

## **Annotated**

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### **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**

**Monday, November 19, 2001**

**Convened 9:11 a.m./Adjourned 6:30 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 Donald Treglown, Faith Lutheran Church*
3. Announcements - *None*
4. Set agenda (*add or remove items*)  
*Added Item 11-b(4) – Request for amplified sound at the Cambier Park Bandshell on 12/01/01/ Galleberg/ Wiseman/ 7-0; Added Item 25 - League of Women Voters request to use the Council Chamber for candidate debates for the 2002 City General Election / Taylor/Tarrant/7-0; Added Item 26 – Change order for services relating to Drainage Basin VI Stormwater Improvement Project / Taylor/ Galleberg/7-0; Added Item 27 – Request by Council Member Tarrant to discuss the City's Consent Agenda policy/ Taylor/Herms/ 7-0*  
*Set agenda continuing Items 6,7,8,9 and 23 to 12/3/01 and 12/5/01, continuing Item 13 to 12/5/01, continuing Item 17 to 12/19/01, withdrawing Item 15, and adding Items 11-b(4), 25, 26, and 27 / Herms/Taylor/7-0*
5. Public Comment – *Joe Bawduniak / aviation safety seminar*

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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.

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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>•First Reading of an Ordinance</li> <li>•Community Services</li> </ul> <p><i>Continued (See Item 4)</i></p>	<p><b>9:30 a.m. (See also related Items 7, 8, and 9)</b></p> <p>6. Consider amending Section 78-82 of the Code of Ordinances in order to revise the rules and regulations for use and operation of the City Dock.</p>
<ul style="list-style-type: none"> <li>•Resolution</li> <li>•Community Services</li> </ul> <p><i>Continued (See Item 4)</i></p>	<p>7. Consider revising mooring rental rates for recreational and commercial vessels at the City Dock as contained in Appendix A of the Code of Ordinances.</p>
<ul style="list-style-type: none"> <li>•Resolution</li> <li>•Community Services</li> </ul> <p><i>Continued (See Item 4)</i></p>	<p>8. Consider a revised rental agreement document for recreational slips at the City Dock.</p>
<ul style="list-style-type: none"> <li>•Resolution</li> <li>•Community Services</li> </ul> <p><i>Continued (See Item 4)</i></p>	<p>9. Consider a revised rental agreement document for commercial slips at the City Dock.</p>
<ul style="list-style-type: none"> <li>•First Reading of 2 Ordinances</li> <li>•Building &amp; Zoning</li> <li>•Planning Advisory Board recommendation for approval</li> <li>•Continued from 11/7/01</li> </ul> <p><b><u>10-a) APPROVED AS AMENDED</u></b>  <b><u>Taylor/MacIlvaine / 4-2 (Tarrant, Herms dissenting, Wiseman absent)</u></b></p> <p><b><u>10-b) APPROVED AS AMENDED</u></b>  <b><u>Galleberg/MacIlvaine/4-3 (Herms, Wiseman, Tarrant dissenting)</u></b></p>	<p><b>3:30 p.m.</b></p> <p>10-a. Consider amending Section 62-94 and 94-75; repealing Section 62-63 and 62-106; amending Section 110-86 of the Code of Ordinances to establish regulations on obstructing width of right-of-way, submission of sidewalk, street and project site drainage and driveway plans and commercial vehicles in residential districts.</p> <p>10-b. Consider repealing Sections 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 to establish regulations governing the conditions and maintenance of all residential, commercial and vacant property, including construction sites.</p>

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## Consent Agenda

### Approve Consent Agenda / Wiseman Taylor / 7-0

**6/18/01 Budget Workshop, 6/19/01 Budget  
Workshop, 10/3/01 Regular, and 10/9/01  
Special**

•Community Services

### Approved with Consent Agenda

•Resolution

•Building & Zoning

### 01-9398 (approved with Consent Agenda)

•Resolution

•Utilities

### 01-9399 (approved with Consent Agenda)

•Resolution

•Planning Department

### 01-9400 (approved with Consent Agenda)

•Resolution

•Lee County Bid #Q-010294

•City Manager

### 01-9401 (approved with 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.

11-b. Approve the following special events:

- (1) Venetian Village Entertainment - 12/27/01, 1/3/02, 2/7/02, 3/14/02
- (2) Naples Concert Band (Cambier Park) - 4/19/02
- (3) Venetian Village Wine Classic (The Village) 4/26/02
- (4) Planned Parenthood World Aids Day observance (Cambier Park Bandshell) 12/1/01

11-c. Waive competitive bids and authorize a Supplemental License and Service Agreement for a new internet software application to assist the public in accessing building permit information \ Vendor: HTE, Inc., Lake Mary, FL \ Cost: \$21,640.00 \ Funding: CIP #02B08.

11-d. Waive competitive bids and authorize a contract for a 2-channel automated flow analyzer for use at the City's water treatment facilities \ Contractor: Astoria Pacific International, Clackamas, OR \ Cost: \$33,180.00 \ Funding: CIP #02M16.

11-e. Authorize a First Amendment to the contract with Stahlman-England Irrigation Inc., Naples, FL, in the amount of \$21,231.17, for installation of a reuse irrigation system at George Washington Carver Housing Project.

11-f. Reject all bids received, waive further bids and approve a contract for wireless phone services under the terms and conditions of a Lee County bid \ Vendor: AT&T Wireless Services, Inc., Ft. Myers, FL \ Est. Annual Cost: \$53,600.00 \ Funding: Departmental Communications Account.

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**•Resolution  
•Police & Emergency Services**

**01-9402 (approved with Consent Agenda)**

- Second Reading of an Ordinance
- Text Amendment Petition 01-T14
- Petitioner: City of Naples
- Approved on First Reading 11/7/01

**01-9403/Galleberg/MacIlvaine/ 6-1  
(Tarrant dissenting)**

- Resolution
  - Fence & Wall Waiver Petition 01-FWW5
  - Petitioner: Susan M. Morrison
  - Agent: John Passidomo
  - Staff recommendation for approval
- Continued (See Item 4)***

- 4 Resolutions
- Conditional Use Petition 01-CU11
- Variance Petition 01-V6
- Conditional Use Petition 01-CU12
- Right-of-Way Petition 01-ROW1

**14-a) 01-9404/ MacIlvaine/Herms / 7-0**

**14-b) 01-9405 DIRECTING STAFF to  
investigate the possibility for a drop-off  
area/ Herms MacIlvaine / 5-2 (Galleberg,  
Wiseman dissenting)**

**14-c) 01-9406/ Herms/MacIlvaine / 7-0**

**14-d) 01-9407 AS AMENDED to include a  
corrected Exhibit A and to provide for  
relocation of two handicap parking spaces  
in the event a drop-off is constructed in the  
paved right-of-way / MacIlvaine/Tarrant  
5-2 (Galleberg, Wiseman dissenting)**

- 11-g. Waive competitive bids and authorize the purchase of 5 in-car video camera systems for use by Patrol Operations \ Vendor: Kustom Signals, Inc., Lenexa, KS \ Price: \$25,450.00 \ Funding: Florida Department of Transportation 2001 Grant Award.

**End of Consent Agenda**

- 12. **Public Hearing** to 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.
- 13. Consider a waiver from Section 110-37(a)(2.1)f. of the Code of Ordinances in order to allow additional driveway width and additional gate and gate post height at 3093 Fort Charles Drive.
- 14. Consider the following as it relates to the construction of a new River Park Community Center, 301 Eleventh Street North:
  - 14-a. A conditional use in order to recognize existing recreational uses and allow for any future recreational improvements
  - 14-b. A variance from Section 102-746 of the Code of Ordinances in order to allow a zero front yard setback and a one-foot, six inch rear yard setback
  - 14-c. A conditional use permitting off-site parking in the City-owned lot at Eleventh Street North and Third Avenue North
  - 14-d. An application to convert a grass right-of-way to hard surface in order to accommodate two handicap parking spaces.

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**•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 10/17/01**

***Withdrawn (See Item 4)***

**•City Manager**

***DIRECT STAFF to sell property for \$20,000 plus closing costs with the property owner to provide the City with a stormwater utility***

***easement/Herms/MacIlvaine / 5-2***

***(Wiseman, MacKenzie dissenting)***

**•Resolution**

**•City Manager**

**•Pursuant to 10/1/01 Workshop**

***Continued (See Item 4)***

**•Budget Amendment**

**•City Manager**

***Approved/Wiseman/MacIlvaine / 7-0***

**•2 Resolutions**

**•City Manager**

***19-a) 01-9408/Wiseman/MacIlvaine / 7-0***

***19-b) 01-9409/Wiseman/MacIlvaine / 7-0***

**•Pursuant to 11/07/01 Regular Meeting**

***DISALLOW THE USE of the three parking spaces on Fifth Avenue for valet parking but allow the petitioner to use the alley at the rear of the restaurant for pick-up and drop-off for parking in a nearby parking lot, and to allow the general public access to the valet service/MacIlvaine/Herms/4-2-1 (Taylor, Galleberg dissenting, Wiseman abstaining)***

15. 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.

16. Consider authorizing the sale of City-owned property in order to accommodate construction of a residence at 651 West Lake Drive.

17. Consider transferring \$173,918.00 from the General Fund (Undesignated Reserves) to the Sabal Bay Litigation Fund and authorizing the use of these funds for legal expenses relating to Hamilton Harbor litigation.

18. Consider a budget amendment in order to carry forward capital improvement projects approved in Fiscal Year 2001, but not completed as of 9/30/01.

19-a. Consider ranking firms, in order of preference, to provide financial advisor services and authorizing contract negotiations with the top-ranked firm.

19-b. Consider ranking firms, in order of preference, to provide bond/disclosure counsel legal services and authorizing contract negotiations with the top-ranked firm.

20. Consider an appeal of a Staff Action Committee decision, pursuant to Section 102-1093(3)(f) of the Code of Ordinances, relating to allocation of three, on-street parking spaces for valet drop off at Zoe's Restaurant, 720 Fifth Avenue South.

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**•3 Resolutions**

**21-a) 01-9410 appointing Vice Mayor  
Herms until February 2002/Taylor/ no  
second / 7-0**

**21-b) 01-9411 appointing Mayor  
MacKenzie until February  
2002/Wiseman/Taylor / 7-0**

**21-c) Remain vacant as committee will  
terminate in March 2002  
Taylor/ MacIlvaine / 7-0**

**•City Manager**

**DIRECT CITY MANAGER to investigate  
alternative trucking companies to assist  
County in placing sand on Park Shore  
beaches, and offer any other assistance  
necessary / Herms/Taylor / 7-0**

**•City Manager**

***Continued (See Item 4)***

**•Mayor**

**DIRECT CITY CLERK to circulate  
vacancy with the regular advertised  
committee appointments  
Herms/MacIlvaine / 6-1 (Tarrant  
dissenting)**

**•Added Item**

***Approved/Taylor/Tarrant/7-0***

**•Added Item**

**•Resolution**

**•Development Services**

**01-9412/Herms/Wiseman/6-1 (Tarrant  
dissenting)**

**•Added Item**

**•Requested by Council Member Tarrant**

***Uphold current policy  
Wiseman/MacIlvaine/4-3 (Herms, Taylor,  
Tarrant dissenting)***

21. Consider appointing Council Members to the following boards and committees:

- 21-a. Metropolitan Planning Organization (one vacancy)
- 21-b. Regional Planning Council (one vacancy)
- 21-c. Collier County Ad Hoc Committee for the I-75/Golden Gate Interchange Landscaping (one vacancy)

22. Update on the Collier County beach rock removal project.

23. Discussion regarding potential location for Funtime Nursery.

24. Consider nominating a City of Naples representative to the Collier County Community of Character Council.

25. League of Women Voters request to use the Council Chamber for candidate debates for the upcoming 2002 General Election

26. Change order for additional construction services relating to the Drainage Basin VI Stormwater Improvement Project / Douglas N. Higgins, Inc. / Cost: \$88,000 / Funding: State Revolving Fund loan

27. Discussion of the City's Consent Agenda policy

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**Correspondence and Communications**

***Clarification on upcoming City Dock items (Taylor) / Placement of budget on City web page (MacKenzie) / Status of Gordon River bridge project (Tarrant) / Law Enforcement of the Year Award; union negotiations on health and dental plans (Rambosk)***

**Public Comment**

***None.***

**Adjourn – 6:30 p.m.**

***Items were considered in the following order:***

***1,2,3,4,6,7,8,9,23,13,17,15,5,11,12,14,16,18,19,20,21,24,25,26,27,22,10.***