

## **Annotated**

*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: Bonnie R. MacKenzie**

**Vice Mayor: Joseph Herms**

**City Council: Gary Galleberg, William MacIlvaine, Fred Tarrant, Penny Taylor, Tamela Wiseman**

**City Attorney: Beverly Grady · 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 5 minutes and that large groups name a spokesperson whenever possible. Thank you for your interest and participation in City government.

---

## **Regular Meeting**

**Wednesday, November 15, 2000**

**Convened 9:00 a.m. / Adjourned 6:57 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.naplesgov.com> 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 - *Fr. Richard Peter Mueller, St. Peter's Catholic Church*
3. Announcements  
*Proclamation – Retired Educators of Florida; Pier reopening ceremony to be held at noon*
4. Set agenda (*add or remove items*)
  - Item 11* – *withdrawn by staff*
  - Item 14* – *continued to 12/6/00 at request of staff*
  - Item 5-b-5* – *Changed to Item 22-b for inclusion with Wilkinson House discussion*
  - Item 18* – *Roll-on/roll-off truck purchase / Galleberg / Wiseman / 7-0*
  - Item 19* – *FPL easement at Naples Airport / Galleberg / Wiseman / 7-0*
  - Item 20* – *Authorize City Manager to hire attorney for Code Enforcement Board case*  
*Galleberg / Wiseman / 7-0*
  - Item 21* – *Discussion of County buses and routing / Galleberg / Wiseman / 7-0*
  - Item 22* – *Discussion of Wilkinson House (operations, management, finance)*  
*Galleberg / MacIlvaine / 7-0*
  - Item 23* – *Discussion with City Attorney relative to Code of Ordinances Section 2-44*  
*Wiseman / Galleberg / 7-0*
  - Item 24* – *Naples Preserve: a) uses of building; b) appoint new member; c) membership on Steering Committee / Wiseman / Galleberg / 7-0*
  - Item 25* – *Discussion of City Manager's pension (pursuant to previous meeting)*  
*Wiseman / Galleberg / 7-0*

---

**City Council will recess from 12:00 p.m. – 1:30 p.m.**

---

### **NOTICE**

Formal action may be taken on any item discussed or added to this agenda. Any person who decides to appeal any decision made by the City Council with respect to any matter considered at this meeting (or hearing) will need a record of the proceedings and may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be heard. Any person with a disability requiring auxiliary aids and services for this meeting may call the City Clerk's Office at 434-4701 with requests at least two business days before the meeting date.

*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.*

## Scheduled Agenda Items

Some of the items on the following agenda may have been scheduled for an estimated time, however, none of the items will be considered EARLIER than the scheduled time. 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, including the Consent Agenda, will be considered at the discretion of the Council and may be taken out of numerical order.

<b>Consent Agenda</b>	
<u><b>Consent agenda approved</b></u> <b>MacIlvaine / Galleberg / 7-0</b>	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.
	5-a. Approval of Minutes. <b>10/16/00 Special Workshop; 10/16/00 Workshop; and 10/25/00 Town Hall Meeting</b>
<b>•Community Services</b>	5-b. Approve the following special events:
<u><b>All approved EXCEPT 5-b-5(which</b></u> <u><b>renumbered as Item 22) see above motion</b></u>	(1) Salvation Army Red Kettle Kickoff (Sugden Plaza) 11/24/00.
	(2) Eckert Fine Art Gallery (12 <sup>th</sup> Avenue South) 12/2/00.
	(3) Native American Demonstration (Seagate Elementary School) 12/11/00.
	(4) Naples Black Heritage Cultural Celebration (River Park) 2/3/01.
	( <del>5</del> )22 Falconer Jones III Wedding (Wilkinson House) 2/10/01.
<b>•Resolution</b>	5-c. Waive competitive bids and issue a purchase order (pursuant to St. Lucie County bid) for a 3-reel mowing tractor \
<b>•Community Services</b>	Vendor: Wesco Turf, Inc., Sarasota, Florida \ Amount: \$19,500.00 \ Funding: CIP #01F53.
<u><b>00-9017 / See above motion</b></u>	5-d. Authorize the expenditure of \$1,500.00 of law enforcement trust funds in order to support "TRIAD" crime prevention programs for senior citizens.
<b>•Resolution</b>	<b>End of Consent Agenda</b>
<b>•Police and Emergency Services</b>	6. <b>Public Hearing</b> to consider a variance in order to remodel part of an existing single-family residence and to construct a structurally independent landward addition, swimming pool, garage, driveway, retaining walls, fill placement, buried revetment and landscaping Gulfward of the Coastal Construction Setback Line, at 2 Gulf Shore Blvd., South.
<u><b>00-9018 / See above motion</b></u>	
<b>•Resolution</b>	
<b>•City File CCSL 00-06</b>	
<b>•Petitioner: Thomas and Susan White</b>	
<b>•Petitioner's Agent: Brett Moore, P.E.,</b>	
<b>Humiston &amp; Moore Engineers</b>	
<b>•Staff recommendation for approval</b>	
<u><b>00-9019 / Wiseman / MacIlvaine / 7-0</b></u>	

*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.*

---

**•Resolution**

**•City File CCSL 00-08**

**•Petitioner: Tides Inn Acquisition**

**Company L.C.**

**•Petitioner's Agent: Brett Moore, P.E.,  
Humiston & Moore Engineers**

**•Staff recommendation for approval**

**CONTINUE to 12/6/00**

**Herms / Taylor / 7-0**

---

**•Resolution**

**•City File CCSL 00-09**

**•Petitioner: Robert L. Blanton**

**•Petitioner's Agent: Brett Moore, P.E.,  
Humiston & Moore Engineers**

**•Staff recommendation for approval**

**00-9020 / Herms / Tarrant / 6-1**

**(MacIlvaine dissenting)**

---

**• 2 Resolutions**

**•City Manager**

**CONTINUE to 12/6/00 (or until such time  
as full information is available)**

**Galleberg / MacIlvaine / 6-1**

**(Tarrant dissenting)**

---

**•Resolution**

**•Petitioner: John Farquhar, Esq. and  
Donald Pickworth, Esq.**

**•Staff recommendation for approval**

**00-9021 AS AMENDED to add Section  
1-b that any building permit issued after  
11/15/00 shall not exceed the height  
limitation in the Charter, Sec. 14.1**

**Galleberg / Wiseman / 7-0**

---

**•Bid 0006-01**

**•Public Works**

**Withdrawn by staff; see Page 1**

---

7. **Public Hearing** to consider a variance in order to demolish an existing transient lodging facility and to construct a new multifamily residential condominium over parking, a swimming pool, a driveway, and landscaping Gulfward of the Coastal Construction Setback Line, at 1801 Gulf Shore Blvd., North.

---

8. **Public Hearing** to consider a variance in order to demolish an existing single-family residence and to construct a new single-family residence, swimming pool and deck, fill placement and landscaping Gulfward of the Coastal Construction Setback Line, at 649 Gulf Shore Blvd., North.

---

9. Consider the following requests for installations on Naples Pier:  
9-a. WFTX remote weather sensor.  
9-b. Naples Daily News web camera.

---

10. Consider amending the Coastland Mall Development of Regional Impact (DRI) in order to extend the build-out date to October 31, 2002.

---

11. Consider an annual bid for products, equipment, and maintenance for odor/corrosion control in the City's wastewater collection and treatment systems \ Vendor: Enviro-Tech, Fort Myers, Florida \ Amount: \$113,000.00 \ Funding: Water/Sewer Chemicals Account.

---

**Regular Meeting of Wednesday, November 15, 2000 - Page 4**

*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.*

**•Resolution**  
**•Public Works**  
**•Continued from 10/18/00**

---

***00-9022 / Wiseman / MacIlvaine / 7-0***

**•Resolution**  
**•City Manager**  
**•Continued from 10/18/00**

***CONTINUE to 12/6/00 regular meeting***  
***MacIlvaine / Herms / 7-0***

**•City Manager**  
**•Continued from 10/18/00**

---

***Continued to 12/6/00 by staff; see Page 1***

**•Resolution**  
**•City Manager**

---

***00-9024 / Galleberg / Wiseman / 7-0***

**•Budget Amendment**  
**•City Manager**

***APPROVE / MacIlvaine / Galleberg / 7-0***

**Added Item**

***APPROVE payment of \$60,716.11 to Mae Davis over 24 month period***  
***Wiseman / Herms / 5-2 (Galleberg and MacKenzie dissenting)***

**Added Item**

---

***00-9023 / Wiseman / MacIlvaine / 7-0***

**Added Item**

***00-9027 / Galleberg / MacIlvaine / 7-0***

**Added Item**

***City Attorney and City Manager to make recommendation of attorney for City Council to hire at future meeting***  
***Herms / Tarrant / 4-3 (Galleberg, Wiseman and MacKenzie dissenting)***

12. Consider a professional services contract for the design of waterline improvements on Rum Row in Port Royal (Treasure Lane to north of Nelson's Walk) \ Contractor: Davidson Engineering \ Amount (not to exceed): \$10,300.00 \ Funding: CIP #99K32, Water/Sewer Fund.

---

13. Consider requesting that the Board of County Commissioners reenact the unincorporated MSTU (Municipal Special Taxing Unit) to partially fund the Sheriff's budget.

---

14. Consider the settlement agreement (with various interests) proposed by South Florida Water Management District pertaining to the Calusa Bay wells.

---

15. Consider an interlocal agreement with Collier County and the District School Board of Collier County regulating use of three government channels provided by MediaOne.

---

16. Consider a budget amendment for uncompleted capital projects for Fiscal Year 2000.

---

17. Discussion of an employee retirement settlement agreement.

---

18. Authorization to purchase roll-on/roll-off truck for Solid Waste Division

---

19. Grant easement to Florida Power & Light at Naples Airport (Von Lieberg hangar).

---

20. Authorize hiring of attorney to represent City staff relative to Code Enforcement Board case.

---

*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.*

---

**Added Item**

***a) CONSENSUS for Mayor to represent Council at upcoming County meeting on bus service***  
***b) City Attorney to render opinion relative to Sunshine Law implications of two or more members of one collegial body attending and participating in the meeting of another group whose meeting was unnoticed as to their attendance***  
***Wiseman / Galleberg / 7-0***

---

21. Discussion of County buses and routing.

---

**Added Item**

---

22. Discussion of Wilkinson House (operations, management, finance)

- 1) Sell the property and direct staff to obtain two appraisals / Herms / MacIlvaine / 7-0 (staff directed to seek services of Carroll & Carroll, firm used on previous appraisal)***

***2) Notify bank to modify bond (no longer tax-exempt) and have City deal with gross-up issues as outlined in letter from bond counsel McWilliams / Herms / MacIlvaine / 7-0***

***3) Direct staff to initiate a Small Scale Comprehensive Plan amendment to rezone property from PS Public Service to R1-15 Single Family Residential / Herms / MacIlvaine / 7-0***

***4) Instruct City Attorney Grady to begin drafting a sales contract and related documents, including deed restrictions (to preserve as historic site) for Council review / Taylor / Wiseman / 7-0***

***5) Allow Collier County Historical Society to hold the Designer Showcase with the following conditions: a) designers must respect construction of home and integrity of tabby walls; b) lease payment from CCHS for this activity will be \$500; c) CCHS must submit daily list of volunteers signed by volunteers; d) City staff will only open, close and monitor during time of CCHS use with one staff member assigned; e) should sufficient CCHS volunteers not arrive within 1/2 hour of City staff opening home, staff will close home and not reopen that day; e) CCHS to provide City with indemnification and insurance; f) CCHS will be responsible for cleanup (if cleanup not accomplished, City will bill CCHS); g) City Manager authorized to propose above conditions to CCHS; and h) City Manager and Mayor authorized to withdraw proposal if issues arise which cannot be resolved / Taylor / Tarrant / 5-2 (Galleberg and Wiseman dissenting).***

***6) Honor commitment for two weddings (one of which was shown as Item 5-b-5) scheduled at the Wilkinson House / Taylor / Herms / 5-1 (MacIlvaine dissenting, Taylor absent).***

***7) Direct staff to contact the CCHS relative to their remitting the rental fees and ancillary fees collected for events which are scheduled to take place after the CCHS is no longer in charge of the home / Taylor / Herms / 7-0***

***8) Direct City Manager to seek an attorney to look into who may have been responsible for the Wilkinson House bond issue having been incorrectly sold as a tax free municipal bond; City Manager to return to Council with recommendation on attorney / Tarrant / Wiseman / 6-1 (MacIlvaine dissenting).***

*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.*

<hr/> <div>Added Item</div> <div><b><u>DIRECT STAFF</u> to place on 12/6/00 regular meeting agenda an amendment to Section 2-44 that items may be added to the agenda by 4/7 vote</b> <b><i>Herms / Tarrant / 4-3 (Galleberg, Wiseman and MacKenzie dissenting)</i></b></div> <hr/>	<div>23.</div> <div>Discussion with City Attorney relative to Code of Ordinances Section 2-44</div> <hr/>
<div>Added Item</div> <div><b><u>Order of consideration: A, C &amp; B</u></b> <b><i>a) Approve Items 1, 2 and 3 (City Manager's memo of 11/10/00) / Herms / Tarrant / 4-3 (Wiseman, Galleberg &amp; MacKenzie dissenting)</i></b> <b><i>c) 00-9025 / Herms / Tarrant / 7-0</i></b> <b><i>b) 00-9026 (appointing Morris)</i></b> <b><i>Herms / Tarrant / 7-0</i></b> <b><u>Consensus</u> to continue to use present City logo instead of creating separate logo for Naples Preserve</b> <b><u>Consensus</u> to improve wording on "no trespassing" signs so as to comply with legal requirements but not offend taxpayers</b> <b><u>SCHEDULE</u> for 12/18/00 workshop (8:30 a.m.) for detailed presentation from Steering Committee on proposed use of Chamber of Commerce building / Herms / Tarrant / 7-0</b></div> <hr/>	<div>24.</div> <div>Naples Preserve: a) uses of building; b) appoint Steering Committee member; and c) Steering Committee membership</div> <hr/>
<div>Added Item</div> <div><b><u>CONTINUE</u> to 12/6/00 regular meeting</b> <b><i>Galleberg / Wiseman / 7-0 (City Manager to hold separate discussions with individual Council Members)</i></b></div> <hr/>	<div>25.</div> <div>Discussion of City Manager's pension.</div> <hr/>
<hr/> <div>Correspondence and Communications</div> <div><b><i>Wiseman – adherence to <u>break time</u> noted on Council agendas</i></b> <b><i>Taylor – video tape copies to Council Members on <u>Naples Preserve</u></i></b> <b><u>MOTION</u> to place on 12/6/00 agenda a determination of whether to broadcast <u>Naples Preserve</u> video on City's cable channel / Herms / Tarrant / 4-3 (Galleberg, Wiseman and MacKenzie dissenting)</b> <b><u>MOTION</u> to place on 12/6/00 agenda possible <u>appointment of Airport Authority member</u> based on previous interviews (as well as one candidate who was unable to attend that interview cycle)</b> <b><i>Herms / Tarrant / 4-3 (Galleberg, Wiseman and MacKenzie dissenting)</i></b> <b><i>Herms -dating of ordinances/resolutions</i></b> <b><i>Tarrant – reconsideration of <u>Norrins/Lorcar project</u>.</i></b> <b>Open Public Input - None</b> <b>Adjourn – 6:57 p.m.</b></div> <hr/>	

**Order of Consideration: 1, 2, 3, 4, (11), (14), 5, 6, 7, 8, 9, 10, 22, 12, 18, 15, 16, 24, 13, 25, 17, 19, 20, 21, 23, Correspondence, Public Input**