

ANNOTATED AGENDA

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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: Kevin J. Rambosk

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, December 1, 1999 Convened 9:00 a.m./Adjourned 5:55 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 9:10 a.m.*
2. Invocation and Pledge of Allegiance – *Reverend Arthur Holt, Unity Church of Naples.*
3. Announcements – *None.*
4. Items to be added:

Item 24 *Purchase order for laboratory analysis of water samples in the Coastal Ridge Wellfield area \ Vendor: STL Precision Laboratories \ Amount: \$28,350.00 \ Funding: Water Distribution Fund.*

City Manager Rambosk asked to continue Items 18 and 19 to the 12/15/99 Regular Meeting; City Attorney Kenneth Cuyler asked that Council continue Items 14 and 15 to the 12/15/99 Regular Meeting.

Set Agenda adding Item 24 and continuing Items 14, 15, 18 and 19/Herms/Coyle/5-0 (Tarrant, Van Arsdale absent).

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 and 5-d for separate discussion/Herms/Coyle/5-0 (Tarrant, Van Arsdale absent).

- 5-a. Approval of Minutes.

November 1, 1999 Workshop Meeting

Herms/Coyle/5-0 (Tarrant, Van Arsdale absent)

•Special Events Committee

- 5-b. Approve the following special events:
- (1) Naples Power Squadron Boat Parade on Venetian Bay - 12/2/99
 - (2) Coastland Center Mall holiday activities - 12/2-24/99
 - (3) The Village on Venetian Bay entertainment events - 1/13/00, 1/27, 2/10, 2/24, 3/16, 3/24, 4/6, 4/20, 4/28
 - (4) Taste of Collier (3rd Street South) - 5/7/00
- Approved/Herms/Coyle/5-0 (Tarrant, Van Arsdale absent)*
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•RFP#2000-20 •Community Services

- 5-c. Waive further public advertising requirements for small and mid-size landscape installation projects in order to limit bid invitations to the 5 qualified landscaping contractors responding to the 10/99 Request for Proposals \ Contractors: Central Florida Landscaping, Inc., Tampa, Florida; Enviroscope Landscaping & Grounds Maintenance, Naples, Florida; Hannula Landscaping & Irrigation, Inc., Bonita Springs, Florida; Landscape Florida, Naples, Florida; and Stahlman Landscape Company, Inc., Naples, Florida.

Denied/Herms/MacKenzie/7-0

•Resolution
•City Manager

- 5-d. Authorize a franchise agreement with Paradise Carriage Services relating to the use of City streets and designated carriage stops by horse drawn carriages.

99-8702/Herms/Tarrant/5-2 (MacKenzie, Barnett dissenting) with the stipulation that the franchise be limited to one carriage and limiting the agreement to one year.

A motion (MacKenzie/Barnett) to deny the franchise agreement and allow operation under special event permit failed 3-4 (Nocera, Herms, Van Arsdale, Tarrant dissenting)

•Resolution
•Development Services

- 5-e. Accept an easement from First Union National Bank of Florida for the installation, operation, and maintenance of a traffic signal system on the southeast corner of US 41 and 9th Street South.

99-8701/Herms/Coyle/5-0(Tarrant, Van Arsdale absent)

•Purchase Order
•Development Services

- 5-f. Authorize a purchase order to update the 1996 drainage study for Lantern Lake \ Engineer: Hole, Montes & Associates, Inc., Naples, Florida \ Amount: \$7,000.00 (not to exceed) \ Funding: Stormwater Professional Services Account.

Approved/Herms/Coyle/5-0(Tarrant, Van Arsdale absent)

End Consent Agenda

Scheduled Agenda Items

This schedule will be followed as closely as possible; however, none of the items listed below will be considered **EARLIER** than the scheduled time. **Items may be considered out of sequence, regardless of agenda item number, to accommodate scheduled agenda items.**

- Second Reading of an Ordinance
- City Manager

9:15 a.m.

6. **Public Hearing** to consider an ordinance establishing an additional Homestead Exemption to persons who are 65 years of age or older with household incomes not exceeding \$20,000.00.

99-8703/Nocera/Coyle/7-0

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- Resolution
 - Conditional Use Petition 99-CU25
 - Petitioner: City of Naples
 - Planning Advisory Board recommendation for denial

9:20 a.m.

7. Consider a conditional use to permit Celebration Community Church to conduct Sunday church services at Lowdermilk Park. *(See related Item 8 below.)*

99-8704/Nocera/Herms/6-1 (MacKenzie dissenting) with staff recommendations and with the understanding that the church may use Lowdermilk Park from 12/5/99 until 5/1/00 two Sundays per month; from 5/1/00 until 10/1/00 it may use it each Sunday resuming with the previous schedule 10/1/00. The church may use Cambier Park Sundays not listed above, however it will apprise staff of its schedule. This non-renewable agreement of the recurring use of Lowdermilk Park will expire 1/1/2001.

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- Resolution
 - Conditional Use Petition 99-CU26
 - Petitioner: City of Naples
 - Planning Advisory Board recommendation for denial

9:20 a.m.

8. Consider a conditional use to permit Celebration Community Church to conduct Sunday church services at Cambier Park. *(See related Item 7 above.)*

99-8705/Herms/Nocera/6-1 (MacKenzie dissenting) expiring 1/1/2001 with the understanding that it may be renewed at that time.

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- First Reading of an Ordinance
 - Text Amendment Petition 99-T16
 - Petitioner: City of Naples
 - Planning Advisory Board recommendation for approval with modifications

1:30 p.m.

9. Consider adding three zoning districts to Article II, Chapter 102 of the Code of Ordinances in order to provide additional standards for residential development in Old Naples.

Denied/Herms/Tarrant/5-2 (Van Arsdale, Barnett dissenting)

End Scheduled Agenda Items

- Requested by Council Member Tarrant
- Reconsideration authorized on 11/17/99 pursuant to Reconsideration Policy Resolution 98-8218

10. Reconsider Council's 11/1/99 consensus to approve a tin roof awning on a restaurant at the Wynn Building, Fifth Avenue South.

Motion to disallow the heavy wooden support beams/Herms/Tarrant/4-3 (Van Arsdale, Nocera, Barnett dissenting).

A motion (Nocera/Van Arsdale) to deny the reconsideration (allow the structure to remain as approved) failed 3-4 (Herms, Coyle, MacKenzie, Tarrant dissenting)

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- Resolution
 - SAC Waiver Petition 99-7
 - Petitioner: Philip J. McCabe
 - Staff Action Committee recommendation for approval

11. Consider a waiver from Section 102-1095(f) of the Code of Ordinances (5th Avenue South Special Overlay District) in order to approve a specific sign plan for the building at 699 5th Avenue South.

99-8706/MacKenzie/Nocera/7-0

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- 2 Resolutions
 - Live Entertainment Petition 99-LE2
 - Residential Impact Statement Petition 99-RIS1
 - Petitioner: Philip J. McCabe
 - Staff recommendation for approval

12. Consider the following as it relates to property located at 699 5th Avenue South:
- 12-a. Live entertainment approval in accordance with Section 110-128 of the Code of Ordinances

99-8707/Nocera/Van Arsdale/4-3 (MacKenzie, Tarrant, Herms dissenting)

- 12-b. A Residential Impact Statement in accordance with Section 110-135(a)(6) of the Code of Ordinances

99-8708/Nocera/Van Arsdale/4-3 (Tarrant, Herms, MacKenzie dissenting)

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- Resolution
 - Conditional Use Petition 99-CU23
 - Petitioner: James John Zonas
 - Planning Advisory Board recommendation for approval

13. Consider a conditional use in order to permit a law office in the Lakeview Medical Plaza, 700 2nd Avenue North, located in the "M" Medical District.

99-8709/Van Arsdale/MacKenzie/7-0 with the Planning Advisory Board recommendation of non-transferability.

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- Second Reading of an Ordinance
 - Voluntary Annexation Petition 99-AX4
 - Petitioner: City of Naples
 - Approved on First Reading 11/3/99
 - Continued from 11/17/99

14. **Public Hearing** to consider the voluntary annexation of a 9.97-acre parcel known as the City of Naples Water Storage Facility, 1601 Burning Tree Drive.

Continued to the 12/15/99 Regular Meeting/Herms/Van Arsdale/7-0

- First Reading of 2 Ordinances
 - Resolution
- Small Scale Comprehensive Plan Amendment Petition 99-CPASS4
 - Rezone Petition 99-R15
- Conditional Use Petition 99-CU24
 - Petitioner: City of Naples
 - Planning Advisory Board recommendation for approval

15. Consider the following as it relates to the 9.97-acre parcel known as the City of Naples Water Storage Facility, 1601 Burning Tree Drive:
- 15-a. A small scale comprehensive plan amendment assigning a Public, Semi-Public Institutional Future Land Use Designation

Continued to the 12/15/99 Regular Meeting/Herms/Van Arsdale/7-0

- 15-b. Rezoning from "R1-10," Residence District to "PS," Public Service

Continued to the 12/15/99 Regular Meeting/Herms/Van Arsdale/7-0

- 15-c. A conditional use for a continuation of existing uses

Continued to the 12/15/99 Regular Meeting/Herms/Van Arsdale/7-0

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- Second Reading of an Ordinance
 - Natural Resources
 - Approved on First Reading 11/17/99

16. **Public Hearing** to consider adding Section 78-5 to the Code of Ordinances in order to control pollutant discharges into the City's waterways.

99-8717/Coyle/MacKenzie/7-0

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- Resolution
 - Natural Resources

17. Consider a contract with Humiston & Moore Engineers in the amount of \$104,474.00 for design engineering and construction management services relating to the construction of T-groins on the Naples beachfront at South Gordon Drive

99-8718/Coyle/Barnett/7-0

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- Second Reading of an Ordinance
 - Human Resources
 - Approved on First Reading 11/3/99
 - Continued from 11/17/99

18. **Public Hearing** to consider adding Section 50-433 to the Code of Ordinances in order to provide early retirement incentives to members of the Police Officer's Pension and Retirement System who are 44 years of age or older and have completed 20 years of service as of November 1, 1999.

Continued to the 12/15/99 Regular Meeting/MacKenzie/Herms/7-0

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- Resolution
 - Human Resources
 - Continued from 11/17/99

19. Consider an employment agreement with the City Manager.

Continued to the 12/15/99 Regular Meeting/MacKenzie/Herms/7-0

•4 Resolutions
•City Manager

20. Consider abolishing the following special assessment districts, canceling assessments, releasing liens, and repaying assessments:

20-a. Second Avenue North
99-8712/Van Arsdale/Herms/5-1 (Tarrant dissenting, Coyle absent)

20-b. Fourth Avenue North
99-8713/Van Arsdale/Herms/4-1 (Tarrant dissenting, Coyle absent, Nocera abstaining)

20-c. Fifth Avenue South
99-8714/Van Arsdale/Nocera/5-1 (Tarrant dissenting, Coyle absent)

20-d. Goodlette-Frank Road at Bayfront Marketplace
99-8715/Nocera/Van Arsdale/4-2 (Tarrant and Herms dissenting, Coyle absent)

Council requested a workshop addressing long-term capital items in this area.

•Resolution
•City Manager

21. Consider establishing a ballot issue for the February 1, 2000 General Election relating to the issuance of General Obligation Bonds for the purchase of property located at US 41 and Fleischmann Boulevard.

99-8711/Van Arsdale/MacKenzie/7-0

It was the consensus of Council to direct Senator Burt Saunders to contact the Trust for Public Lands to assist the City in the application process for the acquisition of State grant funds.

•Development Services

22. Consider contracts with 7 engineering firms for general civil engineering services of a limited nature and on an as-needed basis as provided for in Chapter 287.055, Florida Statutes \ Contractors: Camp, Dresser & McKee, Inc., Ft. Myers, Florida; Wilson Miller, Inc., Naples Florida; Hole, Montes & Associates, Inc. Naples, Florida; Kimley Horn & Associates, Tampa, Florida; Law Engineering & Environmental Services, Inc., Naples, Florida; Pelican Engineering Consultants, Inc., Naples, Florida; and Hartman & Associates, Inc., Orlando, Florida.

Approved/Nocera/Herms/7-0

•Resolution
•Natural Resources

23. Consider appointing a consultant selection committee for engineering services related to the Parker Sand Web System project.
99-8716/Barnett/MacKenzie/6-1 (MacKenzie dissenting) appointing Council Member Herms to the Selection Committee.

A prior motion (Barnett/MacKenzie/5-2 -Van Arsdale, MacKenzie dissenting) appointing Council Member Herms to the Selection Committee was overturned when Council Member Van Arsdale changed his vote. (See Correspondence and Communications.)

•Purchase Order
•Public Works

24. Consider authorizing a purchase order for laboratory analysis of water samples in the Coastal Ridge Wellfield area \ Vendor: STL Precision Laboratories \ Amount: \$28,350.00 \ Funding: Water Distribution Fund.

Approved/Herms Nocera/7-0 with the understanding that staff will confer with the laboratory to ensure that it tests for contaminants at the lowest level of detection and then report back to Council.

Correspondence and Communications

Vice Mayor MacKenzie distributed a news release regarding the new River Park Community Center plans. / Council Member Tarrant requested a reimbursement of legal fees to residents at the Wilderness Country Club. There was a motion (Tarrant/Herms) to give the Wilderness Club \$15,000.00 which failed 2-5 (Nocera, MacKenzie, Coyle, Van Arsdale, Barnett dissenting). Council however directed staff to investigate providing landscaping, such as on the median on Goodlette-Frank Road. / Council Member Coyle noted that he would be addressing the Legislative Delegation on December 2nd and requested direction from Council relative to its position on Tourist Development tax funds. Council Member Herms confirmed that Council would encourage the Legislative Delegation to permit Collier County cities some authority over the allocation of TDC funds, based upon population or other factors. / Council Member Van Arsdale changed his vote to yes on Item 23 (Parker Sand Web System project) so that he could request that matter to be reconsidered. / City Attorney Kenneth Cuyler noted that he would provide clarification on the legality of campaign material posted on door hangers, front yard signs and magnetic automobile signs, especially when the vehicle is parked in City rights-of-way or in the immediate vicinity of City Hall.

Open Public Input

None.

Adjourn – 5:55 p.m.

Items were considered in the following order:

1,2,3,4,5-a, 5-b, 5-e, 5-f, 5-c, 5-d, 6, 7, 8, 10, 11, 12, 13, 21, 14, 15, 20, 9, 23, 16, 17, 18, 19, 22, 24.