)*

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**End Consent Agenda**

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•Second Reading of an Ordinance  
•Approved on First Reading 5/5/99

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6. **Public Hearing** to consider amending Section 2-463(d)(2) 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 under the City ethics ordinance.

*99-8538/MacKenzie/Van Arsdale/6-1 (Hermes dissenting)*

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•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 and 4/21/99

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7. **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 June 16<sup>th</sup> Regular Meeting/Van Arsdale/MacKenzie/7-0*

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•First Reading of an Ordinance  
•Human Resources

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8. Consider repealing Sections 50-61 and 50-62 of the Code of Ordinances in order to dissolve the City of Naples Public Employees Relations Commission.

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

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•Resolution  
•City Manager

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•First Reading of an Ordinance  
•Comprehensive Plan Amendment  
Petition 99-CPA1  
•Petitioner: City of Naples  
•Planning Advisory Board  
recommendation for approval

9. Consider approving the ranking of the top three contractors for construction of the new Solid Waste Administration Building.

***99-8539/Herms/Van Arsdale/7-0***

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10. Consider a Large Scale Comprehensive Plan Amendment as follows: 1.) Amend Policy 1-1 of the Future Land Use Element in order to revise the intensity standard for the Downtown Mixed Use Designation to be consistent with the "D" Downtown Zoning District; 2.) Add Policy 6-6.1 to the Future Land Use Element in order to change the designation of the Wilkinson Historic Home from Public Service Designation to Low Density Residential; 3.) Amend the Future Land Use Map in order to change the designation of a 5.5-acre tract, located adjacent to and south and east of Bayview Park, from Conservation to Waterfront Mixed Use. ***(See also related Item 12-a.)***

***Approved/Van Arsdale/Coyle/5-2 (Herms, Tarrant dissenting) with the understanding that the Comprehensive Plan will be amended to indicate that the Wilkinson House will revert to R1-15 single family residential in the event the structure is damaged beyond repair or the property is no longer used as a historic house.***

***The staff will review the language for possible revisions to differentiate parking requirements between strictly commercial uses and mixed uses.***

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#### **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.

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- Second Reading of an Ordinance
  - Rezone to Planned Development Petition 99-R7
- Petitioner: Bay Colony Gateway (Naples Cay)
- Agent Richard Yovanovich
- Approved on First Reading 5/5/99

9:15 a.m.

11. **Public Hearing** to consider rezoning a 9.14-acre tract to PD, "Planned Development" in order to accommodate a 43-unit residential tower with a density of 4.7 dwellings per acre, north of the intersection of Seagate Drive and Gulf Shore Boulevard North (Naples Cay).

*99-8537/Van Arsdale/Nocera/5-2(MacKenzie, Herms dissenting)with staff recommendations and with the understanding that the deed restrictions will be in place at the time of issuance of the building permit, the definition of height will be changed from AMSL (above mean sea level) to NGVD, and that the PD will be amended to allow installation of a radio communications repeater for City use by mutually agreement of both parties. Motion also reflects a recommendation to not place a gate at the north end of Gulf Shore Boulevard.*

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- First Reading of 2 Ordinances
    - Resolution
  - Small Scale Comprehensive Plan Amendment Petition 99-CPASS3
    - Development of Significant Environmental Impact Petition 99-DSEI1
  - Rezone to Planned Development Petition 99-R8
  - Petitioner: Collier Enterprises
    - Agent: George Varnadoe
    - Planning Advisory Board recommendation for approval of Petitions 99-CPASS3 and 99-DSEI1
  - Planning Advisory Board consideration of Petition 99-R8 scheduled for 5/12/99

10:00 a.m.

12. Consider the following as it relates to the development of marina facilities and marina-related uses in Hamilton Harbor, located in South Naples Bay adjacent to Bayview Park:

- 12-a. A Small Scale Comprehensive Plan Amendment in order to change the Future Land Use Map Designation of a 5.5-acre tract from "Conservation" to "Waterfront Mixed Use".

*Approved/Nocera/Coyle/5-2 (Tarrant, Herms dissenting)*

- 12-b. Approve a development of significant environmental impact for 124 acres.

*99-8540/Van Arsdale/Nocera/5-2 (Tarrant, Herms dissenting)*

- 12-c. Rezone 124 acres from C, "Conservation" to PD, "Planned Development".

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

*Additional conditions stipulated by the petitioner:*

*Upon receipt of permits, the petitioner will place the City's deed to the fueling facility property in escrow along with a letter of credit to ensure its construction by the City if the developer does not proceed. The petitioner also pledged to commence construction of this facility within six months of permitting and to then complete within two years.*

*Staff was directed to analyze alternate sites for the 15 boat trailer parking spaces prior to Second Reading.*

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**•First Reading of an Ordinance  
•Natural Resources**

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13. Consider amending Section 78-145(a)(6) and adding Section 78-145 (a)(7) to the Code of Ordinances in order to add "slow down/minimum wake" and "idle speed/no wake" zones in Naples Bay near Bayview Park and to reduce the length of an existing "slow down/minimum wake" zone.

*(See also related Item 12)*

*Withdrawn*

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14. Consider a request by Council Member Tarrant to reconsider the hiring of Smith, Currie & Hancock LLP to represent the City in the wastewater plant construction litigation.

*Reconsideration failed/Herms/Tarrant/2-5  
(MacKenzie, Van Arsdale, Nocera, Coyle,  
Barnett dissenting)*

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**Correspondence and Communications**

*Council Member Herms requested that construction hours remain 7:00 a.m. to 5:00 p.m. in residential areas. He also asked for information relative to the tree capital expenditures budget; City Manager Richard Woodruff indicated he would provide information. Council Member Tarrant alluded to recent state law changes and expressed concern regarding the amount of title loan interest charged to City residents; City Manager Richard Woodruff indicated he would research the issue with City Attorney Cuyler in order to determine jurisdiction and possible solutions. Council Member Nocera asked Council to recommend to the County Commissioners a position relative to the continuance of the one cent Tourist Development Council tax. Dr. Woodruff noted the County staff would be present at the June 1<sup>st</sup> Workshop, and suggested discussion on the issue at that time. Mr. Nocera reminded Council of the Girls Softball League fundraiser on May 21<sup>st</sup>.*

**Open Public Input**

*None*

**Adjourn**

**6:53 p.m.**

*Items were considered in the following order:*

*1,2,3,4,5-a5-b,5-c,5-d,11,6,7,8,9,5-e,12-a,12-b,12-c,13,10,14,*