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Annotated (Amended) Notice of Meeting and Agenda Naples City Council City Council Chamber, 735 Eighth Street South, Naples, Florida Mayor: John F. Sorey III

Vice Mayor: Gary Price City Council Members:

Bill Barnett, Doug Finlay, Teresa Lee Heitmann, Sam J. Saad III, Margaret Sulick

City Attorney: Robert D. Pritt · City Clerk: Tara A. Norman · City Manager: Bill 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, March 7, 2012

Convened 8:28 a.m. / Adjourned 5:21 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 <u>www.naplesgov.com</u> 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 Pastor Michael McKellar, Naples Church of God.
- 3. Announcements
 - Outstanding Urban Forestry Program Small Community Award
 - (presented by Mr. Clark Ryais, Florida Urban Forestry Council)
 - Employee Service Awards Presented by various department directors.
- 4. Set agenda (add or remove items) As submitted / Finlay / Barnett / 7-0

5. Public Comment - *E. Smith, request for irrigation for street trees on Sixth Street South and offensive attitude of personnel; J. Zimmerman, Keep Collier Beautiful, request for assistance with annual <u>May Bay</u> Day cleanup; and S. Smith, correction of her statement of 02/15/12, reference made to Rambosk rather than Rynders, and other corrections submitted for record.*

6. Correspondence and Communications - EMS services report/future workshop discussion, and request for support for Greater Naples Chamber of Commerce economic gardening program (Price); donation of campaign funds for River Park Pool and need for correspondence to be moved to end of agenda (Barnett); need to look into violation of recent parking variance granted to restaurant on 13th Avenue South (Sulick); emails received regarding utility billing and need to implement new software (Saad); need for opportunity for correspondence at end of agenda, message from Darlene House regarding sharing the road and suggested as topic of upcoming town hall meeting, information on response to recent staff presentation with regard to FEMA (Federal Emergency Management Agency) presentation, appreciation for recent Keewaydin Island rescue, and economic development plan underway for region and state (Heitmann); and construction work on Saturday and Town Hall Meeting scheduled for March 26 th (Sorey).

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

CONSLIT		
All matters taken under this section are considered routine, separate discussion of these items. If discussion is desired, considered separately.		
Approve Consent Agenda; as submitted	7-a.	Approval of Minutes.
Price / Sulick / 7-0		January 17, 2012 - Workshop
		, · · · ·
City Clerk		January 18, 2012 - Regular
Approval of Minutes		
Approved with Consent Agenda		
2 Resolutions	7-b.	Approve the following for the purpose of
Utilities	7-0.	accessing and maintaining utility facilities
Accepting two Water Line and Transmission		related to the Golden Gate Canal Intake
Main Easements		Structure and Transmission Main:
		1. Accept a perpetual Water Line and
		Transmission Main Easement from Nature
		Pointe Homeowners Association Inc. for
		construction and access to utility facilities
		along the western boundary of Nature
		Pointe and direct the City Clerk to record
		the Easement
		2. Accept a Perpetual Water Line and
		Transmission Main Easement from Naples
		-Oxford Limited Partnership, the owner of
		River Reach; accept a Perpetual Water
		Line and Transmission Main Easement
		Subordination, Consent and Joinder given
		by Deutsche Bank Trust Company
		Americas, as Trustee, for construction and
		access to utility facilities along the western
7 h 1) 12 12052 Approved with Concert Accorde		boundary of the River Reach property; and
7-b-1) <u>12-13053</u> Approved with Consent Agenda		direct the City Clerk to record the
		Easement and the Subordination, Consent
7-b-2) <u>12-13054</u> Approved with Consent Agenda		and Joinder
END OF CONS		
Finance	8.	Presentation and review of the 5-Year
Presentation of the 5-Year General Fund		General Fund Sustainability Report
Sustainability Report		
Discussion only.		
City Manager	9.	Consideration of a request from the Fifth
Fifth Avenue South Business Improvement		Avenue South Business Improvement
District request for placement of directory signs		District (FASBID) to implement a sign plan
<u>Approved</u> (a sign in each of two parking garages		for directory signs in the Fifth Avenue
and FASBID to work with staff to determine		South Business Improvement District
location(s) of additional signage) / Saad / Sulick		

/ 7-0

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. Public Hearing to consider determining a Resolution - Quasi-Judicial 10. **City Manager / Natural Resources** Marine Permit to remove a seawall and fill Marine Permit Application 11-3421 extending past the property line at 1493 **Petitioner: Thomas Dille** Blue Point Avenue and to construct a new Agent: Garland and Garland, Inc. seawall along the property line Marine Permit Application for seawall removal and construction Continued from 02/15/12 Continued / Barnett / Sulick / 7-0 Resolution - Quasi-Judicial 11. Public Hearing to consider determining Outdoor Dining Petition 12-ODPB3 Planning **Outdoor Dining on Public Property** pursuant to Section 56-126 (c)(1) to allow Petition 12-ODPB3 Bice Ristorante and Dolce and Salato Petitioner: ECIB of Naples LLC Restaurant to have outdoor dining, Agent: Luca DiFalco exceeding 100 square feet on public property and which faces residentially 12-13055 TO DENY based upon adverse impact to adjacent residential / Sulick / zoned property, located at 300 Fifth Heitmann / 7-0 Avenue South owned by M-P Realty LLC 2 Resolutions - Quasi-Judicial 12. Consider the following as they relate to property owned by TOMAC, LLC, located Planning at 358 and 360 2nd Avenue South: Variance Petition 11-V4 Subdivision / Replat Petition 11-SD3 a. Public Hearing to consider Petitioner: TOMAC, LLC determining Variance Petition 11-V4 from Agent: Kristin M. Conroy, Esquire Section 58-294 of the Code of Ordinances **Planning Advisory Board** for a parcel (approximately 10,999.50 **Recommendation for Denial** square feet) with an existing duplex to be subdivided resulting in two parcels each measuring less than the required 6,000 square foot minimum lot size, and a variance from Section 58-296 of the Code of Ordinances to allow zero-foot rear yards where the existing buildings abut each other, and to allow the southern most unit 12-a) <u>12-13056</u> <u>TO APPROVE based</u> 20 feet from the property line along the upon Section 46-37(c)(2)a (2, 4, and 6) / alley where a 25 foot front yard would be Finlay / Barnett / FAILED / 3-4 (Price, required on property zoned R3-12 Sulick, Heitmann and Sorey dissenting) b. **Public Hearing** to consider approving the Preliminary and Final (Record) Plat of 364 Second Avenue South, a replat of a parcel with an existing duplex 12-b) 12-13057 TO DENY based upon (approximately 10.999.50 square feet) into denial of 12-a / Price / Heitmann / 4-3 two platted lots of approximately 5,668.29 (Barnett, Finlay and Saad dissenting) square feet and 5,331.21 square feet 13. Consider awarding three two-year Utilities contracts to Southern Analytical Award of three two-year contracts for lab testing services as needed Laboratories, MWH Laboratories, and Florida Spectrum on an as needed basis Clerk's Tracking #12-00001 for lab testing services based on unit Barnett / Saad / 7-0 prices as bid

Regular Meeting of Wednesday, March 7, 2012 Page 4

Resolution 14. a. Consider awarding a contract for the purchase of a new street sweeper and approve a Budget Amendment Continued from 01/18/12 and 02/15/12 14. a. Consider awarding a contract for the purchase of a new street sweeper and five- year turn-key maintenance plan: \ Vendor: Environmental Products of FL Corporation, Apporka, FL \ Cost: S288,156 \ FLonding: CIP 12/05 - Street Sweeper b. Consider amending the 2011-12 Budget adopted by Ordinance 11-12953 to appropriate funds from the Fund Balance of the Streets and Stormwater quality testing 14. a. Consider awarding a contract for the purchase of a new street sweeper b. Consider amending the 2011-12 Budget adopted by Ordinance 11-12953 to appropriate funds from the Fund Balance of the Streets and Stormwater quality testing 15. Approve a Professional Services Agreement to perform stormwater quality sampling, analysis and reporting at various Saad / Barnett / 6-1 (Price dissenting) City Manager Continued from 02/15/12 Chair - Saad / 5-2 (Sulick and Heitmann dissenting) Vice Chair - Sulick / 7-0 17-b) 12-13061 / Price /7-0 17-b) 12-13061 / Price /7-0 17-b) 12-13061 / Price /7-0 17-b) 12-13061 / Price /7-0 17-b) 12-13065 / Finlay / 7-0 17-b) 12-13065 / Sorey / 7-0 17-b) 12-13067 / Heitmann / 7-0 1	This document is promulgated solely for the purpose of be construed as minutes of the City Council meeting or	f providing in any way	a brief reference to City Council action. It is not to the official record of said meeting.
Streets and Stormwater Award of Contract for street sweeper and approve a Budget Amendment Continued from 01/18/12 and 02/15/12 <i>Year Lin-key maintenance plan: \ Vendor:</i> Environmental Products of FL Corporation, Apopka, FL \Cost: \$288,156 \ Funding: CIP 12V05 - Street Sweeper b. Consider amending the 2011-12 Budget adopted by Ordinance 11-12953 to appropriate funds from the Fund Balance of the Streets Fund to increase the Budget of the street Sweeper project for the purchase of a replacement street sweeper - 12V05 - Street Sweeper b. Consider amenut of \$28,158 The street Sweeper project for the purchase of a replacement street sweeper - 12V05 - in the amount of \$28,158 Streets and Stormwater quality testing Clerk's Tracking 12-00003 Saad / Barnett / 6-1 (Price dissenting) City Manager Selection of a Chair and Vice-Chair of the Community Redevelopment Agency Continued from 02/15/12 Chair - Saad / 5-2 (Sulick and Heitmann dissenting) Vice Chair - Sulick / 7-0 Tr-e) 12-13064 / Sulick / 7-0 Tr-e) 12-13064 / Sulick / 7-0 Tr-i) 12-13066 / Sorey / 7-0 Tr-i) 12-13066 / Sorey / 7-0 Tr-i) 12-13067 / Finitay / 7-0 Tr-i) 12-1307 / Finitay / 7-0 Tr-			
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Sorey nominating P. Rambosk / 4-3 Employment Agreement, subject to review	Time Certain - 1:00 n m		
	(Price, Heitmann and Finlay dissenting)		and approval by City Council

Regular Meeting of Wednesday, March 7, 2012 Page 5

This document is promulgated solely for the purpose o be construed as minutes of the City Council meeting or		
Second Reading of an Ordinance	19.	Public Hearing to consider an Ordinance
Building		amending Section 16-146, Subsections (1)
Change to Flood Damage		and (2) of the Code of Ordinances, for the
Prevention Ordinance		purpose of adopting the Federal
Approved on First Reading 02/15/12		Emergency Management Agency (FEMA)
		Flood Insurance Study (FIS) and Flood
		Insurance Rate Maps (FIRMs) revised May
		16, 2012 for Collier County and
<u>12-13069</u> / Saad / Barnett / 7-0		incorporated areas
Resolution	20.	Consider a Resolution adopting the Rules
Mayor		of Procedure of the City Council of the City
Proposed City Council Rules		of Naples to facilitate the transaction of
of Procedure		business, to ensure the public's business
Continued from 02/15/12		is transacted both efficiently and effectively
		for the benefit of the public, and to promote
		cooperation in the deliberation of public
		policy; repealing Resolutions 98-8218, 00-
<u>Continued</u>		8943, 02-9689 and 07-11892
Second Reading of an Ordinance	21.	Public Hearing to consider an Ordinance
Finance		relating to Utilities, amending the definition
Amending the Utility Billing Ordinance		of City Managerial Employee in Section 2-
Approved on First Reading 02/15/12		972 of Article IX, Code of Ethics, amending
		Article I, Divisions 1 and 2 of Article II,
		amending Article III, amending Article IV,
		amending Section 30-342 of Chapter 30,
		Utilities, amending Section 48-62,
		amending Section 48-63 and amending
		Section 48-93 (a) of the Code of
		Ordinances, for the purpose of eliminating
		conflicts between previously adopted
		ordinances; ensuring current operations of
		the City's water, sewer and reclaimed water
		utilities; consolidating information such as
		utility rates, applications for service and
		discontinuation of services into one section
		of the Code; updating general regulations;
		revising the process for application of
		service, utility billing procedures and related
		billing regulations; and to correct the name
		of the Public Works Department to the
<u>12-13070 / Saad / Sulick / 7-0</u>		Utilities Department

Regular Meeting of Wednesday, March 7, 2012 Page 6

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Resolution Consider a Resolution relating to Utility 22. Fees; amending Sections of Chapter 30, Finance Public Works, of Appendix "A", Fees and Amendments to Appendix "A" to replace updated Sections and descriptions Charges Schedule, of the Code of Ordinances to reflect the updated Chapter 12-13071 / Saad / Price / 7-0 30 Sections and Descriptions 23. Public Hearing to consider an Ordinance Second Reading of an Ordinance **City Manager** relating to the Police Officers Pension and **Police Officers Pension and Retirement** Retirement System of the City of Naples, System amendments Florida; amending the definitions of Final Approved on First Reading 02/15/12 Average Compensation, Prior Service Credit and Compensation in Section 29-271, Definitions; amending Subsections (2) and (3) of Section 29-273, Maintenance of Fund; amending Section 29-311, Contributions; amending Section 29-312, Requirements for Retirement; repealing Section 29-313, Special Retirement Election for Members Over Age 45; repealing Section 29-314, Special Retirement Election for Members Over Age 44; amending Section 29-317, Separation from Municipal Employment; creating a new Section 29-327, Deferred Retirement Option Plan; creating a new Section 29-328, Non-Application of Certain Benefit Changes; directing the City Clerk to file a copy of this Ordinance with the Division of Retirement of the Florida Department of Management Services: and providing for conflicting provisions, severability and 12-13063 / Price / Saad / 7-0 applicability 24. City Manager Consider amending the adopted City Amendments to the 2012 City Council Council Workshop and Regular Meeting **Meeting Schedule** schedule by revising meeting dates in the Approved / Barnett / Price / 7-0 months of June and August Council Member Finlay 25. Discussion of Vessel Speeds in Naples Discussion Bay Vessel speeds in Naples Bay **Continued** City Clerk 26. Consider the nominations received and Nominations and Selection of the 2012 select the 2012 Sam Noe Award recipient Sam Noe Award recipient

<u>Peter Manion</u> / Finlay / 7-0

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First Reading of an Ordinance Consider an Ordinance relating to Building 27. and Technical Codes; repealing Section 16 Building -111. Administration. Conflicts. of Article III. Adopting the 2010 Florida Building Code Building and Technical Codes; amending Section 16-112, Florida Building Code adopted, Amendments, of the Code of Ordinances for the purpose of adopting the 2010 Edition of the Florida Building Code Approved / Barnett / Saad / 7-0 First Reading of an Ordinance 28. Consider an Ordinance relating to the Citizens Police Review Board, amending City Clerk Amendment to Citizens Police Review Section 2-451 (f) of the Code of **Board training procedure** Ordinances for the purpose of revising the <u>Approved</u> amended as follows: Section training requirements for newly appointed 2-451(f): " Upon appointment to the members of the Citizens Police Review board and prior to voting at any meeting, Board a member... designee.". Price / Saad / 7-0

Public Comment - D. Bolduc, dangers of fluoridation of water supply (Saad requested action by Council on 04/18/12).

Adjourn - 5:23 p.m.

Order of consideration: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12-a, 12-b, 13, 14-a, 18, 20, 14-b, 15, 16, 17 (-a through -i), 17-b, 19 21, 22, 23, 24, 25, 26, 27, 28, Public Comment, and (additional) Correspondence and Communications.