

The information attached hereto is used only as a working paper preliminary to preparation of meeting minutes and should not be relied upon as the official record of this meeting.

Annotated

Notice of Meeting and Agenda

Naples City Council

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

Mayor: Bill Barnett

Vice Mayor: Penny Taylor

City Council Members:

Teresa Lee Heitmann, Gary B. Price II, John F. Sorey III, Margaret Sulick, William Willkomm III

City Attorney: Robert D. Pritt · City Clerk: Tara A. Norman · City Manager: A. William Moss

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 3 minutes and that large groups name a spokesperson whenever possible. Thank you for your interest and participation in City government.

Regular Meeting

Wednesday, February 3, 2010

Convened 8:28 a.m. / Adjourned 12:06 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, City Hall, or on the City of Naples website 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 – *Reverend Michael Harper, Naples Community Hospital*
3. Announcements
Catholic Schools Week Proclamation – *Mayor Barnett*
Reading of Resolution No. 10-12597 - *Mayor Barnett*
4. Set agenda (*add or remove items*) – *Adding Item 16 (extending Council Member Price's term on Firefighters Pension Board) / Taylor / Sulick / 7-0*
5. Public Comment – *None*

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.

Approve Consent Agenda

Sorey / Taylor / 7-0

**City Clerk
Approval of Minutes**

**January 19, 2010 Workshop and January
20, 2010 Regular meetings; as submitted.**

**Community Services
Approval of Special Events**

Approved with Consent Agenda

**Finance
Reimbursement Plan TECO /
Peoples Gas**

Approved with Consent Agenda

**Second Reading of an Ordinance
Utilities
New Irrigation Water Rates
Approved on First Reading 09/16/09
Continued from 01/20/10**

10-12598 / Price / Sulick / 6-1
(Taylor dissenting)

**Resolution
Streets and Stormwater
Amendment No. 01 to an Agreement with
South Florida Water Management
District to accept a grant in the amount
of \$1,050,000**

Continued to 02/17/10

Taylor / Price / 7-0

Items 8 and 9 considered concurrently

CONSENT AGENDA

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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.
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- 6-a. Approval of Minutes.
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- 6-b. Approve the following special events:
(1) West Coast Muscle Car Show – West Coast Muscle Car Club, Inc., - Renaissance Village site – Goodlette Frank-Road and US 41 – 02/27/10
-
- 6-c. Approve a plan to reimburse TECO / Peoples Gas for franchise fees and public service taxes paid to the City in error
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END OF CONSENT AGENDA

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7. **Public Hearing** to consider an Ordinance relating to reclaimed (irrigation) water rates; amending Section 30-259 (1) Reclaimed (Irrigation) Water Rates of Appendix “A”, Fees and Charges Schedule, of the Code of Ordinances, City of Naples, and deleting the exemption for bulk customers
-
8. Approve Amendment No. 01 to Agreement No. 4600001679 between the South Florida Water Management District and the City of Naples to accept a grant in the amount of \$1,050,000 for stormwater improvements within Basin V (\$1,000,000) and to be the disbursing agent for the Naples Zoo project (\$50,000)
-

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**Resolution
Streets and Stormwater
Agreement for the City of Naples to act
as a disbursement agent between the
Naples Zoo and South Florida Water
Management District**

Continued to 2/17/10

Taylor / Price / 7-0

Items 8 and 9 considered concurrently

2 Resolutions

Planning

Variance Petition 09-V09

Subdivision Petition 10-SD1

Petitioners: Gordon R. Watson and

Pamela S. Watson, Trustees

Agent: John M. Passidomo, Esquire

Planning Advisory Board

Recommendation for Approval

10-a) 10-12599

Sulick / Price / 6-1 (Taylor dissenting)

10-b) 10-12600

Willkomm / Price / 6-1 (Taylor dissenting)

Second Reading of an Ordinance

Planning

Text Amendment Petition 09-T7

Petitioner: City of Naples

Planning Advisory Board

Recommendation for Approval

Approved on First Reading 01/20/10

10-12601 / Sorey / Price / 7-0

9. Approve an Agreement between the City of Naples and Naples Zoo, Inc. allowing the City to act as an agent between South Florida Water Management District and the Naples Zoo for disbursement of grant funds in the amount of \$50,000 for a Naples Zoo project to convert an existing septic disposal system to the City's sanitary sewer system

10. Consider the following as they relate to property located at 1160 Gordon Drive:
(a) **Public Hearing** to consider a resolution determining Variance Petition 09-V09 from Sections 58-174, 58-175 and 58-176 of the Code of Ordinances allowing the subdivision of property resulting in a lot that is approximately 8,333 square feet in area where a minimum lot area of 10,000 square feet is required, allowing the lot to be 62.5 feet in width where a minimum width of 75 feet is required and allowing the existing structures to remain approximately seven feet from the newly created property line where a 7.5 foot side setback is required in the R1-10 Residence District
(b) **Public Hearing** determining Petition 10-SD1 for preliminary and final plat approval order to replat approximately .46 acres of developed property, consisting of four existing platted lots in a north south configuration, to create two platted lots in an east west configuration

11. **Public Hearing** to consider an Ordinance relating to fences and walls; amending Section 56-37 (b) (1) and Section 56-54 (a), of the Code of Ordinances, to provide for pool safety fences, clarify the base point of measurement and address retaining walls

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**Second Reading of an Ordinance
Planning
Text Amendment 09-T9
Petitioner: City of Naples
Planning Advisory Board
Recommendation for Approval
Approved at First Reading on 01/20/10**

10-12602 / Price / Heitmann / 7-0

**Second Reading of an Ordinance
City Attorney
Expedited Review of Petitions and
Requests for Permits
Approved at First Reading on 01/20/10**

10-12603 / Taylor / Willkomm / 7-0

**Award of Contract
City Manager
Natural Resources
Award of a contract for constructing a
filter marsh**

Clerk's Tracking 10-00000
Taylor / Willkomm / 7-0

**Swearing in of newly elected City Council
Members**

*Douglas Finlay, Gary Price
and Samuel Saad.*

**Added Item
Resolution**

10-12604 / Barnett / Willkomm / 7-0

Public Comment – None.

Correspondence and Communications – Farewells to Vice Mayor Taylor and Council Member Willkomm; and commendation to staff regarding recent fish kill in Lantern Lake (Sulick).

Adjourn – 12:06 p.m.

Order of Consideration: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, Correspondence and Communications, and 15.

12. **Public Hearing** to consider an Ordinance relating to exceptions to height limitations; amending the definition of architectural embellishment in Section 44-8, Definitions, and amending Section 56-39 (a), height requirements, exceptions thereto, of the Code of Ordinances, for the purpose of clarifying exceptions to the height limitations

13. **Public Hearing** to consider an Ordinance relating to expedited review of petitions and requests for permits; adding a new Division 5, Expedited Review of Determination, to Article III, Officers and Employees, to Chapter 2 of the Code of Ordinances

14. Consider awarding a contract for the construction of a filter marsh to improve the water quality of stormwater runoff entering Naples Bay: \ Vendor: Palm Beach Marine Construction, Inc., West Palm Beach, FL \ Cost: \$404,846.35 Funding: Florida Department of Environmental Protection Grant, South Florida Water Management District Grant, and the Stormwater Budget

**RECOGNITION OF
CITY COUNCIL MEMBERS
COMPLETING THEIR TERMS**

RECESS

12:00 p.m.

15. Swearing in of newly elected City Council Members by the Honorable Hugh D. Hayes, 20th Judicial Circuit

16. Extend the term of Council Member Gary Price on the Firefighters' Retirement Trust Fund Board to 02/16/10.
