

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: 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, August 21, 2002

Convened 9:00 a.m./Adjourned 6:06 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 – ***MacIlvaine absent***
2. Invocation and Pledge of Allegiance – ***Reverend Kirt Anderson, First Presbyterian Church***
3. Announcements – ***September 10 primary poll-worker shortage; noted the passing of City residents Christine Montgomery Paterno and Harvey Kaplan.***
4. Set agenda (add or remove items) ***Set Agenda continuing Items 7-m, 7-r, and 20 to 9/4/02, continuing Item 8 to 9/18/02, and Item 14 to 12/4/02; withdrawing Items 7-g, 18, and 23-i; and setting a time certain for Item 13 at 2:00 p.m./Galleberg/Wiseman/6-0 (MacIlvaine absent).***

Added Items: 23-b(2) (appointment of Code Enforcement Board alternate) / Taylor/Russell/6-0 (MacIlvaine absent); Item 24-b (boat storage on the beach) / Russell/Taylor/ 6-0 (MacIlvaine absent); Item 25 (approval of U.S. 41 landscape plans) / Taylor/Galleberg/6-0 (MacIlvaine absent); Item 26 (1:30 p.m. Hamilton Harbor executive session) / Russell/Galleberg/6-0 (MacIlvaine absent); Item 27 (budget amendment for TIF funds / Taylor/Russell/6-0 (MacIlvaine absent).

5. Public Comment ***W. Boggess, stormwater rate increase, A. Locker, proposed fire tower, H. Kennedy, budgeting for Naples Bay cleanup.***

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.

	Consent Agenda
<hr/> <p><i>Approve Consent Agenda except Items 7-b(6), 7-d, and 7-n (7-g withdrawn, 7-m and 7-r continued)</i> <i>Taylor/Wiseman/6-0 (MacIlvaine absent)</i></p> <p><i>Minutes: <u>Town Hall</u>: 3/14/02, 3/21/02, 3/26/02, 3/28/02, 4/4/02, 5/21/02;</i> <i><u>Workshop</u>: 4/1/02 (as amended), 4/15/02, 5/13/02(as amended), 4/29/02, 6/3/02 and</i> <i><u>Regular</u>: 4/3/02 (as amended), 4/17/02, 5/1/02 (as amended), and 5/15/02</i> <i>Galleberg/Taylor/6-0 (MacIlvaine absent)</i></p> <p>•Community Services</p> <p><i>7-b(6) <u>Approved</u> Russell/Wiseman/5-1</i> <i>(Taylor dissenting, MacIlvaine absent)</i></p> <p><i>7-b (1,2,3,4,5,7) <u>Approved</u> with Consent Agenda</i></p> <p>•Resolution •Human Resources</p> <p><i><u>02-9726</u> Approved with Consent Agenda</i></p> <hr/>	<hr/> <p>6. 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.</p> <p>6-a. Approval of Minutes.</p> <hr/> <p>7-b. Approve the following special events:</p> <ol style="list-style-type: none"> (1) Naples on the Run 20K – 09/15/02 (2) 22nd Annual Harold's Place Golf Tournament (Collier Food & Beverage) – 09/21/02 (3) POW/MIA Candlelight Vigil (Vietnam Veterans of America) – Cambier Park Veterans Memorial – 09/20/02 (4) Third Street South "Festival of Lights" – 11/25/02 (5) Third Street South "Celebration of Lights" – 11/26-30/02 (6) Celebration Community Church Christmas Eve Service – Lowdermilk Park – 12/24/02 (7) Relay for Life (American Cancer Society) – Gulfview Middle School – 04/04/03 <hr/> <p>7-c. Approve an Assignment/Assumption of Contract and Consent assigning the City's current three-year agreement with Florida 1st Health Plans, Inc. to Florida 1st Services Administrators, Inc.</p> <hr/>

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•Resolution
•Natural Resources

Denied Wiseman/Galleberg/4-2 (Herms, Taylor dissenting, MacIlvaine absent)

•Resolution
•Natural Resources

02-9727 Approved with Consent Agenda

•Resolution
•Community Services

02-9728 Approved with Consent Agenda

•Resolution
•Community Services

Withdrawn See Item 4

•Resolution
•Community Services

02-9729 Approved with Consent Agenda

•Resolution
•Community Services

02-9730 Approved with Consent Agenda

•Resolution
•Development Services

02-9731 Approved with Consent Agenda

7-d. Approve the First Amendment to Parker Beach Restoration, Inc. in order to provide payment for additional sand accumulated during the 2001/2002 experiment on the Naples Beach \ Cost: \$45,279.50 \ Funding: Tourist Tax funds.

7-e. Accept three Temporary Beach Disposal Easements and approve a Maintenance Dredging Use Agreement to place sand on Key Island Beach.

7-f. Approve a two-year Agreement For Beach End Maintenance Services at fifteen beach access locations \ Vendor: TLC Lawn Maintenance, Inc., Naples, FL \ Cost: \$27,300.00 annually \ Funding: Parks and Parkways – Other Contractual Services.

7-g. Approve an Agreement to furnish and install a playground, water play area, and a gazebo in River Park \ Vendor: Contract Connection, Inc., Jacksonville Beach, FL \ Cost: \$89,968.24 \ Funding: CIP #01W05.

7-h. Approve revised By-Laws of the Public Art Advisory Committee.

7-i. Approve the termination of an existing landscape maintenance agreement with Greenwerx Groundskeeping, Inc. and execute First Amendments to annual landscape maintenance agreements \ Vendor: A Personal Touch, Naples, FL \ Cost: \$28,860.00 \ Vendor: Macias' Lawn Services, Naples, FL \ Cost: \$20,670.00 \ Vendor: TLC Lawn Maintenance, Naples, FL \ Cost: \$4,160.00 \ Funding for all three: Parks and Parkways Division – Other Contractual Services.

7-j. Ratify and confirm the action of the City Manager to approve additional electrical services and approve a First Amendment to the Riverside Circle Street Light Construction Agreement in order to complete the project \ Vendor: Bentley Electric Company, Inc., Naples, FL \ Cost: \$60,130.00 \ Funding: CIP #00417.

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**•Resolution
•Development Services**

02-9732 Approved with Consent Agenda

**•Resolution
•Development Services**

02-9733 Approved with Consent Agenda

**•Resolution
•Development Services
•Continued from 06/19/02**

Continued See Item 4

**• 2 Resolutions
•Planning**

**7-n(1) 02-9738 / Wiseman/Taylor/4-2
(Galleberg, Herms dissenting, MacIlvaine
absent)**

**7-n (2) 02-9737 / Wiseman/Taylor/6-0
(MacIlvaine absent)**

**•Resolution
•Planning**

02-9734 Approved with Consent Agenda

**•Resolution
•Planning**

02-9735 Approved with Consent Agenda

**•Resolution
•City Manager**

02-9736 Approved with Consent Agenda

**•Resolution
•Public Works
•Continued from 06/19/02**

Continued See Item 4

7-k. Accept a drainage easement from Alice Fehrenbach for the purpose of the installation, operation and maintenance of an 18" storm drain in the area of 801 Galleon Drive.

7-l. Approve a State of Florida Department of Transportation State Highway Lighting, Maintenance, and Compensation Agreement.

7-m. 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.
(Item to be continued to 09/04/02)

7-n. Approve the following annual renewals for live entertainment permits:

(1) Paddy Murphy's Irish Pub, 457 Fifth Avenue South

(2) Tommy Bahama Café, 1220 Third Street South

7-o. Approve and accept a Termination of Portion of Utility Easement and Creation of Replacement Nonexclusive Utility and Drainage Easement Agreement from and to the Moorings, Incorporated.

7-p. Approve an Urban and Community Forestry Grant Award Agreement from the Florida Department of Agriculture and Consumer Services for the Naples Preserve.

7-q. Approve a Franchise Agreement between the City of Naples and Paradise Carriage, Inc.

7-r. 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.
(Item to be continued to 09/04/02)

End of Consent Agenda

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<p>•Resolution •Planning •Variance Petition 02-V6 •Petitioner: Debra M. McDermott •Agent: Empire Builders •Planning Advisory Board recommendation for denial <u>Continued See Item 4</u></p>	<p>8. Consider a variance from Section 110-45 of the Code of Ordinances in order to allow an unroofed pool to be constructed in the front yard of a corner lot located at 1079 7th Street South (<i>Petitioner requests this item be continued to 09/18/02</i>)</p>
<p>•First Reading of two Ordinances •Planning •Petitioner: First Presbyterian Church •Agent: Dennis P. Cronin, Esquire •Planning Advisory Board recommendation for approval <u>9-a Approved Wiseman/Galleberg/6-0</u> (MacIlvaine absent) <u>9-b Approved Galleberg Wiseman/6-0</u> (MacIlvaine absent)</p>	<p>9. (a) Consider approving a Large Scale Comprehensive Plan Amendment changing the Future Land Use designation of property located at the southwest corner of Third Avenue South and Sixth Street from Public/Semi-Public Institutional to Medium Density Residential (b) Rezone the property from PS, Public Service to R3-12 medium density residential district.</p>
<p>•Resolution •Planning •Variance Petition 02-V5 •Petitioner: John and Flo Ann Easton •Agent: Michael J. Volpe, Esquire •Planning Advisory Board recommendation for approval <u>02-9739 amending Section 2 Paragraph 1</u> <u>“ and no further construction shall be permitted to increase the nonconforming aspect of the home or pool enclosure including without limitation increases to the height of the structure.” (A second floor requires compliance with all existing regulations including spatial perception)</u> <u>Galleberg/Russell/6-0 (MacIlvaine absent)</u></p>	<p>10. Consider a variance from Section 102-176 of the Code of Ordinances in order to allow for the following encroachments at 5215 Seashell Avenue: (1) 1.55' into the 15' required rear yard for the pool enclosure (2) 7' into the 25' required rear yard for the southwest corner of the home (3) 4.45' into the 7.5' required side yard for the northeast corner of the home (4) 11.1' into the 30' required front yard for the northeast corner of the home</p>

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•Resolution

•Planning

•Fence and Wall Waiver

•Petition 02-FWW7

•Petitioner: James McCready

•Agent: Charles E. Fraley

•Staff recommendation for approval

02-9740 with the condition that no further work be accomplished on the posts and gates prior to obtaining a building permit, and that the appropriate fees and procedures for after-the-fact permits apply to this situation/Galleberg/Wiseman/6-0 (MacIlvaine absent)

•Resolution

•Planning

•Fence and Wall Waiver

•Petition 02-FWW3

Petitioner: Sandra Gerry

•Agent: John M. Passidomo, Esquire

•Staff recommendation for approval

02-9741 Russell/Wiseman/5-1 (Galleberg dissenting, MacIlvaine absent)

•First Reading of three Ordinances

•Planning

•Voluntary Annexation Petition 02-AX1

•Rezone Petition 02-R1

•Petitioner: Estuary at Grey Oaks, Ltd.

•Agent: Richard D. Yovanovich, Esquire

•Planning Advisory Board recommendation for approval

13-1 Approved Russell/Galleberg/6-0 (MacIlvaine absent)

13-2 Approved Galleberg/Russell/6-0 (MacIlvaine absent)

13-3 Approved Russell/Galleberg/6-0 (MacIlvaine absent)

11. **Public Hearing** to consider a fence and wall waiver, from Section 110-37(b)(1)c. of the Code of Ordinances, in order to allow an ornamental metal main gate that is 8' 4 ½ " and main gateposts of 8' 11" measured from the crown of the road, and 2'-9" wide gateposts at 1832 Galleon Road.

12. **Public Hearing** to consider a fence and wall waiver, from Section 110-37(b)(1)c. of the Code of Ordinances, in order to allow a gate of 13' 8" and gateposts of 14' 9" for the main entry, a gate of 10' and gateposts of 10' 5" for the secondary entry measured from natural grade, and gatepost width of 2'-10" at 3400 Gordon Drive.

2:00 p.m.

13. Consider approval of the following for the Estuary at Grey Oaks:

(1) Voluntary annexation of a portion of Estuary Drive, clubhouse and Golf Course Hole #1 consisting of 6.16 acres;

(2) Amendment of the Comprehensive Plan Future Land Use Map to designate the 6.16 acre parcel as Low Density Residential;

(3) Rezoning of the 6.16 acre parcel to designate as PD.

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•Resolution

•Nonconformity Petition 02-N1

•Petitioner: Charter Club Properties

•Agent: Michael Fernandez, AICP

•Planning Advisory Board

recommendation for approval

•Continued from 06/05/02

Continued See Item 4

•First Reading of an Ordinance

•Planning

Approved amending Sec. 102-720 a)
stipulating commencement of construction
within 24 months if the PD district
encompasses less than five acres and b)

“...the City Manager may grant an
extension of the commencement date upon
a determination that a good faith effort to
commence construction prior to the
commencement date has been made.

Thereafter the City Council by resolution
may grant an extension of the
commencement date for an additional one-
year period.” Galleberg/Russell/5-1
(Herms dissenting, MacIlvaine absent)

•First Reading of an Ordinance

•Planning

•Petitioner: City of Naples

Approved Galleberg/Russell/6-0

(MacIlvaine absent)

•Resolution

•Community Services

02-9742/Herms/Galleberg/6-0

(MacIlvaine absent)

•Community Services

Withdrawn See Item 4

14. Consider a request to amend a previously approved site plan for addition and renovations to the Charter Club, 1000 10th Avenue South. *(Petitioner requests this item be continued to 12/04/02)*

15. Consider adding Section 102-720 to the Code of Ordinances for the purpose of establishing time limitations for commencement of construction for approved planned developments.

16. Consider amending Section 82-610 of the Code of Ordinances for the purpose of providing City Council authorization to revoke permits.

17. Consider an Agreement for the installation of new street lighting and approve a direct purchase for the street lighting for the Heart of Naples Beautification Project \ Installation Vendor: Bentley Electric Company, Inc., Naples, FL \ Cost: \$112,400.00 \ Direct Purchase Vendor: Lumec, Inc., Quebec, Canada \ Cost: \$52,720.00 \ Funding for both: Tax Increment Financing Fund.

18. Consider approval of the Heart of Naples Landscaping Plan for 5th Avenue North between 10th Street and Goodlette Road.

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<p style="text-align: center;">•Resolution •Development Services</p> <p><u>02-9743 Galleberg/Russell/6-0</u> (MacIlvaine absent)</p>	<p>19. Consider approval of a First Amendment Agreement for the continuation of roadway improvements on 5th Avenue North between 10th Street and Goodlette Road \ Vendor: Bonness, Inc., Naples, FL \ Cost: \$186,044.68 \ Funding: TIF Funds.</p>
<p style="text-align: center;">•Resolution • Purchasing</p> <p><u>Continued See Item 4</u></p>	<p>20. Consider approval of an Electrical Services Agreement on an as-needed basis \ Vendor: Bentley Electric Company, Inc., Naples, FL \ Cost: \$109,800.00 \ Funding: Various Department Repair and Maintenance Accounts.</p>
<p style="text-align: center;">•First Reading of an Ordinance •Public Works</p> <p><u>Failed stipulating only existing electronic systems / Russell/MacKenzie/3-3 (Taylor, Galleberg, and Herms dissenting, MacIlvaine absent)</u></p>	<p>21. Consider adding Subsection (d) to Section 66-49, "Year Round Landscape Irrigation Restrictions" in order to provide mandatory rain sensor regulations.</p>
<p style="text-align: center;">•Resolution •Public Works</p> <p><u>02-9745 Galleberg/Wiseman/6-0</u></p>	<p>22. Consider approval of a three-year Agreement For Horticultural Debris Collection and Disposal Services \ Vendor: T.F.R. Enterprises, Inc., Austin, TX \ Cost: \$359,380.80 \ Funding: Solid Waste Horticultural Other Contractual Services.</p>
<p style="text-align: center;">•17 Resolutions •City Clerk</p> <p>23-a(1) <u>02-9746 (Cobb)Galleberg/6-0</u> (MacIlvaine absent)</p> <p>23-a(2) <u>02-9747 (West) Russell/6-0</u> (MacIlvaine absent)</p> <p>23-b(1) <u>02-9748 (Linneman) Galleberg 6/0 (MacIlvaine absent)</u></p> <p>23-b(2) <u>02-9749 (Chorlton) Galleberg/6-0</u> (MacIlvaine absent)</p> <p>23-c <u>02-9750 (Scholter) Taylor/6-0</u> (MacIlvaine absent)</p> <p>23-d(1) <u>02-9751 (Confoy) Russell/6-0</u> (MacIlvaine absent)</p> <p>23-d(2) <u>02-9752 (Jones) Galleberg/5-1</u> (Herms dissenting, MacIlvaine absent)</p> <p>23-e <u>02-9753 (Keller) Herms/6-0</u> (MacIlvaine absent)</p> <p>23-f(1) <u>02-9754 (Hendel) Wiseman/6-0</u></p>	<p>23. Consider appointments to the following Boards and Committees:</p> <p>(a) City of Naples Airport Authority (2)</p> <p>(c) <u>1</u> Board of Appeals (3)</p> <p>(b) Code Enforcement Board (2)</p> <p>(d) Community Services Advisory Board (2)</p> <p>(e) Contractors Licensing Board (1)</p> <p>(f) Firefighters' Retirement Trust Fund (3)</p> <p>(g) Police Officers' Retirement Trust Fund (3)</p> <p>(h) General Employees Retirement System (2)</p> <p>(i) Staff Action Committee (1)</p> <p>(j) Metropolitan Planning Organization (1)</p>

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(MacIlvaine absent)

23-f(2) 02-9755 (Pittman) Galleberg/4-2

(Herms, Russell dissenting,

MacIlvaine absent)

23-f(3) 02-9756 (Gertner) Wiseman/Taylor

6-0 (MacIlvaine absent)

23-g(1) 02-9757 (Hendel) Galleberg/6-0

(MacIlvaine absent)

23-g(2) 02-9758 (Gertner) Wiseman/6-0

(MacIlvaine absent)

23-g(3) 02-9759 (Pittman)

Wiseman/Taylor/6-0 (MacIlvaine absent)

23-h(1) 02-9760 (Gertner)

Wiseman/Russell/6-0 (MacIlvaine absent)

23-h(2) 02-9761 (Guckenberger)

Galleberg/Wiseman/5-1 (Herms dissenting,

MacIlvaine absent)

23-i Withdrawn – See Item 4

23-j 02-9762 (Russell)

Galleberg/Wiseman/6-0

(MacIlvaine absent)

·First Reading of an Ordinance

·Natural Resources

·Approved at First Reading on 06/19/02

24 (a) Approved as amended with recommended changes and omitting gender reference in Sec. 110-34 (b)

Herms/Taylor/6-0 (MacIlvaine absent)

Revisions to be reflected in Item 24-b on 9/4/02

Added Item

Request withdrawn; staff will master plan the U.S. 41 right-of-way from the Gordon River bridge to 7th Avenue North including the street lights

Added Item

Authorize Attorney Hardt to continue negotiations with Collier Enterprises regarding Hamilton Harbor litigation and related administrative proceedings/Wiseman/Russell/6-0 (MacIlvaine absent)

24-a. Public Hearing to consider amending Section 110-34 of the Code of Ordinances to provide a preference for storage of boats on the beach for City residents.

24-b. boat storage on the beach

25. Approval of conceptual U.S. 41 median landscape plan in order to allow staff to submit plan to Florida Department of Transportation / Cost: \$226,463.00 / Funding: CIP #01F69 (\$110,000.00) and TIF funds (\$126,463.00).

1:30 p.m.

26. Executive Session (attorney/client session) with reference to Hamilton Harbor litigation.

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•Resolution

27. Approval of a budget amendment for additional Heart of Naples projects including the landscaping plan, lighting plan, and roadway improvements / Cost: \$300,645.00 / Funding: current year CRA budget.

Added Item

***02-9744 Russell/Herms/6-0
(MacIlvaine absent)***

Correspondence and Communications

U.S. 41 median landscaping, sale of art on rights-of-way (Taylor); tree planting program (Herms); Third Street traffic calming, maintenance of northern portion of Naples Preserve (Galleberg); water quality in Naples Bay (Russell); Council Chamber renovation (MacKenzie).

Public Comment – None.

Adjourn – 6:06 p.m.

Order of consideration:

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