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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, September 5, 2001

Convened 9:00 a.m. / Adjourned 7:21 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 – *All present.*
2. Invocation and Pledge of Allegiance – *Council Member MacIlvaine*
3. Announcements - *None*
4. Set agenda (*add or remove items*)
Add Item 8-b Policy statement for Public Art Advisory Committee / Galleberg / Wiseman / 7-0

Set Agenda withdrawing Item 10-I; continuing Items 10-J, 11 and 23 to 9/19/01 Regular Meeting; and withdrawing Items 28 and 29 / Herms / MacIlvaine / 7-0
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.

Scheduled Items

•Resolution

•Variance Petition 01-V4

•Petitioner: Naples Community Hospital

•Planning Advisory Board recommendation for approval

01-9282/ Tarrant / Wiseman / 7-0

•Resolution

•Alley Vacation Petition 01-AV1

•Petitioner: 5th Avenue 3rd Street Development, LLC d/b/a Hotel Escalante

•Agent: J. Thomas Conroy, III •Planning Advisory Board recommendation for denial

RECONSIDER at 10/3/01 Regular
Meeting / Tarrant / Herms / 6-0-1 (Taylor
abstaining)

•Resolution

•Community Services

*8-a) 01-9295 as amended to include
Articles 1-5 only and make provision for
Vice Chair / Taylor / MacKenzie / 6-1
(Tarrant dissenting)*

*8-b) 01-9296 as amended to include
Article 6 and Acquisition Procedures from
bylaws; amend Acquisition Procedures #2
Council evaluation of proposals and
funding source; #6 proposals to be
displayed if possible at City Hall for 30
days; and #1 in policy statement draft:
“The City of Naples will evaluate potential
art placement at public sites throughout
the City, recognizing quality art enhances
the physical environment and celebrates
Naples’ unique character and identity as a
premier city.” / Taylor / Herms / 6-1
(Tarrant dissenting)*

9:30 a.m.

6. Consider a variance from Section 106-35 (Medical District) and Section 102-853 (Downtown District) of the Code of Ordinances in order to approve a unified sign plan for Naples Community Hospital property.

11:00 a.m.

7. Consider vacating the east 300 feet of the east/west alley south of 5th Avenue South (between 2nd and 3rd Streets) in order to complete a private drive at Hotel Escalante, 290 5th Avenue South.

1:30 p.m.

8. Consider approving revised By-Laws for the Public Art Advisory Committee. *(Two or more members of the Public Art Advisory Committee may be present)*
- a) Bylaws
b) Policy Statement

**•Pursuant to 8/27/01 Special Meeting
Direct City Attorney to submit a settlement
offer and rightness decision per the
direction of counsel
Wiseman / Herms / 7-0**

***Approve Consent Agenda Items 10-a (as
amended), 10-d, 10-e, 10-f, 10-g and 10-h
Wiseman / MacIlvaine / 7-0***

•Resolution

•Bid #004-02

•Community Services

***01-9283 up to amount requested with
recommendation to use mulch generated at
City's horticultural landfill to the extent
possible / Wiseman / Galleberg / 7-0***

•Resolution

•Bid #006-02

•Community Services

***Continued with workshop discussion
scheduled with tree trimming company and
Florida Power & Light representatives
regarding FPL methods of tree trimming
Herms / MacIlvaine / 6-1 (Wiseman
dissenting)***

•Resolution

•Community Services

01-9284(approved with consent agenda)

•2 Resolutions

•Purchasing

10-e-1) 01-9285

10-e-2) 01-9286

(approved with consent agenda)

4:00 p.m.

9. Attorney-Client session concerning
Commonage Corporation v. City of Naples
litigation (Collier County Circuit Court Case
No. 00-3694-CA and the Claim for Relief
pursuant to the Bert J. Harris, Jr., Private
Property Rights Protection Act)
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Consent Agenda

10. 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.
- 10-a. Approval of Minutes.
- 10-b. Authorize purchase of various types of mulch
for use in landscaping by the Parks &
Parkways Division \ Vendor: Forestry
Resources, Inc., Ft. Myers, FL \ Est. Annual
Expenditure: \$55,000.00 \ Funding: Parks &
Parkways Operating Budget.
- 10-c. Consider a contract for hardwood tree
trimming services \ Contractor: Asplundh
Tree Expert Company, Jupiter, FL \ Est.
Annual Expenditure: \$90,000.00 \ Funding:
Parks & Parkways (Other Contractual
Services budget).
- 10-d. Waive competitive bids and authorize the
purchase of benches and waste receptacles for
Cambier Park \ Vendor (sole source):
American Titan, Concord, MA \ Cost:
\$16,549.83 \ Funding: CIP #99G14 (Cambier
Park Phase II Project).
- 10-e.(1) Waive competitive bids and authorize
purchase of luminaries for south parking lot of
Police & Emergency Services Building \
Vendor (sole source): Lumec Corporation,
Quebec, Canada \ Cost: \$13,650.00.
- 10-e.(2) Waive competitive bids and authorize a
contract for installation of the referenced
above luminaries \ Contractor: Bentley
Electric Company, Inc., Naples, FL \ Cost:
\$13,500.00.
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<p>•Resolution •Bid #052-01 •Public Works</p> <p><u>01-9287</u> <i>(approved with consent agenda)</i></p>	<p>10-f. Authorize a contract for painting of three water tanks and a pump building at the East Naples water storage site\ Contractor: Vic's Painting, Inc., Ft. Myers, FL \ Cost: \$38,500.00 \ Funding: CIP #01K62.</p>
<p>•Resolution •Bid #054-01 •Public Works</p> <p><u>01-9288</u> <i>(approved with consent agenda)</i></p>	<p>10-g. Authorize a contract for two compressed air systems at the Wastewater Treatment Plant \ Vendor: AAA Generator & Pump, Inc., Ft. Myers, FL\ Cost: \$42,374.00 \ Funding: CIP #01M33 and CIP #00M04.</p>
<p>•Resolution •Bid #005-02 •Development Services</p> <p><u>01-9289</u> <i>(approved with consent agenda)</i></p>	<p>10-h. Authorize a contract for city-wide pavement marking \ Contractor: Trutwin Industries, Inc., Ft. Myers, FL \ Annual Cost (not-to-exceed) \$24,500.00 \ Funding: Streets Division Operating Budget.</p>
<p>•Community Services •Bid #048-01 •Continued from 8/15/01</p> <p><i>Withdrawn by staff</i> <i>(see Item 4)</i></p>	<p>10-i. Award a bid for lumber for the Naples Preserve boardwalk \ Vendor: Marine Lumber Supply, Naples, Florida (IPE wood material) \ Cost: \$47,718.16 \ Funding: Naples Preserve Account.</p>
<p>•4 Resolutions •Building & Zoning</p> <p><i>Continued to 9/19/01 Regular Meeting</i> <i>(see Item 4)</i></p>	<p>10-j. Ratify and confirm the actions of the City Manager relating to the following purchase orders:</p> <ol style="list-style-type: none"> (1) Site survey for new River Park Community Center \ Surveyor: Hole Montes & Associates\ Cost: \$5,600.00. (2) Engineering consultant for new River Park Community Center \ Engineer: Anchor Engineering Consultants \ Cost: \$40,000.00. (3) Architectural services for new River Park Community Center \ Architect: Dwight Oakley Architects \ Cost: \$7,500.00. (4) Site survey for Lowdermilk Park Improvement Project \ Surveyor: Hole Montes & Associates, Naples, FL \ Cost: \$10,375.00.
<p>•Special Events Committee •Community Services</p> <p><i>Continued on next page</i></p>	<p>10-k. Approve the following special events:</p> <ol style="list-style-type: none"> (1) Harborside Healthcare/Lakeside Pavilion Grand Reopening (12th St. N.) – 9/14/01 (2) Vietnam Veterans of America (POW/MIA Ceremonies) (Cambier Park) – 9/21/01 (3) Marco Island Film Festival (Cambier Park) 10/18/01 (4) Comfort Inn & Marina Theme Nights 10/13/01, 11/17/01, 12/15/01 (5) Evenings on Fifth 2001 – 10/11/01, 11/08/01 (Park Street closure) (6) Evenings on Fifth 2002 – 1/2/02, 2/14/02, 3/14/02, 4/11/02, 5/9/02, 10/10/02, 11/14/02 (7) Naples Downtown Festival of Arts

*Approved / MacIlvaine / Wiseman
6-1 (Galleberg dissenting)*

- (5th Ave. S.) – 3/23-3/24/02
(8) Mother's Day Weekend (5th Ave. S.)
5/10-5/12/02
(9) Firecracker Festival (5th Ave. S.) – 7/5-7/7/02
(10) Octoberfest (5th Ave. S.) – 10/18-10/20/02
(11) Main Street Christmas Walk/Tuba Christmas
(5th Ave. S.) – 12/5/02
(12) New Years Art Festival (5th Ave. S.)
12/28-12/29/02
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End of Consent Agenda

•2 Resolutions
•Subdivision Plat Petition 01-SD12
•Alley Vacation Petition 01-AV2
•Petitioner: MDG Capital Partners, Inc.
•Agent: George Hermanson
•Planning Advisory Board
recommendation for approval
•Continued from 8/15/01
Continued to 9/19/01 Regular Meeting
(see Item 4)

11. Consider the following as it relates to the 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:
11-a. A preliminary and final subdivision plat petition.
11-b. A petition to vacate the 20-foot east/west alley within the block.
-

•Second Reading of an Ordinance
•Text Amendment Petition 01-T12
•Petitioner: City of Naples
•Approved at First Reading 8/15/01
01-9290/ Wiseman / Taylor / 7-0

12. **Public Hearing** to consider amending Section 110-142 of the Code of Ordinances in order to modify the duration of waivers for relief from Residential Impact Statement restrictions.
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•Second Reading of 2 Ordinances
•Text Amendment Petition 01-T3A
•Text Amendment Petition 01-T3B
•Petitioner: City of Naples
•Approved at First Reading 8/15/01

- 13-a. **Public Hearing** to consider amending Sections 82-10 and 110-39 of the Code of Ordinances in order to regulate rooftop architectural embellishments.
13-b. **Public Hearing** to consider amending Sections 102-328, 102-358, 102-388, 110-40(b) and 110-40(c)(1) and (2) of the Code of Ordinances in order to eliminate height and lot coverage allowances for ground floor parking in multifamily buildings that are subject to the Coastal Construction Control Line.
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13-a) 01-9291
Wiseman / MacIlvaine / 7-0

13-b) 01-9292/ MacIlvaine / Galleberg
6-0-1 (Wiseman abstaining)

•Resolution
•Planning Department
•Continued from 8/15/01
14-a) 01-9293 / Wiseman / MacIlvaine
5-2 (Herms and Tarrant dissenting)
14-b) 01-9294 / Wiseman / MacIlvaine
5-2 (Herms and Tarrant dissenting)

- 14-a. Consider establishing an Airport Zoning Commission to review and make recommendations on proposed airport zoning regulations.
14-b. Consider appointing five members to the Airport Zoning Commission referenced above.
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•Resolution
•Fence and Wall Waiver
Petition 01-FWW4
•Petitioner: Gordon Drive Ltd.
Agent: Outside Productions, Inc.
•Staff recommendation for approval
01-9297 / MacIlvaine / Galleberg / 7-0

•Resolution
•Variance Petition 01-V2
•Petitioner: Reinco, Inc.
•Agent: Richard Stephenson
•Planning Advisory Board
recommendation for denial
01-9298 DENIED / MacIlvaine / Herms /
5-1-1
(Tarrant dissenting, Taylor abstaining)

•Second Reading of an Ordinance
•Building & Zoning
•Approved at First Reading 8/15/01
01-9299 / Wiseman / MacIlvaine
6-1 (Herms dissenting)

•2 Resolutions
•Live Entertainment Petition 01-LE8
•Residential Impact Statement
Petition 01-RIS13
•Petitioner: Hofgarten Brauhaus
•Staff recommendation for approval
Continued to 9/19/01 Regular Meeting
Taylor / Herms / 5-2
(Galleberg and Tarrant dissenting)

•Resolution
•Development Services

01-9300 / Wiseman / Galleberg / 6-1
(Tarrant dissenting)

•Resolution
•Development Services

01-9301 / Wiseman / Galleberg / 7-0
•First Reading of an Ordinance
•City Attorney

Approved / Galleberg / Wiseman / 6-1
(Tarrant dissenting)

15. Consider a waiver from Section 110-37(a)(2.1)f. of the Code of Ordinances to allow additional height for a wall and gatepost at 2490 Gordon Drive.

16. Consider a variance in order to permit an extension of an existing terrace above 30 inches within the front yard setback and to the property line at 753-755 12th Avenue South.

17. **Public Hearing** to consider amending Sections 118-90, 118-91, 118-94, 118-98, 118-99, and 118-101 of the Code of Ordinances in order to increase building permit fees.

18. Consider the following as it relates to Hofgarten Brauhaus, 898 5th Avenue South:

18-a. A petition for live entertainment in accordance with Section 110-128 of the Code of Ordinances.

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

19. Consider waiving competitive bids and authorizing a contract for sewer relining and rehabilitation as part of the Water/Sewer Capital Improvement Program \ Contractor: Philip Utilities (Madsen-Barr), Longwood, FL \ Cost (sanitary sewer): \$287,343.00 \ Cost (storm sewer): \$66,825.00 \ Funding: CIP #01N04 and Stormwater Budget.

20. Consider authorizing a loan application to the Florida Department of Environmental Protection Revolving Loan Fund for planning and design of stormwater capital improvement projects.

21. Consider an ordinance, amending and superseding Ordinance No. 01-9270, readopting, ratifying and confirming a franchise agreement with Peoples Gas System, a subsidiary of TECO Energy.

•First Reading of an Ordinance
•City Manager
•Pursuant to 8/13/01 Budget Workshop
Approved (with second reading at 10/3/01
Regular Meeting)
MacIlvaine / Wiseman / 4-3
(Herms, Tarrant and Taylor dissenting)

•2 Resolutions
•City Manager

Continued to 9/19/01 Regular Meeting
(see Item 4)

•First Reading of an Ordinance
•Police & Emergency Services
•Continued from 8/15/01

Approved / Galleberg / MacIlvaine / 7-0

•Resolution

01-9302 / Wiseman / Tarrant / 7-0

•City Manager
Place on 9/19/01 Regular Meeting agenda
Herms / Wiseman / 6-1
(Tarrant dissenting)

•City Attorney
Schedule at 1:30 p.m., 10/17/01
Herms / MacIlvaine / 7-0

•City Manager
Withdrawn by staff
(see Item 4)

•Resolution
•Community Services
•Staff recommendation for approval

Withdrawn by staff
(see Item 4)

22. Consider repealing Section 2-326(c) of the Code of Ordinances, relating to required services of an Audit Analyst.

23. Consider the following as it relates to the renovation and expansion of the Norris Community Center (Cambier Park):
23-a. a contract with Warner Architects, Inc., to provide for design services \ Amount: 7% of the final total construction cost \ Funding: Public Service Tax Revenue Bonds, Series 2001.
23-b. directing the Norris Center Selection Committee to prepare and distribute a Request For Proposals for construction management at risk services.

24. Consider adding Article X to Chapter 2 of the Code of Ordinances in order to establish a Citizens' Police Review Board to review closed investigations, policies, and procedures pertaining to police conduct towards citizens.

25. Consider requesting that the representation of the citizens of Southwest Florida not be diminished through the redistricting of a portion of Collier County to an East Coast congressional district.

26. Discussion regarding Collier County's request to establish a permanent wastewater interconnect system with the City.

27. Consider setting the date, time, and place for an Executive Session (attorney/client) relating to Hamilton Harbor litigation.

28. Consider setting the date, time, and place for an Executive Session (attorney/client) relating to Wilkinson House litigation.

29. Consider waiving competitive bids and authorize contracts for renovation of bleachers/batting cage and dugouts at the Cambier Park baseball field. Contractors: Southern Bleacher Co., Graham, TX (bleachers/batting cage) \ Cost: \$155,500.00; Krehling Industries, Inc., Naples, FL (dugout) \ Cost: Donating labor and materials.

Correspondence and Communications

Meeting with C.O.D.A. on noise ordinance (Galleberg)

Issues regarding votes at 9/5/01 budget public hearing (Taylor)

Public Comment - None

Adjourn – 7:21 p.m.

Meetings to be Scheduled:

11/21/01 Regular Meeting moved to 11/19/01

(11/19/01 Workshop cancelled)

Resolution on

12/31/01 Workshop moved to 1/7/02

9/19/01 Regular

1/2/02 Regular Meeting moved to 1/9/02

Meeting agenda

1/14/02 Workshop moved to 1/22/02

1/16/02 Regular Meeting moved to 1/23/02

Order of consideration: 1, 2, 3, 4, (10-J, 10-I, 11, 23, 28, 29), 5, 6, 10-K, 10-B, 10-C, Consent (10-A, 10-D, 10-E, 10-F, 10-G, 10-H), 12, 13, 14, 7, 8, 15, 16, 17, 18, 19, 20, 21, 22, 24, 9, 25, 27, 26