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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, November 7, 2001

Convened 9:00 a.m. / Adjourned 4:38 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
Proclamations:
 - Collier County Adoption Month
 - Acknowledgment of Collier County Commissioner Pam Mac'Kie
 - Anniversary of Marine Corps
4. Set agenda (*add or remove items*) *Taylor / MacIlvaine / 7-0*
Withdrawing Item 17 and 18, and adding items shown below

ADDED ITEM 8-c (5-11) – Special Events / Wiseman / Herms / 7-0
ADDED ITEM 22 - Waiver of conflict request by Roetzel & Andress for a landscape maintenance agreement at the Estuary at Grey Oaks / Wiseman / MacIlvaine / 7-0
ADDED ITEM 23 - Executive session relative to litigation - Warm Weather Investments
Wiseman / MacIlvaine / 7-0
ADDED ITEM – City Manager Briefing (continued from 11/5/01 workshop)
Wiseman / MacIlvaine / 7-0
5. Public Comment *William Boggess / beach renourishment; Herb Luntz / Veterans Day Parade*

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 12/4/01 (correction to Item 10 motion)

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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.

- First Reading of an Ordinance
- Text Amendment Petition 01-T14
- Petitioner: City of Naples
- Planning Advisory Board recommendation for approval
- Continued from 10/17/01

Approved AS AMENDED to allow barbed wire on City-owned property where required and change “man made” to “human made” / Herms / MacIlvaine 6-1 (Tarrant dissenting)

- First Reading of an Ordinance
- Building & Zoning
- Planning Advisory Board recommendation for approval
- Continued from 10/17/01

CONTINUED to 11/19/01 Regular Meeting (with staff directed to make amendments discussed) Taylor / MacIlvaine / 7-0

APPROVE Consent Agenda with amendment to 5/22/01 minutes (change Mayor Barnett to Mayor MacKenzie in heading on Page 1) Galleberg/MacIlvaine / 7-0

5/22/01 Special Meeting, 9/4/01 Workshop and 9/17/01 Workshop

-
- Community Services

Scheduled Items

9:15 a.m.

6. 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.

9:30 a.m.

7. Consider amending Section 62-94 and 94-75; repealing Section 62-63, 62-106, 94-116, 94-261 through 94-269, 106-236 and 106-238 of the Code of Ordinances; and adding Article X, Property Maintenance, to Chapter 106 in order to establish regulations governing the conditions and maintenance of all residential, commercial and vacant property, including construction sites.

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. Approve the following special events:

- (1) Holiday Tree Lighting (Bayfront Market Place) – 12/1/01
- (2) Barron Collier High School Christmas Concert (Cambier Park Bandshell) – 12/7/01
- (3) City of Naples Christmas Parade – 12/18/01
- (4) Naples Daily News ½ Marathon – 1/27/02

Continued on next page

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<hr/> <p><i>Approved with Consent Agenda</i></p>	<hr/> <p>8-b. (Cont.)</p> <p>(5) <u>Midnight Magic (Venetian Village) – 11/17/01</u></p> <p>(6) <u>Amend Third St. Festival of Lights – 11/19/01</u></p> <p>(7) <u>Holiday Entertainment (Venetian Village) – 11/23/01</u></p> <p>(8) <u>Reception/Dance Demo (Gallery Victoria)</u></p> <p>(9) <u>Private Reception (Brown Bros. Harriman & Co.) – 12/5/01</u></p> <p>(10) <u>Christmas Boat Parade (Venetian Village) – 12/6/01</u></p> <p>(11) <u>Holiday Entertainment (Venetian Village) – 12/13/01</u></p> <hr/>
<p>•Resolution •Community Services</p> <p><u>01-9380</u></p> <p><i>Approved with Consent Agenda</i></p>	<hr/> <p>8-c. Authorize an Interlocal Tourism Agreement with Collier County accepting \$50,000.00 in Tourist Development Tax to partially fund the annual Fourth of July Festival.</p> <hr/>
<p>•Resolution •Community Services •Bid #006-02</p> <p><u>01-9381</u></p> <p><i>Approved with Consent Agenda</i></p>	<hr/> <p>8-d. Award 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).</p> <hr/>
<p>•Resolution •Purchasing</p> <p><u>01-9382</u></p> <p><i>Approved with Consent Agenda</i></p>	<hr/> <p>8-e. Waive competitive bids and authorize the purchase of a forklift under Florida State Contract for use by the Purchasing Warehouse \ Contractor: Mid-Florida Forklift, Inc., Orlando, FL \ Cost: \$21,464.00 Funding: CIP #02D10.</p> <hr/>
<p>•Resolution •Development Services</p> <p><u>01-9383</u></p> <p><i>Approved with Consent Agenda</i></p>	<hr/> <p>8-f. Award a contract with Kimley-Horn & Associates, Inc., for traffic engineering studies and services citywide, as needed; and authorize the City Manager to execute supplemental agreements up to an annual aggregate of \$10,000.00 \ Funding: Departmental budget.</p> <hr/>
<p>•Resolution •Development Services</p> <p><u>01-9384</u></p> <p><i>Approved with Consent Agenda</i></p>	<hr/> <p>8-g. Authorize the City Manager to execute agreements with Florida Power & Light for street light removals, relocations, modifications and/or additions \ Funding: previously approved CIP or budget item.</p> <hr/>
<p>•Resolution •Development Services</p> <p><u>01-9385</u></p> <p><i>Approved with Consent Agenda</i></p> <hr/>	<hr/> <p>8-h. Award a contract for survey services for Drainage Basin III \ Contractor: Johnson Engineering, Inc., Naples, FL \ Cost: (not to exceed) \$11,500.00 \ Funding: CIP #99V14.</p> <hr/>

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**•Resolution
•Public Works
Bid #013-02**

01-9386

Approved with Consent Agenda

**•Resolution
•Information Services**

01-9387

Approved with Consent Agenda

**•Resolution
•City Clerk**

01-9388

Approved with Consent Agenda

-
- Easement Vacation Petition 01-EV2
•Petitioner: Francis R. Croak, Trustee
•Agent: John Passidomo
•Planning Advisory Board
recommendation for approval**

**01-9376 / AS AMENDED to renumber
sub-parts of Section 2 (1-3 rather than 1-4)
Galleberg / Wiseman / 7-0**

- Conditional Use Petition 01-CU9
•Petitioner: First Presbyterian Church
•Agent: Dennis Cronin
•Planning Advisory Board
recommendation for approval**

**01-9377 / AS AMENDED in Section 1 to
show plans prepared by ~~Hole~~ Montes
Wilson Miller dated August 2001 and in
Section 2-1 “A detailed landscape plan
must be submitted and approved by the
Planning Department which shall include
preservation of two existing mature oak
trees.” Galleberg/MacIlvaine / 7-0**

8-i. Award a contract for motor stator rewinding services \ Contractor: Mader Electric Motors, Inc., Ft. Myers, FL \ Annual Cost: (not to exceed) \$25,000.00 \ Funding: Utilities Repair & Maintenance Account.

8-j. Waive competitive bids and authorize a software maintenance agreement for Police & Emergency Services Department \ Contractor: VisionAIR, Castle Hayne, NC \ Annual Cost: \$44,091.28 \ Funding: Network Services, Repair & Maintenance.

8-k. Consider appointing one alternate member to the Code Enforcement Board.

End of Consent Agenda

9. Consider a request to vacate and relocate an easement to the north property line at 2590 Half Moon Walk.

10. Consider a conditional use for a non-commercial parking lot at 134-160 Sixth Street South.

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•2 Resolutions

•Live Entertainment Petition 01-LE6

•Residential Impact Statement

Petition 01-RIS10

•Petitioner: La Mar Restaurants, Inc.

Agents: Richard Grant and

Thomas Norsworthy

11-a 01-9378 / AS AMENDED in Section 1 “Live entertainment shall be limited to either 1) five performers and one vocalist or 2) one disc jockey. The hours for ...” (announcements by disc jockey after 11:30 p.m. will be pre-recorded) / Herms / Taylor 5-1-1 (Wiseman abstaining and Galleberg dissenting)

11-b 01-9379 / AS AMENDED in Section 2-a with same wording as 11-a above Herms / Taylor / 5-1-1 (Wiseman abstaining and Galleberg dissenting)

•2 Resolutions

•Live Entertainment Petition 01-LE8

•Residential Impact Statement

Petition 01-RIS13

•Petitioner: Hofgarten Brauhaus

•Staff recommendation for approval

12-a 01-9389 AS AMENDED in Section 1 inserting the words “limited to the first floor” into the property description, Section 2 Paragraph 1 “Live entertainment shall be limited to a maximum of three performers in the Hofgarten Brauhaus from 6:00 p.m. until 11:30 p.m.”, and in Section 3 stipulating approval to be contingent upon the first floor receiving final certificate of occupancy Herms/Tarrant/6-1/(Galleberg dissenting)

12-b 01-9390 AS AMENDED with conditions in Sections 2 and 3 as stated above/Herms/Tarrant/6-1 (Galleberg dissenting)

11. Consider the following as it relates to Zoe's Restaurant, 720 Fifth Avenue South:

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

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

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

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

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

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<p>•Resolution •Community Services •Community Services Advisory Board recommendation for approval <u>01-9391</u> with the four recommended changes with the exception of an unlit half-court basketball court with room for expansion in the future if desired <u>Galleberg/Taylor / 7-0</u></p>	<p>13. Consider a revised and updated plan for Seagate Park.</p>
<p>•Resolution •Public Works <u>01-9393</u> /Wiseman/Herms / 7-0</p>	<p>14. Consider an amendment to the contract with Hartman & Associates, Inc., in the amount of (not to exceed) \$254,710.00, for an aquifer performance test at the Golden Gate wellfield.</p>
<p>•Resolution •Public Works <u>01-9394</u> / Wiseman/MacIlvaine/6-0-1 (Galleberg abstaining)</p>	<p>15. Consider an amendment to the contract with Hole, Montes & Associates, Inc., in the amount of (not to exceed) \$123,670.00 for supplemental on-site construction management services for Phase II, Port Royal Water Tank Site Project.</p>
<p>•Resolution •Development Services <u>01-9396</u> / Wiseman/MacIlvaine / 7-0</p>	<p>16. Consider accepting a right-of-way easement from Lucille Cohen in order to install a traffic signal system at the intersection of U.S. 41 and Seventh Avenue North.</p>
<p>•Resolution •Development Services <i>Withdrawn see Item 4</i></p>	<p>17. Consider a waiver of competitive bids and authorize a contract for citywide stormwater repair and maintenance services, as needed \ Contractor: Kyle Construction, Naples, FL \ Cost: (not to exceed) \$150,000.00 / Funding: Stormwater, Other Contractual Services.</p>
<p>•Resolution Development Services <i>Withdrawn see Item 4</i></p>	<p>18. Consider an amendment to the contract with Douglas N. Higgins, Inc., in the amount of (not to exceed) \$185,838.00, for additional construction services to the Drainage Basin VI Stormwater Improvement Project.</p>
<p>•Resolution •Natural Resources <u>01-9392</u> / Herms/Tarrant / 7-0</p>	<p>19. Consider a contract for engineering services for West Naples Bay Waterways Dredging Project \ Contractor: Humiston & Moore Engineers \ Cost: (not to exceed) \$133,500.00 \ Funding: General Fund.</p>
<p>•Resolution •Police & Emergency Services Department <u>01-9395</u> / Wiseman/MacIlvaine / 7-0</p>	<p>20. Consider authorization to expend Police confiscation trust funds in accordance with state and federal requirements.</p>

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•Mayor
•Pursuant to 11/5/01 Workshop
01-9397 / Petitioner's presentation to occur
firs; petitioner allowed 20 minutes
(uninterrupted) to present petition; City
Clerk to be notified of time certain
requests/Galleberg/MacIlvaine/5-2
(Tarrant and Herms dissenting)

• Added Item

WAIVE CONFLICT/Taylor/MacIlvaine/
6-1(Herms dissenting)

• Added Item

ACCEPT settlement offer (with proviso
that acceptance is not an admission or
waiver on part of City/Herms/Wiseman/5-2
(MacIlvaine and Taylor dissenting)

• Added Item

•Continued from 11/5/01 Workshop
*hazardous waste material collection day /
annual water quality maintenance
program / memorial plaque at Pier / flu
shots for City employees / commencement
of Goodlette Road widening project /
update on installation of Gordon River
Bridge railings / Collier County Fire
Chiefs Association awards to City fire
inspector Mike Klein (Fire Inspector of the
Year) and Admin Specialist Kathy Brooke
(Secretary of the Year) / upcoming PAB
review of River Park Recreation Center
petitions / City Dock and charter boat
petitions/issues scheduled for 11/19/01
Regular Meeting / upcoming meeting
between City Manager and dock tenants*

Correspondence and Communications - Appearance at Tourist Development Council Special Meeting regarding use of TDC funds for 5th Avenue South Association events (Tarrant) / Submission of PAB minutes to Council / Authority of Staff Action Committee to assign parking places to restaurant (MacIlvaine) Motion to place appeal of this SAC decision on 11/19/01 Regular Meeting Agenda / MacKenzie/Taylor/6-0-1 (Wiseman abstaining)

Public Comment - Bill Boggess (beach rocks)

Adjourn - 4:38 p.m.

21. Adoption of proposed policy guidelines for presentations of petitions to the Naples City Council.

22. Waiver of conflict request by Roetzel & Address for a landscape maintenance agreement at the Estuary at Grey Oaks

23. Executive session relative to litigation - Warm Weather Investments

Briefing by City Manager

Items considered in the following order: 1,2,3,4,5,6,7,9,10,11-a,11-b,23,8-a,8-b,8-c,8-d,8-e,8-f,8-g, 8-h,8-I,8-j, 8-k, 12-a,12-b,13,19,14,15,20,16,22,21,