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Annotated 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, May 16, 2001

Convened 9:00 a.m. / Adjourned 7:25 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, 213-1015. 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 – *Galleberg absent*
2. Invocation and Pledge of Allegiance – *Pastor Martin Green, East Naples United Methodist*
3. Announcements
 - Law Enforcement Appreciation Week Proclamation
 - National Alliance for Children Award
4. Set agenda (*add or remove items*) *Set agenda adding items below / Herms / MacIlvaine / 6-0*
 - Add Item 8-f *Authorization for \$15,694 in street sweeper repairs / Taylor / Wiseman / 6-0*
 - Add Item 8-g *Special event permit request for Gulf Coast Runners / Herms / Wiseman / 6-0*
 - Add Item 9-b *Determination of City Attorney services on bond issues*
 - Wiseman / MacIlvaine / 6-0*
 - Add Item 22 *Appoint a Council Member to pier concession committee*
 - Taylor / MacIlvaine / 6-0*
 - Add Item 23 *Support of geographical split option proposed for local telephone area codes*
 - MacIlvaine / Taylor / 6-0*
 - Add Item 24 *Discussion of pass-thru costs for solid waste disposal / Herms / Tarrant / 6-0*
 - Add Item 25 *Legislative authorization for 4-way stops at Sixth Street and Third Avenue South*
 - Wiseman / MacIlvaine / 6-0*
 - Add Item 26 *Discussion of 10-point River Park Coalition For Justice proposal and comments received at the River Park Town Hall Meeting of 5/15/01 / Taylor / Herms / 6-0*
 - (It was determined that Item 26 would be considered at 5:00 p.m.)*
5. Public Comment - *None*

City Council will recess from 12:00 noon – 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 213-1015 with requests at least two business days before the meeting date.

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.

•Second Reading of an Ordinance
•Rezone Petition 01-R6
•Petitioners: Lorcar, Inc.,
TIB Bank of the Keys, and
Newblock 1, Inc.
•Agent: Leo Salvatori, Esq.
•Approved on First Reading 5/2/01
01-9185 / MacIlvaine / Taylor / 4-2
(Herms and Wiseman dissenting,
Galleberg absent)

•Second Reading of an Ordinance
•Text Amendment Petition 00-T16
•Petitioner: City of Naples
•Approved on First Reading 5/2/01
01-9193 / MacIlvaine / Herms / 4-2
(Wiseman and MacKenzie dissenting,
Galleberg absent)

Approve Consent Agenda Items 8-a (4/2/01 Workshop), 8-d,8-e and 8-g / MacIlvaine / Herms / 6-0 (Galleberg Absent)

•Resolution
•Bid #44-01
•Community Services

01-9186 / Taylor / Herms / 6-0
(Galleberg absent)

•Purchase Order
•Building & Zoning

Continue to 6/6/01 Regular Meeting
Taylor / MacIlvaine / 6-0
(Galleberg absent)

Scheduled Items

9:15 a.m.

6. **Public Hearing** to consider amending the Planned Development document for City Center Plaza, property bounded on the east by US 41 North, on the south by 5th Avenue North, on the west by 8th Street North, and on the north by 6th Avenue North in order to bring the proposed development into closer compliance with height requirements adopted since its original approval.

1:30 p.m.

7. **Public Hearing** to consider amending Article IV of Chapter 78 of the Code of Ordinances in order to clarify the landside facility definition and to establish procedures to enforce the charter boat regulations.

Consent Agenda

8. 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.
- 8-a. Approval of Minutes.
- 8-b. Authorize a contract for the installation of planter boxes, landscaping, and irrigation on the Gordon River Bridges \ Contractor: Outdoor Legacy, Inc., Moultrie, Georgia \ Cost: \$89,517.30 \ Funding: CIP#97I10.
- 8-c. Authorize purchase of a vehicle (2001 Crown Victoria) for use by Zoning Enforcement \ Vendor: Tamiami Ford, Inc., Naples, Florida \ Cost: \$20,659.00 \ Funding: Building and Zoning Unrestricted Reserves.
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•Resolution
•Public Works

01-9188

•Resolution
•Public Works

01-9189

•Added Item
•Resolution
•Public Works

01-9187 / Herms / Tarrant / 6-0
(Galleberg absent)

•Added Item
•Community Services

•Second Reading of an Ordinance
•Finance
•Approved on First Reading 5/2/01

*9-a. 01-9190 / Wiseman / MacIlvaine
6-0 (Galleberg absent)*

*9-b. Use Roetzel & Andress for City
Attorney certification @ \$1,200 to \$1,500
per bond issue to be billed along with
regular contract hours and use Jack
McWilliams as primary legal authority on
the bond issues / MacIlvaine / Herms
4-2 / (Tarrant and Wiseman dissenting,
Galleberg absent)*

•Second Reading of an Ordinance
•Rezone Petition 00-R6
•Petitioner: City of Naples
•Approved on First Reading 5/2/01

01-9191 / MacIlvaine / Taylor / 6-0
(Galleberg absent)

•Second Reading of an Ordinance
•Planning Department
•Approved on First Reading 5/2/01

01-9192 / Wiseman / MacIlvaine / 4-2
(Herms and Tarrant dissenting,
Galleberg absent)

8-d. Authorize a first amendment to the contract with D.N. Higgins, Inc., in the amount of \$10,640.38, relating to construction improvements at the Port Royal water storage tank site.

8-e. Waive competitive bids and authorize a contract for interior construction upgrades at the Equipment Services Building \ Contractor: Alexander Spears Construction, Inc., Naples, Florida \ Amount: \$25,224.00 \ Funding: CIP#01L24.

8-f. Authorization to waive competitive bidding to obtain repairs in the amount of \$15,694.61 for the City's Johnston 605 street sweeper / Vendor: Florida Municipal Equipment, Inc. / Funding: stormwater account

8-g. Special event permit – Gulf Coast Runners Annual Waterworks Triathlon – 6/3/01

End of Consent Agenda

9. Items relating to issuance of bonds:

9-a. **Public Hearing** to consider providing for the issuance of up to \$10,450,000 in Public Service Tax Revenue Bonds, Series 2001, in order to fund the costs of certain municipal improvements.

9-b. Determination of City Attorney services on bond issues.

10. **Public Hearing** to consider an ordinance applying the standards of the Recreational Vehicle Storage Overlay District (Chapter 102, Article III, Division 7 of the Code of Ordinances) to all properties in the Royal Harbor Subdivision.

11. **Public Hearing** to consider adopting the 2000 Level of Service Report for submission to the Florida Department of Community Affairs.

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- Second Reading of an Ordinance
 - Text Amendment Petition 00-T2
 - Petitioner: City of Naples
 - Approved on First Reading 5/2/01

Motion to approve/ MacIlvaine / Taylor
FAILED 3-3 (Herms, Wiseman and
MacKenzie dissenting, Galleberg absent)

- Resolution
- Residential Impact Statement
- Petition 01-RIS6
- Petitioner: Bacchus of Naples, Inc.
- Agent: Richard Yovanovich

WITHDRAWN by petitioner

- 2 Resolutions
- Live Entertainment Petition 01-LE3
- Residential Impact Statement
- Petition 01-RIS7
- Petitioner Rimaco Corporation
- D/B/A Vergina
- Agent: Lou Vlasho

- Staff recommendation for approval

14-a. 01-9195 / Wiseman / Taylor / 4-2
(Herms and MacIlvaine dissenting,
Galleberg absent)

14-b 01-9196 /Wiseman / Taylor / 6-0
(Galleberg absent)

- Resolution
- Fence and Wall Waiver
- Petition 01-FWW3

- Petitioners: Lee & Katherine Anderson
- Agent: John Passidomo

01-9194 / Tarrant / Taylor / 5-1
(Herms dissenting, Galleberg absent)

- First Reading of an Ordinance
- Text Amendment Petition 01-T9
- Petitioner: City of Naples

APPROVED / MacIlvaine / Taylor / 5-1
(Wiseman dissenting, Galleberg absent)

- Resolution
- Community Services

01-9197 / Wiseman / Taylor / 6-0
(Galleberg absent)

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12. **Public Hearing** to consider adding Division 6 to Chapter 86, Article II, of the Code of Ordinances in order to establish an Architectural Review Board for the review of commercial development and to provide for certain exemptions from Section 2-463, standards of conduct for public officials, as it relates to Architectural Review Board Members.

 13. Consider a residential impact statement petition for Bacchus of Naples, Inc., 301 Fifth Avenue South, in order to permit outdoor seating on private property for wine tasting and educational events.

 14. Consider the following as it relates to Vergina Restaurant, 700 Fifth Avenue South:
 - 14-a. Approval for live entertainment in accordance with Section 110-128 of the Code of Ordinances
 - 14-b. Residential Impact Statement in accordance with Section 110-135(a)(6) of the Code of Ordinances

 15. Consider a waiver from Section 110-37(a)(2.1)f. of the Code of Ordinances in order to permit additional height for gates and gate posts and additional width for gate posts at 3054 Gordon Drive.

 16. Consider amending Section 86-211 of the Code of Ordinances in order to establish a procedure for vested rights claims arising from City Charter amendments limiting commercial building height.

 17. Consider ranking the top three firms, in order of preference, to provide design services and equipment/installation for the Anthony Park Playground and authorizing a contract with the top ranked firm.

**•Resolution
•Development Services**

**01-9199 / Wiseman / MacIlvaine / 6-0
(Galleberg absent)**

**•Resolution
•Development Services**

**01-9200 / Herms / MacIlvaine / 6-0
(Galleberg absent)**

**•Resolution
•Development Services**

**01-9201 / MacIlvaine / Herms / 6-0
(Galleberg absent)**

**•Resolution
•City Manager**

**01-9198 / Wiseman / Taylor / 6-0
(Galleberg absent)**

**•Added Item
•City Manager**

**APPOINT Council Member Tarrant
MacIlvaine / Taylor / 6-0
(Galleberg absent)**

**•Resolution
•Added Item**

•Pursuant to 5/15/01 Workshop

**01-9203 / MacIlvaine / Taylor / 6-0
(Galleberg absent)**

**•Added Item
•Public Works**

Discussion only.

**•Added Item
•Resolution**

•Pursuant to 5/15/01 Workshop

**01-9202 / Herms / MacIlvaine / 6-0
(Galleberg absent)**

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18. Consider a contract, in accordance with Annual Bid #2000-22, for construction of Fifth Avenue North Phase II improvements \ Contractor: Bonness, Inc., Naples, Florida \ Cost: \$154,167.23 \ Funding: CIP#00C12.

 19. Consider a contract, in accordance with Annual Bid #2000-22, for street and drainage improvements on Bowline Drive \ Contractor: Bonness, Inc., Naples, Florida \ Cost: \$92,883.44 \ Funding: CIP#97U31.

 20. Consider confirming the public use of the proposed Harbour Drive Bridge improvements and requesting a public easement within State Sovereignty Submerged Lands.

 21. Consider a first amendment to the contract with Owen-Ames-Kimball relating to construction management at risk services for the expansion/renovation of the Purchasing Department warehouse, Community Services/Purchasing office building, and the wastewater laboratory building.

 22. Consider appointing a City Council member to the committee to rank proposals for the Naples Pier concession.

 23. Consider supporting geographical split option proposed for local telephone area codes.

 24. Discussion of pass-thru of Collier County landfill fees to City sold waste customers pursuant to Resolution 93-7055.

 25. Consider authorizing four-way stop controls at the intersection of Eighth Street South/Tenth Street South and Sixth Street South/Third Avenue South.

Added Item

HOLD SPECIAL CITY COUNCIL MEETING (5/22/01 at 5:30 p.m.) to discuss recommendations on Police & Emergency Services Dept complaint process based on meeting between staff and community groups / Taylor / Herms /6-0 (Galleberg absent)

DIRECT STAFF TO RETURN TO COUNCIL WITH RECOMMENDATIONS FOR SENSITIVITY TRAINING for all City departments and City Council, said training to be provided by professionals either from the local area or elsewhere whose services will be engaged by City Council / Herms / Taylor / 6-0 (Galleberg absent)

EXPEND all funds budgeted for Royal Poinciana improvements on River Park community / Herms / Tarrant / **FAILS** 2-4 (MacIlvaine, Taylor, Wiseman and MacKenzie dissenting, Galleberg absent)

REAFFIRM expenditure of \$2-million to \$3-million of bond issue proceeds on River Park Center / MacIlvaine / Wiseman / 6-0 (Galleberg absent)

HOLD MEETING (prior to next City Council session) on 10-point River Park Coalition For Justice plan to be attended by Mayor, City Manager, City Attorney, and representatives of the Sheriff's Office, County administration, Coalition, NAACP, Haitian community, and Hispanic community, in order to develop programs and budgets / Herms / Tarrant 6-0 (Galleberg absent)

26. Discussion regarding 10-point River Park Coalition For Justice proposal and comments received at the River Park Town Hall Meeting of 5/15/01.

Correspondence and Communications - None
Public Comment - None
Adjourn - 7:25 p.m.