

This document is promulgated solely for the purpose of providing a brief reference to City Council action. It is not to be construed as minutes of the City Council meeting or in any way the official record of said 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, December 14, 2011

Convened 8:29 a.m. / Adjourned 3:41 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 – ***Father Tom Gillespie, St. Ann Catholic Church.***
3. Announcements – ***Mayor Barnett***

Awards for Christmas Parade Floats

4. Set agenda (*add or remove items* - ***Adding Item 15 (Sam Noe Award resolution amendment) / Sorey / Sulick / 7-0.***
5. Public Comment – ***W. Kelly, concern that granting of variances weakens the Code of Ordinances.***

City Council will not recess for lunch

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; as submitted
Finlay / Sulick / 7-0***

City Clerk

Approval of Minutes

Approved with Consent Agenda

Community Services
Approval of a Special Event

Approved with Consent Agenda

Resolution

Building

Approve Interlocal Agreement for

Contractor Licensing

11-13007 Approved with Consent Agenda

6-a. Approval of Minutes.

November 2, 2011 Regular Meeting

6-b. Approve the following special event:
2012 Collier County Heart Walk –
American Heart Association – Cambier
Park – 11/03/12

6-c. Approve an Interlocal Agreement between
the City of Naples and Collier County for
Contractor Licensing by Collier County;
and authorize the Mayor to execute the
Agreement

END OF CONSENT AGENDA

Resolution

City Manager

Port Royal Canal Special Assessment

District to be known as the Port Royal

Canal Dredging Assessment Area

11-13008 / Sorey / Sulick / 7-0

Resolution – **Quasi-Judicial**

Planning

Outdoor Dining Petition 11-ODPB3

Petitioner: Alberto's on Fifth

Agent for Petitioner: Fernando Zabala

***11-13009 AS AMENDED to require
petitioner to submit a revised site
drawing consistent with six tables in
front of the establishment (30" square
tables and 4 seats each) and removal of
two proposed tables on each side; four
tables on the east side of the building;
and an 8-foot umbrella line in front; also
noting staff conditions contained in the
draft resolution / Sorey / Finlay / 7-0***

7. Consider a Resolution relating to the
establishment and funding of the Port
Royal Canal Dredging Assessment Area;
ratifying and confirming the initial
assessment Resolution; determining that
certain real property will be specially
benefited by the Port Royal Canal
Dredging Assessment Area; establishing
the method of assessing the costs of the
improvements against the real property
that will be specially benefited thereby;
establishing other terms and conditions of
the assessments; approving the
Assessment Roll; providing the method of
collection; and directing the provision of
notice in connection therewith

8. **Public Hearing** to consider a Resolution
determining Outdoor Dining Petition 11-
ODPB3 to allow a restaurant (Alberto's on
Fifth) to provide outdoor dining in excess of
100 square feet on public property that is
not directly abutting the storefront of the
restaurant which it serves, said property
owned by IBC Enterprise, LLC, located at
868 Fifth Avenue South

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Resolution – Quasi-Judicial

Planning

Outdoor Dining Petition 11-ODPB4

Petitioner: Rossopomodoro Naples

Agent for Petitioner: Bill Povlitz, Esquire

11-13010 AS AMENDED removing one 2-top table abutting building at west end; removing one 4-top table from outdoor dining area and replacing with a 2-top for total of 20 chairs; petitioner to fund relocation of two coconut palms to City-directed location / Saad / Heitmann / 6-1 (Finlay dissenting)

Resolution – Quasi-Judicial

Planning

Indoor and Outdoor Live

Entertainment Petition 11-LE2

Petitioner: Bill and Gordon, Inc.

dba Aqua Restaurant

Agent for Petitioner: Vasil Babamov

11-13011 / AS AMENDED in Section 2-1

“Live entertainment shall consist of a variety of types of entertainment with a maximum of four entertainers from 4:00 p.m. 11:00 a.m. ...” and showing commencement of entertainment at 4:00 p.m. rather than 11:00 a.m. throughout Section 2-1 of the draft resolution.

Sorey / Heitmann / 6-1 (Finlay dissenting)

Resolution – Quasi-Judicial

Planning

Subdivision / Replat Petition 11-SD5

Petitioners: Homer G. Scoville and

William and Sandra Hobby

Agent for Petitioners: Homer G. Scoville

Planning Advisory Board

Recommendation for Approval

11-13012 / Price / Sorey / 6-1

(Sulick dissenting)

9. **Public Hearing** to consider determining Outdoor Dining Petition 11-ODPB4 to allow a restaurant (Rossopomodoro) to provide outdoor dining in excess of 100 square feet on public property that is not directly abutting the storefront of the restaurant which it serves, said property owned by Westbury Naples, Inc., located at 800 Fifth Avenue South

10. **Public Hearing** to consider determining indoor and outdoor Live Entertainment Petition 11-LE2 for Aqua Restaurant located at 862 Fifth Avenue South

11. **Public Hearing** to consider a Resolution determining Petition 11-SD5 for the 215 and 225 Fifth Street South Preliminary and Final (Record) Plat approval to replat a parcel (approximately 7,500 square feet) with an existing duplex into two platted lots of approximately 3,750 square feet each, owned by Homer G. Scoville and William and Sandra Hobby and located at 215-225 Fifth Street South

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**Resolution
City Manager
Support for Public Safety
Pension Reform**

11-13013 / Price / Saad / 7-0

**Utilities
Award of Contract for Flygt Pumps**

Clerk's Tracking 11-00046
Barnett / Sulick / 7-0

**City Manager
Discussion Item
Zero-Based Budgeting**

**Presentations from Building, Solid Waste
and Technology Services Departments.**

12. Consider a Resolution declaring support for police officer and firefighter pension plan and disability presumption reforms to make the plans sustainable, sound and secure for current and future police officers and firefighters in Florida; supporting local collective bargaining without state mandates; supporting removal of the extra benefit requirement to receive premium tax funds; allowing cities who have opted out of Chapter 175 and Chapter 185 pension plans to use premium tax funds paid by City residents for City police and fire pensions; prohibiting the State Division of Retirement from imposing onerous administrative policies that increase the cost of pensions; urging the Florida Legislature to adopt and the Governor to approve pension reform legislation during the 2012 Legislative Session; and directing the City Clerk to transmit a copy of this Resolution to the Governor and the Florida Legislature

13. Consider awarding a contract for the purchase of Flygt pumps for various locations throughout the City for the Utilities Department: \ Vendor: Xylem, Inc., Fort Myers, FL \ Cost: \$250,000 \ Funding: CIP 12X04 – Submersible Pumps (\$100,000 - Water / Sewer Fund) and CIP 12M07 – Wastewater Treatment Plant Pumps (\$150,000 – Wastewater Fund)

14. Presentation of Zero-Based Budgets, summarizing current and past budgeted expenditures, changes in personnel, the estimated cost of functions, activities, and services, how budgets may be reduced by 10%, what services would be offered if 10% additional funding were available, and what are the future requirements for new facilities

- a. Presentations not completed on December 12, 2011
- b. Community Services Department
- c. Fire-Rescue Department
- d. Equipment Services Division

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Resolution
Added Item
11-13014 / Finlay / Price / 7-0
Pursuant to workshop of 12/12/11
11-13014 / Finlay / Price / 7-0

15. Amendment of Sam Noe Award criteria

Public Comment – None.

Correspondence and Communications – All Council Members extended holiday wishes; information on Collier County's resign to run (boards/committees) ordinance, and consensus to continue the remainder of zero-based budgeting and take no hiatus during election period, adjourning at 4:00 p.m. (Finlay).

Adjourn – 3:41 p.m.

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