

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: John F. Sorey, III

City Council Members:

Doug Finlay, Teresa Lee Heitmann, Gary B. Price II, Sam J. Saad III, Margaret Sulick

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, November 3, 2010

Convened 8:30 a.m. / Adjourned 3:15 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 Mark Koch, First Church of the Nazarene.***
3. Announcements – ***None.***
4. Set agenda (*add or remove items*) – ***Adding Item 18 (executive session with regard to collective bargaining) / Price / Sulick / 7-0.***
5. Public Comment – ***A. Parker, Naples Airport Authority (NAA) disregarding results of noise study; V. Little, Operation Medicine Cabinet; L. Schultz, opposition to Fifth Avenue South as permanent flight path and to runway 5/23 extension; and G. Thomas, lack of response by NAA to citizen concerns.***

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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CONSENT AGENDA

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

Approve Consent Agenda

(except Item 6-b(1))

Price / Saad / 7-0

City Clerk

Minutes approval

October 6, 2010 Regular; as submitted

Community Services

Special Events approval

6-b-1) Approved

Sorey / Saad / 6-1 (Sulick dissenting)

6-b(2) Approved with Consent Agenda

Resolution

Community Services

Community Development

Block Grant Agreement

10-12794 Approved with Consent Agenda

Resolution

Community Services

Naples Urban Forestry Plan

10-12795 Approved with Consent Agenda

Resolution

Streets and Stormwater

Agreement with FDOT for the 12th Street

North / Lake Park Elementary

School sidewalk project

10-12796 Approved with Consent Agenda

Resolution

City Clerk

Appointment to Public

Art Advisory Committee

10-12797 Approved with Consent Agenda

6-a. Approval of Minutes.

10/6/10 Regular Meeting

6-b. Approve the following special events:
(1) "Open Air" Farmers Market – Third Street South Merchants Association – along 3rd Street South from Broad Avenue to 13th Avenue South – 12/04/10 and 12/18/10
(2) Naples Daily News ½ Marathon – Gulf Coast Runners – Cambier Park – 01/16/11

6-c. Approve a Community Development Block Grant in the amount of \$120,434 between Collier County and the City of Naples for Anthony Park, Fifth Avenue North parking / landscaping; and authorize the Mayor to execute the Agreement

6-d. Approve the Naples Urban Forestry Plan for the Year 2011 as required in Section 38-1 of the Code of Ordinances

6-e. Approve Transportation Post Project Maintenance Agreement, FPID #425343, between the Florida Department of Transportation and the City of Naples relating to the 12th Street North / Lake Park Elementary School sidewalk project; and authorize the Mayor to execute the Agreement

6-f. Approve appointing Jack O'Brien, a representative having been designated by the von Liebig Art Center, to the Public Art Advisory Committee for a four-year term concluding November 2, 2014

END OF CONSENT AGENDA

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**Second Reading of an Ordinance
Resolution
Planning**

**Easement Vacation Petition 10-EV1
Subdivision / Replat Petition 10-SD6**

Quasi-Judicial

**Petitioner: Mary A. Goddard, Personal
Representative of the Estate
of Mary Kremer**

**Agent: William J. Dempsey, Esquire
Planning Advisory Board**

Recommendation for Approval

Approved at First Reading 10/20/10

**7-a) 10-12798 / Saad / Sulick / 6-1
(Heitmann dissenting)**

**7-b) 10-12799 / Saad / Sulick / 6-1
(Heitmann dissenting)**

**Resolution
Community Services
Ranking of firms to serve as
River Park Pool
Construction Manager at Risk
and contract negotiation**

10-12800 / Sorey / Finlay / 7-0

**Resolution
City Manager
Establishment of the Fifth Avenue South
Business Improvement District/BID
Special Assessment District**

10-12801 amending as follows:

**Section 1.03 (C) “ ... in accordance with
the terms and conditions of an Agreement
that may be entered into between a not-
for-profit corporation established ...”;**

**Section 1.03 (F) and 4.01: “...Collection
Act, Chapter 170, Florida Statutes,;**

**Section 2.02(A), 2.04, 2.05, 3.02, : “...the
Assessment Ordinance and Chapter 170,
Florida Statutes.” and other...” as well as
in all other applicable locations;**

**Section 2.03 and all other references to
December 1: “ ... at 11:00 a.m. on
December 15, 2010 ...”; and**

**Section 3.03 (A) “ ... based upon the
taxable value of real and personal
property ...”.**

Saad / Sorey / 6-1 (Heitmann dissenting)

7. (a) **Public Hearing** to consider determining Easement Vacation Petition 10-EV1 to vacate those portions of the Aqualane Shores Unit No. 2 Plat applicable to the subject property in connection with the replat of the property, as reflected on the proposed Kremer Estate Replat

(b) **Public Hearing** to consider determining Petition 10-SD6 for Subdivision / Replat approval for the Plat of the Kremer Estate located at 960 17th Avenue South

8. Consider ranking the top three construction firms in order of preference to provide construction services for the replacement of the River Park Pool; approving an Agreement for Construction Management at Risk Services with the top ranked firm; and authorizing the City Manager to execute the contract

9. Consider the establishment of a Special Assessment District to be known as the Fifth Avenue South Business Improvement District; describing the property to be located within the Fifth Avenue South Business Improvement District Assessment Area; providing that the funds collected through assessment are for the purpose of stabilizing and improving retail business through promotion, management, marketing, and other similar activities within the assessment area; estimating the cost of the District; establishing the method of assessing the costs of stabilizing and improving retail business against real property that will be specially benefited; authorizing extraordinary payment alternatives; directing the City Manager to prepare a preliminary assessment roll; establishing a public hearing to consider imposition of the proposed assessments; and directing the provision of notice in connection therewith

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**Resolution
Streets and Stormwater
South Florida Water Management
District grant**

**10-12802 / Sorey / Sulick / 6-0
(Saad absent)**

**Resolution
Streets and Stormwater
Dolphin Transportation Specialist, Inc.
Franchise Agreement**

**10-12803 amending route reflected in the
agreement to remove southbound
extension on Gulf Shore Boulevard South
from 12th Avenue South to 18th Avenue
South and northbound on Gordon Drive
from 18th to 12th Avenue South / Saad /
Sorey / 7-0**

**Resolution
Streets and Stormwater
Acknowledging the US Department of
Transportation Policy Statement of
Bicycle and Pedestrian
Accommodation Regulations**

10-12804 / Sorey / Saad / 7-0

**Community Services
Award Contract for shade structure
at the City of Naples Dog Park**

**Clerk's Tracking #10-00037
Barnett / Price / 7-0**

**Resolution
Police and Fire
Budget Amendment to
appropriate forfeiture funds**

10-12805 / Sulick / Finlay / 7-0

**Resolution
City Clerk
Waiving interviews for incumbent
candidates on various boards and
committees and establishing a voting
policy on nominations of candidates**

10-12806 / Saad / Sulick / 7-0

10. Approve South Florida Water Management District Local Governmental Agreement No. 4600002210 to provide matching grant funds in the amount of \$600,000 for water quality and flood mitigation improvements within Drainage Basin III in the City of Naples and authorizing the City Manager to execute the Agreement

11. Consider approving a non-exclusive Franchise Agreement between Dolphin Transportation Specialist, Inc. and the City of Naples establishing sightseeing bus stops and routes on City streets

***Direction that staff review beginning
point of tour to ascertain alternate for
current site at Tin City due to concerns
with available parking for tour patrons.***

12. Consider acknowledging the United States Department of Transportation Policy Statement on bicycle and pedestrian accommodation regulations and recommendations and encouraging all communities to strive for improved bicycle and pedestrian safety

13. Award a Contract for a shade structure at the City of Naples Dog Park: \ Vendor: Maddox Construction Company, Bonita Springs, FL \ Cost: \$79,673 \ Funding: CIP 10G10 – Dog Park

14. Approve amending the FY 2010-11 Budget adopted by Ordinance 10-12761 to appropriate forfeiture funds in the amount of \$158,000

15. Approve waiving the interview of candidates for reappointment to the various Boards and Committees of the City of Naples, including the Naples Airport Authority; and establishing a policy by which the City Council votes on nominations of candidates for appointment to various Boards and Committees

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**Second Reading of an Ordinance
City Manager
Approved at First Reading 10/20/10
Amending the 13th check retirement
benefit for the Firefighters'
Pension and Retirement System**

10-12807 / Price / Finlay / 7-0

**First Reading of an Ordinance
City Manager
Dividing the Police and Fire Department
into two separate departments**

Approved / Sorey / Heitmann / 7-0

**Added Item
City Manager**

No action announced

16. **Public Hearing** to consider an Ordinance relating to the Naples Firefighters' Pension and Retirement System; amending Subsection (9) of Section 29-232, Requirements for Retirement; creating a new Section 29-245, Supplemental Share Plan Retirement Benefit, of the Code of Ordinances for the purpose of amending the 13th check retirement benefit and providing for a supplemental share plan retirement benefit for eligible firefighters

17. Consider an Ordinance relating to the reorganization of the Department of Police and Fire

18. Executive Session to discuss status of negotiations with the Fraternal Order of Police (FOP), Lodge 38, and Fraternal Order of Police (FOP), Supervisors, Bargaining Unit.

Public Comment – S. Smith, lack of public dialog and staff preparation on Business Improvement District/BID special assessment district;

Correspondence and Communications – Requested that Council receive a daily update on fire calls similar to that of police, and re-establish Comprehensive Plan sections in light of defeat of Amendment 4 (Saad); requested Steve Harrison (County Productivity Committee) and/or Michael Sheffield to join upcoming session with County staff (Winona Stone) on benchmarking and efficiency (Finlay); request for information on cost waiving in conjunction with “Open Air Farmers’ Market,” need for City efficiency equipment, and need to address communications with Naples Airport Authority/NAA and its disbanding of Technical Advisory Committee (Price); need for stricter deadlines for submittals by petitioners who press Council for expedited approvals, and request for separate budget for River Park Pool, recognized Mayor on his 70th birthday (Heitmann); complimented voters on large turnout (57.7%), recommendation that voters take care to complete and execute absentee ballots carefully, Big Cypress Basin Board to make Naples Bay its priority with regard to diverting fresh water flow for coming year, suggestion for expedited workshop discussion of disbanding of Technical Advisory Committee (Sorey); and recommended that men on Council wear business/casual attire, concurrence with proposed discussions with NAA and need for overall improvement in communications, and request for Council support on approaching State Legislative Delegation to allow banning of smoking on beaches by local jurisdiction (Barnett).

Adjourn – 3:15 p.m.

Order of Consideration: 1, 2, 3, 4, 5, 6-a, 6-b-2, 6-c through 6-f, 6-b-1, 7-a, 7-b, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, Public Comment, Correspondence and Communications and 18.