

This document is promulgated solely for the purpose 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.

REVISED

(as to Items 15 and 24-f-1)

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, June 19, 2002

Convened 9:00 a.m. / Adjourned 5:52 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 – *Rev. Michael Bickford, Community Congregational*
3. Announcements – *Gulf Shore Life Award to Mayor*
4. Set agenda (*add or remove items*)

Set Agenda with changes below and Withdrawing Item 14; Continuing Items 9-a (4/1/02 minutes only), 9-n and 9-p to 8/21/02; and removing Items 9-k and 9-o from the Consent Agenda for separate discussion / Galleberg / Russell / 7-0 (Action on continuance of various appointments to be considered under Item 24; Item 17 to be heard in the afternoon session)

Add Item 24-f-2 SAC appointment / Galleberg / MacIlvaine / 7-0; *Add Item 26 Hamilton Harbor attorney/client session (3:30 p.m.)* / Russell / MacIlvaine / 7-0; *Add Item 27 Ordinance on residential preference for boat storage* / Galleberg / Russell / 7-0; *Add Item 28 Endorsement of Conservancy letter on beach clean-up policies* / Galleberg / MacIlvaine / 7-0;

5. Public Comment - *H. Halle and J. Craig regarding proposed fire training facilities adjacent to Fleischmann Park*

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.

This document is promulgated solely for the purpose 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.

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

•Resolution
•City Manager
•Continuation of Public Hearing (from
5/01/02 Regular Meeting)
CLOSE PUBLIC HEARING
Wiseman / Taylor / 7-0

02-9684 / Galleberg / Russell / 7-0

•Resolution
•Variance Petition 02-V4
•Petitioner: Douglas Boynton
•Planning Advisory Board
recommendation for denial
•Staff recommendation for approval
•Continued from
06/05/02 Regular Meeting
02-9692 AS AMENDED to grant variance
only to the current property owner and
only for the vessel currently stored in this
location / Herms / MacIlvaine / 4-3
(Galleberg, Russell and MacKenzie
dissenting)

•Resolution
•Fence and Wall Waiver
Petition 02-FWW4
•Petitioner: Thomas White
•Agent: Christian Andrea
•Staff recommendation for approval
•Reconsideration authorized on 5/15/02
•Continued from
06/05/02 Regular Meeting
02-9693 / Herms / MacIlvaine / 5-2
(Russell and MacKenzie dissenting)

9:15 a.m.

6. **Public Hearing** to review proposed transfer of control and reorganization relating to the ownership of Comcast Cablevision of the South.

10:00 a.m.

7. Consider a variance from Section 110-85 of the Code of Ordinances in order to allow a boat to be stored permanently in the side yard of a residence at 595 6th Avenue North.

10:30 a.m.

8. Reconsider a fence and wall waiver, in accordance with Section 110-37 of the Code of Ordinances, in order to allow walls up to 6 feet 9 ³/₄ inches, a gate of 6 feet 11 inches, and gateposts of 10 feet 1 inch in the front yard setback at 2 Gulf Shore Boulevard South.
-

This document is promulgated solely for the purpose 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.

APPROVE CONSENT AGENDA (except Items 9-d, 9-e, 9-g, 9-h, 9-i, 9-k, 9-m, 9-n, 9-o, 9-p and 4/1/02 minutes, and noting corrected page for 3/20/02 minutes)
Galleberg / Wiseman / 7-0

3/20/02 Regular Meeting (with corrected page)

•Community Services

Approved with Consent Agenda

•Resolution

•Community Services

02-9685 Approved with Consent Agenda

•Resolution

•Community Services

02-9697 / MacIlvaine / Taylor / 7-0

•Resolution

•Community Services

02-9698 / Wiseman / MacIlvaine / 7-0

•Resolution

•Community Services

02-9686 Approved with Consent Agenda

•Resolution

•Community Services

02-9699 / Herms / MacIlvaine / 7-0

Consent Agenda

9. 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.
- 9-a. Approval of Minutes.
- 9-b. Approve the following special events:
 (1) St. Patrick's Day Parade – 03/15/03
- 9-c. Approve an Agreement for the construction of a pre-engineered metal building addition to the Facilities Maintenance Building \ Vendor: Tamiami Builders, Inc., Naples, FL \ Cost: \$47,100.00 \ Funding: CIP #01W13
- 9-d. Approve an Agreement for construction of sidewalks at Sea Gate Park \ Vendor: Bonness, Inc., Naples, FL \ Cost: \$33,434.00 \ Funding: Parks and Recreation Bond Issue.
- 9-e. Approve an Agreement for the construction of the new racquetball court at Sea Gate Park \ Vendor: NCM of Collier County, Inc. d/b/a Naples Concrete & Masonry, Naples, FL \ Cost: \$25,300.00 \ Funding: CIP #01W10.
- 9-f. Approve an Agreement to provide electrical services at Sea Gate Park \ Vendor: Bentley Electric Company, Naples, FL \ Cost: \$19,665.00 \ Funding: Parks and Recreation Bond Issue.
- 9-g. Approve an Agreement to install a new playground at Sea Gate Park \ Vendor: Contract Connection, Inc., Jacksonville Beach, FL \ Cost: \$17,364.00 \ Funding: CIP #01W10.

This document is promulgated solely for the purpose 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.

**•Resolution
•Community Services**

02-9701 / Wiseman / MacIlvaine / 7-0

**•Resolution
•Community Services**

02-9700 / MacIlvaine / MacKenzie / 7-0

**•Resolution
•Community Services**

02-9687 Approved with Consent Agenda

**•Resolution
Community Services**

**02-9695 / Wiseman / MacIlvaine / 6-1
(Herms dissenting)**

**•Resolution
•Police & Emergency Services**

02-9688 Approved with Consent Agenda

**•Resolution
•City Attorney**

**02-9706 / MacIlvaine / Taylor / 7-0
INSTRUCT CITY ATTORNEY to draft a
trust agreement to enable the City to
establish a land conservation trust to
accept land as well as funds, setting forth
selection procedures and trustee
requirements / MacIlvaine / Russell / 7-0**

**•Resolution
•Development Services**

CONTINUE to 8/21/02 (See Item 4)

**•Resolution
•Development Services**

02-9696 / MacIlvaine / Taylor / 7-0

9-h. Approve an Agreement for engineering design and development of improvements to Fleischmann Park \ Vendor: Johnson Engineering, Inc., Naples, FL \ Cost: \$25,000.00 (not to exceed) \ Funding: Parks and Recreation Bond Issue

9-i. Approve an Agreement for a poured concrete base for the basketball court at Sea Gate Park \ Vendor: Brooks Masonry & Concrete Inc., Naples, FL \ Cost: \$16,540.00 \ Funding: CIP #01W10.

9-j. Approve an Agreement for renovation of the athletic field at Sea Gate Park \ Vendor: Turfmaster, Inc., Naples, FL \ Cost: \$76,633.00 \ Funding: CIP #01W10

9-k. Approve an Agreement for the construction of a post and rail fence at the Naples Preserve \ Vendor: Gulf Coast Construction, Inc., Naples, FL \ Cost: \$29,292.00 \ Funding: CIP # 00C16

9-l. Approve an Interlocal Agreement with Collier County EMS creating an Advanced Life Partnership (ALS) program.

9-m. Approve and accept a Corrective Deed of Conservation Easement from the Naples Airport Authority.

(Issues to be addressed in easement: Page 3/#4 list all grantees relative to withholding activities required by FAA; and add language on Page 4/#6 dealing with disputes between grantees)

9-n. Approve an Interlocal Agreement with the District School Board of Collier County for review and inspection services by the Building and Zoning Division for construction of all educational facilities.

9-o. Consider a First Amendment to the Kimley-Horn & Associates, Inc. Professional Services Agreement for traffic engineering studies and services
Cost: \$90,000.00 \ Funding: Streets Fund

This document is promulgated solely for the purpose 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.

•Resolution
•Public Works

CONTINUE to 8/21/02 (See Item 4)

•Resolution
•City Manager

02-9689 Approved with Consent Agenda

•Resolution
•Planning

02-9690 Approved with Consent Agenda

•Resolution
•Planning

02-9694 AS AMENDED to include Phase IV relative to parkland acquisition (CRA recommendation of 6/17/02)
MacIlvaine / Russell / 6-0-1
(Herms abstaining)

•Resolution
•Community Services

02-9691 / MacIlvaine / Wiseman / 7-0

•Resolution
•Development Services

Withdrawn by staff

•Resolution
•Development Services

Withdrawn by staff

9-p. Approve an Interlocal Agreement with the District School Board of Collier County to provide raw water to an elementary school to be constructed in East Golden Gate.

9-q. Approve revised submittal deadlines and procedures for City Council meetings.

9-r. Approve a Grant Award Agreement with the State of Florida Department of Community Affairs for a Florida Community Trust Grant for the Naples Preserve.

End of Consent Agenda

10. Consider approval of a Professional Services Agreement with the top ranked firm for review of the D-Downtown Ordinance proposed by the Heart of Naples Committee.

11. Consider ranking the top three firms in order of preference to provide landscape architectural services for the Heart of Naples and approving an Architectural Services Agreement with A. Gail Boorman & Associates, Naples, FL

12. Consider an Agreement to provide labor, materials and equipment to construct roadway improvements on 10th Street from U.S. 41 to 5th Avenue North \ Vendor: Bonness, Inc., Naples, FL \ Cost: \$ \ Funding: Heart of Naples Bond Fund
(Additional information to be provided by Development Services)

13. Consider a First Amendment to the Road Improvement Contract for improvements to 5th Avenue North between 10th Street and Goodlette-Frank Road \ Vendor: Bonness, Inc., Naples, FL \ Cost: \$186,044.68 \ Funding: Heart of Naples Bond Fund

This document is promulgated solely for the purpose 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.

•Resolution
•Development Services

Withdrawn (See Item 4)

•Resolution
•Community Services

02-9702 / Wiseman / MacIlvaine / 6-1
(Herms dissenting)

•Community Services
REFER to Public Art Advisory Committee
Russell / MacIlvaine / 5-2 (Galleberg and
Taylor dissenting)

•Resolution
•Planning
02-9703 / Russell / MacIlvaine / 5-2
(Herms and Taylor dissenting)

•Second Reading of an Ordinance
•Development Services
•Approved at First Reading on 6/05/02

02-9704 / MacIlvaine / Russell / 6-1
(Herms dissenting)

•Resolution
•Development Services

02-9705 / Wiseman / MacIlvaine / 7-0

•2 Resolutions
•Development Services
20-a) 02-9707 / Wiseman / MacIlvaine
6-0 (Russell absent)

14. Consider an Agreement to install a re-use line on 10th Street from U.S. 41 to 5th Avenue North \ Vendor: Florida State Underground, Naples, FL \ Cost: \$749,622.25 \ Funding: Heart of Naples Bond Fund.

15. Consider ranking the top three firms, in order of preference, to provide Construction Management at Risk for the construction of the Norris Community Center and authorize the City Manager to enter into negotiations with the top ranked firm.

16. Consider placement of a bronze bench sculpture within the Fifth Avenue South Plaza.

17. Consider amending the City Dock Landside Facility Petition.

18. **Public Hearing** to consider repealing Division 2 of Article II, Tree Protection, of Chapter 70 of the Code of Ordinances and adding a new Division 2 of Article II, Tree Protection, of Chapter 70, entitled Lethal Yellowing of Palm Trees.

19. Consider a First Amendment to the Storm Drain Improvements Agreement for the purpose of installing storm drain improvements on various streets \ Vendor: Kyle Construction, Inc., Naples, FL \ Cost: \$100,000.00 \ Funding: Reimbursement from South Florida Water Management District.

20-a. Consider an Agreement to construct medians on Mooringline Drive\ Vendor: Bonness, Inc., Naples, FL \ Cost: \$ \ Funding: CIP #00U26 *(Additional information to be provided by Development Services)*

Item 20 continued on next page

This document is promulgated solely for the purpose 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.

20-b) 02-9708 / Wiseman / MacIlvaine
6-0 (Russell absent)

•Resolution
 •Development Services

Withdrawn by staff

•Resolution
 •Finance
 •Continued from
 05/15/02 Regular Meeting

02-9709 CONTRACT AMENDED in
Paragraph 23 of the contract as follows:
“The parties agree that if one party should commence litigation against the other concerning matters other than the performance under this agreement, the responding party may terminate this agreement without penalty upon 30 days written notice to the other party.” /
Wiseman / MacIlvaine / 7-0

•Resolution
 •City Manager

02-9710 / Taylor / Wiseman / 7-0

20-b. Consider an Agreement to install a re-use line on Mooringline Drive from U.S. 41 to the Mooringline Drive Bridge \ Vendor: Kyle Construction, Inc., Naples, FL \ Cost: \$167,810.00 \ Funding: Utilities Re-use Fund.

21. Consider an Agreement to provide labor and equipment to install new street lighting on 10th Street from U.S. 41 to 5th Avenue North, on 5th Avenue North from U.S. 41 to Goodlette-Frank Road, on 3rd Avenue North and on 11th Street North around the new River Park Community Center and approve the purchase of the street lights \ (Electrical) Vendor: Bentley Electric, Inc., Naples, FL \ Cost: \ Funding: Heart of Naples Bond Funds (Street Lights) Vendor: Lumec, Inc., Quebec, Canada \ Cost: \ Funding: Heart of Naples Bond Funds
(Additional information to be provided by Development Services)

22. Approve a contract with First National Bank of Naples for banking services to the City for the period June 1, 2002 through May 31, 2005.

23. Consider an Agreement for environmental testing services on Riverside Circle \ Vendor: Law Engineering, \ Cost: \ Funding: *(Additional information to be forthcoming)*

This document is promulgated solely for the purpose 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.

•16 Resolutions

•City Clerk

24-a-1) 02-9712 (Hartvelt) / 7-0

24-a-2) 02-9713 (Fryer) / 7-0

24-a-3) 02-9714 (Toby) / 7-0

24-a-4) 02-9715 (Barnett) / 7-0

24-a-5) 02-9716 (White) / 7-0

24-b-1) 02-9717 (Chorlton) / 7-0

24-b-2) CONTINUE to 8/21/02

Wiseman / Taylor / 7-0

24-c-1) 02-9718 (Mercer) / 5-2

(Russell and MacIlvaine dissenting)

24-c-2) CONTINUE to 8/21/02

Galleberg / Russell / 7-0

24-c-3) CONTINUE to 8/21/02

Taylor / Herms / 7-0

24-d) 02-9719 (Rozzi) / 7-0

24-e-1) 02-9720 (Guite) / 7-0

24-e-2) CONTINUE to 8/21/02

Wiseman / MacIlvaine / 7-0

24-f-1) 02-9721 (Thomas) / 6-1 (Herms dissenting)

24-f-2) Added Item 02-9722 (Kovacs)

24-g-1) 02-9723 (Jones)

MacIlvaine / Wiseman / 7-0

24-g-2) 02-9724 (Sanger)

MacIlvaine / MacKenzie / 7-0

24-g-3) 02-9725 (Nicklos)

MacIlvaine / MacKenzie / 7-0

•Resolution

•Community Services

02-9711 directing that the Fleischmann

Park project be completed first from the

\$100,000 allotted with the remainder

expended on street rights-of-way

Wiseman / Taylor / 6-1 (Herms dissenting)

Added Item

AUTHORIZE City Attorney to continue

negotiations with Collier Enterprises in all

matters related to Hamilton Harbor

Wiseman / Russell / 7-0

24. Consider appointing members to the following boards/committees:

- (a) Citizens Advisory Committee for the East Naples Bay Special Taxing District (5)
 - (b) Code Enforcement Board (2)
 - (c) Community Services Advisory Board (3)
 - (d) Moorings Bay Special Taxing District Advisory Committee (1)
 - (e) Collier County Contractors Licensing Board (1)
 - (f) Staff Action Committee (Fifth Avenue Representative (1)
 - (g) Heart of Naples Committee (3)
-

25. Consider approving an Agreement to furnish and plant trees and palms and maintain plant material on designated street rights-of-way \ Vendor: Stahlman Landscape Co., Inc., Naples, FL \ Cost: \$100,000.00 (not to exceed) \ Funding: CIP #01W14.

26. Attorney/client session with reference to Hamilton Harbor litigation.

This document is promulgated solely for the purpose 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.

Added Item

•First Reading of an Ordinance

APPROVED AS AMENDED:

> in the title “...TO PROVIDE A PREFERENCE FOR STORAGE OF BOATS ON THE BEACH FOR CITY RESIDENTS ..”

> in the first Whereas “it is the desire of the City Council to provide a preference for the ...”

>and in Section 1(g) “Preference for storage of boats on the beach, as provided in this section, shall only be available to be given city residents. For purposes of this section “city residents” means individuals whose legal residence is within the city ~~who maintains non-transient occupancy within the City within the city whether full-time or part-time, regardless of domicile.~~”
Wiseman / MacIlvaine / 6-1 (Russell dissenting)

Added Item

AUTHORIZE MAYOR to advise The Conservancy by letter of the Council’s support of revising current policies with regard to beach cleaning
Wiseman / Taylor / 7-0

-
27. Consider amending Section 110-34 of the Code of Ordinances to provide a preference for storage of boats on the beach for City residents.

-
28. Consider endorsement of The Conservancy’s letter on beach clean-up.
-

Correspondence and Communications

Charges for use of Lowdermilk Park gazebo (Taylor); petition for alley improvements (Herms); increasing timeliness of minutes (Russell); Council Member schedules in event of special meeting on summer break (MacKenzie); and response to Herms on status of payment of charges at City Dock by Allen Walburn (Rambosk)

Public Comment – None

Adjourn – 5:52 p.m.

Order of consideration: 1, 2, 3, 4 (9-n, 14, 9-p), 5, 6, 9-a, 9-b, 9-c, 9-f, 9-j, 9-l, 9-q, 9-r, 11, 7, 8, 10, 16, 9-k, 9-o, 9-d, 9-e, 9-g, 9-i, 9-h, 12, 13, 21, 15, 17, 18, 19, 9-m, 20, 26, 22, 23, 25, 27, 28, 24, Correspondence