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**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**

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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, November 6, 2002**  
***Convened 8:57 a.m./Adjourned 6:03 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 – *Taylor arrived 9:07 a.m.*
2. Invocation and Pledge of Allegiance – *Father Timothy Navin, St. Peter's Catholic Church*
3. Announcements  
    The Great Florida Fire School Training Symposium Proclamation
4. Set agenda (*add or remove items*)  
    *Set agenda scheduling Item 9 at 2:00 p.m., withdrawing Items 14 and 16-a, and removing Items 10-b(2), 10-c, 10-e, and 10-g from the Consent Agenda/Galleberg/Herms/7-0*  
  
    *Add Item 17 (a ,b, c) River Park Recreation Center wall panels, painting, and fencing/Galleberg/Herms/7-0*
5. Public Comment – *None*

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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

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**City Manager**  
***Not accept offer/MacIlvaine/Russell/7-0***

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**2 Resolutions**  
**Planning**  
**Live Entertainment**  
**Petition 02-LE3**  
**Residential Impact Statement**  
**Petition 02-RIS9**  
**Petitioner: Riverwalk Tavern, Inc.**  
**Agent: Vin DePasquale**  
**Staff recommendation for approval of**  
**both Petitions with conditions**  
***7(a) 02-9857 Russell/Taylor/7-0***

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***7(b) 02-9858 Herms/Galleberg/7-0***

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**2 Resolutions**  
**Planning**  
**Variance Petitions 02-V7 and 02-V8**  
**Petitioner: Larry & Judy Garatoni and**  
**Ned & Cynthia Lautenbach**  
**Agent: Gary L. Carlson**  
**Planning Advisory Board**  
**Recommendation for approval**  
**Staff recommendation for approval of**  
**both Petitions**  
***8(a) 02-9861 Galleberg/MacIlvaine/7-0***

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***8(b) 02-9862 Galleberg/MacIlvaine/7-0***

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6. ***9:15 a.m.*** Presentation of Wilkinson House offers received to date.
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7. ***10:45 a.m.*** Consider approval of the following as it relates to the Riverwalk Tavern at Tin City:
- (a) **Public Hearing** to consider a Live Entertainment Petition from 5:00 p.m. to 9:00 p.m. on Fridays, Saturdays and Holidays.
- (b) Consider a Residential Impact Statement Petition for the requested live entertainment.
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8. ***11:30 a.m.*** Consider variances from Section 102-121 of the Code of Ordinances for neighboring residences:
- (a) Larry & Judy Garatoni, 1787 Galleon Drive.
- (b) Ned & Cynthia Lautenbach, 1801 Galleon Drive.
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**First Reading of an Ordinance  
Planning**

**Petitions 02-R5, 92-DSEI1, 02-RIS7**

**Petitioner: Naples Sailing & Yacht Club**

**Agent: John M. Passidomo, Esq.**

**Planning Advisory Board  
recommendation for approval with  
conditions**

**Staff recommendation for approval**

***Continued to the 12/4/02 Council Meeting***

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

9. **1:30 p.m.** Consider a rezone petition for property located at 896 Riverpoint Drive to rezone the subject property from PD, Planned Development, to PD, Planned Development in order to allow for the construction of a new two-story clubhouse facility, the addition of 24 boat slips, and improvements to the stormwater system and the landscaping.

**CONSENT AGENDA**

***Approve Consent Agenda***

***Items 10-a, 10-b(1), 10-d, and 10-f (later reconsidered)***

***MacIlvaine/Russell/7-0***

***9/30/02 Workshop, 10/2/02 Regular, and  
10/16/02 Regular***

**•Community Services**

***10-b(1) Approved with Consent Agenda***

***10-b(2) Denied Galleberg/Wiseman/7-0***

**Resolution**

**Police & Emergency Services**

***02-9849 Herms/MacIlvaine/7-0***

**Resolution**

**Planning**

**Subdivision Petition 02-SD2 (02-059)**

**Petitioner: Estuary at Grey Oaks, LTD**

**Agent: John C. English, WilsonMiller**

**Staff recommends approval**

***02-9848 Approved with 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 Philharmonic Orchestra  
Concert – Cambier Park Bandshell –  
11/24/02

(2) Edgewater Beach Hotel and Club Fall  
Celebration w/ Bonfire on Beach –  
11/29/02 and 12/27/02

10-c. Consider an Interlocal Agreement with the Naples Airport Authority for airport rescue firefighting staffing.

10-d. Consider preliminary subdivision plat for Tract G at the Estuary at Grey Oaks.

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**2 Resolutions  
Development Services**

**02-9850 (Trutwin) and 02-9851 (Municipal Supply) MacIlvaine/Galleberg/7-0**

**Resolution  
Development Services**

**02-9852 Galleberg/MacIlvaine/5-2  
(Herms, Taylor dissenting)**

**Resolution  
Community Services**

**02-9853 Herms/MacIlvaine/7-0**

**Resolution  
Planning  
Fence and Wall Waiver  
Petition 02-FWW8**

**Petitioner: James and Maureen Murphy**

**Agent: Carl Erickson**

**Staff recommendation for approval**

**02-9854 MacIlvaine/Herms/7-0**

**Second Reading of an Ordinance**

**Public Works**

**Petitioner: City of Naples**

**02-9855 Galleberg/MacIlvaine/7-0**

**City Manager**

***Discussion only***

**4 Resolutions  
City Manager**

**Withdrawn see Item 4**

10-e. Approve an Agreement for Purchase and Sale of Goods for traffic control signage \ Vendors: Trutwin Industries, Ft. Myers, FL \ Cost: \$30,000 (not to exceed) and Municipal Supply & Sign Co., Naples, FL \ Cost: \$10,000 (not to exceed) \ Funding: Streets Operating Funds

10-f. Approve an Agreement to provide for the painting of traffic signal poles and sign structures on U.S. 41 \ Funding: Partial reimbursement from FDOT – balance from Gas Tax. (*Bid opening 11/01/02*)

10-g. Consider granting a 10-foot utility easement to Florida Power & Light for the Naples Preserve.

**END OF CONSENT AGENDA**

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 6'-11 1/2" gateposts and gate and 2'-3" wide gateposts at 3980 Gordon Drive.

12. **Public Hearing** to consider amending Section 66-49 "Year Round Landscape Irrigation Restrictions" for the purpose of clarifying the scope of exemptions.

13. Discussion of Recommendations for the Collier Legislative Delegation

14. Consider the following as it relates to the George Washington Carver Apartments:

1. (a) Consider Amendment to Lease Agreement between the City of Naples and Carver Finance, Inc.

(b) Consider Approval of Amendment to Lease Agreement between Carver Finance, Inc. and G. W. Carver, Limited.

***(Continued below)***

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2. (a) Consider Amended and Restated Lease between the City of Naples and RSG-Carver, LLC.
- (b) Consider approval of Ground Lessor Estoppel Certificate (Lessee), Ground Lessor Estoppel Certificate (Lender), and Escrow Instructions in connection with the assignment and transfer of lease rights between G. W. Carver, Limited and RSG-Carver, LLC.

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**Resolution**  
**Mayor**

***02-9863 changing in Paragraph 2 “~~annual~~ assessment of new proposed and adopted legislation,” deleting Paragraph 3, and deleting first sentence in Paragraph 8 Wiseman/Galleberg/5-2 (Herms, Taylor dissenting)***

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15. Consider approving an agreement for general legal services with Roetzel & Andress.

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**Resolution**  
**Community Services**

***16-a Withdrawn see Item 4***

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16. Consider the following as it pertains to the Naples Preserve:
- (a) Consider submitting a grant application for Collier County Tourist Development Council Grant Funding.

***16-b Discussion only***

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- (b) Discuss operation of facility

**Added Item**  
**3 Resolutions**

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17. Consider the following as it pertains to River Park Recreation Center:

***17(a) 02-9856 Herms/Galleberg/7-0***

- (a) wall panels

***17(b) 02-9859 Taylor/Herms/7-0***

- (b) painting

***17(c) 02-9860 Galleberg/Herms/7-0***

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- (c) fencing
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**Correspondence and Communications**

***Possible relocation of Fun Time Nursery in Fleischmann Park (Taylor); Norris Center and Lowdermilk Park project updates (Herms); Consensus of Council to direct the City Manager to correspond with the County Manager about beach-raking on an as-needed basis, and receipt of Public Art Advisory Committee bylaws (Galleberg); Demonstration of legal noise limit through noise meter for all new live entertainment permits (MacIlvaine); Appreciation for Staff Action Committee work, concern regarding whether all art submissions receive Community Services Advisory Board review prior to Council review, and request to place minutes from all committee meetings on the web site (Russell); Request for information on possible discretion the City may have with regard to the proposed AT&T/Comcast merger (Wiseman)***

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**Public Comment**

***F. Jones, 620 Sandpiper Street, Wilkinson House sale, possible expansion of City's historic district, appreciation for decision on Naples Sailing and Yacht Club (Item 9).***

**Adjourn-6:03 p.m.**

***Order of Consideration:***

***1, 2, 3, 4, 14, 16-a, 5, 6, 10 (a, b(1), d), 10-b(2), 10-c, 10-e, 10-f, 10-g, 11, 12, 17-a, 7, 17-b, 17-c, 16-b, 8, 13, Correspondence, 9, 15, Public Comment.***