

## **ANNOTATED AGENDA**

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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**

**Wednesday, January 9, 2002**

**Convened 8:59 a.m./Adjourned 3:13 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 G. Dale Benson, First Church of Nazarene*
3. Announcements – *None.*
4. Set agenda (*add or remove items*) -  
*Added Item 17-b selection of canvassing board member / Galleberg/Wiseman 7-0; Added Item 18 potential City Attorney conflict of interest/waiver / Taylor/Galleberg/7-0; Set agenda adding Items 17-b and 18 / Galleberg/MacIlvaine/7-0*
5. Public Comment – *Harold Krantz, petition regarding Item 13.*

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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
<b>•First Reading of an Ordinance</b> <b>•Building &amp; Zoning</b> <b>•Planning Advisory Board</b> <b>recommendation for approval</b> <b>•Continued from 12/19/01</b>	<b>9:30 a.m.</b> 6. Consider repealing Sections 62-63 and 62-106 of the Code of Ordinances and amending Sections 62-94 and 110-86 in order to regulate parking within landscaped rights-of-way and to limit commercial vehicle parking within residential districts.
<b><i>Approved/Galleberg/MacIlvaine/7-0</i></b>	
<b>•First Reading of 2 Ordinances</b> <b>•Rezone Petition 01-R10</b> <b>•Petitioner: City of Naples</b> <b>•Planning Advisory Board</b> <b>recommendation for approval (7-a)</b>	<b>1:30 p.m.</b> 7-a. Consider rezoning the following parcels on the west side of Gulf Shore Boulevard (Oleander Drive to Doctors Pass) from R3-T18, "Multifamily District" to R3-18, "Multifamily District":  <i>Surfside Club</i> , 1065 Gulf Shore Boulevard N. <i>Bahama Club</i> , 1121 Gulf Shore Boulevard N. <i>Via Del Fino</i> , 1221 Gulf Shore Boulevard N. <i>Whitehall</i> , 1255 Gulf Shore Boulevard N. <i>Colonial Club</i> , 1275 Gulf Shore Boulevard N. <i>Laurentians</i> , 1285 Gulf Shore Boulevard N. <i>Mansion House</i> , 1601 Gulf Shore Boulevard N. <i>Embassy</i> , 1717 Gulf Shore Boulevard N. <i>Gulf Shore Colony</i> , 1785 Gulf Shore Boulevard N. <i>La Tour Rivage</i> , 1851 Gulf Shore Boulevard N. <i>Diplomat</i> , 1919 Gulf Shore Boulevard N. <i>Gulf Towers</i> , 1977 Gulf Shore Boulevard N. <i>Carriage Club</i> , 2011 Gulf Shore Boulevard N. <i>Royal Palm Club</i> , 2121 Gulf Shore Boulevard N. <i>Chateau Club</i> , 2151 Gulf Shore Boulevard N. <i>Gulf View Beach Club</i> , 2171 Gulf Shore Boulevard N. <i>Indies West</i> , 2200 Gulf Shore Boulevard N.
<b><i>7-a) Approved/noting the revised</i></b> <b><i>Attachment A/Galleberg/MacIlvaine/6-0</i></b> <b><i>(Wiseman abstaining)</i></b>	
<b><i>Conduct Second Reading at the 1/23/02</i></b> <b><i>Regular Meeting at 1:30 p.m.</i></b> <b><i>Galleberg/Tarrant/6-0 (Wiseman</i></b> <b><i>abstaining)</i></b>	
<b><i>7-b) Denied/Galleberg/Tarrant/6-1</i></b> <b><i>(MacIlvaine dissenting)</i></b>	7-b. Consider rezoning the <i>Tides Motor Inn</i> , 1801 Gulf Shore Boulevard N., from R3-T18, "Multifamily District" to R3-18, "Multifamily District".

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**Consent Agenda**

***Approve Consent Agenda  
Wiseman/MacIlvaine/7-0***

***9/17/01 Special, 10/1/01 Special, 10/17/01  
Regular***

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**•Special Events Committee**

***Approved with Consent Agenda***

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**•Resolution  
•Community Services**

***02-9469/Wiseman/MacIlvaine/7-0***

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**•Resolution  
•Bid #026-02  
•Community Services**

***02-9470/Wiseman/MacIlvaine/7-0***

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**•Resolution  
•Community Services**

***02-9471/Wiseman/MacIlvaine/7-0***

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**•Resolution  
•City Manager**

***02-9472/Wiseman/MacIlvaine/7-0***

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**•Resolution  
•Bid #049-01-R  
•Public Works**

***02-9473/Wiseman/MacIlvaine/7-0***

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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.

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8-b. Approve the following special event:

Bayfront, Inc. Fashion Show / Dinner (Bayfront Place) - 2/21/02

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8-c. Ratify and confirm action of City Manager to contract for sidewalk repairs on 5th Avenue South and in Fleischmann Park \ Contractor: Brooks Masonry, Naples, Florida \ Total Cost: \$38,565.58 \ Funding: Tax Increment Financing and Bond Issue Funding.

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8-d. Authorize a contract for installation of a fuel monitoring system at the City Dock \ Vendor: Petropac Solutions, Inc., Fort Myers, Florida \ Price: \$20,003.90 \ Funding: CIP #99Q05.

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8-e. Authorize a first amendment to the contract with Southern Bleacher Company, Inc., to extend the completion date for installation of bleachers at the Cambier Park ball field.

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8-f. Amend and restate existing employee Deferred Compensation Plan document with the Variable Annuity Life Insurance Company (VALIC) pursuant to the Economic Growth and Tax Relief Reconciliation Act of 2001.

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8-g. Authorize contract for the purchase of single line stop equipment for the City's wastewater collection system \ Vendor: Severn Trent Pipeline Services, Inc., Alsip, Illinois \ Cost: \$21,863.00 \ Funding: CIP #01N42.

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**•Resolution  
•Development Services**

02-9474/Wiseman/MacIlvaine/7-0

**•Resolution  
•Police and Emergency Services**

02-9475/Wiseman/MacIlvaine/7-0

**•City Manager**

Approved with Consent Agenda

**•Second Reading of an Ordinance  
•Approved on First Reading 12/19/01**

02-9476/Galleberg/MacIlvaine/6-1  
*(Tarrant dissenting)*

**•Second Reading of an Ordinance  
•Approved on First Reading 12/19/01**

02-9477/Herms/Taylor/7-0

**•Second Reading of an Ordinance  
•Approved on First Reading 12/19/01**

02-9479/Herms/MacIlvaine/7-0

**•Resolution  
•Fence & Wall Waiver Petition 01-FWW5  
•Petitioner: Susan M. Morrison  
•Agent: John Passidomo  
•Continued from 12/5/01**

02-9480/Tarrant/Wiseman/5-2  
*(MacIlvaine, Herms dissenting)*

**•2 Resolutions  
•Live Entertainment Petition 01-LE4  
•Residential Impact Statement  
Petition 01-RIS8  
•Petitioner: Comfort Inn Downtown  
on the Bay  
•Staff recommendation for approval**

8-h. Accept a utility easement from the District School Board of Collier County for installation/maintenance of water lines and installation of an additional fire hydrant at the Poinciana Elementary School.

8-i. Authorize an interlocal agreement with Collier County pertaining to annual maintenance of the 800 MHz radio system used by Police and Emergency Services.

8-j. Authorize a \$550.00 increase in the City's co-sponsorship of the Martin Luther King Jr. Parade/Celebration (1/21/02)

**End of Consent Agenda**

9. **Public Hearing** to consider amending Section 94-75 of the Code of Ordinances in order to regulate surface water management during construction projects and the operation of surface water management upon completion of the project.

10. **Public Hearing** to consider adding Section 5, Article 5 to the City of Naples Charter, in order to provide for an internal auditor.

11. **Public Hearing** to consider amending Sections 62-158(b) and 62-159(a) of the Code of Ordinances in order to adjust parking meter rates and parking fines at the Naples Landings.

12. Consider a waiver from Section 110-37(a)(2.1)f. of the Code of Ordinances, in order to allow additional gate and gate post height at 3093 Fort Charles Drive.

13. Consider the following as it relates to the Comfort Inn Downtown on the Bay, 1221 5th Avenue South:

(Continued below)

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**13-a) 02-9481/limited to one microphone in Section 2, Paragraph 1 Galleberg/Wiseman/4-3 (Tarrant, Herms, and MacIlvaine dissenting)**

**13-b) 02-9482/limited to one microphone in Section 2, Paragraph 1 Galleberg/Wiseman/4-3 (Tarrant, Herms, and MacIlvaine dissenting)**

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**•Resolution  
•Community Services**

***Continued to 1/23/02 Regular Meeting/Taylor/Wiseman/6-1 (MacIlvaine dissenting)***

***Direct City Manager to present a revision of Section 78-145, Paragraph 3, eliminating the second sentence relative to the exception to the no-wake zone/MacIlvaine/Herms/7-0***

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**•Resolution  
•Bid #032-02  
•Public Works**

**02-9478/Galleberg/MacIlvaine/7-0**

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**•First Reading of an Ordinance  
•Building & Zoning**

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

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**•2 Resolutions  
•City Clerk**

**17-a) 02-9483/Wiseman/Taylor/6-1(Herms dissenting)**

**17-b) 02-9484/Galleberg/Wiseman/5-2 appointing Bill Barnett (Tarrant and Herms dissenting)**

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

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

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14. Consider a use agreement with the Rowing Association of Naples, Inc., relating to the use of park lands known as the Pulling property.

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15. Authorize contract for the hauling and disposal of solid waste containers \ Contractor: Pro Disposal, Inc., Fort Myers, Florida \ Est. Annual Expenditures: \$134,750.00 \ Funding: Solid Waste Contractual Services.

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16. Consider amending Section 94-32 (b) of the Code of Ordinances in order to designate the City as an "impact zone" and to specify wind speed requirements for new building construction as 140 miles per hour in accordance with the Florida Building Code.

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17-a. Consider the form and content of the February 5, 2002 City of Naples General Election Ballot.

17-b. Consider appointing a City elector to the Canvassing Board.

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•Added Item  
•City Attorney

*Accept the City Attorney's withdrawal and direct Larry Farese to represent the City in this matter/Herms/Galleberg/7-0*

18. Consideration of conflict of interest/waiver regarding land use petition by Sunstream, Inc.

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**Correspondence and Communications**

*Future workshop discussions regarding zoning time limitations (Taylor); future workshop discussions on the creation of additional gate height standards (Galleberg); City Manager and Heart of Naples Committee to develop recommendations regarding the rerouting of U.S. 41 to present to Council (MacIlvaine); selling of City hotel rooms (Herms); Royal Poinciana Golf Club annexation and acreage correction (Tarrant); staff neutrality during political season and objection to insinuations of widespread staff corruption (Rambosk).*

**Public Comment – None.**

**Adjourn – 3:13 p.m.**

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

***1,2,3,4,5,8,9,10,15,6,11,12,13,14,7,16,17,18.***