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Revised 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, October 3, 2001

Convened 9:00 a.m. / Adjourned 7:31 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 – *Pastor Don Sherman, First Presbyterian Church*
3. Announcements – *Proclamations: Firefighter Memorial Sunday and 9/11/01 Attack on World Trade Center*
4. Set agenda (*add or remove items*)
ADD ITEM 14-c Status of Charter Club litigation / Taylor / Wiseman / 7-0 ADD ITEM 25 Consider a request to reduce or eliminate code enforcement liens on property located at 495 Galleon Drive / Taylor / Herms / 6-0-1 (Wiseman abstaining) ADD ITEM 26 Waive competitive bids to replace water main on Gulf Shore Blvd., North / Herms / MacIlvaine / 7-0 ADD ITEM 27 / Fast-track processing of River Park PAB petitions / Herms / MacIlvaine / 7-0 SET AGENDA (continuing Items 16, 18, and 19 to 10/17/01; withdrawing Item 21; and adding Items 14-c, 25, 26 and 27) / Herms / MacIlvaine / 7-0
5. Public Comment – *Wally Hilliard, Parker Beach Restoration (Natural Resources Manager Jon Staiger, post-storm beach restoration); and Ray Cadwallader, Ecumenical Coalition*

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.

Revised 10/30/01 (Numbering)

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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.

	Scheduled Items
<p>•Resolution •City Manager <u>01-9338 / AS AMENDED to include in franchise agreement the following enforcement authority to City Manager: issuance of warnings and notices of violations, response procedure for franchisee, and potential for suspension of operations and termination of franchise, pending City Council review; and eliminating use of West Blvd. by trolleys Herms / Galleberg / 7-0</u></p>	<p>9:30 a.m. 6. Consider an agreement with Naples Trolley Tours, Inc., relating to the use of City streets and designated trolley stops within the City.</p>
<p>•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 9/19/01 <u>7-a CONTINUE to 10/17/01</u> <u>Herms / MacIlvaine / 6-1</u> <u>(Wiseman dissenting)</u> <u>7-b CONTINUE to 10/17/01</u> <u>Tarrant / MacIlvaine / 4-3</u> <u>(Wiseman, Herms, Galleberg dissenting)</u></p>	<p>10:30 a.m. 7. Consider the following as it relates to the City Center Plaza, property bounded on the east by US 41 North, on the south by Fifth Avenue North, on the west by Eighth Street North, and on the north by 6th Avenue North: 7-a. A preliminary and final subdivision plat petition. 7-b. A petition to vacate the 20-foot east/west alley within the block.</p>
<p>•Resolution •Alley Vacation Petition 01-AV1 •Petitioner: Fifth Avenue Third Street Development, LLC d/b/a Hotel Escalante •Agent: J. Thomas Conroy, III •Planning Advisory Board recommendation for denial •Continued from 9/5/01 <u>CONTINUE to 10/17/01</u> <u>Herms / MacIlvaine / 6-0-1</u> <u>(Taylor abstaining)</u></p>	<p>11:15 a.m. 8. Consider vacating the east 300 feet of the east/west alley south of Fifth Avenue South (between Second and Third Streets) in order to complete a private drive at Hotel Escalante, 290 Fifth Avenue South.</p>

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•First Reading of an Ordinance

•2 Resolutions

•Rezone Petition 01-R7

•Development of Significant

Environmental Impact Petition 01-DSEI2

•Residential Impact Statement

Petition 01-RIS14

•Petitioner: Allen Systems Group, Inc.

•Agent: Michael Fernandez

**•Planning Advisory Board
recommendation for approval**

9-a APPROVE / Galleberg / Wiseman / 7-0
(9-b and 9-c to be heard on 10/17/01 with
Second Reading of ordinance)

APPROVE Consent Agenda except 10-b-2
Wiseman / MacIlvaine / 7-0

Amend 6/18/01 Workshop minutes,
Page 19 to delete repeated text

Minutes approved: 6/18/01 Workshop;
6/19/01 Special; 8/27/01 Special; and
8/31/01 Special

•Special Events Committee

•Community Services

APPROVE 10-b-2 allowing staff to
coordinate locations for tents so as to
minimize impact of any street closure,
allow police assistance, and allow supply
of bait for the event
Hermes / MacIlvaine / 7-0

Remainder of Item 10-b approved with
Consent Agenda

1:30 p.m.

9. Consider the following as it relates to development of a single-tenant office campus consisting of two, 45,000 square foot three-story buildings, at 704 Goodlette Road North (formerly Goodlette Racquet Club):

9-a. Petition to rezone from "PS" Public Service to "PD" Planned Development.

9-b. Development of Significant Environmental Impact petition.

To be considered at Second Reading of ordinance.

9-c. A Residential Impact Statement petition in accordance with Section 110-135 of the Code of Ordinances.

To be considered at Second Reading of ordinance.

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. Approve the following special events:

- (1) Community Services Department Free Jazz Concert (Cambier Park Bandshell) – 11/2/01
- (2) Florida Foundation for Responsible Angling, Inc. Kid's Fishing Clinic (Naples Pier) – 11/10/01
- (3) Celebration of Veteran's Day (Cambier Park) – 11/11/01
- (4) Festival of Lights (Third Street South) – 11/19/01
- (5) Special Third Street South Shopping Week– 11/20-11/24/01
- (6) Third Street South Entertainment/The Plaza (Thursday through Sunday) 11/1/01-4/28/02
- (7) David Lawrence Foundation – Santa's Village in Cambier Park – 12/8/01
- (8) Gulf Coast Big Band Concert Series (Cambier Park Bandshell) – 12/16/01, 1/13/02, 2/3/02, 3/10/02, 4/7/02
- (9) Celebration Community Church Christmas Eve Service (Lowdermilk Park) - 12/24/01
- (10) Restoration Church Service (Cambier Park Bandshell) – 12/31/01

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<p>•Resolution •Bid #040-01 •Community Services <u>01-9339</u> <i>Approved with Consent Agenda</i></p>	<p>10-c. Ratify and confirm action of the City Manager to issue a contract for site grading at the Development Services Building \ Contractor: Wm. Varian Construction Company \ Cost: \$12,423.00.</p>
<p>•Resolution •Police & Emergency Services •Public Works <u>01-9340</u> <i>Approved with Consent Agenda</i></p>	<p>10-d. Reject all bids received, waive further competitive bids, and authorize a contract for sandblasting/painting of fire hydrants under terms of City of Ocala Bid #B2543 \ Contractor: Metro Service Consultants, Channelview, Texas \ Cost: (not-to-exceed) \$50,000.00 \ Funding: CIP #01L26 and CIP #02L26.</p>
<p>End of Consent Agenda</p>	
<p>•Resolution •Utilities <u>01-9341</u> / <i>Wiseman / MacIlvaine / 6-1 (Tarrant dissenting)</i></p>	<p>11. Waive competitive bids and authorize a contract to provide a carbon dioxide system at the City's Water Treatment Plant \ Vendor (sole source): MKI Services, Inc., Coral Springs, FL \ Cost: \$239,000.00 (not-to-exceed) \ Funding: CIP #01K61, CIP #00K56, and Utilities Capital Contingency.</p>
<p>•Second Reading of an Ordinance •City Manager •Approved on First Reading 9/5/01 <u>01-9351</u> / <i>MacIlvaine / Galleberg / 4-3 (Herms, Tarrant, Taylor dissenting)</i></p>	<p>12. Public Hearing to consider repealing Section 2-326(c) of the Code of Ordinances, relating to required services of an Audit Analyst.</p>
<p>•2 Resolutions •Conditional Use Petition 01-CU8 •Residential Impact Statement 01-RIS11 •Petitioner: St. Charles Limited Partnership •Agent: Richard Yovanovich •Planning Advisory Board recommendation for approval <i>13-a 01-9342 / Wiseman / MacIlvaine 6-0-1 (Galleberg abstaining)</i> <i>13-b 01-9343 / Wiseman / Taylor 6-0-1 (Galleberg abstaining)</i></p>	<p>13. Consider the following as it relates to Republic Bank, 405 Eighth Street South:</p> <p>13-a. Conditional Use petition for a drive-through window as an accessory to a permitted use in accordance with Section 102-473(1) of the Code of Ordinances.</p> <p>13-b. Residential Impact Statement petition in accordance with Section 110-135(a)(7) of the Code of Ordinances.</p>

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•2 Resolutions**•Conditional Use Petition 01-CU6****•Development of Significant****Environmental Impact Petition 01-DSEI1****•Petitioner: Charter Club Properties****•Agent: Dennis Cronin****•Planning Advisory Board****recommendation for approval****14-a 01-9346 (Denial)****MacIlvaine / Galleberg / 5-2****(Taylor, Tarrant dissenting)****14-b 01-9347 (Denial)****MacIlvaine / Galleberg / 7-0**

14-c DIRECT Attorney Steve Hartsell to continue this case in abeyance (in the belief that the other parties wish to do the same) / Herms / Tarrant / 7-0

•First Reading of an Ordinance**•Text Amendment Petition 01-T13****•Petitioner: City of Naples****•Planning Advisory Board****recommendation for approval****APPROVE / Herms / MacIlvaine / 7-0****•First Reading of an Ordinance****•Text Amendment Petition 01-T14****•Petitioner: City of Naples****•Planning Advisory Board****recommendation for approval*****Continued (See Item 4)*****First Reading of an Ordinance****•Text Amendment Petition 01-T15****•Petitioner: City of Naples****•Planning Advisory Board****recommendation for approval****APPROVE / Herms / Wiseman / 7-0****•2 Resolutions****•Live Entertainment Petition 01-LE8****•Residential Impact Statement****Petition 01-RIS13****•Petitioner: Hofgarten Brauhaus****•Staff recommendation for approval****•Continued from 9/19/01*****Continued (See Item 4)*****•Resolution****•Human Resources****•Continued from 9/19/01*****Continued (See Item 4)***

14. Consider the following as it relates to the Charter Club, 1000 Tenth Avenue South:

14-a. Conditional Use petition for expansion of an existing marina from 15 to 35 boat slips.

14-b. Development of Significant Environmental Impact petition in order to permit the above marina expansion.

ADDED ITEM

14-c. Status of Carter Club litigation

15. Consider amending Section 110-53 of the Code of Ordinances in order to establish standards for building materials for boat shelters.

16. Consider amending Section 110-37 of the Code of Ordinances in order to establish the location from which to measure fence height and to provide for administrative waivers for fences exceeding permitted heights.

17. Consider amending Section 86-203(a) of the Code of Ordinances for the purpose of deleting the petitioner acceptance requirement for conditional uses.

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

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

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

19. Consider a contract with Express Scripts, Inc., to provide prescription drug services for the City's Self-Insured Employee Health Benefits Plan.

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•3 Resolutions

•City Clerk

20-a 01-9348 (appoint Peter Thomas)

Galleberg / MacIlvaine / 7-0

20-b 01-9349

Galleberg / MacIlvaine / 7-0

20-c 01-9350

Galleberg / MacIlvaine / 7-0

20. Consider the following as it relates to the 2002 City of Naples General Election:

20-a. Appoint a City elector to the Canvassing Board.

20-b. Authorize an agreement with the Board of County Commissioners and Collier County Supervisor of Elections for services and use of voting and ballot tabulating equipment.

20-c. Authorize use of the Collier County voting and ballot tabulation system.

•2 Resolutions

•City Manager

•Continued from 9/19/01

Withdrawn (See Item 4)

•Requested by Council Member Wiseman

•Pursuant to Reconsideration Policy

Resolution 98-8218

RECONSIDER on 10/17/01

Wiseman / MacIlvaine / 7-0

•Resolution

•City Attorney

AUTHORIZE City Attorney to seek a

Special Master from ranks of retired

judges and report back to Council

Herms / Taylor / 6-1 (Wiseman dissenting)

•Resolution

•Development Services

01-9344 / Wiseman / MacIlvaine 7-0

ADDED ITEM

APPROVE Settlement Agreement using

Option 2 as Exhibit C and deleting the

words "directly or indirectly" from last line

of text in aforementioned Exhibit C

Herms / Taylor / 5-1-1

(MacIlvaine dissenting, Wiseman

abstaining)

21. Consider the following as it relates to the renovation and expansion of the Norris Community Center (Cambier Park):

21-a. Contract with Warner Architects, Inc., to provide for design services \ Amount: \$95,000.00 (not to exceed) \ Funding: Public Service Tax Revenue Bonds, Series 2001.

21-b. Direct the Norris Center Selection Committee to prepare and distribute a Request For Proposals for construction management at risk services.

22. Request to reconsider authorizing the Mayor to invite, on behalf of the Naples City Council, the Collier County Clerk of the Circuit Court to examine the City of Naples Risk Management Fund.

23. Consider engaging a Special Master for the following vested rights applications: Goodlette Road Limited Partnership; Castle Partnership; Commonage Corporation; and First National Bank of Naples.

24. Consider appointing a committee to select an engineering firm for Drainage Basin V stormwater system improvements.

25. Consider a request to reduce or eliminate Code Enforcement liens on property located at 495 Galleon Drive.

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ADDED ITEM

• Resolution

• Utilities

01-9345 / MacIlvaine / Herms / 7-0

ADDED ITEM

• City Manager

APPROVE / Herms / Wiseman / 7-0

Correspondence and Communications

• *Status of sandwich board sign legislation / MacIlvaine*

• *First responder RFP and potential for loss of revenue among Florida cities / Taylor*

• *Procedures for Council's handling of land use petitions / Wiseman*

• *Status of refund from Joseph Biasella / Herms*

• *Sales tax referendum / Tarrant*

Public Comment – None.

Adjourn – 7:31 p.m.

Order of consideration: 1, 2, 3, 4, (8, 16, 18, 19, 21) 5, 6, 10, 11, 7, 8, 13, 15, 17, 24, 26, 9, 14, 25, 23, 27, 22, 20, 12, Correspondence

26. Authorization to waive competitive bids for replacement of a 12-inch water main on Gulf Shore Blvd., North.

27. Authorization to fast-track consideration of River Park Recreation Center land use petitions.
