

This document is promulgated solely for the purposes of providing a brief reference to City Council action. It is not to be construed as the minutes of the City Council meeting or in any way the official record of said meeting.

Annotated

Naples City Council Agenda

City Council Chamber, 735 Eighth Street South, Naples, Florida

Mayor: Bonnie R. MacKenzie

Vice Mayor: Gary Galleberg

City Council: Joseph Herms, William MacIlvaine, Clark Russell, Penny Taylor, Tamela Wiseman

City Attorney: Robert D. Pritt · 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, April 17, 2002

Convened 9:00 a.m. / Adjourned 2:40 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 – ***Herms absent***
2. Invocation and Pledge of Allegiance – ***Council Member MacIlvaine***
3. Announcements

Employee Recognition Awards

4. Set agenda (*add or remove items*)

Add Item 18 – ***Executive session relative to Wharton Smith litigation***

MacIlvaine / Taylor / 6-0 (Herms absent)

Set Agenda with above addition; continuing Item 8 to 5/1/02 (at petitioner's request); withdrawing Item 7; revising time for Item 9 to 9:30 a.m.; setting time for Item 17 at 1:30 p.m. (to be followed by Item 18); and setting approximate time for consideration of Item 15 at 11:00 a.m. and Item 16 at 11:15 a.m. / ***Galleberg / MacIlvaine / 6-0 (Herms absent)***

(Consensus later in meeting not to add item to this agenda relative to acceptance of an easement for bicycle lanes on Harbour Drive and Park Shore Drive Bridges; Mayor to sign necessary documents and PLACE RATIFICATION OF ACTION ON NEXT AGENDA)

Discussion of Comprehensive Plan to be added to 5/13/02 Workshop.

5. Public Comment – ***F. Tarrant / Taxpayers Action Group request for County ballot question on infrastructure; and W. Boggess / beach issues***

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.

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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

- Second Reading of an Ordinance
- Planning Department
- Approved at First Reading 4/03/02

02-9596 / Galleberg / Wiseman / 6-0
(Herms absent)

•Requested by Council Member Taylor
WITHDRAWN (see Item 4)

- Resolution
- Development Services
- Continued from 4/03/02

CONTINUE to 5/1/02 (see Item 4)

- Human Resources

APPROVE Consent Agenda except Item
10-I (and noting corrected page submitted
for 1/7/02 Workshop minutes)
Russell / Galleberg / 6-0 (Herms absent)

Approved: 1/7/02 Workshop; 1/9/02
Regular Meeting; and 2/4/02 Workshop

- Community Services

Approved with Consent Agenda

•Resolution
City Clerk
02-9598 Approved with Consent Agenda

- Resolution
- Development Services

02-9599 Approved with Consent Agenda

9:15 am.

6. **Public Hearing** to consider adopting the 2001 Level of Service Report for submission to the Florida Department of Community Affairs.

9:30 a.m.

7. Discussion/update of ASR technology.

10:15 a.m.

8. Consider a right-of-way permit to allow installation of automatic gates across the alley bisecting the property as it relates to the Hotel Escalante, 290 5th Avenue South.

~~1:30 p.m.~~ **9:30 a.m.**

9. Executive Session regarding Labor Relations.

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) Naples Community Sailing Center (rescheduling) 5/18-19/02
- (2) Sprint Tropicool 5k – Gulf Coast Runners 05/05/02

- 10-c. Appoint Code Enforcement Board Alternate Member G. Robert Smith to a regular term.

- 10-d. Authorize the purchase of a 2002 Ford Explorer for use by the Traffic Control Technician\Vendor: Tamiami Ford, Inc., Naples, FL \Cost: \$22,449.94\Funding: Self-Insurance Fund & Street Fund.

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•Resolution
•Development Services

02-9600 Approved with Consent Agenda

•Resolution
•Development Services

02-9601 Approved with Consent Agenda

•Resolution
•Public Works

02-9602 Approved with Consent Agenda

•Resolution
•Police & Emergency Services

02-9603 Approved with Consent Agenda

•Resolution
•Natural Resources

**02-9605 AS AMENDED to add “disposal”
to Scope of services #3, Page 3
Russell / MacIlvaine / 5-1
(MacKenzie dissenting and Herms absent)**

•Resolution
•Natural Resources

02-9604 Approved with Consent Agenda

•Finance

Approved with Consent Agenda

10-e. Authorize an amendment to the CDM Missimer (formerly Camp, Dresser, McKee) Agreement to cover additional litigation issues relating to the Basin VI Stormwater contract \ Vendor: CDM Missimer, Ft. Myers, FL \ Cost: \$60,000.00\ Funding: Liquidated Damages

10-f. Accept utility easements for the operation and maintenance of underground utility facilities from the following:
(1) Don Q. & Annie Merle Wynn
(2) Provence of Naples, Inc.
(3) Olde Naples Self Storage
(4) Neuse, Incorporated
(5) National Exchange Services, Inc.

10-g. Approve a contract for repair of a Delroyd Gearbox at the Water Plant\Vendor: Miller Bearings, Inc., Ft. Myers, FL\Cost: \$23,500.00\Funding: CIP #02K50

10-h. Approve a supporting host agency law enforcement personnel agreement with the U.S. Government, Transportation Security Administration for security at the Naples Airport.

10-i. Approve a professional services agreement with Southern Waste Services, Inc. for cleanup of hazardous materials spills within the City.

10-j. Approve an amendment to a contract to continue permit-required monitoring of the South Gordon Drive T-Groin project \Vendor: Humiston & Moore, Naples, FL\Cost: \$84,934.00\Funding: Tourist Development Funds

10-k. Approve Budget Amendment to transfer funds from Utility Tax Contingency for Cambier Park Ball Diamond.

End of Consent Agenda

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•Resolution
•Public Works

02-9597

Russell / Wiseman / 6-0 (Herms absent)

•Resolution
•City Manager

02-9606 (appoint Galleberg)

MacIlvaine / Wiseman

6-0 (Herms absent)

•Resolution
•SAC Waiver Petition 02-2
•Petitioner: Naples Area Chamber of
Commerce
•Staff Action Committee had no
recommendation

02-9607 DENY (due to failure of motion to
approve MacIlvaine / Galleberg / 3-3

Taylor, MacKenzie and Wiseman
dissenting, Herms absent)

•Planning

PLACE ON 5/15/02 CONSENT AGENDA

Taylor / MacIlvaine / 4-2 (Wiseman and
Russell dissenting, Herms absent)

SET POLICY TO NO LONGER ENTERTAIN REQUESTS FOR “QUICK FLIPPED”

PLANNING PETITIONS (petitions routed to the Council meeting immediately following the
Planning Advisory Board meeting) Wiseman / Taylor / 6-0 (Herms absent)

•Resolution
•City Manager

HOLD THAT CODE SECTION 106-181
APPLIES AND REQUIRE PAYMENT
OF FEE / MacIlvaine / Wiseman / 5-1
(Taylor dissenting, Herms absent)

CONTINUE TO 2:30 P.M.(for drafting of
resolution embodying above motion)

Wiseman / MacIlvaine / 6-0
(Herms absent)

02-9610 / Wiseman / Russell / 5-1
(Taylor dissenting, Herms absent)

11. Approve the purchase of a Jet-Vacuum truck for the cleaning and vacuuming of sewer lines\Vendor: Southern Sewer Equipment Sales, Ft. Pierce, FL\Cost: \$216,500.00\Funding: CIP #02N11

12. Appoint one member of City Council to a Selection Committee for the purpose of selecting a Risk Management and Insurance Broker/Agent.

13. Consider a waiver from Section 102-1093(3)e of the Code of Ordinances in order to permit signage at the Naples Area Chamber of Commerce Visitors Center at 895 5th Avenue South.

14. Request to place Final Site Plan approval for the Bellasera Hotel on the May 15, 2002 Consent Agenda.

11:00 a.m.

15. Request from the Port Royal Club to waive sidewalk fees.

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•Resolution
•City Manager

02-9608 / Wiseman / Taylor / 5-1
(MacKenzie dissenting, Herms absent)

•City Attorney

AUTHORIZE Roetzel & Andress to file an appeal and to take ancillary action related thereto / Galleberg / Wiseman / 6-0
(Herms absent)

•City Attorney

02-9609 / Wiseman / Russell / 6-0
(Herms absent)

11:15 a.m.

16. Request from Naples High School for a second communications antenna.
-

1:30 p.m.

17. Executive Session (attorney/client session) relating to pending litigation: Commonage Corporation v. City of Naples – Collier County Circuit Court Case No. 00-3694-CA
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18. Executive Session (attorney/client session) relating to pending litigation: Wharton-Smith, Inc., v. City of Naples – Collier County Court Case No. 00-2730-CA
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Correspondence and Communications

Concern for Herms family re son's surgery (Russell); adoption of ordinance regarding revocation of permits CONSENSUS FOR CITY ATTORNEY TO DRAFT AND TO PLACE ON NEXT REGULAR AGENDA (MacIlvaine); clarification on Risk Management/Insurance Broker Committee (Item 12) (Galleberg); violation of ordinance against topping trees, possible use of insurance consultant for staff training on hazardous spill response, and request for support on Taxpayers Action Group (TAG) proposal for ballot issue on concurrency management (Taylor); and new office assistant hired for Mayor/Council (Rambosk)

Public Comment - None

Adjourn – 2:40 p.m.

Order of Consideration:

1, 2, 3, 4, (7, 8) 5, 6, 11, 10, 9, 10-I, 12, 13, 14, 15, 16, 17, 18, (15 cont.), Correspondence