

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.

Naples City Council Agenda
City Council Chamber, 735 Eighth Street South, Naples, Florida
Mayor: Bill Barnett

Vice Mayor: Johnny Nocera

City Council: William R. MacIlvaine, Gary B. Price II, John F. Sorey III, Penny Taylor, William Willkomm III

City Attorney: Robert D. Pritt · City Clerk: Tara A. Norman · City Manager: Dr. Robert E. Lee

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, September 19, 2007

Convened 9:00 a.m. / Adjourned 4:06 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 – *All present (Taylor arrived 9:01 a.m. / left at 3:38 p.m.)*
2. Invocation and Pledge of Allegiance – *Pastor Bruce Frogge, First Christian Church*
3. Announcements – *Proclamation of Bipolar Disease Awareness Day 10/11/07*
4. Set agenda (*add or remove items*) – *Adding the following: Item 19 (zoning in progress), Item 20 (reimbursement of Nocera for legal expenses), and Item 21 (executive session with reference to labor negotiations); considering Item 9 (variance ordinance amendment) prior to Item 8 (Naples High School sign variance petition); removing the following from the Consent Agenda for separate discussion: Item 7-c (tree trimming), Item 7-d (roadway landscape maintenance), Item 7-f (citywide landscape maintenance), Item 7-g (software support); and *Item i (reclaimed water expansion); withdrawing Item 7-k (Fifth Avenue South lighting); and continuing Item 17 (Police Officers' pension amendment) to 10/3/07 / Price / Nocera / 7-0* (*It is noted for the record that Item 7-i was approved with the Consent Agenda (see Item 7 below)).
5. Public Comment – *None.*

City Council may 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
<p align="center">City Manager</p> <p><i>No action taken; motion (Sorey / Nocera) for staff to negotiate with Barron Collier Companies and return with recommendation 10/3/07 failed 2-5 (Taylor, MacIlvaine, Price, Willkomm and Barnett dissenting)</i></p>	<p>9:30 a.m.</p> <p>6. Barron Collier conceptual design for 8th Avenue South and 6th Street South parking garage and land swap</p> <p><i>Reference: Barron Collier Companies, Cambier Park</i></p>
	CONSENT AGENDA
<p><i>Approve Consent Agenda (except Items 7-c, 7-d, 7-f, 7-g, and 7-k and noting inclusion of addendum in all contracts approved with reference to compliance with immigration laws) Price / Willkomm / 7-0</i></p> <p><i>August 13, 2007 Budget Workshop, August 31, 2007 Special Meeting, and September 5, 2007 Special Meeting as submitted</i></p>	<p>7. 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>7-a. Approval of Minutes</p>
<p align="center">Community Services</p>	<p>7-b. Approve the following special events:</p> <ul style="list-style-type: none"> (1) Oktoberfest – Village on Venetian Bay – Artichoke and Company parking lot – 10/11/07 (2) 58th Swamp Buggy Parade – Swamp Buggy, Inc. – U.S. 41 from Coastland Mall to Third Avenue South – 10/27/07 <p>7-b. Special Events (continued)</p> <ul style="list-style-type: none"> (3) Outdoor Family Movie Night – City of Naples – Cambier Park – 10/27/07, 11/24/07, 12/22/07, 01/26/08, 02/23/08, 03/22/08, 04/26/08 and 05/24/08 (4) Private Halloween Party – 1040 13th Street North – 10/31/07 (5) Veteran’s Day “USO Show” – Collier County – Collier County Museum at the Naples Depot – 11/11/07 (6) 4k Run/Walk – 1k Fun Walk – Gulf Coast Runners – The Village on Venetian Bay – 11/22/07 (7) 20th Annual Depot Show / Antique Auto Show – Naples Marco Island Antique

Continued on next page

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<hr/> <p><i>Approved with Consent Agenda</i></p>	<hr/> <p>Auto Club – Naples Depot – 03/01/08</p>
<p>Resolution Community Services <u>07-11761 AS AMENDED</u> for inclusion of contract addendum requiring compliance with immigration laws <i>Sorey / MacIlvaine / 7-0</i></p>	<p>(8) Village Nights Entertainment – The Village on Venetian Bay – Common area of The Village – 10/04/07</p> <p>(9) Art Show and Concert – Collier County Government – Collier County Museum at the Naples Depot</p>
<p>Resolution Community Services <u>07-11762 AS AMENDED</u> for inclusion of contract addendum requiring compliance with immigration laws <i>Price / MacIlvaine / 7-0</i></p>	<p>7-c. Approve a First Amendment to the Agreement for the trimming of hardwood and palm trees: \ Vendor: Davey Tree Expert Company, Naples, FL \ Cost: \$50,000.00 \ Funding: Parks & Parkways Other Contractual Services</p>
<p>Resolution Community Services <u>07-11767</u> <i>Approved with Consent Agenda</i></p>	<p>7-d. Approve an Agreement to provide for roadway landscaping for a three-year term: \ Vendor: New Roots Landscape, Inc., Naples, FL \ Cost: \$201,000.00 (FY 06/07) – CIP 07F35 – Landscaped Medians; \$175,000.00 (FY 07/08) – CIP 08F01 – Landscaped Medians; \$75,000.00 (FY 08/09) - to be determined</p>
<p>3 Resolutions Community Services <i>7-f-1) 07-11763 AS AMENDED for inclusion of contract addendum requiring compliance with immigration laws</i> <i>Taylor / Price / 7-0</i> <i>7-f-2) 07-11764 AS AMENDED for inclusion of contract addendum requiring compliance with immigration laws</i> <i>Taylor / MacIlvaine / 7-0</i> <i>7-f-3) 07-11765 AS AMENDED for inclusion of contract addendum requiring compliance with immigration laws</i> <i>Taylor / MacIlvaine / 7-0</i></p>	<p>7-e. Accept a Quitclaim Deed from the Moorings of Naples Property Owners Association, Inc. for the donation of a utility and conservation right-of-way easement along U.S. 41 – Block A – Planting Area of the Moorings - Unit 6</p> <p>7-f. Approve three annual Agreements for Citywide landscape maintenance as follows: (1) Ground Zero Landscaping Services, Inc., Naples, FL \ Cost: \$280,540.00 \ Funding: Parks & Parkways Other Contractual Services (2) TLC Lawn Maintenance, Naples, FL \ Cost: \$235,560.00 \ Funding: Parks & Parkways Other Contractual Services (3) A Personal Touch Lawn Service, Inc., Tampa, FL \ Cost: \$71,721.00 \ Funding: Parks & Parkways Other Contractual Services</p>

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**Resolution
Technology Services**

**07-11766 AS AMENDED for inclusion of
contract addendum requiring compliance
with immigration laws
MacIlvaine / Price / 7-0**

**Resolution
Public Works**

07-11768 Approved with Consent Agenda

**Resolution
Public Works**

07-11769 Approved with Consent Agenda

**Resolution
Finance**

07-11770 Approved with Consent Agenda

**Resolution
Community Redevelopment Agency**

**Withdrawn / Sorey / Barnett / 7-0
(See Item 4 above)**

7-g. Approve a Support Services Agreement to furnish software support and maintenance for the City's financial management system: \ Vendor: Sungard HTE, Inc., Lake Mary, FL \ Cost: \$91,378.71 \ Funding: Technology Services – Application Services, Internal Service – Repair and Maintenance

7-h. Approve a First Amendment to the Agreement with Mid-Continent Electric, Inc., Naples, FL for equipment, materials and services to complete Phase II of the Florida Department of Transportation Signal System Improvement Project

7-i. Approve a First Amendment to the Continuing Contract for Professional Services to provide additional construction management services for the construction of Phase I of the reclaimed water expansion: \ Vendor: Tetra Tech, Inc. – Hartman and Associates, Inc., Orlando, FL \ Cost: \$84,840.00 \ Funding: CIP 05M02 – Reuse Expansion

7-j. Approve amending the 2006-07 Budget and CIP to appropriate \$80,000.00 to fund the dredging at Haldeman Creek

7-k. Approve a Professional Services Agreement for Professional Architectural Landscape Design Services for the 5th Avenue South Lighting Design Plan: \ Vendor: J. Ronald Lieber, PLLC, dba JRL Design, Naples, FL \ Cost: \$130,930.00 \ Funding: Community Redevelopment Agency Professional Services

END OF CONSENT AGENDA

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**Resolution - Quasi-Judicial
Community Development
Variance Petition 07-V7
Petitioner: Collier County Public Schools
– Naples High School
Planning Advisory Board
Recommendation for Approval
Continued from 09/05/07 Meeting
07-11772 amended as follows:**

Section 2(3) The game schedule depicted on the sign shall be amended as needed.

*MacIlvaine / Nocera 6-0-1
(Taylor abstaining)*

**Second Reading of an Ordinance
Community Development
Text Amendment 07-T6
Petitioner: City of Naples
Planning Advisory Board
Recommendation for Approval
Approved at First Reading 09/05/07
07-11771 Taylor / MacIlvaine / 5-2
(Price and Willkomm dissenting)**

**First Reading of an Ordinance
Community Development
Text Amendment 07-T7
Petitioner: City of Naples
Planning Advisory Board
Recommendation for Approval
Approved / Taylor / Sorey / 7-0**

**Second Reading of an Ordinance
Community Development
Text Amendment 07-T10
Petitioner: City of Naples
Planning Advisory Board
Recommendation for Approval
Approved at First Reading 09/05/07**

07-11773 Sorey / Taylor / 7-0

8. **Public Hearing** to consider determining Variance Petition 07-V7 from Section 50-35 of the Code of Ordinances of the City of Naples, which limits the size and number of signs in order to allow an additional 636 square foot sign and approval of all existing signs under a Sign Program for property located at 1100 Golden Eagle Circle (Naples High School)

9. **Public Hearing** to consider approval of an ordinance relating to variance criteria; amending Subsection (c) of Section 46-37, Variances of Zoning Requirements, of the Code of Ordinances, City of Naples for the purpose of changing from a process of requiring mandatory findings for granting of a variance to a process of considering certain criteria

10. Consider an ordinance relating to property maintenance, amending Section 16-284 of the Code of Ordinances of the City of Naples for the purpose of requiring grading and living ground cover on vacant lots and providing additional standards for improved properties

11. **Public Hearing** to consider an ordinance relating to fences and walls, adding Subsections (b) (1) 4., (b) (5) c., and (c) (2) e. to Section 56-37 of the Code of Ordinances of the City of Naples for the purpose of removing conflicts between the Code of Ordinances and the Building Code for pool safety fences and allowing a different base point of measurement for residential properties abutting non-residential properties

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<p style="text-align: center;">Resolution Construction Management <u>07-11775 AS AMENDED</u> for inclusion of contract addendum requiring compliance with immigration laws (sidewalk to be five feet wide; pavers allowed at Karaganis property; notify other property owners in area that pavers could be accommodated, imposing a 7-day period to respond, self-funded and indemnification of City required) /MacIlvaine / Sorey / 5-1 (Willkomm absent and Price dissenting)</p>	<p>12. Approve a Tenth Amendment to the Agreement for sidewalk improvements on Gulf Shore Boulevard South from 5th Avenue South to 12th Avenue South: \ Vendor: Bonness, Inc., Naples, FL \ Cost: \$184,227.98 \ Funding: CIP 07U29 – Annual Pathway Program (\$180,750.00) and CIP 06U29 – Annual Sidewalk Program (\$3,477.98)</p>
<p style="text-align: center;">Resolution Construction Management <u>07-11774 MacIlvaine / Willkomm / 7-0</u> Resolution – Quasi-Judicial Community Services</p>	<p>13. Consider ranking the top five firms in order of preference to provide Professional Surveying and associated services on an as-needed basis; authorizing the City Manager to negotiate contracts with any or all of the top ranked firms based on area of expertise or on a rotational basis</p>
<p><u>07-11776 Sorey / MacIlvaine / 6-0</u> (Taylor absent) Resolution – Quasi-Judicial Community Services</p>	<p>14. Public Hearing to determine a Coastal Construction Setback Line Variance to construct a single-family residence, elevated swimming pool and spa, driveway, landscaping, and exterior lighting seaward of the Coastal Construction Setback Line at 150 Gulf Shore Boulevard South</p>
<p><u>07-11777 Nocera / Sorey / 7-0</u> Resolution – Quasi-Judicial Community Services</p>	<p>15. Public Hearing to determine a Coastal Construction Setback Line Variance to construct a single-family residence, elevated swimming pool and spa, driveway, landscaping, and exterior lighting seaward of the Coastal Construction Setback Line at 92 Gulf Shore Boulevard South</p>
<p><u>07-11778 Nocera / MacIlvaine / 7-0</u></p>	<p>16. Public Hearing to determine a Coastal Construction Setback Line Variance to construct a single-family residence, elevated swimming pool and spa, driveway, landscaping, and exterior lighting seaward of the Coastal Construction Setback Line at 136 Gulf Shore Boulevard South</p>

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<p>First Reading of an Ordinance Human Resources</p>	<p>17. Consider an ordinance pertaining to the Police Officers' Pension and Retirement System; amending Section 29-271, Definitions; Subsection (2) of Section 29-273, Maintenance of Fund; Section 29-311, Contributions; and Subsection (2) of Section 29-312, Requirements for Retirement</p>
<p><u>Continued to 10/3/07 (See Item 4)</u></p>	
<p>First Reading of an Ordinance City Clerk</p>	<p>18. Consider amending Section 29-130 (a) (8), Deferred Retirement Option Plan (DROP) Window, of Division 3, Article III, Retirement System, of the Code of Ordinances of the City of Naples, to provide for a change in the allowed period of the Deferred Retirement Option Plan (DROP) for certain participants</p>
<p><u>Approved Sorey / MacIlvaine / 7-0</u></p>	
<p><u>Resolution</u> <u>Added Item</u></p>	
<p><u>07-11779 Taylor / Sorey / 7-0</u></p>	<p>19. <u>Notification regarding zoning in progress relative to regulation of flag lots, through lots, chain link fence prohibition, walls and other accessory structures in front yard areas of through lots, and combination of lots and structures.</u></p>
<p><u>Resolution</u> <u>Added Item</u></p>	
<p><u>07-11780 AS AMENDED to correct</u></p>	<p>20. <u>Request by Vice Mayor Nocera for reimbursement of legal expenses relative to Ethics Commission complaint.</u></p>
<p><u>section numbering</u></p>	
<p><u>Willkomm / MacIlvaine / 6-0-1</u></p>	
<p><u>(Nocera abstaining)</u></p>	
<p><u>Added Item</u></p>	
<p><u>No action taken</u></p>	<p>21. <u>Executive session regarding labor negotiations.</u></p>

Public Comment – J. Boula, Crayton Cove mooring field; and J. Biasella, Crayton Cove mooring field.

Correspondence and Communications – response received from Commissioner of Agriculture Bronson regarding Keewaydin Island annexation (Sorey); need Nocera biography for TV station, code enforcement suggestions, citizen reporting non-billing of water/sewer/refuse services (Taylor); increasing truck traffic on Central Avenue, date palm replacement at 868 Fifth Avenue Building, requested date for discussion of traffic origination/destination study for Four Corners (US 41/Fifth Avenue South), and use of trolley service to transport customers to businesses to various locations downtown (Price); and Keewaydin Island annexation (Willkomm).

Adjourn – 4:06 p.m.

Order of consideration: 1, 2, 3, 4, (17) 5, 7-c, 7-d, 7-f, 7-g, 7-k, Consent Agenda (7-a, 7-b, 7-e, 7-h, 7-i, 7-j), 6, 9, 8, 10, 11, 13, 12, 14, 15, 16, 18, 19, 20, Public Comment, Correspondence, and 21