

## **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: Kevin J. Rambosk**

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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, December 15, 1999**

**Convened 9:00 a.m./Adjourned 2:45 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 Bill Cowfer, First Presbyterian Church.*
3. Announcements – *None.*
4. Items to be added:

*City Manager Rambosk requested the addition of the following items noting that Item 6-a and 6-b, as listed on the agenda, should be renumbered to 6-c and 6-d respectively. He also noted that staff would request continuance of Items 7 and 8.*

**Item 6-a.** *Authorize a purchase and sale agreement in the amount of \$8 million for the Fleischmann Property located south of the Coastland Center Mall on the east side of US 41, 1390-1690 9th Street North:*

**Item 6-b.** *Authorize a second amendment to an agreement with Joan F. Tobin, personal representative of the estate of Dorette K. Fleischmann, relating to the Fleischmann Property located south of the Coastland Center Mall on the east side of US 41, 1390-1690 9th Street North:*

**Item 17** *Contract to perform engineering services relative to Calusa Bay Lakes and Coastal Ridge Wellfield \ Vendor: Hartman & Associates, Inc. \ Amount: \$15,000.00 \ Funding: Utilities Administration Professional Services.*

**Item 18** *Authorize negotiations with Camp Dresser & McKee to provide engineering services associated with Drainage Basin III storm sewer system upgrades.*

**Item 19** *Reconsider the 12/1/99 denial of the heavy wooden support beams at Yabba Island Grill at the Wynn Building on Fifth Avenue South.*

*Set agenda adding Items 17, 18, 19, renumbering Items 6-a and 6-b to 6-c and 6-d respectively, and adding new Items 6-a and 6-b/Van Arsdale/Coyle/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/MacKenzie/Nocera/7-0*

- 5-a. Approval of Minutes.

*September 27, 1999 Special Meeting, November 3, 1999 Regular Meeting, November 15, 1999 Workshop Meeting, November 15, 1999 Joint Workshop Meeting/MacKenzie/Nocera/7-0.*

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**•Purchase Authorization  
•Information Services**

- 5-b. Authorize purchase of the "Work Order/Facility Management Software System" \ Vendor: H.T.E., Inc., Orlando, Florida \ Cost: \$46,490.00 \ Funding: CIP #97T02.

*Approved/MacKenzie/Nocera/7-0*

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**•Bid #2000-21  
•Community Services**

- 5-c. Award an annual bid for sod used in City landscape projects \ Vendor: Battista Farms, Inc., Fort Myers, Florida \ Total Cost: \$40,000.00 (installed) \ Funding: Parks and Parkways 52-00 Account (Operating Budget).

*Approved/MacKenzie/Nocera/7-0*

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**•Resolution  
•Human Resources**

- 5-d. Authorize an increase in dental insurance premiums, not to exceed \$45,000.00, paid to American Dental Plan for the plan year commencing January 1, 2000.

*99-8719/MacKenzie/Nocera/7-0*

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•Resolution  
•Human Resources

- 5-e. Appoint William Woznak as a Bargaining Unit Member to the Board of Trustees of the General Employees' Retirement System.

***99-8720/MacKenzie/Nocera/7-0***

**End Consent Agenda**

- 2 4 Resolutions**  
•Development Agreement Petition 99-D2  
•Development of Significant  
Environmental Impact Petition 99-DSEI3  
•Petitioner: Joan F. Tobin,  
personal representative for the estate  
of Dorette K. Fleischmann  
•Agent: George Varnadoe, Esquire  
•Planning Advisory Board review  
scheduled for 12/8/99

6. Consider the following as it relates to approximately 10 acres of land, known as the Fleischmann property, located south of the Coastland Center Mall on the east side of US 41, 1390-1690 9th Street North:

- 6-a. Authorize a purchase and sale agreement in the amount of \$8 million

***99-8721/Herms/Nocera/7-0 with the understanding that there would be an environmental audit and an appraisal, that the termination date of the agreement would be extended to 2/10/00 at 5:00 p.m., and that the City would request a warranty deed if it is available.***

- 6-b. Authorize a second amendment to the agreement with Joan F. Tobin, as personal representative of the estate of Dorette K. Fleischmann

***99-8722/Herms/Nocera/7-0***

- 6-a.c. A Development Agreement to permit "HC" Highway Commercial uses at a proposed intensity of approximately 115,500 square feet and a height of 35 feet

***99-8723/Tarrant/Coyle/7-0 with the understanding that if the City does not purchase the property, within three years the existing building must be refurbished or removed.***

- 6-b.d. A development of significant environmental impact

***99-8724/Van Arsdale/Nocera/7-0***

- Second Reading of an Ordinance  
•Voluntary Annexation Petition 99-AX4  
•Petitioner: City of Naples  
•Approved on First Reading 11/3/99  
•Continued from 12/1/99

7. **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 1/5/00 Regular Meeting/Van Arsdale/Nocera/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
- Continued from 12/1/99

8. 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:

- 8-a. A small scale comprehensive plan amendment assigning a Public, Semi-Public Institutional Future Land Use Designation

*Continued to the 1/5/00 Regular Meeting/Van Arsdale/Nocera/7-0*

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

*Continued to the 1/5/00 Regular Meeting/Van Arsdale/Nocera/7-0*

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

*Continued to the 1/5/00 Regular Meeting/Van Arsdale/Nocera/7-0*

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- 2 Resolutions
  - Live Entertainment Petition 99-LE1
  - Residential Impact Statement Petition 99-RIS2
  - Petitioner: Greg Quillen
  - Staff recommendation for approval

9. Consider the following as it relates to property located at 711 5th Avenue South:

- 9-a. Live entertainment approval in accordance with Section 110-128 of the Code of Ordinances

*99-8725/MacKenzie/Coyle/7-0 with staff recommendations and clarifying that Council must annually renew the permit.*

*A prior motion (Nocera/Van Arsdale) to approve without the recommended condition that the doors and windows be closed and clarifying that Council must annually renew the permit failed 2-5 (Herms, Tarrant, Coyle, MacKenzie, Barnett dissenting)*

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

*99-8726/MacKenzie/Van Arsdale/7-0 with the stipulation that the operational plan be a part of the resolution.*

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•Resolution  
•Planning Department

10. **Public Hearing** to consider submittal of the Consolidated Annual Performance and Evaluation Report as required by U.S. Department of Housing & Urban Development.

***99-8728/Nocera/Van Arsdale/6-0 (Barnett absent)***

•Resolution  
•Planning Department

11. Consider adopting/implementing the Carver-River Park Master Plan.

***99-8727/Nocera/Herms/6-0 (Barnett absent)***

***Council will conduct a workshop in the neighborhood to identify all areas of concern.***

•First Reading of an Ordinance  
•Human Resources

•Replacement of the ordinance  
continued from 12/1/99

12. Consider adding Sections 50-433 and 50-432(11) to the Code of Ordinances in order to provide early retirement incentives to certain members of the Police Officer's Pension and Retirement System and to provide for continuation of employment.

***Approved/Herms/Nocera/5-0 (Barnett, Van Arsdale absent)***

•Resolution  
•Human Resources  
•Continued from 12/1/99

13. Consider an employment agreement with the City Manager.  
***99-8729/Nocera/Coyle/5-0 (Barnett, Van Arsdale absent) replacing Section 14 entitled "assigned vehicle" with "car allowance" which would authorize a \$350.00/month payment to the City Manager to cover all ordinary expenses relative to use of his personal vehicle.***

•First Reading of an Ordinance  
•Human Resources  
•Pursuant to the recommendation of the Blue Ribbon Committee

14. Consider amending Section 2.5(1) of the City of Naples Charter in order to increase the Mayor's annual salary from \$18,000 to \$20,000 and to increase each Council Member's annual salary from \$12,000 to \$14,000 (effective 2/2/00).

***Approved/Nocera/Coyle/4-1 (MacKenzie dissenting, Barnett and Van Arsdale absent)***

•4 Resolutions  
•City Clerk

15. Consider appointing members to the following advisory boards:

15-a. Planning Advisory Board  
(1 vacancy)

***99-8730/Herms/Tarrant/5-0 (Barnett, Van Arsdale absent) appointing Marvin Easton.***

***Motion by Nocera for Rhona Saunders failed for lack of a second.***

15-b. Beach Renourishment Maintenance Committee (1 vacancy)

***Motion to re-advertise the position and allow Gary Hicks' application to carry forward MacKenzie/Herms/5-0 (Barnett, Van Arsdale absent)***

15-c. Affordable Housing Commission  
(3 vacancies)

***99-8731/Nocera/Herms/5-0 (Barnett, Van Arsdale absent) re-appointing Bruce Mumm.***

***99-8732/Nocera/Herms/5-0 (Barnett, Van Arsdale absent) appointing John Houton.***

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•Natural Resources

16. Final Report of the Naples Bay Project Committee. *(Two or more members of the Naples Bay Project Committee may attend.)*

***Approved/Coyle/Van Arsdale/6-0 (Barnett absent) with the understanding that staff will present an overview at the 1/3/00 Workshop Meeting of the steps necessary to accomplish outstanding plan goals.***

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•Resolution  
•Public Works

17. Consider a contract to perform engineering services relative to Calusa Bay Lakes and Coastal Ridge Wellfield \ Vendor: Hartman & Associates, Inc. \ Amount: \$15,000.00 \ Funding: Utilities Administration Professional Services.

***99-8732-A/Herms/Nocera/5-0 (Barnett, Van Arsdale absent)***

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**•Development Services**

18. Consider authorizing negotiations with Camp Dresser & McKee to provide engineering services associated with Drainage Basin III storm sewer system upgrades.

*Approved/Nocera/Herms/5-0 (Barnett, Van Arsdale absent)*

**•Requested by Council Member Coyle**

19. Reconsider the 12/1/99 denial of the heavy wooden support beams at Yabba Island Grill at the Wynn Building on Fifth Avenue South.

*Motion to allow awning to remain and be used as intended by property owner/Van Arsdale/Nocera/4-3 (Herms, Tarrant, MacKenzie dissenting)*

**CORRESPONDENCE AND COMMUNICATIONS**

*Council Member Coyle noted that he had recently addressed the Legislative Delegation relative to the Federal Emergency Management Agency (FEMA) flood level changes and control of tourist tax funds. He explained that the Legislative Delegation had no authority relative to FEMA, but that he had received initial support regarding the potential resolution of this issue on a Federal level. He added that the tourist tax fund issue would, however, be addressed in the near future at the State level, and recommended that the Mayor correspond with Senator Saunders and Representative Goodlette to emphasize these issues. Council Member Tarrant proposed informing the County Commissioners as well. / City Attorney Kenneth Cuyler confirmed that at least five members of Council must be present for the Special Meeting to be held at 5:05 p.m. / Council Member Herms noted that staff had not yet determined whether Development of Regional Impact (DRI) approval is required for the Grand Central Station project, and added that it should go through the DRI process, if warranted, prior to Council review. Council Member Coyle stated that Naples Community Hospital had pledged to uphold all 41-10 zoning regulations; however, Council Member Herms explained that if the submitted plan does not meet all requirements, there may not be sufficient time to submit a new plan and/or apply for variances. Council Member Coyle therefore suggested that approval be contingent on adherence to the zoning codes. / City Manager Kevin Rambosk then stated that beginning December 16<sup>th</sup>, the County would be placing additional sand on the beach in the vicinity of Doctor's Pass. He provided information on the proposed truck routes and predicted the project would be completed in 10 days with 65 loads of sand per day placed on the beach. Mr. Rambosk also noted the provision for adequate notification to residents and confirmed that the sand has been sifted and washed. Council Member Nocera proposed that staff investigate the feasibility of using sand in the Venetian Bay area dredging.*

**Open Public Input**

*None.*

**Adjourn – 2:45 p.m.**

*Items were considered in the following order:*

*1, 2, 3, 4, 5, 6, 7, 8, 9, 19, 11, 10, 16, 12, 13, 14, 15, 17, 18.*