

ANNOTATED

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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, August 4, 1999 Convene 8:59 a.m./Adjourn 3:05 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
 - Employee Recognition Awards – *The City recognized those City employees who had completed five, ten, fifteen, twenty, twenty-five, and thirty years of service.*
 - Presentation of plaque from the 283rd U.S. Army Band to the City of Naples – *Recognizing the military's participation in the City's July 4th festivities, Mr. Herb Luntz presented to the City, on behalf of United States Special Operations Command parachute team of McDill Airforce Base, a plaque as well as a baton that had been passed by the team in mid-air.*
 - City Manager Richard Woodruff stated that a private contractor had recently drilled into a portion of the City's raw water transmission line from the East Golden Gate wellfield; he thereafter commended those City employees who had worked diligently to restore service.*
4. Items to be added: *City Manager Richard Woodruff requested that the following items be added to the agenda:*

Item 26 *Consider authorizing Griffin Grant Writing and Consulting, Inc., to prepare a grant application for a computerized tree inventory program.*

Item 27 *Consider appointing a selection committee for a construction manager at risk for the new Solid Waste and Development Services buildings.*

Item 28 *Consider appointing a selection committee to select a design-build team for the renovation and expansion of the Cambier Park bandshell.*

Set agenda adding Items 26, 27, and 28 and deleting Item 23/Herms/Nocera/7-0.

Note: There will be a lunch recess from 12:00 noon to 1:30 p.m.

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, removing Items 5-c, 5-d, and 5-l for separate discussion /MacKenzie/ Herms/7-0.

5-a. Approval of Minutes.
April 19, 1999 Joint Meeting of City Council/Old Naples Task Force, June 1, 1999 Workshop Meeting, June 2, 1999 Regular Meeting, June 14, 1999 Workshop Meeting, June 14, 1999 Budget Workshop, and June 16, 1999 Regular Meeting/MacKenzie/Herms/7-0.

•Special Events Committee

- 5-b. Approve the following special event:
6th Annual Naples Sports Festival - 8/8
Approved/MacKenzie/Herms/7-0
-

•Bid #99-31

- 5-c. Award a bid for the re-roofing of City Hall\
Contractor: Advanced Roofing, Inc., Fort Lauderdale, Florida \ Cost: \$78,475.00 \ Funding: CIP #99I08.
Approved/Herms/Van Arsdale/7-0
-

•City Manager

- 5-d. Authorize the expenditure of \$3,500.00 from the General Fund for Council Member Nocera's participation in the Leadership Florida Class XVIII.
Approved/Herms/Van Arsdale/5-2 (MacKenzie

and Tarrant dissenting) with the stipulation that Council Member Nocera will reimburse the City \$1400 (the cost of the final two meetings) should he not hold office during that time.

•Bid #99-30
•Community Services

- 5-e. Award a bid to construct an addition to the Fleischmann Park maintenance building \ Contractor: Tamiami Builders, Inc., Naples, Florida \ Bid Amount: \$33,900.00 \ Funding: CIP #98I05.

Approved/MacKenzie/Herms/7-0

•Purchase Order
•Police & Emergency Services

- 5-f. Waive competitive bids and authorize the purchase of 5 in-car video cameras to assist Police & Emergency Services in the prosecution of DUI cases \ Vendor: Kustom Signals, Inc., Lenexa, Kansas \ Price: \$25,025.00 \ Funding: Department of Transportation grant.

Approved/MacKenzie/Herms/7-0

•Purchase Order
•Finance

- 5-g. Waive competitive bids and authorize the purchase of a hand-held parking citation system \ Vendor: Enforcement Technology, Inc., Grand Blanc, Michigan \ Cost: \$29,000.00 \ Funding: CIP #98R08.

Approved/MacKenzie/Herms/7-0

•Budget Amendment
•Community Services

- 5-h. Authorize a budget amendment in the amount of \$46,807.00 to provide for expenses relating to the Fleischmann Park volleyball court and the relocation of the horseshoe facility.

Approved/MacKenzie/Herms/7-0

•Purchase Order
•Community Services

- 5-i. Authorize the purchase of playground equipment for use at Naples Landing Park \ Vendor (sole source): Contract Connection, Inc., \ Cost: \$13,414.00 \ Funding: CIP #99Q01.

Approved/MacKenzie/Herms/7-0

•Purchase Order
•Utilities

- 5-j. Waive competitive bids and authorize the purchase of 1 submersible wastewater pump for use at Master Pump Station (49) Cove Lift \ Vendor: R.C. Beach & Associates, Inc., Dunedin, Florida \ Cost: \$11,247.00 \ Funding: CIP #99X04.

Approved/MacKenzie/Herms/7-0

•Resolution
•Utilities

- 5-k. Accept a proposal from Hartman and Associates, Inc., for professional hydrogeologic and engineering services in the evaluation of the Coastal Ridge wells and the Calusa Bay development \ Cost \$10,000.00 (not to exceed) \ Funding: Utilities Administration Professional Services Account.

99-8578/MacKenzie/Herms/7-0

•Development Services

- 5-l. Approve the re-configuration of the east-west alley located west of 3rd Street South and south of 5th Avenue South (presently the Beachcomber Hotel) to accommodate future development of the Hotel Escalante.

Motion for the alley to remain two-way/Van Arsdale/Herms/7-0

•Bid #99-25
•Utilities

- 5-m. Award a bid for the annual purchase of orthophosphate for use at the Water Treatment Plant \ Vendor: Shannon Chemical Corp., Malvern, Pennsylvania \ Amount: \$24,224.00 \ Funding: Water Plant Operating Account.

Approved/MacKenzie/Herms/7-0

•Purchase Order
•Development Services

- 5-n. Authorize a purchase order for storm sewer repair in an easement adjacent to 490 Spring Line Drive, west of Crayton Road \ Contractor: D.N. Higgins, Inc., Naples, Florida \ Amount \$20,250.00 (not to exceed) \ Funding: Stormwater (Other Contractual Services).

Approved/MacKenzie/Herms/7-0

•Purchase Order
•Development Services

- 5-o. Authorize a purchase order for the construction of a water line in the alley south of 5th Avenue South and east of West Lake Drive \ Contractor: Kyle Construction, Inc., Naples, Florida \ Cost: \$25,760.00 (not to exceed) \ Funding: CIP #99L02.

Approved/MacKenzie/Herms/7-0

End Consent Agenda

•Resolution
•City File CCSL 99-15
•Petitioners: Richard & Susan Davis
•Agent: Brett Moore, P.E.
Humiston & Moore Engineers

•Resolution
•City File CCSL 99-16
•Petitioners: Donald & Elizabeth Holton
•Agent: Brett Moore, P.E.
Humiston & Moore Engineers

•Resolution
•Planning Department

•Second Reading of an Ordinance
•Text Amendment Petition 99-T2
•Petitioner: City of Naples
•Approved on First Reading 3/17/99
•Tabled on 6/16/99

•First Reading of an Ordinance
•Text Amendment Petition 99-T6
•Petitioner: City of Naples
•Planning Advisory Board
recommendation for approval
•Previously considered on 6/16/99

6. **Public Hearing** to consider a variance in order to construct a new single-family residence, driveway, and swimming pool/deck, and to install landscaping Gulfward of the Coastal Construction Setback Line at 695 Gulf Shore Boulevard North.

Continued to the August 18th Regular Meeting/Herms/MacKenzie/7-0

7. **Public Hearing** to consider a variance in order to reconstruct a residence over an existing foundation, construct structurally independent habitable and non-habitable additions, replace the driveway, swimming pool and deck, and to install landscaping Gulfward of the Coastal Construction Setback Line at 40 5th Avenue South.

99-8579/Herms/Van Arsdale/7-0

Staff was directed to provide to Council an analysis of the heights (from Federal Emergency Management Agency elevation) of recent structures along the beach.

8. Consider an amendment to the Interlocal Agreement with Collier County pertaining to the proposed development of Hamilton Harbor, located in South Naples Bay adjacent to Bayview Park.

99-8580/Van Arsdale/Nocera/5-2 (Herms and Tarrant dissenting)

9. **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".

99-8581/Herms/MacKenzie/7-0

10. Consider amending Sections 110-37 and 110-54(a)(2) of the Code of Ordinances in order to clarify maximum permitted heights and regulations for fences, walls, and appurtenances.

Approved/Van Arsdale/MacKenzie/6-1 (Herms dissenting) with amended language to clarify that barbed wire will not be permitted in front, rear, or side yard setbacks in the Commercial

and Industrial districts; where a wall has one driveway opening, the driveway will not exceed 20 feet wide, where a wall has two driveway openings, the driveways will not exceed 15 feet wide each; and height will be measured from the mid point of the crown of the adjacent street. Additionally a section will be added to encourage property owners to screen walls and fences from street and adjacent property view with landscaping.

•Resolution
•Conditional Use Petition 99-CU12
•Petitioner: Constance Richie Van den Top
•Agent: Willis P. Jones
•Planning Advisory Board
recommendation for approval

11. Consider a conditional use approving a change in ownership of the "Inn by the Sea" Bed and Breakfast while maintaining a residence on the adjoining lot, 281 and 287 11th Avenue South, as required by Section 110-84(c) of the Code of Ordinances.

99-8582/Herms/Nocera/7-0

•Second Reading of an Ordinance
•Text Amendment Petition 99-T10
•Petitioner: City of Naples
•Approved on First Reading 6/16/99

12. **Public Hearing** to consider amending Section 102-443 of the Code of Ordinances in order to allow docks as a conditional use in the C1 Retail Shopping District.

99-8583/Van Arsdale/Herms/7-0

•Second Reading of an Ordinance
•Text Amendment Petition 99-T9
•Petitioner: City of Naples
•Approved on First Reading 6/16/99

13. **Public Hearing** to consider amending Section 78-174 of the Code of Ordinances and adding Section 106-41 in order to regulate the size of signs on charter boats and water taxis.

99-8584/Herms/Van Arsdale/6-1/(Tarrant dissenting) with amended language to indicate that ordinance applies to boats operated from land point within the City only.

The City Attorney and staff will determine appropriate language.

•Second Reading of an Ordinance
•Text Amendment Petition 99-T11
•Petitioner: City of Naples
•Approved on First Reading 6/16/99

14. **Public Hearing** to consider amending Sections 82-10, 86-208(c), 102-413, 102-443, 102-473, 102-503, 102-533, 102-563, 102-844, and 106-239(h)(2)(c)(8) of the Code of Ordinances and adding Section 110-128 in order to clarify definitions of staged entertainment and special event activities, eliminate dancing and staged entertainment as a conditional use, and create requirements for live entertainment

permits.

99-8593/Van Arsdale/MacKenzie/7-0 with amended language to require Council approval for special event activities necessitating sound amplification.

Motion to require those establishments holding conditional uses for staged entertainment to come into compliance with the new ordinance by renewal of their occupational license in 2000. In addition, any establishment with one or more existing performers, whether or not it holds a conditional use for staged entertainment, will be exempt from the permit fee/Herms/Nocera/7-0.

Staff will prepare a report of City establishments that provide entertainment with their corresponding permit status.

**•Resolution
•Conditional Use Petition 99-CU14
•Petitioner: Paddy Murphy's Irish Pub
•Agent: Lawrence Pivacek, Esquire
•Planning Advisory Board
recommendation for denial**

15. Consider a conditional use for staged entertainment at Paddy Murphy's Irish Pub, 457 5th Avenue South.
99-8585/MacKenzie/Tarrant/ 7-0 with the stipulation that the conditional use for staged entertainment will be reviewed concurrently with the lounge conditional use (June, 2000), that the live entertainment permit fee be waived, subject to the same 30-day review/revocation clause in the live entertainment permit, and that the entertainment cease at 11:30 p.m.

**•First Reading of an Ordinance
•Planning Department**

16. Consider adopting the 1998 Level of Service Report for submission to the Florida Department of Community Affairs.
Approved/Van Arsdale/Nocera/7-0 with the proviso that a Council workshop on the Level of Service (LOS) concept will occur within the next six weeks.

**•2 Resolutions
•Conditional Use Petition 99-CU15
•Variance Petition 99-V8
Petitioner: Moorings Presbyterian Church
Agent: Boughton Architects
•Planning Advisory Board
recommendation for approval
for both petitions**

17. Consider the following as it relates to the Moorings Presbyterian Church, 791 Harbour Drive:

17-a. A conditional use approving a master plan for additions and renovations to existing church facilities.

99-8591/Nocera/Herms/7-0

- 17-b. A variance from Section 102-748 of the Code of Ordinances in order to permit a principal building height of 32.5 feet.

99-8592/Nocera/Herms/7-0

**•Resolution
•Planning Department**

18. Consider approving the 1999-2000 Community Development Block Grant (CDBG) One-Year Action Plan and budget.

99-8594/Van Arsdale/MacKenzie/7-0

Motion to waive the City's requirement to place utilities underground for residential units only/Van Arsdale/MacKenzie/7-0.

**•2 Resolutions
•Human Resources**

- 19-a. Consider ratifying the contract with the International Association of Firefighters, Local 2174.

99-8586/Herms/MacKenzie/7-0

- 19-b. Consider ratifying the contract with the International Association of Fire Lieutenants, Local 2174.

99-8587/Herms/MacKenzie/7-0

**•Purchase Orders
•Police & Emergency Services**

20. Consider waiving competitive bids and authorizing after-the-fact purchase orders for radio equipment as part of Police & Emergency Services Department's phased migration to a full 800 MHz radio communications system \ Vendor (sole source): Communications International, Inc., Naples, Florida \ Total Cost: \$179,191.25 \ Funding: CIP #99H21, #00H21, and Naples Beach Fund.

Approved/Herms/Tarrant/7-0

**•Bid #99-26
•Utilities**

21. Consider awarding a bid to dredge the pond at the Water Treatment Plant \ Contractor: J&J Baker Enterprises, Punta Gorda, Florida \ Amount: \$143,300.00 \ Funding: CIP #99K04 and #99K40.

Approved/Herms/Van Arsdale/7-0

•3 Resolutions
•City Manager

22-a. Consider the following as it relates to the redevelopment of 602 5th Avenue South:

- (1) Selling 4 available parking spaces in the City Parking Garage at the established per space price of \$19,686.00.

99-8588/Nocera/Van Arsdale/4-3 (Coyle, Tarrant, and Herms dissenting)

- (2) Allocate 6 parking spaces in the City Parking Garage for the development of 4 residential units at the above address.

99-8589/ (See above vote)

22-b. Consider allocating 20 parking spaces in the City Parking Garage for the development of 13 residential units at 796 5th Avenue South.

99-8590/Van Arsdale/Nocera/4-3(Tarrant, Coyle, and Herms dissenting)

•Development Services

23. Consider authorizing the City Manager to enter into negotiations with Camp Dresser McKee, Inc., in order to amend an existing contract and include engineering services for stormwater upgrades in Storm Basin III.

Deleted from the agenda.

•Change Order
•Utilities

24. Authorize a change order to Smith, Currie & Hancock, L.L.A, for continued legal services relating to negotiations with contractor Wharton-Smith, Inc., and conflicts arising from the construction of the Wastewater Treatment Plant.

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

•First Reading of an Ordinance
•Police & Emergency Services

25. Consider adding Article VI to Chapter 38 of the Code of Ordinances (Fire Prevention and Protection) in order to provide for the recovery of costs relating to response and recovery efforts during hazardous material incidents.

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

City Attorney Cuyler will refine hazardous material definitions prior to Second Reading.

•Community Services
•Resolution

26. Consider authorizing Griffin Grant Writing and Consulting, Inc. to prepare a grant application for a computerized tree inventory program.

99-8595/Tarrant/Nocera/6-0 (Herms absent)

•Resolution

27. Consider appointing a selection committee to select a construction manager at risk for the construction of new Solid Waste and Development Services buildings.

99-8596/MacKenzie/Van Arsdale/7-0

•Resolution

28. Consider appointing a selection committee to select a design-build team for the renovation and expansion of the Cambier Park bandshell.

99-8597/MacKenzie/Van Arsdale/7-0

Correspondence and Communications

City Attorney Kenneth Cuyler reported on the status of litigation relative to Hamilton Harbor.

It is noted for the record that Council Member Van Arsdale left the meeting at 2:53 p.m.

Attorney Cuyler then stated that the interlocal agreement between the City, County, and the Airport Authority had been re-drafted and that he would obtain a copy for Council. Vice Mayor MacKenzie requested topics for the upcoming Naples Reports. Council Member Tarrant requested that Council correspond with the Ethics Board on behalf of Airport Authority Member Ron Soulard, who has had violations charged against him; Council Member Coyle stated he would draft a letter and have Attorney Cuyler examine it for sufficiency. Council Member Herms noted that Council Member Van Arsdale had sent correspondence to Bill Boggess regarding an ordinance on bicycle and skate board riding on sidewalks. Dr. Woodruff then distributed to Council the Fifth Avenue South housing report.

Open Public Input

None

Adjourn

3:05 p.m.

Items were considered in the following order:

1,2,3,4,5-a, 5-b, 5-e, 5-f, 5-g, 5-h, 5-i, 5-j, 5-k, 5-m, 5-n, 5-o, 5-c, 5-d, 5-l, 6, 7, 8, 9, 10, 11, 12, 13, 15, 19-a, 19-b, 22-a, 22-b, 17-a, 17-b, 14, 16, 18, 20, 21, 23, 24, 25, 26, 27, 28.