



City Council Chamber
735 Eighth Street South
Naples, Florida 34102

City Council Regular Meeting – August 2, 2000 – 9:00 a.m.

Mayor MacKenzie called the meeting to order and presided.

ROLL CALLITEM 1

Present: Bonnie MacKenzie, Mayor
Joseph Herms, Vice Mayor
Council Members:
Gary Galleberg
Fred Tarrant
Penny Taylor
Tamela Wiseman

Absent: Council Member William MacIlvaine

Also Present:

Kevin J. Rambosk, City Manager
Beverly Grady, City Attorney
William Harrison, Assistant City Manager
William Overstreet, Building Official
Ron Lee, Planning Director
Jon Staiger, Ph.D, Natural Resources Mgr.
Ann Walker, Planner
Cory Ewing, Planner
Susan Golden, Planner
Mary Margaret Gruszka,
Recreation Supervisor
Jessica Rosenberg, Recording Specialist
Arlene Guckenberger
Reverend Hixton Helton
Michael Simonik

Bruce Wade
David Corbin
Pat Distasio
Willie Anthony
Gale Scott
James DeWitt
Bob Tiffany
Other interested citizens and visitors

Media:

AnneElena Foster, Naples Daily News

INVOCATION and PLEDGE OF ALLEGIANCE.....ITEM 2

Reverend Hixton Helton, North Naples Baptist Church.

ANNOUNCEMENTSITEM 3

None.

ITEMS TO BE ADDEDITEM 4

No items were added to the agenda; however, City Manager Kevin Rambosk noted that the petitioner for Item 6 had requested a continuance to the September 6th Regular Meeting. Additionally, Item 11 had been withdrawn by the petitioner, and Council Member Taylor requested that Items 16, 17, and 18 be continued to the August 16th Regular Meeting. Item 20 will be discussed at August 14th Workshop.

MOTION by Herms to SET THE AGENDA INCLUDING THE REVISIONS OUTLINED BY THE CITY MANAGER ABOVE; seconded by Tarrant and carried 6-0. (Galleberg-yes, Herms-yes, MacIlvaine-absent, Tarrant-yes, Taylor-yes, Wiseman-yes, MacKenzie-yes)

CONSENT AGENDA

APPROVAL OF MINUTESITEM 5-a

April 24, 2000 (*Correcting scrivener's error on page 5*), April 27, 2000, May 2, 2000, May 4, 2000, and May 5, 2000 Charter Amendment Workshops; May 3, 2000 Regular Meeting; May 31, 2000 Special Meeting (1:30 p.m.); May 31, 2000 Special Meeting (5:05 p.m.); June 5, 2000 Workshop Meeting, June 7, 2000 Regular Meeting, June 19, 2000 Workshop Meeting, June 19, 2000 Budget Workshop Meeting; June 21, 2000 Regular Meeting.

SPECIAL EVENTS ITEM 5-b

Approve the following special events: (5-b(1) removed for separate discussion.)

- 2) Brown Brothers Harriman Welcome-Back Private Party (787 5th Avenue South) - 11/13/00
- 3) American Heart Walk (Cambier Park) - 11/18/00
- 4) Old Naples Tuba Christmas (Sugden Plaza) - 12/5/00
- 5) Naples Players Christmas Party (Sugden Plaza) - 12/12/00
- 6) Martin Luther King Jr. Parade/Celebration (Cambier Park) - 1/15/01
- 7) Naples Invitational Art Fest (Fleischmann Park) - 1/27 & 1/28/01
- 8) Taste of Collier (3rd Street South) - 5/6/01

RESOLUTION 00-8887.....ITEM 5-c

A RESOLUTION RATIFYING AND CONFIRMING THE ACTION OF THE CITY MANAGER TO CONTRACT WITH SCIENTIFIC SOUND SYSTEMS, INC. IN AN AMOUNT NOT-TO-EXCEED \$13,899.69 TO PROVIDE SOUND SYSTEM UPGRADE PURCHASE AND INSTALLATION FOR THE CITY COUNCIL CHAMBERS ON AN EMERGENCY BASIS; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 00-8888..... ITEM 5-d

A RESOLUTION RATIFYING AND CONFIRMING THE ACTION OF THE CITY MANAGER TO CONTRACT WITH APPLIED TECHNOLOGY INC., IN AN AMOUNT NOT-TO-EXCEED \$14,610, TO PROVIDE POSEIDON POINT OF SALE SYSTEM PURCHASE, INSTALLATION AND TRAINING FOR THE CITY DOCK ON AN EMERGENCY BASIS; AND PROVIDING AN EFFECTIVE DATE. Title not read.

.....ITEM 5-e

RATIFY AND CONFIRM ACTION OF CITY MANAGER IN CONTRACTING TO REPLACE CITY DOCK'S POINT-OF-SALE (POS) SYSTEM EQUIPMENT AND SOFTWARE \ Vendor: Applied Technology, Inc. \ Cost: \$14,610.00.

RESOLUTION 00-8889..... ITEM 5-f
A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH COMPULINK NETWORK INSTALLATION SERVICES, INC., IN THE AMOUNT OF \$51,456.23 FOR VOICE DATA AND TELECOMMUNICATIONS WIRING FOR THE DEVELOPMENT SERVICES, WASTE WATER COLLECTIONS AND SOLID WASTE BUILDINGS; AND PROVIDING AN EFFECTIVE DATE. Title not read.

.....ITEM 5-g
WAIVE COMPETITIVE BIDS AND AUTHORIZE A PURCHASE ORDER, BASED ON BROWARD COUNTY QUOTE, TO REPLACE A TURF TRACTOR WITH BUCKET AND BOX BLADE USED BY THE COMMUNITY SERVICES DEPARTMENT\ Vendor: Florida Coast Equipment, Naples, Florida \ Cost: \$23,623.00\ Funding: Cip #00f53.

..... ITEM 5-h
AWARD A BID FOR 8 WASTEWATER PUMP STATION CONTROL PANELS \ Vendor: Ellis K. Phelps & Company, Inc., Apopka, Florida \ Cost: \$53,248.00 \ Funding: CIP'S 99X03, 00X03, 00X07, 00X10 AND 00X28.

RESOLUTION 00-8890..... ITEM 5-i
A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A LOAN AGREEMENT FOR THE NAPLES MAIN STREET PEDESTRIAN ART PROGRAM, WITH CHANGES APPROVED BY THE CITY ATTORNEY, FOR THE LOAN OF THE ARTWORK “ANHINGAS” BY THE SCULPTOR KATHY SPAULDING; AND PROVIDING AN EFFECTIVE DATE. Title not read.

..... ITEM 5-j
WAIVE COMPETITIVE BIDS AND ISSUE A PURCHASE ORDER FOR A USED 2000-GALLON WATER TRUCK FOR USE BY THE PARKS & PARKWAYS DIVISION \ Vendor: Neff Rental, Fort Myers, Florida \ Cost: \$37,020.00 \ Funding: 2000-2001 CIP Budget.

RESOLUTION 00-8891..... ITEM 5-k
A RESOLUTION ACCEPTING A UTILITY EASEMENT FOR THE MAINTENANCE OF WATER LINES, ON A PARCEL OF LAND AS DESCRIBED IN THE EASEMENT ATTACHED HERETO FROM NAPLES ELKS LODGE NO. 2010; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 00-8892..... ITEM 5-l
A RESOLUTION ACCEPTING A UTILITY EASEMENT FOR THE MAINTENANCE OF WATER LINES, ON A PARCEL OF LAND AS DESCRIBED IN THE EASEMENT ATTACHED HERETO FROM NAPLES BAY DEVELOPMENT, INC.; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 00-8893..... ITEM 5-m
A RESOLUTION ACCEPTING A UTILITY EASEMENT FOR THE MAINTENANCE OF WATER LINES, ON A PARCEL OF LAND AS DESCRIBED IN THE EASEMENT

ATTACHED HERETO FROM PANTHERS GREY OAKS, INC.; AND PROVIDING AN EFFECTIVE DATE. Title not read.

END CONSENT AGENDA

MOTION by Herms to **APPROVE THE CONSENT AGENDA and REMOVE ITEM 5-b (1) FOR SEPARATE DISCUSSION;** seconded by Galleberg and carried 6-0. (Galleberg-yes, Herms-yes, MacIlvaine-absent, Tarrant-yes, Taylor-yes, Wiseman-yes, MacKenzie-yes)

SPECIAL EVENTITEM 5-b (1)

Approve the following special event:

(1) Annual Naples Sports Festival (Lowdermilk Park) - 8/6/00

Council Member Galleberg said he was not opposed to this particular event but suggested efforts to enforce the requirement for 60-day advance application in order to afford more opportunity to consider the event's impacts on the community. City Manager Rambosk suggested letters to the event organizers reaffirming all special event permit requirements and procedures. Vice Mayor Herms, however suggested a less stringent approach since many event organizers are volunteers who may be unaware of Code requirements.

MOTION by Galleberg to **INSTRUCT STAFF TO DOUBLE ITS EFFORTS IN ENFORCING THE 60-DAY ADVANCE REQUIREMENT FOR SPECIAL EVENT PERMIT APPLICATION TO BE ACCOMPLISHED BY NOTIFYING ANNUAL EVENT ORGANIZERS IN WRITING OF CODE REQUIREMENTS;** seconded by Tarrant and carried 6-0. (Galleberg-yes, Herms-yes, MacIlvaine-absent, Tarrant-yes, Taylor-yes, Wiseman-yes, MacKenzie-yes)

MOTION by Galleberg to **APPROVE ITEM 5-b(1) AS SUBMITTED;** seconded by Herms and carried 6-0. (Galleberg-yes, Herms-yes, MacIlvaine-absent, Tarrant-yes, Taylor-yes, Wiseman-yes, MacKenzie-yes)

RESOLUTION (Continued)ITEM 6

A RESOLUTION AFFIRMING THE ORDER OF THE BOARD OF APPEALS WHICH DENIED THE APPEAL OF KYLE LORENZEN AND AFFIRMED THE DECISION OF THE BUILDING OFFICIAL IN ISSUING A STOP-WORK ORDER ON A BUILDING PERMIT AT 810 RIVER POINT DRIVE; AND PROVIDING AN EFFECTIVE DATE. Title not read. This item was continued to the September 6, 2000 Regular Meeting by prior motion (See Page 2).

ORDINANCE 00-8894.....ITEM 7

AN ORDINANCE GRANTING REZONE PETITION 00-R4 IN ORDER TO REZONE A 9.47-ACRE TRACT BOUNDED BY FLEISCHMANN BOULEVARD, 14th AVENUE NORTH, 10th STREET NORTH, AND U.S. 41 FROM "HC," HIGHWAY COMMERCIAL, TO "PS," PUBLIC SERVICE, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Kevin Rambosk. (9:15 a.m.)

Public Input: None. (9:15 a.m.)

MOTION by Wiseman to **ADOPT ORDINANCE 00-8894 AS SUBMITTED;** seconded by Herms and carried 6-0. (Galleberg-yes, Herms-yes, MacIlvaine-absent, Tarrant-yes, Taylor-yes, Wiseman-yes, MacKenzie-yes)

RESOLUTION 00-8895.....ITEM 8

A RESOLUTION GRANTING EASEMENT VACATION PETITION 00-EV2 FOR VACATION OF A TWENTY-FOOT WIDE EAST-WEST UTILITY EASEMENT WITHIN THE WESTERLY 200 FEET OF BLOCK 12, TIER 5, PLAN OF NAPLES, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE. Title not read. (9:16 a.m.) Council Member Galleberg questioned whether the easement could be reinstated if the property is rezoned or if there is a change in ownership and use. Planning Director Ron Lee outlined the criteria required to vacate an easement and explained that an easement does not create an ownership interest in the property. Planner Cory Ewing confirmed the prior existence of an alley on this site; this alley was vacated in 1962 by City ordinance and replaced with a utility easement on the westerly 200 feet. The request before Council is to vacate a portion of the remaining 200-foot utility easement.

Public Input: None. (9:19 a.m.)

MOTION by Wiseman to APPROVE RESOLUTION 00-8895 AS SUBMITTED; seconded by Herms and carried 6-0. (Galleberg-yes, Herms-yes, MacIlvaine-absent, Tarrant-yes, Taylor-yes, Wiseman-yes, MacKenzie-yes)

After the vote, City Manager Kevin Rambosk clarified that the alley mentioned earlier (between 10th and 11th Avenues South) was originally platted and owned by the Naples Improvement Company. He added, however, that there is no record of transfer of ownership since the company dissolved. City Attorney Grady used the example of a subdivision plat to explain that while a vacation eliminates the public's right to use property, a dedication within the plat might create and preserve private rights.

RESOLUTION (Continued)ITEM 9

A RESOLUTION GRANTING VARIANCE PETITION 00-V6 FROM SECTION 102-146(3)b. OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, WHICH ALLOWS UNROOFED POOLS OR POOLS ENCLOSED ONLY WITH OPEN MESH SCREENING TO BE LOCATED 15 FEET FROM A REAR YARD PROPERTY LINE, IN ORDER TO PERMIT A SCREEN-ENCLOSED POOL TO BE LOCATED 12.01 FEET FROM THE REAR PROPERTY LINE, AT 3861 GORDON DRIVE, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Manager Kevin Rambosk. (9:25 a.m.) Planning Director Ron Lee referred to Sections 102-3(5) and 82-10 of the Code of Ordinances to clarify determination of rear property lines on waterfront lots. With the exception of Royal Harbor, he explained, setbacks for waterfront lots are measured from the shoreline. Council Member Tarrant noted that the Code's definition for shoreline might provide some flexibility in determining a setback; however, Planning Director Lee noted that in the case of seawalled properties, setbacks are measured from seaward face of the wall, not the property line (shoreline). Planner Cory Ewing explained that in this case, the plans submitted to the Building Department for the pool (September, 1999) indicated that the pool would be set back 16 feet from the seaward face of the seawall. A subsequent building permit application for the enclosure indicated that it however would be set back 15 feet but was extended around existing pool decking resulting instead in a 12.01-foot rear yard setback. Without a variance, the petitioner would be required to remove the screen enclosure.

Project manager Michael Gibbons, spoke on behalf of the petitioners and referred to the boundary survey to note inward curves in the seawall at the point of the encroachment. He

also pointed out that the raised spa portion of the pool precludes relocation of the enclosure to meet the 15-foot required setback. (A copy of the survey referenced by Mr. Gibbons is contained in the file for this meeting in the City Clerk's Office.) Mr. Gibbons said he was unaware that a variance was necessary when the building permit was issued; the encroachment was discovered during final inspections for the certificate of occupancy. He said the plan submitted to the Building Department indicated a 15-foot setback from the rear property line (not the seawall) and pointed out that most of the rear yard property line is actually waterward of the seawall. Planning Director Lee, however, pointed out handwritten notations on this plan made at the time the latter permit was issued, which revised the rear setback measurement to 15 feet. It is therefore staff's position, he said, that these handwritten revisions confirm that the petitioner or contractor was indeed notified of the setback required for the enclosure. In response to Vice Mayor Herms, Mr. Gibbons expressed the view that the required setback could be obtained if measured from the property line rather than the seawall. Council discussion then focused on the Code definition of shoreline and Vice Mayor Herms pointed out that the measuring point for this setback could be moved back if a rock revetment was added outside the seawall. Natural Resources Manager Jon Staiger provided additional information on how the shoreline is determined when there is a rip-rap seawall or rock revetment but noted that the rock revetment must be higher than the mean high water line. Council Member Tarrant suggested that the visual impact of rocks next to the seawall is more adverse than the variance. Dr. Staiger however noted that the City encourages property owners to place rip-rap in front of vertical seawalls not only for reinforcement but also to provide a habitat for sea life. Mr. Gibbons reiterated that relocating the screen enclosure is not feasible and confirmed that the enclosure had always been included in the building plans, although the enclosure contractor must obtain a separate permit. Building Official William Overstreet affirmed that his staff would not have annotated the plans to indicate a 15-foot setback and added that during plan review the staff member would have relied on the drawings as submitted when the permit was issued. Mr. Overstreet further confirmed that there is sufficient setback if measured from the property line, not the seawall. Council Member Tarrant noted that granting this variance would have little or no impact to surrounding properties and that Council had precedence for approving after-the-fact variances. In response to Council Member Wiseman, Mr. Overstreet explained that a boundary survey is required for this type of permit but confirmed that it is unusual for handwritten revisions to be on such a document. Mr. Gibbons said he did not know who revised the plans but urged Council to approve the variance, noting that the temporary certificate of occupancy for this residence expired on that day.

MOTION by Tarrant to APPROVE ITEM 9 AS SUBMITTED. This motion failed for lack of a second.

Mayor MacKenzie asserted that the hand revised plans in fact do distinguish this request from other after-the-fact variances caused by a mistake or oversight. Building Official Overstreet provided additional information regarding the inspection process. Council Member Tarrant, however, contended that many violations to the City Code go undetected. Planning Director Lee confirmed that the property owners within 500 feet had been notified of the variance request, but to date, no responses to this notice had been received. Planner Ewing indicated that the enclosure does not obstruct views of adjacent properties and in response to Council Member Galleberg, Building Official Overstreet explained that a walkway is indeed necessary between the pool and the enclosure. Mr. Overstreet also confirmed that this contractor has a good record on compliance with building permit regulations. Council Member Taylor said she would support adding rip-rap to the seawall,

and in later discussion, Dr. Staiger confirmed that a toe-scour revetment on this seawall would not require a Department of Environmental Protection Agency (DEP) permit.

Public Input: None. (10:12 a.m.)

MOTION by Tarrant to CONTINUE THIS ITEM TO THE AUGUST 16, 2000 REGULAR MEETING AND EXTEND THE TEMPORARY CERTIFICATE OF OCCUPANCY FOR UP TO 60 DAYS TO ALLOW THE PETITIONER MORE TIME TO INVESTIGATE A RIP-RAP OR REVETMENT EXTENSION AND FOR STAFF TO PROVIDE ADDITIONAL INFORMATION ON OTHER OPTIONS; seconded by Galleberg and carried 6-0. (Galleberg-yes, Herms-yes, MacIlvaine-absent, Tarrant-yes, Taylor-yes, Wiseman-yes, MacKenzie-yes) Prior to the vote, Mr. Gibbons promised to install the rip-rap addition to the seawall but asked that the Building Department issue a final certificate of occupancy for the residence. Vice Mayor Herms agreed provided the contractor posts a bond; however, City Attorney Grady noted that staff must first determine whether the rip-rap indeed provides the required setback. She also cautioned that this could make the City responsible for completing the rip-rap. Council Member Galleberg suggested voting on the motion noting that staff could withdraw this item from the next meeting agenda if the petitioner is able to install the revetment. Mr. Gibbons then requested that a Building Department representative and the Natural Resources Manager meet with him on site in this regard. In the event a variance is still required, Mr. Galleberg asked staff to investigate his concerns regarding properties adjacent from view, the handwritten revisions to the plans, and whether relocation of the enclosure is feasible.

ORDINANCE (First Reading)ITEM 10

AN ORDINANCE ADOPTING TEXT AMENDMENT PETITION 00-T12, AMENDING SUBSECTIONS 102-121(3), 102-121(4)a., 110-94 (c)3, AND 110-94(5) OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES IN ORDER TO MODIFY PIER DIMENSION AND LOCATION REQUIREMENTS; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE. Title read by City Manager Kevin Rambosk (10:17 a.m.). City Manager Kevin Rambosk noted requests for increasingly larger docks, prompting staff to consider a Code amendment to restrict pier extensions into waterways. Natural Resources Manager Jon Staiger stated that many docks are 80-90 feet offshore in order to reach the required five-foot depth to obtain a dredging permit; also construction of large boat lifts at the end of piers significantly obstructs neighbors' views. The Port Royal Property Owners Association has therefore recommended limiting these structures to 25% of the waterway property line width. A minor language amendment would stipulate that side-yard setbacks must be measured at a right angle to the extended property line. Additionally, Dr. Staiger explained that property owners in Park Shore, the Moorings, and Coquina Sands have been redeveloping houses which encompass most of the back yard with screen enclosures, and then constructing huge platforms over the water to compensate for the loss of yard. These structures would now be limited to a maximum pier width of eight feet, and a maximum catwalk width of six feet, he said. Dr. Staiger also briefly discussed regulations prohibiting structures such as vessels, docks, or pilings from intruding into the channels.

Public Input: None. (10:27 a.m.)

MOTION by Galleberg TO APPROVE ITEM 10 AS SUBMITTED;
seconded by Herms and carried 6-0 (Galleberg-yes, Herms-yes, MacIlvaine-
absent, Tarrant-yes, Taylor-yes, Wiseman-yes, MacKenzie-yes).

Mayor MacKenzie noted a scrivener's error in the first page of the ordinance.

RESOLUTIONITEM 11

A RESOLUTION GRANTING VARIANCE PETITION 00-V7 FROM SECTION 110-94 (c) (1) b. OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, WHICH STATES THAT SHORE-NORMAL DIMENSION FOR A PIER IN AQUALANE SHORES SHALL NOT EXCEED THE SMALLER OF 15 FEET OR 10% OF THE WATERWAY WIDTH, IN ORDER TO ALLOW A PIER WITH SHORE-NORMAL DIMENSION OF 54 FEET AT 450 18TH AVENUE SOUTH; AND PROVIDING AN EFFECTIVE DATE. This item was withdrawn at the request of the petitioner (See Page 2).

RESOLUTION 00-8896.....ITEM 12

A RESOLUTION APPROVING AND SUBMITTING THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) CONSOLIDATED PLAN 2000-2005 AND ONE YEAR ACTION PLAN AND BUDGET TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Kevin Rambosk (10:28 a.m.). Planner Susan Golden estimated the block grant five-year allocation to be \$770,000 and recommended that 60%, or \$462,000, be allocated to the new River Park Community Center. She added, however, that any plans adopted could be amended through a public hearing process. She then referred to the Housing and Urban Development (HUD) Consolidated Plan (a copy of which is contained in the City Clerk's office in the file for this meeting) recommending that Council conduct workshop discussions early next year on the possibility of constructing single family homes on the vacant land adjacent to Anthony Park. She further estimated the block grant budget for fiscal year 2000-2001 to be \$190,000, comprised of an expected \$144,000 entitlement, \$10,000 land lease payment, and a \$36,000 roll over from the current fiscal year. In response to Council, Ms. Golden stated that \$65,000 remains unencumbered in the current block grant budget, some of which will be set aside within the next month for Fifth Avenue North landscaping.

Council Member Tarrant cited a Community Services Advisory Board concern that Proposal "C" for the new River Park Community Center may be overly costly and suggested in the future first identifying funding sources prior to approving plans. City Manager Rambosk stated that the upcoming August 14th Workshop would include a discussion of the priorities and plans for City parks, and Mayor MacKenzie suggested also conducting a town hall meeting on this issue. In further discussion, Ms. Golden stated that staff had anticipated receiving additional funding from the State and private donations. She suggested that Council could reallocate a portion of the block grant, while cautioning, however, that this funding could change each year. Ms. Golden also noted a procedure for requesting a five-year allocation in advance. Council Member Tarrant suggested applying to the State Revolving Loan Fund; however, Assistant City Manager William Harrison explained this is strictly for utilities projects. Noting its current state of disrepair, Vice Mayor Herms urged that Council move forward with rebuilding the facility and made a motion to approve, with the stipulation that \$500,000 over the next five years be committed to the center, and that staff investigate up-front funding. However, further discussion ensued. City Attorney Beverly Grady recommended two separate resolutions on this issue.

Public Input: (10:49 a.m.) **Willie Anthony, 559 14th Street North**, expressed doubt that large town hall meetings would be effective, but instead suggested that community leaders

decide the best course of action and then approach Council. He added that he hoped the City would not consider Habitat for Humanity housing because this construction results in a camp-like appearance and a depressing architectural design. Mayor MacKenzie agreed that tract housing is distasteful, and Vice Mayor Herms concurred with community representative meetings in the neighborhood.

After further discussion, Ms. Golden provided clarification on the proposed funding. Vice Mayor Herms proposed amending the intended allocation to the community center from \$462,000 to \$500,000 by reducing \$8,000 per year from the other line items. He emphasized that committing \$500,000 from the block grant program for the center is an appropriate starting point. Council Member Galleberg also observed it is essentially an expression of present intent.

MOTION by Herms to STIPULATE THAT \$500,000 OVER THE NEXT FIVE YEARS BE COMMITTED TO THE RIVER PARK CENTER AND THAT STAFF INVESTIGATE UP-FRONT FUNDING; seconded by Galleberg and carried 6-0 (Galleberg-yes, Herms-yes, MacIlvaine-absent, Tarrant-yes, Taylor-yes, Wiseman-yes, MacKenzie-yes).

MOTION by Herms to APPROVE RESOLUTION 00-8896 SPECIFYING A \$500,000 COMMITMENT TO THE RIVER PARK CENTER; seconded by Galleberg and carried 6-0 (Galleberg-yes, Herms-yes, MacIlvaine-absent, Tarrant-yes, Taylor-yes, Wiseman-yes, MacKenzie-yes).

City Manager Rambosk stated that staff would provide Council with an overview of the River Park options at the August 14th Workshop and potential dates for a town hall meeting.

RESOLUTION 00-8897.....ITEM 13

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT, IN SUBSTANTIALLY THE FORM ATTACHED HERETO WITH CHANGES APPROVED BY THE CITY ATTORNEY, BETWEEN THE CITY OF NAPLES AND D. GARRETT CONSTRUCTION, INC., TO PROVIDE CONSTRUCTION MANAGEMENT AT RISK SERVICES FOR THE EXPANSION AND RENOVATION OF THE CAMBIER PARK BANDSHELL AND PAVILION IN AN AMOUNT NOT-TO-EXCEED \$1,126,314.00; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Kevin Rambosk (11:25 a.m.). Assistant City Manager William Harrison stated that the full contract is on file at the City Clerk's office. He clarified that the contract between the general contractor and the subcontractor for the space frame structure would contain the penalty clauses per previous Council direction. Mayor MacKenzie however reiterated her previous suggestion to establish construction timelines, and then impose penalties on any contractor or subcontractor not meeting them. Mr. Harrison affirmed that the City Attorney would review all contracts to ensure this addition prior to Council approval. Council briefly discussed size of punitive measures; however, Mr. Harrison noted the existence of industry standards, and suggested contacting Building Official William Overstreet for advice.

Architectural Network representative David Corbin stated that the design scheme approved by Council at the May 15th Workshop had a metal roof, 30-inch round columns, and a slightly different space frame. Architect Corbin then commented on design improvements, and pointed out a 20% increase in acoustical panels, movement of columns outward to allow

larger groups on stage, and significant reduction in the total project cost. Council Member Tarrant asked for the Naples Concert Band design preference.

Assistant City Manager William Harrison urged a decision on whether to pre-fund from the capital improvement budget the \$128,666 additional necessary for a metal roof. (See cost comparison contained in the file for this meeting in the City Clerk's office.) Council Member Galleberg stated his preference for the May 15th rendering calling the space frame grid and metal roof more aesthetically appealing; Council Member Wiseman voiced concern that the new design would appear dated. Council Member Taylor conveyed her support for the newer materials in the present submission. Architect Bruce Wade explained that although the appearance is similar, the fabric roof would produce a lighter feel to the structure as well as a lower life cycle cost, despite being strong and durable. (A sample of the aforementioned fabric is contained in the file for this meeting in the City Clerk's office.) The architects also briefly discussed the modifications, which they said they would now implement in either roof.

Public Input: (12:13 p.m.) **Gale Scott, 636 Portside Drive**, representing the Naples Concert Band, affirmed unanimous support for the current design and predicted this structure would be a great addition to Cambier Park. She suggested featuring it in a national magazine and recommended contacting the County Commission or the Tourist Development Council for additional funding. **James DeWitt, no address given**, and **Bob Tiffany, 1301 Seventh Street South**, both declined to speak when called.

City Attorney Beverly Grady stated that the proposed contract contains a section relative to liquidated damages that indicates a delay penalty of \$750 per day; however, she suggested that the architects also provide recommendations on industry standards. Architect Corbin stated he would contact a construction attorney on this matter.

MOTION by Herms to APPROVE RESOLUTION 00-8897 WITH THE UNDERSTANDING THAT STAFF WOULD MODIFY THE CONTRACT TO REFLECT PENALTY CLAUSES; seconded by Taylor and carried 6-0 (Galleberg-yes, Herms-yes, MacIlvaine-absent, Tarrant-yes, Taylor-yes, Wiseman-yes, MacKenzie-yes).

RESOLUTION 00-8898.....ITEM 14

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO FRANCHISE AGREEMENT, IN SUBSTANTIALLY THE FORM ATTACHED HERETO, WITH CHANGES APPROVED BY THE CITY MANAGER AND CITY ATTORNEY, BETWEEN PARADISE CARRIAGE SERVICES AND THE CITY OF NAPLES, RELATING TO THE USE OF CITY STREETS AND DESIGNATED CARRIAGE STOPS WITHIN THE LIMITS OF THE CITY OF NAPLES; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Kevin Rambosk (12:26 p.m.). Assistant City Manager William Harrison noted that Paradise Carriage is requesting a second carriage over and above the one previously approved in December. He confirmed that the second carriage would be bound by the same regulations as the first. Vice Mayor Herms made a motion to approve seconded by Council Member Wiseman; however, further discussion ensued. Although noting the company has been responsible in the exercise of its franchise, Mayor MacKenzie said she did not favor continuing this service on City streets. Council Member Tarrant noted that while several downtown merchants had indicated support of the expansion, they had registered concern regarding horse droppings. Petitioner John Shonk explained that only mares are used and that the horses wear diapers.

Public Input: None. (12:32 p.m.)

MOTION by Herms to APPROVE RESOLUTION 00-8898 AS SUBMITTED; seconded by Wiseman and carried 4-2 (Galleberg-no, Herms-yes, MacIlvaine-absent, Tarrant-yes, Taylor-yes, Wiseman-yes, MacKenzie-no.)

Although saying that the petitioner had operated in an exemplary fashion, Council Member Galleberg stated agreement with Mayor MacKenzie regarding this service.

.....ITEM 15

CONSIDER NOMINATING WALTER NEWMAN HALDEMAN FOR CONSIDERATION BY THE GREAT FLORIDIANS 2000 COMMITTEE. (12:32

p.m.) City Manager Kevin Rambosk stated that because Council had expressed interest in submitting a nomination for the Great Floridians 2000 program, it had contacted the Collier County Historical Society, which then recommended Walter Haldeman, him being one of the City founders involved with the Naples Improvement Company which had platted most of Old Naples. Mayor MacKenzie stated that a previous Council had submitted the name of Barron Collier, and City Manager Rambosk indicated that staff would present two additional nominees to Council in September.

Public Input: None. (12:34 p.m.)

MOTION by Herms to APPROVE ITEM 15 AS SUBMITTED; seconded by Taylor and carried 6-0 (Galleberg-yes, Herms-yes, MacIlvaine-absent, Tarrant-yes, Taylor-yes, Wiseman-yes, MacKenzie-yes.)

CONTINUEDITEM 16

CONSIDER A POLICY FOR ABSENTEE VOTING BY CITY COUNCIL MEMBERS (REQUESTED BY COUNCIL MEMBER TAYLOR) This item was continued to the August 16, 2000 Regular Meeting by prior motion (See Page 2).

CONTINUEDITEM 17

CONSIDER CONDUCTING EVENING CITY COUNCIL MEETINGS AND WORKSHOPS (REQUESTED BY COUNCIL MEMBER TAYLOR) This item was continued to the August 16, 2000 Regular Meeting by prior motion (See Page 2).

CONTINUEDITEM 18

CONSIDER REQUEST FOR DIRECTION ON HAMILTON HARBOR LITIGATION. This item was continued to the August 16, 2000 Regular Meeting by prior motion. (See Page 2).

ORDINANCE (First Reading).....ITEM 19

AN ORDINANCE AMENDING SECTION 2-43, AGENDA, OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES AUTHORIZING THE CITY MANAGER TO ESTABLISH ADMINISTRATIVE REQUIREMENTS AND PROCEDURES FOR PREPARATION OF THE AGENDA FOR REGULAR MEETINGS OF THE CITY COUNCIL; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE. (12:34 p.m.) Title read by City Manager Kevin Rambosk (12:34 p.m.). City Manager Kevin Rambosk explained that just as Council had established deadlines for receiving agenda packets, the existing ordinance had established submission deadlines for staff. Staff is requesting authority to amend its administrative time frames as appropriate, without having to approach Council each time. Mayor MacKenzie requested amending Section 1, sub-paragraph 4, regarding supporting data, to include submitting financial implications when appropriate.

Public Input: None. (12:39 p.m.)

MOTION by Herms to APPROVE ITEM 19 AT FIRST READING WITH DIRECTION TO STAFF TO AMEND LANGUAGE IN SECTION 1, SUB-

PARAGRAPH 4 TO INCLUDE FINANCIAL IMPLICATIONS, seconded
by Wiseman and carried 6-0 (Galleberg-yes, Herms-yes, MacIlvaine-absent,
Tarrant-yes, Taylor-yes, Wiseman-yes, MacKenzie-yes.).

CONTINUEDITEM 20

AN ORDINANCE AMENDING SUBSECTION (c) OF SECTION 106-235 OF THE
CODE OF ORDINANCES OF THE CITY OF NAPLES, BY ELIMINATING
REQUIREMENTS THAT CERTAIN NOXIOUS PLANTS BE REMOVED FROM
VACANT PROPERTIES WITHIN PLATTED, DEVELOPED SUBDIVISIONS,
INCLUDING AREAS ZONED PD, BY AUGUST 2, 2000; PROVIDING A
SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE
DATE. This item was continued to the August 14, 2000 Workshop Meeting by prior motion
(See Page 2).

RESOLUTION 00-8899.....ITEM 21

A RESOLUTION AUTHORIZING THE SETTLEMENT AGREEMENT BETWEEN
THE CITY OF NAPLES AND RUTH TRETTIS IN THE AMOUNT OF \$8,000 AS
SETTLEMENT OF THE LAWSUIT FILED AGAINST THE CITY CLAIMING
PERSONAL INJURIES ARISING OUT OF AN ALLEGED TRIP AND FALL
ACCIDENT; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager
Kevin Rambosk (12:38 p.m.).

Public Input: None. (12:38 p.m.)

MOTION by Wiseman to **APPROVE RESOLUTION 00-8899 AS
SUBMITTED**; seconded by Herms and carried 6-0 (Galleberg-yes, Herms-
yes, MacIlvaine-absent, Tarrant-yes, Taylor-yes, Wiseman-yes, MacKenzie-
yes.).

CORRESPONDENCE & COMMUNICATIONS (12:39 p.m.).....

Council Member Tarrant requested that Council consider implementing a 1-2% bed tax in
order to generate funds to finance needs, and suggested contacting the Florida League of
Cities to obtain information on other cities who may have already done so. City Attorney
Beverly Grady stated that she would investigate whether a municipality could make this
request of the legislative delegation.

MOTION by Herms to **DIRECT STAFF TO INVESTIGATE A CITY BED
TAX**; seconded by Taylor and carried 6-0 (Galleberg-yes, Herms-yes,
MacIlvaine-absent, Tarrant-yes, Taylor-yes, Wiseman-yes, MacKenzie-yes.).

Council Member Wiseman suggested reinstating parking meters on Fifth Avenue South
which had been removed to stimulate activity. This would generate revenue, relieve
congestion, and encourage more use of the parking garage, she said. Vice Mayor Herms
however cautioned that re-installation on Fifth Avenue or Third Street may discourage
patronage. Council Member Galleberg commented that the recent redevelopment and
parking garage have significantly changed the circumstances in that area, thereby warranting
reevaluation.

MOTION by Wiseman to **DIRECT STAFF TO INVESTIGATE USE OF
PARKING METERS IN COMMERCIAL AREAS**; seconded by Tarrant
and carried 5-1, (Galleberg-yes, Herms-no, MacIlvaine-absent, Tarrant-yes,
Taylor-yes, Wiseman-yes, MacKenzie-yes.).

City Manager Rambosk noted that he would be on vacation until the next Council meeting,
but that Assistant City Manager Harrison would be available in his absence.

OPEN PUBLIC INPUT (12:47 p.m.)
None.

ADJOURN
12:47 p.m.

Bonnie R. MacKenzie, Mayor

Tara A. Norman, City Clerk

Prepared by:

Jessica R. Rosenberg, Recording Specialist

Minutes approved: 9/6/00



May 15, 2000



July 31, 2000



Cambier Park Bandshell August 2, 2000

ARCHITECTURAL
NETWORK INC.
1000 10th Avenue, Suite 100
Boulder, CO 80502