

Revised 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: 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, June 20, 2001

Convened 9:02 a.m./Adjourned 11:10 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 – *Taylor arrived 9:04 a.m.*
2. Invocation and Pledge of Allegiance – *Rev. David Mallory, First Assembly of God*
3. Announcements – *None*
4. Set agenda (*add or remove items*)
Add Items 25-a and 25-b/Release of liens/Herms/Wiseman/7-0
Add Item 26/Exec. Session (1:30 p.m) relative to Wilkinson House litigation/Herms/MacIlvaine 7-0
Add Item 27/Exec. Session (2:45 p.m) relative to Wharton Smith litigation/Herms/MacIlvaine 7-0
Add Item 28/Gulf Coast Youth Football/Naples Gators request to lease the Fleischmann Park football facility/Herms/Taylor/7-0
Add Item 29/City Dock landside facility petition/Herms/MacIlvaine/7-0

Set agenda removing Items 6-b, 6-c, 6-d, and 6-k from the Consent Agenda for separate discussion; deleting Items 6-f and 8 from the agenda; amending Item 11 to 11-a (architectural embellishments) and 11-b (height and lot coverage bonuses); and adding the above items as noted
Herms/MacIlvaine/7-0
5. Public Comment – *None*

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

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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.

Consent Agenda

6. 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 with the exception of Items 6-b, 6-c, 6-d, and 6-k (6-h later removed from Consent Agenda)
Wiseman/MacIlvaine/7-0*

- 6-a. Approval of Minutes.
3/19/01 Workshop, 4/18/01 Regular (scrivener's error on Page 18 noted), 5/25/01 Special, and 6/4/01 Special/Wiseman/MacIlvaine/7-0

•Special Events Committee
•Community Services

- 6-b. Approve the following special events:
(1) Haynes private party (415 11th Avenue South) - 7/4/01
(2) Corradi private party and fundraiser (76 13th Avenue South) - 7/4/01
(3) Collections: Art, Artifacts, Antiquity customer appreciation event (Park Street) - 7/12/01
Approve/Galleberg/Wiseman/7-0

•Resolution
•Public Art Advisory Committee
recommendation for approval

- 6-c (1). Authorize a \$5,000.00 contribution to the United Arts Council of Collier County to assist in funding the Collier County Arts Needs Assessment \ Funding: Fiscal Year 2001 General Fund.

Deny/Wiseman/MacIlvaine/6-1 (Herm's dissenting)

- 6-c (2). Authorize placement of fiberglass alligators on public property/rights-of-way as part of the "Gators Galore" joint fundraising effort benefiting the Boys and Girls Club of Collier County and the von Liebig Art Center (January through April, 2002)

see motion for 6-c(2) on next page

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Approve specifying no more than 6 statues on public property and no more than 50% within City limits/Herms/MacIlvaine/5-2 (Tarrant, Wiseman dissenting)

<hr/> <p>•Resolution •City Manager</p> <hr/>	<p>6-d. Authorize a \$50,000.00 contribution to the Naples Airport Authority Airport Road Beautification Project \ Funding: Fiscal Year 2001 Budget. <i>01-9244/MacIlvaine/Galleberg/5-1 (Tarrant dissenting, Wiseman abstaining)</i></p> <hr/>
<p>•Resolution •City Manager</p> <hr/>	<p>6-e. Authorize an interlocal agreement providing for membership in the Florida Intergovernmental Finance Commission. <i>01-9236/Wiseman/MacIlvaine/7-0</i></p> <hr/>
<p>•Resolution •City Manager</p> <hr/>	<p>6-f. Authorize a contract with Comcast Cablevision for development of an institutional network (I-net) for City facilities\ City's Cost: \$50,500.00 \ Funding; Information Services Fund (unrestricted reserves). <i>Deleted by prior motion (see Page 1.)</i></p> <hr/>
<p>•Resolution •Bid #51-01</p> <hr/>	<p>6-g. Authorize a contract for landscaping and irrigation improvements on Gulf Shore Boulevard North between Harbour Drive and Doctors Pass \ Contractor: Hannula Landscaping, Inc., Bonita Springs, Florida \ Cost: \$70,454.15 \ Funding: CIP#01F18. <i>01-9237/Wiseman/MacIlvaine/7-0</i></p> <hr/>
<p>•Resolution •Development Services</p> <hr/>	<p>6-h. Authorize a contract for surveying services as part of the Drainage Basin III Stormwater Improvement Project \ Engineer: Johnson Engineering, Inc., Naples, Florida \ Cost: \$23,500.00 \ Funding: CIP#99V14. <i>01-9245/Herms/Tarrant/7-0</i></p> <hr/>
<p>•Resolution •Public Works</p> <hr/>	<p>6-i. Waive competitive bids and authorize the rebuilding of one motor driven gearbox at the Water Treatment Plant \ Vendor: Miller Bearings, Fort Myers, Florida \ Cost: \$23,500.00 \ Funding: CIP#01K50. <i>01-9238/Wiseman/MacIlvaine/7-0</i></p> <hr/>

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•Resolution
•City of Fort Lauderdale Bid #8267
•Public Works

- 6-j. Waive competitive bids and authorize a contract, based upon a City of Fort Lauderdale bid, for replacement of water meters \ Vendor: Metro Meter Service, Owensboro, Kentucky \ Cost (not to exceed): \$40,000.00 \ Funding: CIP#01L02.

01-9239/Wiseman/MacIlvaine/7-0

•Community Services
•Bid #048-01

- 6-k. Award a bid for lumber materials to be used for the Naples Preserve boardwalk \ Vendor: Pride Enterprises, Tallahassee, Florida (pressure treated lumber) \ Cost: \$13,187.55 \ Vendor: Marine Lumber Supply, Naples, Florida (IPE wood material) \$47,718.16 \ Funding: Naples Preserve Account.

***Continue Ipe wood decking decision until 8/15/01
Regular Meeting/Galleberg/Wiseman/6-1 (Tarrant dissenting)***

***01-9253/Approve purchase of the pressure treated
lumber/Herms/Galleberg/7-0***

•Resolution
•Final Subdivision Plat Petition 01-SD11
•Petitioner: Estuary at Grey Oaks, Ltd.
•Agent: John C. English, P.E.
•Staff recommendation for approval

- 6-l. Approve a final subdivision plat petition in order to subdivide property known as Tract B at the Estuary at Grey Oaks.

01-9240/Wiseman/MacIlvaine/7-0

•Resolution
•Natural Resources

- 6-m. Authorize the placement of riprap on the shoreline of a lake at 500 Yucca Road.

01-9241/Wiseman/MacIlvaine/7-0

End of Consent Agenda

Scheduled Items

9:15 a.m.

•2 Resolutions
•Live Entertainment Petition 01-LE5
•Residential Impact Statement
Petition 01-RIS9
•Petitioner: Restaurant on the Bay, Inc.
•Staff recommendation for approval
•Continued from 6/6/01

7. Consider the following as it relates to the Restaurant on the Bay, 4236 Gulf Shore Boulevard North:

- 7-a. Approval for live entertainment in accordance with Section 110-128 of the Code of Ordinances

***01-9242 with the understanding that the music will
be non-amplified/Wiseman/MacIlvaine/7-0***

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

***01-9243 with the understanding that the music will
be non-amplified/Wiseman/Galleberg/7-0***

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End Scheduled Items

•2 Resolutions
•Live Entertainment Petition 01-LE6
•Residential Impact Statement
Petition 01-RIS10
•Petitioner LaMar Restaurants, Inc.

8. Consider the following as it relates to Zoe's Restaurant, 720 5th Avenue South, Suite 101:
- 8-a. Approval for live entertainment in accordance with Section 110-128 of the Code of Ordinances

Deleted by prior motion (see Page 1.)

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

Deleted by prior motion (see Page 1.)

•First Reading of an Ordinance
•Community Services

9. Consider amending Section 46-67 of the Code of Ordinances in order to update recreational fees for services administered by the Community Services Department.

Approve with staff recommendations

Galleberg/MacIlvaine/6-1 (Herms dissenting)

•Resolution
•Community Services

10. Consider agreeing to reference the Fleischmann Park Master Plan in the City's amended Comprehensive Plan in order to meet prerequisites in the application for a U.S. Department of Interior (Land and Water Conservation Fund) grant.

01-9254/Herms/MacIlvaine/7-0

•First Reading of an Ordinance
•Text Amendment Petition 01-T3
•Petitioner: City of Naples
•Planning Advisory Board
recommendation for approval

11. Consider amending Sections 82-10, 110-39, 102-328, 102-358, 102-388, 110-40(b), and 110-40(c) of the Code of Ordinances in order to regulate rooftop architectural embellishments and to eliminate height and lot coverage allowances for ground floor parking in multifamily buildings that are subject to the Coastal Construction Control Line.

11-a. architectural embellishments

Continue to 8/15/01 Regular Meeting and instruct staff to clarify language Tarrant/Herms/7-0

11-b. height and lot coverage bonuses

Continue to 8/15/01 Regular Meeting

Galleberg/Herms/6-0 (Wiseman abstaining)

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•Resolution
•SAC Waiver Petition 01-1
•Petitioner: Shaw Gallery
•Staff Action Committee
recommendation for denial

12. Consider a waiver from Section 102-1095(e) of the Code of Ordinances (5th Avenue South Special Overlay District) in order to allow a side flap on one end of an awning at 761 5th Avenue South.

01-9249/Herms/Tarrant/7-0

•Resolution
•Information Services
•Continued from 6/6/01

13. Authorize a 3-year Enterprise Agreement with Microsoft and Software House International for rights to install Microsoft software products\ Total Cost: \$88,884.65 \ Funding: Information Services Networking Software Maintenance Account.

01-9246/Wiseman/Herms/7-0

•Resolution
•Development Services

14. Consider a contract amendment, not to exceed \$189,496.32, with American Consulting Engineers in order to provide construction inspection services for the Park Shore Drive Bridge and Harbour Drive Bridge improvement projects.

Deny/MacIlvaine/Herms/7-0

•Resolution
•Development Services
•Pursuant to Resolution 99-8455

15. Consider establishing a policy, petition procedure, permit form, and permit-processing fee which would allow parking on public rights-of-way.

01-9256/Wiseman/MacIlvaine/6-1 (Galleberg dissenting)

•Resolution
•Public Works

16. Consider awarding a bid and contract, based upon a 6/8/01 bid opening, to install a parallel water line on Rum Row (Port Royal).

01-9250/Herms/Galleberg/6-0 (Wiseman absent)

•Resolution
•City Manager

17. Consider concurring with the decision of Naples High School to permit a 100-foot Sprint PCS antenna tower on school property.

01-9251/Herms/Taylor/5-2 (Galleberg, MacKenzie dissenting)

•Resolution
•City Manager

18. Consider expending \$155,758.00 from the General Fund (unrestricted reserves) to refund an overpayment made by the Collier County Clerk of Courts.

01-9247/Wiseman/Taylor/7-0

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•Resolution
•City Manager

19. Consider ranking the top four firms, in order of preference, to provide construction management at risk services in the construction of the River Park Community Center.

01-9252/Rank the firms 1) Owens-Ames-Kimball Company, 2) W.G. Mills, Inc., and 3) D. Garrett Construction/Galleberg/MacIlvaine/7-0

***Request that Owens-Ames-Kimball make every attempt to maintain a goal of 35% minority subcontractors throughout the project
Herms/Taylor/5-2 (Galleberg, Tarrant dissenting)***

•First Reading of an Ordinance
•City Manager

20. Consider granting a non-exclusive franchise to Peoples Gas System (TECO) for the development/operation of a natural gas pipeline system within the City.

Approve/Wiseman/Taylor/5-1 (Tarrant dissenting, Herms absent)

***Direct staff to work with TECO and if necessary, owners of condominiums under construction, in order to process a permit that would be issuable upon Second Reading approval
Galleberg/Herms/5-2 (Tarrant, MacKenzie dissenting)***

•Resolution

21. Consider appointments to the Heart of Naples Committee (41-10 Redevelopment District).

01-9248/MacIlvaine/Galleberg/7-0

•Resolutions
•City Clerk

22. Consider the following appointments:

22-a. Planning Advisory Board

No appointment to the PAB/Herms/MacIlvaine/4-3 (Wiseman, Taylor, MacKenzie dissenting)

22-b. Affordable Housing Commission

01-9257/Richard Snyder (22-b-1)

MacIlvaine/Tarrant/6-1 (Taylor dissenting)

01-9258/Ruth Grant (22-b-2)

Herms/MacIlvaine/7-0

22-c. Community Services Advisory Board

01-9259 JD Loden

Galleberg/Tarrant/7-0

Consensus to direct the City Attorney to clarify residency issues in the Code

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•Requested by Council Member Tarrant

23. Discussion/action regarding the Board of Collier County Commissioners' recent action relating to an additional sales tax. *(Requested by Council Member Tarrant)*

Tabled/MacIlvaine/Wiseman/5-2 (Tarrant and Herms dissenting)

•First Reading of an Ordinance

•Resolution

•Police & Emergency Services

- 24-a. Consider establishing a Citizens' Police Review Board, advisory to the Chief of Police, to review policies and procedures pertaining to police conduct towards citizens.

Accept program as presented with the recommendation that staff research 11 member board with 2 non-voting County residents, making every effort to encourage inclusion of minority groups/Tarrant/Herms/7-0

- 24-b. Consider establishing a Human Relations Advisory Board.

Express appreciation to staff and direct continued research into additional options and cooperation with County; present recommendations in a timely manner but no later than 8/15/01 Regular Meeting/Herms/Taylor/6-1 (Tarrant dissenting)

•2 Resolutions

•Code Enforcement

25. Release of liens

25-a. Case No. 99-496

01-9260/Wiseman/Taylor/7-0

25-b. Consider granting City Manager authority to execute lien releases/satisfactions.

01-9261/Wiseman/Taylor/7-0

26. Executive session relative to the Wilkinson House litigation

Categorically and adamantly reject counter settlement proposal by Collier County Historical Society by letter dated 6/12/01 from Attorney Michael Volpe to Attorneys Jason Korn and Lawrence Farese, specifically as itemized in the last paragraph on Page 3 of said letter/Wiseman/MacIlvaine/7-0

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27. Executive session relative to Wharton Smith litigation

Authorize offer of judgment to contractor; authorize a third party complaint for indemnity and contribution against project engineer Hole Montes & Associates; authorize participation in non-binding mediation with contractor and Hole Montes; and stipulate that any settlement recommendation be subject to City Council approval/Herms/Galleberg/6-1 (Tarrant dissenting)

28. Gulf Coast Youth Football/Naples Gators request to lease the Fleischmann Park football facility

Approve as City program through the end of the year; utilize volunteer coaches, all to be in good standing with the Pop Warner organization; and develop tackle program soliciting participation from Gulf Coast Youth Football therefor Wiseman/Taylor/7-0

•Resolution

29. Landside facility petition for the City Dock (designation of an additional slip for pick-up and drop-off in multi-use with the parking) *01-9255 Amending Section 1 to reflect an increase of 11.5 parking spaces in Broad Avenue parking lot for a total of 55.5 parking spaces Wiseman/Taylor/6-1 (MacKenzie dissenting)*
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Correspondence and Communications

Rambosk – hurricane preparation review, Gordon River bridge railing installation. Norman – touch screen voting system. Taylor – ethics violation regarding lobbyists. Wiseman – possible charter amendment regarding Council elections. Tarrant – County waste management. MacKenzie – tower antenna (Item 17).

Public Comment

None.

Adjourn – 11:10 p.m.

Items were considered in the following order:

1, 2, 3, 4, 6-f, 8, 5, 6(a,e,g,i,j,l,m),6-b, 7, 6-c, 6-d, 6-h, 6-k ,11, 26, 13, 14, 18, 21, 12, 16, 22-a, 27, 17,20,19,24,28,9,10,29,15,22-b,22-c,25,23.