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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**

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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.

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**Regular Meeting**

**Wednesday, October 17, 2001**

***Convened 9:00 a.m. / Adjourned 5:28 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 (Taylor left at 5:21 p.m.)*
2. Invocation and Pledge of Allegiance – *Rev. Jay Kawolski, 1st United Methodist*
3. Announcements
  - Employee Recognition Awards
  - Recognition of Fire Commander Sheldon Reed upon retirement
  - Red Ribbon Week proclamation
4. Set agenda (*add or remove items*) **ADD ITEM 11-b-10 Coquina Sands Block Party / Herms / Taylor / 7-0** **ADD ITEM 23 Award bid for stormwater improvements / Herms / Taylor / 7-0** **ADD ITEM 24 Special master for vested rights claims / Taylor / Herms / 7-0** **ADD ITEM 25 Naples Daily News request to amend 42-foot height restriction / Herms / Taylor FAILED 3-4 (Galleberg, MacIlvaine, Wiseman, MacKenzie dissenting)** **SET AGENDA (continuing Item 7 to 11/19/01, continuing Item 8 to 11/7/01, and withdrawing Items 11-i, 16, 18, 19 and 21-6 / Galleberg / Wiseman / 7-0**
5. Public Comment – *None.*

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

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**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 11/19/01 (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
<ul style="list-style-type: none"> <li>•Resolution</li> <li>•Nonconformity Petition 01-N1</li> <li>•Petitioner: Country Club Condominiums</li> <li>•Agent: Anthony Mansolillo</li> <li>•Planning Advisory Board recommendation for approval</li> </ul>	<p><b>9:30 a.m.</b></p> <p>6. Consider a request to expand an apartment complex, which does not conform to existing regulations regarding density and lot coverage, at 800 South Golf Drive.</p>
<p><b><i>01-9352 AS AMENDED to <u>delete</u> Section 2-6; <u>revise</u> Section 2-2 as follows: "The landscaping shall be installed prior to certificate of occupancy and shall be installed and maintained in compliance with the planting plans Sheets L1 through L3 as prepared by Architectural Land Design and dated 10/16/01, that any palm trees on the west side of the property shall be properly maintained and any lost trees shall be replaced, and the hedge between on-site parking areas (including those adjacent to the alley) and the street right-of-way shall be maintained at a height of six (6) feet within one year from date of installation, except for sight visibility for traffic as approved by the City"; <u>revise</u> Section 2-3 as follows: "The expansion of the parking area on the single family zoned portion of the property is denied; <u>delete</u> Sections 2-5 and 2-6; <u>revise</u> Section 2-7 as follows: "Prior to issuance of a certificate of occupancy, a masonry wall of six (6) feet in height, where permitted by Code, shall be constructed along the west property line as a buffer to adjacent single family residences, and a three (3) foot masonry wall with 18 inches of wrought iron shall be constructed within the front yard setback, as depicted on the site plan"; and <u>renumber</u> the above Sections as necessary to accommodate the revisions cited Tarrant / Herms / 6-1 (MacIlvaine dissenting)</i></b></p>	
<ul style="list-style-type: none"> <li>•Resolution</li> <li>•Alley Vacation Petition 01-AV1</li> <li>•Petitioner: Fifth Avenue Third Street Development, LLC d/b/a Hotel Escalante</li> <li>•Agent: J. Thomas Conroy, III</li> <li>•Planning Advisory Board recommendation for denial</li> <li>•Continued from 10/3/01</li> </ul> <p><b><i><u>Continue</u> to 11/19/01 Regular Meeting Herms / MacIlvaine / 6-0 (Taylor absent)</i></b></p>	<p><b>10:30 a.m.</b></p> <p>7. 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>
<ul style="list-style-type: none"> <li>•First Reading of an Ordinance</li> <li>•Building &amp; Zoning</li> <li>•Planning Advisory Board recommendation for approval</li> <li>8•Continued from 9/19/01</li> </ul> <p><b><i><u>Continue</u> to 11/7/01 Regular Meeting Herms / MacIlvaine / 6-0 (Taylor absent)</i></b></p>	<p><b>11:00 a.m.</b></p> <p>8. Consider amending Sections 62-63 and 62-94; repealing Sections 62-106 and 94-116, Article IX of Chapter 94; Section 106-236 and Section 106-238 of the Code of Ordinances and adding Article X to Chapter 106 in order to establish regulations governing the conditions and maintenance of all residential, commercial and vacant property, including construction sites.</p>

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•City Attorney

**INSTRUCT ATTORNEYS to meet with various parties / Herms / Taylor / 4-3 (Galleberg, Wiseman, MacKenzie dissenting)**

•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 10/3/01

**10-b 01-9362 AS AMENDED to include conditions below**

**MacIlvaine / Taylor / 4-3 (Galleberg, Wiseman, Herms dissenting)**

**10-a 01-9363 AS AMENDED to include conditions below**

**MacIlvaine / Taylor / 4-3 (Galleberg, Wiseman, Herms dissenting)**

***Conditions: Utilities shall be relocated at the cost of the petitioner; cross-parking easement to be re-executed with legible exhibits to depict the requirements of the Planned Development (PD); formation and creation of a property owner association; declaration that provides maintenance responsibilities of the access easement by the property owner(s); and sidewalk maintenance by the City.***

**APPROVE Consent Agenda (noting prior withdrawal of Item 11-g, addition of Item 11-b-10, and amendment to Regular Meeting minutes of 9/5/01) Herms / Wiseman / 7-0**

•Community Services

See next page

**1:30 p.m.**

9. Executive Session (attorney/client session) relating to pending litigation (Collier Enterprises, Ltd., Collier Development Corporation, and Hamilton Harbor, Inc. v. City of Naples, Case No. 00-1562-CA-HDH)

**3:00 p.m.**

10. 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:
  - 10-a. A preliminary and final subdivision plat petition.
  - 10-b. A petition to vacate the 20-foot east/west alley within the block.

**Consent Agenda**

11. 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.
  - 11-a. Approval of Minutes. **7/24/01 Special Meeting and 9/5/01 Regular Meeting**
  - 11-b. Approve the following special events:
    - (1) Eglise de Jesus Christ Full Gospel Church conference (River Park) - 10/19-10/21/01
    - (2) City of Naples/Anchor Health/Harborside Healthcare/Lakeside Pavilion Seniors Day in the Park (Cambier Park) – 11/3/01

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	<ul style="list-style-type: none"> <li>(3) Beasley Broadcasting/ABA Entertainment fundraiser on behalf of local American Red Cross (Cambier Park Bandshell) – 11/9/01</li> <li>(4) Restoration Church Thanksgiving Celebration (Cambier Park Bandshell) – 11/20/01</li> <li>(5) Naples Sail and Power Squadron Annual Christmas Boat Parade (Venetian Bay)-12/6/01</li> <li>(6) Royal Brass Orchestra Concert Series (Cambier Park Bandshell) – 1/6/02, 3/17/02, 4/14/02</li> <li>(7) Naples Art Association Annual National Art Festival (Cambier Park) – 2/22-2/24/02</li> <li>(8) Naples Daily News Jazz Band (Cambier Park Bandshell) - 3/8/02, 4/5/02, 4/26/02</li> <li>(9) National Multiple Sclerosis Society Annual Walk (Lowdermilk Park) – 3/17/02</li> <li>(10) <u>Coquina Sands Homeowner Association Block Party – 11/3/01</u></li> </ul>
<p><b><u>ADDED ITEM (See Item 4)</u></b></p> <hr/> <p style="text-align: right;">•Resolution •Community Services •Bid #021-02</p> <p><b><u>01-9353 (Approved with Consent Agenda)</u></b></p> <hr/> <p style="text-align: right;">•City Manager (Approved with Consent Agenda)</p> <hr/> <p style="text-align: right;">•Resolution •Development Services</p>	<p>11-c. Award of bid to supply lumber for the Naples Preserve boardwalk \ Vendor: Greenheart Durawoods, Bayville, NJ (Ipe/Pau Lope tropical hardwood) \ Cost: \$79,988.84 \ Funding: Naples Preserve Bond Issue.</p> <hr/> <p>11-d. Budget amendment to adjust funds available in fiscal year 2002 budget.</p> <hr/> <p>11-e. Supplemental agreement with E.B. Simmonds Electrical, Inc., to relocate and rewire traffic signal mast arm at Park Shore Drive and Gulf Shore Boulevard \ Amount: (not to exceed) \$18,000.00 \ Funding: City's annual contract pursuant to Collier County Bid #97-2712.</p> <hr/> <p>11-f. Waive competitive bids and authorize purchase of the following:</p> <ul style="list-style-type: none"> <li>(1) Software License and Services Agreement for an interactive voice response system \ Vendor: Selectron, Inc.; and</li> <li>(2) Interface program \ Vendor: H.T.E. \ Total Cost: \$55,900.00 \ Funding: CIP 02B03 and add-on options through building permit reserves.</li> </ul> <hr/> <p>11-g. Contract for hardwood tree trimming services\ Contractor: Asplundh Tree Expert Company, Jupiter, FL \ Est. Annual Expenditure: \$90,000.00 \ Funding: Parks &amp; Parkways (Other Contractual Services budget).</p> <hr/>
<p><b><u>01-9354 (Approved with Consent Agenda)</u></b></p> <hr/> <p style="text-align: right;">•Resolution •Development Services</p>	
<p><b><u>01-9355 (Approved with Consent Agenda)</u></b></p> <hr/> <p style="text-align: right;">•Resolution •Community Services •Bid #006-02 •Continued from 10/3/01</p> <p><b><u>Withdrawn (pursuant to motion approving Consent Agenda)</u></b></p> <hr/>	

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•Resolution  
•Utilities  
•Bid #012-02

01-9356 (Approved with Consent Agenda)

•Resolution  
•City Manager

Withdrawn (See Item 4)

•Second 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  
•Approved on First Reading 10/3/01  
12-a 01-9357 / Wiseman / Galleberg / 7-0  
12-b 01-9358 / Galleberg / Wiseman / 7-0  
12-c 01-9359 / Galleberg / MacIlvaine / 7-0

Second Reading of an Ordinance  
•Text Amendment Petition 01-T15  
•Petitioner: City of Naples  
•Planning Advisory Board  
recommendation for approval  
•Approved on First Reading 10/3/01  
01-9360 / Wiseman / MacIlvaine / 7-0

•Second Reading of an Ordinance  
•Text Amendment Petition 01-T13  
•Petitioner: City of Naples  
•Planning Advisory Board  
recommendation for approval  
•Approved on First Reading 10/3/01  
01-9361 / MacIlvaine / Wiseman / 7-0

11-h. Award of bid for annual contract to perform generator maintenance services \ Vendor: AAA Generator & Pump, Inc., Ft. Myers, FL \ Cost: (not to exceed) \$20,000.00 Funding: Utilities Maintenance Repair and Maintenance Account.

11-i. Reject all bids, waive further competitive bids and approve a contract for wireless phone services \ Vendor: AT&T Wireless Services, Inc., Ft. Myers, FL, using the prices and terms of Lee County Quotation #Q-010294 \ Estimated Annual Cost: \$53,600.00 \ Funding: Department's Communications Account.

### End of Consent Agenda

12. **Public Hearing** to 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):

- 12-a. Petition to rezone from "PS" Public Service to "PD" Planned Development.
- 12-b. Development of Significant Environmental Impact petition.
- 12-c. A Residential Impact Statement petition in accordance with Section 110-135 of the Code of Ordinances.

13. **Public Hearing** to consider amending Section 86-203(a) of the Code of Ordinances for the purpose of deleting the petitioner acceptance requirement for conditional uses.

14. **Public Hearing** to consider amending Section 110-53 of the Code of Ordinances in order to establish standards for building materials for boat shelters.

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- First Reading of an Ordinance**
- Text Amendment Petition 01-T14**
- Petitioner: City of Naples**
- Planning Advisory Board recommendation for approval**
- Continued from 10/3/01**

**APPROVE AS AMENDED in Section 110-37(b)(1-b) as follows: "Front yard within building envelope: Six feet maximum height, gate posts 6 feet/6 inches with a 6-foot minimum separation except for gates." Herms / Taylor / 4-3 (MacIlvaine, Tarrant, MacKenzie dissenting)**

**WILL BE FIRST READING AT 11/7/01 REGULAR MEETING**

- 2 Resolutions**
- Live Entertainment Petition 01-LE8**
- Residential Impact Statement Petition 01-RIS13**
- Petitioner: Hofgarten Brauhaus**
- Staff recommendation for approval**
- Continued from 10/3/01**

**Withdrawn (See Item 4)**

- Resolution**
- Community Services**
- Staff recommendation for approval**
- Continued from 9/19/01**

**01-9364 / Wiseman / MacIlvaine / 7-0**

- 4 Resolutions**
- Community Services**

*See next page* 

15. 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.

16. Consider the following as it relates to Hofgarten Brauhaus, 898 Fifth Avenue South:
  - 16-a. Petition for live entertainment in accordance with Section 110-128 of the Code of Ordinances.
  - 16 b. Residential Impact Statement petition in accordance with Section 110-135(6) of the Code of Ordinances.

17. Consider waiving competitive bids and authorizing contracts for renovation of bleachers, batting cage, and dugouts at the Cambier Park baseball field \ (bleachers/batting cage) Southern Bleacher Co., Graham, TX \ Cost: \$155,500.00 \ Funding: General Fund Unrestricted Reserves; (dugout) Krehling Industries, Inc., Naples, FL \ Cost: labor and materials donated by the contractors.
18. Award bids for annual contracts for landscape maintenance services:
  - (1) A Personal Touch, Naples, FL \ Cost: \$72,540.00 \ Funding: Parks & Parkways, Other Contractual Services.
  - (2) Greenwerx Ground-Keeping, Inc., N. Ft. Myers \ Cost: \$106,347.54 \ Funding: Parks & Parkways, Other Contractual Services.
  - (3) Macias' Lawn Service, Naples, FL \ Cost: \$95,992.00 \ Funding: Parks & Parkways, Other Contractual Services.

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**Withdrawn (See Item 4)**

•Resolution  
•Human Resources  
•Continued from 10/3/01

**Withdrawn (See Item 4)**

•Resolution  
•City Manager

**01-9365 / Wiseman / Taylor / 7-0**

•7 Resolutions  
•City Clerk

- 1) 01-9366 (Eschauzier) 7-0
- 01-9367 (Carlson) 7-0
- 2) 01-9368 (Nick) 7-0
- 3) 01-9369 (Dean) 7-0
- 01-9370 (Moaveni to regular) 7-0
- 4) 01-9371 (Snyder) 7-0
- 5) 01-9372 (Price) 7-0
- 6) *Candidate withdrew*

•Resolution  
•Pursuant to 10/3/01 Regular Meeting

**01-9374 / Wiseman / MacIlvaine / 7-0**

•Resolution  
•Development Services

**01-9373 / Wiseman / MacIlvaine / 7-0**

•Resolution  
•City Attorney

**01-9375 / Taylor / MacIlvaine / 6-1**  
***(Wiseman dissenting)***

**Correspondence and Communications**

*Hofgarten Brauhaus closure and illegal real estate signs (MacIlvaine) / Fla. Dept. of Insurance investigation (Taylor) / water line break (Herms) / Gordon River bridge railings, drainage outfall pipes on the beach and truck trips for beach renourishment (Tarrant)*

**Public Comment - None**

**Adjourn – 5:28 p.m.**

- (4) TLC Lawn Maintenance, Inc., Naples, FL \ Cost: 51,844.00 \ Funding: Parks & Parkways, Other Contractual Services.
19. Consider a contract with Express Scripts, Inc., to provide prescription drug services for the City's Self-Insured Employee Health Benefits Plan.
20. **Public Hearing** to consider a variance to demolish an existing single-family residence and construct a new single-family residence, swimming pool/deck, install fill, landscaping, and exterior lighting west of the Coastal Construction Setback Line at 54 32nd Avenue South.
21. Consider appointing members to the following boards/committees:
  - (1) Airport Authority (2)
  - (2) Carver Finance (1)
  - (3) Code Enforcement Board (2)
  - (4) Affordable Housing Commission (1)
  - (5) Planning Advisory Board (1)
  - (6) Public Art Advisory Committee (1).
22. Reconsider inviting the Collier County Clerk of Circuit Court to examine the City of Naples Risk Management Fund.
23. Authorize contract for stormwater improvements / Kyle Construction, Naples, FL / Amount \$232,600 / Funding Stormwater Contractor Services Account
24. Appoint a special master to hear claims for vested right under Section 86-211 of the Code of Ordinances.

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