

ANNOTATED AGENDA

This document is promulgated solely for the purposes of providing a brief reference to City Council action. It is not to be construed as the minutes of the City Council meeting or in any way the official record of said meeting.

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 18, 1999

Convened 8:59 a.m./Adjourned 11:47 a.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 – *Van Arsdale arrived at 9:04 a.m.; Herms absent.*
2. Invocation and Pledge of Allegiance – *Reverend Arthur Holt, Unity Church of Naples*
3. Announcements
Tentative agreement with the Fraternal Order of Police on a three-year contract. Recognized: 1) employees who had recently attained state certification in the fields of wastewater collection, stormwater, water distribution, backflow prevention assembly testing and automotive service excellence; 2) Kyle Construction for assistance in repairing a raw water transmission line in the East Golden Gate wellfield; 3) Community Services Department staff for professional training, certification, or licensure; and 4) three girls softball teams: Indians, Braves, and Queens.
4. Items to be added: City Manager Richard Woodruff requested that the following items be added to the agenda:

Item 17 *Consider a change order to Hole Montes & Associates in the amount of \$22,500.00 for engineering design services related to the Port Royal water tank pump station and approve a budget amendment in order to transfer \$100,000.00 from CIP #99K32 to CIP #99K32B.*

Item 18 *Consider New Year's Eve special events.*

Item 19 *Consider a Staff Action Committee (SAC) waiver to permit projecting balconies over City sidewalk at the Terraza Building, 490 Fifth Avenue South.*

Item 20 *Consider waiving competitive bidding and purchase one Poligon 24-foot oxford gazebo to be placed in Fleischmann Park \ Cost \$34,692.00 \ Funding: CIP #98G08.*

Set agenda adding Items 17 through 20, moving Item 5-b(12) to the Regular Agenda, deleting Item 5-g, and considering additional Code Enforcement Board appointments in Item 15/ Van Arsdale/Nocera/6-0 (Herms absent).

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

Removal of Item 5-b (12) and deletion of Item 5-g by prior motion.

5-a. Approval of Minutes
August 4, 1999 Regular Meeting/Van Arsdale/Nocera/6-0 (Herms absent)

•Special Events Committee

- 5-b. Approve the following special events:
- (1) Greater Naples Little League All-Star Party-8/22
 - (2) Vietnam POW/MIA National Recognition Day-9/17
 - (3) CityJazz 2000 - 10/9, 11/13, 12/11, 1/8/00, 2/12, 3/11, 4/8
 - (4) Swamp Buggy Parade - 10/30
 - (5) Naples Community Sailing Center Regatta-11/13-14
 - (6) Brown Brothers Harriman Open House-11/15
 - (7) Celebration Community Church Christmas Eve Service-12/24
 - (8) 3rd Street South Association Entertainment-1/6/00, 1/13, 1/20, 1/27, 2/3, 2/10, 2/17, 2/24, 3/2, 3/9, 3/16, 3/23, 3/30, 4/6, 4/13, 4/20, 4/27

- (9) Martin Luther King, Jr. Parade & Celebration-1/17/00
- (10) Naples Daily News 1/2 Marathon - 1/30/00
- (11) Boys & Girls Club of Collier County Fashion Show-2/16/00
- (12) Naples Pelican Bay Rotary Chalk Art Event - 2/19-20/00
- (13) Naples Community Sailing Center Regatta-3/4-5/00
- (14) St. Patrick's Day Parade - 3/11/00
- (15) United Arts Council Dig The Arts - 4/8/00

Approve Item 5-b(12) with the condition that closure of Fifth Avenue South, between Eighth and Fifth Streets South, would begin after 9:00 p.m. on 2/18/99/Tarrant/Nocera/6-0 (Herms absent).

Approve the balance of Item 5-b/Van Arsdale/Nocera/6-0 (Herms absent)

**•2 Resolutions
•Utilities**

5-c. Authorize contracts for the purchase of the following properties surrounding City water production wells \ Combined Purchase Price: \$50,000.00 \ Funding: CIP #99K15:

- (1) Tract 88, Unit 86, Golden Gate Estates (G. Dewayne Bontrager)

99-8598/Van Arsdale/Nocera/6-0 (Herms absent)

- (2) Tract 86, Unit 83, Golden Gate Estates (Raymond Sharpe)

99-8599/Van Arsdale/Nocera/6-0 (Herms absent)

**•Bid #2000-03
•Community Services**

5-d. Award a bid to install mulch material on various landscaped areas maintained by the Community Services Department \ Contractor: Enviroscape of Naples, Inc. \ Est. Annual Expenditure (labor only): \$20,000.00 \ Funding: Parks & Parkways Other Contractual Services Budget.

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

**•Bid #2000-04
•Community Services**

5-e. Award an annual bid for the purchase of bagged mulch material \ Vendor: Forestry Resources, Inc., Fort Myers, Florida \ Est. Annual Expenditure: \$25,000.00 \ Funding:

Parks & Parkways Operating Budget.

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

•Purchase Order
•Utilities

5-f. Authorize a purchase order to replace the roof on Building A at the Wastewater Treatment Plant \ Contractor (approved under Bid #98-33): Collier County Roofing, Naples, Florida \ Cost: \$14,688.00 \ Funding: Utilities Capital Contingency Account.

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

•Resolution
•City Manager

5-g. Accept a utility easement for the construction of a water line across private property immediately south of Merrihue Park.

Deleted from the agenda.

•Purchase Order
•Police & Emergency Services

5-h. Waive competitive bids and authorize the purchase of 2 investigative vehicles, under the Florida Sheriff's Association annual contract, for use by the Police & Emergency Services Department \ Vendor: Ed Morse Fleet Sales, Fort Lauderdale, Florida \ Total Price: \$30,527.86 \ Funding: CIP #98H04.

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

•Bid #99-28
•Utilities

5-i. Award a bid to re-roof the Equipment Services maintenance building \ Contractor: Owen-Ames-Kimball Company, Naples, Florida \ Bid Amount: \$35,814.00 \ Funding: CIP #99S03.

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

End Consent Agenda

- Second Reading of an Ordinance
- Police & Emergency Services
- Approved on First Reading 8/4/99

6. **Public Hearing** to 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.

99-8600/Coyle/Tarrant/6-0 (Herms absent)

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- Bid #2000-11
 - Bid #2000-12
 - Bid #2000-13
 - Community Services

7. Consider awarding 3 bids for City tree trimming and maintenance \ Contractors: Asplundh Tree Expert Co., Inc., Royal Palm Beach, Florida; Environmental Care, Inc., Sarasota, Florida; Davey Tree Expert Co., Inc., Naples, Florida; and Gator Landscaping, Inc., Naples, Florida \ Combined Est. Annual Expenditures: \$326,000.00 \ Funding: Parks & Parkways Other Contractual Services Budget.

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

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- Bid #2000-01
 - Community Services

8. Consider awarding a 3-year bid for gasoline and diesel fuel used for resale at the City Dock \ Vendor: Combs Oil Company, Inc., Naples, Florida \ Bid Price: \$634,790.00 \ Funding: City Dock Fuel Purchases Account.

Approved/Coyle/Tarrant/6-0 (Herms absent)

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- Resolution
 - City File CCSL 99-15
 - Petitioners: Richard & Susan Davis
 - Agent: Brett Moore, P.E.
 - Humiston & Moore Engineers
 - Continued from 8/4/99

9. **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.

99-8601/Nocera/Van Arsdale/6-0 (Herms absent)

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- Second Reading of an Ordinance
 - Text Amendment Petition 99-T6
 - Petitioner: City of Naples
 - Approved on First Reading 8/4/99

10. **Public Hearing** to 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.

99-8602/Coyle/Nocera/6-0 (Herms absent)

•Second Reading of an Ordinance
•Planning Department
•Approved on First Reading 8/4/99

•Resolution
•Variance Petition 99-V7
•Petitioners: Anjelica and Dan Ferebee
•Planning Advisory Board
recommendation for approval

•First Reading of an Ordinance
•Text Amendment Petition 99-T8
•Petitioner: City of Naples
•Planning Advisory Board
recommendation for approval

•Resolution
•Development Services

11. **Public Hearing** to consider adopting the 1998 Level of Service Report for submission to the Florida Department of Community Affairs.

99-8603/Van Arsdale/Coyle/6-0 (Herms absent)

12. Consider a variance from Section 102-206(1) of the Code of Ordinances in order to permit a 15.7-foot front yard setback for installation of a swimming pool at 2396 13th Street North.

99-8604/Tarrant/Van Arsdale 4-2 (Herms absent, Coyle and MacKenzie dissenting) with the stipulation that approval is for this particular pool at the 15.7-foot setback, that it not be screen enclosed, and that a perimeter fence around the property remain.

13. Consider amending Sections 78-173(a), 86-201, 86-202(c)(4), 86-204(b), 86-207(b)(4), 86-209(c)(2)a., 98-31, and 110-122(f)(3) of the Code of Ordinances in order to establish property owner notification procedures for petitions that do not currently require property owner notification.

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

14. Consider authorizing a change order to Camp Dresser & McKee Inc., in an amount not to exceed \$186,901.00, for technical engineering services related to Phase III of the Drainage Basin VI Stormwater Pump Station and System Improvements.

99-8605/Nocera/Tarrant/5-1 (Barnett dissenting, Herms absent) with the stipulation of a \$180,000.00 contract (reduction due to difficulty pertaining to the Port Royal underground utilities project)

A motion made by Van Arsdale and seconded by Barnett to approve failed 2-4 (Coyle, Nocera, Tarrant, MacKenzie dissenting, Herms absent).

•3 Resolutions
•City Clerk

15. Consider the following advisory board appointments:

15-a. Code Enforcement Board (4 vacancies)

99-8606/Robert Kleinertz (Regular)

MacKenzie/Van Arsdale/6-0 (Herms absent)

99-8607/Steven Coleman (Regular)

Van Arsdale/MacKenzie/6-0 (Herms absent)

99-8608/Henry Halle (Alternate)

MacKenzie/Van Arsdale/6-0 (Herms absent)

A position for a second alternate Code Enforcement Board member will be activated and published.

15-b. Community Services Advisory Board (1 vacancy)

99-8609/Martha Dykman (Alternate)

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

•Resolution
•Requested by Council Member Nocera

16. Consider appointing a committee to study the feasibility of creating a municipal golf course on land leased from the Naples Airport Authority.

99-8610/Van Arsdale/Nocera/6-0 (Herms absent) with the addition of community member Mo Kent and Big Cypress Basin board member Clarence Tiers and with the understanding that Council would not designate appointees to be made by the City Manager or the Airport Authority.

•Resolution
•Utilities

17. Consider a change order to Hole Montes & Associates in the amount of \$22,500.00 for engineering design services related to the Port Royal water tank pump station and approve a budget amendment in order to transfer \$100,000.00 from CIP #99K32 to CIP #99K32B.

99-8611/Van Arsdale/Nocera/6-0 (Herms absent)

•Community Services

18. Consider New Year's Eve special events.
Approved/Nocera/MacKenzie/6-0 (Herms absent)
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•Resolution
•Staff Action Committee

19. Consider a Staff Action Committee (SAC) waiver to permit projecting balconies over City sidewalk at the Terraza Building, 490 Fifth Avenue South.

99-8612/Van Arsdale/Nocera/6-0 (Herms absent) with the understanding that ceramic tile is subject to SAC approval; but that if not approved, Council can consider a waiver.

•Community Services

20. Consider waiving competitive bidding and purchase one Poligon 24-foot oxford gazebo to be placed in Fleischmann Park \ Cost \$34,692.00 \ Funding: CIP #98G08.

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

Correspondence and Communications

Correspondence to Ethics Commission on behalf of Airport Authority Member Ron Soulard. Council Member Tarrant: urged installing an indoor running track in the new River Park Community Center; and recommended determining responsibility only after hydrologic studies are completed on impact of Calusa Bay lakes upon City raw water wells.

Open Public Input

James Dean, 1320 28th Avenue North, (referenced Item 12 swimming pool variance) urged Council to consider the unique characteristics of this area prior to enacting legislation in the future.

Edward Chlumsky, address unknown, presented a piece of offensive mail he had recently received and requested Council assistance on the matter; difficulty with selling his plaza on Sandpiper Street because the City installed a lift station at the wrong location; and expressed dismay at the appearance of area beaches.

Adjourn

11:47 a.m.

Items were considered in the following order:

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