

*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 (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 21, 2012**

**Convened 8:29 a.m. / Adjourned 4:17 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](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 - ***Price absent.***
2. Invocation and Pledge of Allegiance - ***Reverend Michael Harper, Naples Community Hospital.***
3. Announcements  
Resolution Honoring Peter Manion as the recipient of the 2012 Sam Noe Award - ***12-13072 / Acclamation / 6-0.***  
Children's Museum of Naples - ***read by Council Member Barnett Mayor Sorey.***  
National Tartan Day - read by former ***Council Member William MacIlvaine.***  
Welcome Home Vietnam Veterans Day - read by Mayor Sorey.
4. Set agenda (*add or remove items*) - ***Adding Item 18 (request to reconsider Variance Petition 11-V4 / Replat Petition 11-SD3) and Item 19 (presentation on new City website) / Barnett / Saad / 6-0 (Price absent)***
5. Public Comment - ***S. Fleischer, progress of conversion of old First Baptist Church on Eighth Street at Seventh Avenue South to restaurant; and S. Smith, further historic comment on aforementioned church and request that Council Members do not use personal electronic devices nor engage in side bar conversations.***
6. Correspondence and Communications - ***Complaints regarding noise generated from Fifth Avenue South (Sulick); Collier County 10-year stormwater master plan and received consensus for drafting of resolution opposing Collier County resign to run ordinance for City appointees to County boards (Finlay); dissatisfaction with terms of City Clerk retirement (Heitmann); and inclusion of code provision for funeral homes (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.

*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.*

---

**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 Items 7-b-5 and 7-g)***

***Barnett / Sulick / 6-0 (Price absent)***

**City Clerk**

**Approval of Minutes**

***Approved with Consent Agenda***

---

**Community Services  
Approval of Special Events**

***7-b-1 thru 7-b-4***

***Approved with Consent Agenda***

***7-b-5) Approved / Barnett / Finlay / 6-0  
(Price absent)***

---

**Streets and Stormwater  
Award of Contract  
for purchase of used Lift Truck**

**Clerk's Tracking #12-00004**

***Approved with Consent Agenda***

**Resolution  
Community Services  
Submittal of a Grant Application for a  
Student Internship**

***12-13073 Approved with Consent Agenda***

**Resolution  
Community Services  
Submittal of Tourist Development Council  
Category "A" Grant Applications**

***12-13074 Approved with Consent Agenda***

---

7-a. Approval of Minutes.

February 15, 2012 Regular Meeting

---

7-b. Approve the following special events:

1. 18<sup>th</sup> Annual Relay for Life of Naples - American Cancer Society - Gulfview Middle School - 04/20/12-04/21/12
2. Kid's Fishing Clinic - Marine Industries Association of Collier County Foundation and Florida Fish and Wildlife Conservation Foundation - 12<sup>th</sup> Avenue South and the Fishing Pier - 04/28/12
3. 26<sup>th</sup> Annual Fitness Challenge Triathlon - The Fitness Challenge Triathlon - Naples Beach Hotel and Golf Club - 06/03/12
4. Sand Sculpture and Wine Tasting Festival - Tin City Merchants - 04/27/12 through 05/06/12
5. City Fest Cycling Event "Orange Blossom Special" - Gulfview Middle School - 05/05/12 and Third Street South and Broad Avenue South - 05/06/12

---

7-c. Award a contract for the purchase of a used 2010 Ford F-550 ATR411 Lift Truck with warranties: \ Vendor: Stamm Manufacturing Division of World Industrial Equipment, Inc., Ft. Pierce, FL \ Cost: \$78,500 \ Funding: CIP 12U12 - Light Lift Truck

---

7-d. Authorize the City Manager to submit a Grant Application to the Florida Department of Agriculture and Consumer Services under the 2012 National Urban and Community Forestry Grant Program to support a student internship

---

7-e. Authorize the City Manager to submit Fiscal Year 2012-2013 Collier County Tourist Development Council Category "A" Grant Applications for Beach Maintenance in the amount of \$76,850 and for the Naples Pier Annualized Repair and Maintenance in the amount of \$80,000 under the Beach Renourishment and Pass Maintenance Program

---

*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.*

**Resolution  
Planning  
Amendment to the Collier County  
Subordination Policy**

12-13075 Approved with Consent Agenda

**Resolution  
Streets and Stormwater  
Corrected Record Plat**

12-13076 / Sulick / Finlay / 6-0  
(Price absent)

**END OF CONSENT AGENDA**

**Finance  
Presentation of the Comprehensive Annual  
Financial Report (CAFR)  
Discussion Only**

**Resolution - Quasi-Judicial  
Planning  
Conditional Use Petition 12-CU1  
Petitioner: Goodwill Industries of  
Southwest Florida, Inc.  
Agent: Gulfcoast Consulting Group  
Planning Advisory Board Recommendation  
to Approve**

12-13077 amended as follows: deleting  
Section 2-1; and renumbering accordingly  
Saad / Barnett / 6-0 (Price absent)

**Resolution - Quasi-Judicial  
City Manager / Natural Resources  
Marine Permit Application 11-3421  
Petitioner: Thomas Dille  
Agent: Garland and Garland, Inc.  
Marine Permit Application for seawall  
removal and construction  
Continued from 02/15/12 and 03/07/12**

12-13078 / Barnett / Saad / 6-0  
(Price absent)

7-f. Approve amending the Collier County and City of Naples State Housing Initiatives Partnership (SHIP) Local Housing Assistance Plan (LHAP), specifically Exhibit "I", the Collier County Subordination Policy to ensure that the Policy is accurate, effective and consistent with industry standards

7-g. Approve a corrected Preliminary and Final (Record) Plat for RSI Naples (Petition 12-SD1), a Replat of Lots 1 through 5 inclusive, 11 through 32 inclusive, the north 4 feet of Lot 6, and the vacated north-south and east-west alleys, Block 17, Tier 10, Seaboard Replat as recorded in Plat Book 1, Page 59, to replat 5 existing parcels (27 lots more or less) into one parcel (approximately 2.305 acres) located north of Fourth Avenue South, south of Third Avenue South, east of U S 41 and west of Tenth Street South, owned by RSII Properties, Inc., and amending and superseding Resolution 12-13402

8. Presentation by Maudlin and Jenkins of the September 30, 2011 Comprehensive Annual Financial Report

9. Consider a Resolution determining Conditional Use Petition 12-CU1, pursuant to Section 58-503, to allow the retail sale of secondhand merchandise in the Highway Commercial Zoning District, located at 1795 Ninth Street North, subject to conditions

10. **Public Hearing** to consider determining a Marine Permit to remove a seawall and fill extending past the property line at 1493 Blue Point Avenue and to construct a new seawall along the property line

*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.*

---

**Streets and Stormwater  
Pavement Management Contractors**

Clerk's Tracking #12-00005 (Bonness)

Clerk's Tracking #12-00006 (Road Safe)

Clerk's Tracking #12-00007 (Roadway)

Clerk's Tracking #12-00008 (Roberts)

Clerk's Tracking #12-00009 (Ajax)

Sulick / Finlay / 6-0 (Price absent)

---

**Resolution  
Mayor**

**City Clerk Employment Agreement  
12-13084 (agreement amended as  
follows: Section III-B A: "...Personal  
Leave Program consistent with City non-  
bargaining employees."; and Section III-  
C: "...subject to change annually." .**

**Sorey / Barnett / 6-0 (Price absent)**

---

**Second Reading of an Ordinance  
Building  
Adopting the 2010 Florida  
Building Code  
Approved at First Reading 03/07/12**

**12-13079 / Barnett / Finlay /5-1  
(Heitmann dissenting; Price absent)**

---

**Second Reading of an Ordinance  
City Clerk  
Amendment to Citizens Police Review  
Board training procedure  
Approved at First Reading 03/07/12  
12-13080 / Saad / Finlay / 6-0  
(Price absent)**

---

11. Consider awarding five three-year contracts with two one-year renewals for pavement maintenance, repair and marking services: \ Vendors: Bonness, Inc., Naples, FL; Road Safe Traffic Systems, Inc., Ft. Myers, FL; Roadway Management, Inc., Winter Park, FL; C. W. Roberts Contracting, Inc., Ft. Myers, FL; Ajax Paving Systems, Inc., Nikomis, FL \ Cost: Work Order(s) not to exceed \$150,000 per project or assignment (funds will not exceed annual budget) \ Funding: CIP 12U28 - Pavement Management Program (\$500,000); Streets Operations Account (\$200,000); and Utilities Operating and CIP's (\$150,000)
  12. Consider approving a resolution and an Employment Agreement with Patricia L. Rambosk as City Clerk; and authorizing the Mayor to execute the Agreement
  13. **Public Hearing** to consider an Ordinance relating to Building and Technical Codes; repealing Section 16-111, Administration, Conflicts, of Article III, 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
  14. **Public Hearing** to consider an Ordinance relating to the Citizens Police Review Board, amending Section 2-451 (f) of the Code of Ordinances for the purpose of revising the training requirements for newly appointed members of the Citizens Police Review Board
-

*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.*

---

**2 Resolutions  
City Clerk  
Appointments**

**15-a) 12-13081 / W. Phillips  
Nominated by Finlay / 6-0  
(Price absent)**

**15-b) 12-13082 / L. Penniman  
Nominated by Barnett / 6-0  
(Price absent)**

---

**First Reading of an Ordinance  
Planning  
Text Amendment 12-T1  
Petitioner: City of Naples**

15. Consider the following appointments:  
a. Appoint one Alternate to the Code Enforcement Board for the balance of a three-year term expiring January 18, 2014  
b. Endorse a candidate to represent the City of Naples on the Collier County Coastal Advisory Committee for a four-year term commencing May 23, 2012, and concluding May 22, 2016; and direct the recommendation be forwarded to the Board of Collier County Commissioners

---

16. Consider an Ordinance relating to densities; repealing Section 56-88, Density; repealing Section 56-123, Densities, Maximum Permitted; amending Subsection (3) of Section 58-263, Conditional Uses; adding Section 58-271, Maximum Allowable Density; amending Subsection (2) of Section 58-293 (Conditional Uses); adding Section 58-301, Maximum Allowable Density; amending Subsections (2) and (5) of Section 58-323, Conditional Uses; adding Section 58-331, Maximum Allowable Density; amending Subsection (2) of Section 58-353, Conditional Uses; adding Section 58-361, Maximum Allowable Density; amending Subsection (2) of Section 58-383, Conditional Uses; adding Section 58-392, Maximum Allowable Density; amending Subsection (2) of Section 58-413, Conditional Uses; adding Section 58-422, Maximum Allowable Density; amending Subsection (2) of Section 58-443, Conditional Uses; adding Section 58-451, Maximum Allowable Density; amending Subsections (2) and (6) of Section 58-473, Conditional Uses; adding Section 58-481, Maximum Allowable Density; amending Subsections (10), (13) and (15) of Section 58-503, Conditional Uses; amending Subsections (4) and (5) of Section 58-533, Conditional Uses; amending Subsections (5) and (6) of Section 58-563, Conditional Uses; amending Subsections (12) and (18) of Section 58-593; amending Subsection (13) of Section 58-622, Uses Permitted; amending Subsections (4) and (5) of Section 58-623, Conditional Uses; amending Subsection (3) of Section 58-742, Uses Permitted; amending Subsection (2) of Section 58-743, Conditional Uses; amending Section 58-802, Uses Permitted; and amending

---

**(Continued on next page)  
(Continued from previous page)**

*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.*

<p><b><u>Approved / Barnett / Sorey / 6-0</u></b> <b><u>(Price absent)</u></b></p>	<p>Section 58-904, Conditional Uses; of the Code of Ordinances, for the purpose of moving maximum densities into each zoning district, moving densities for transient lodging and nursing homes into each applicable district; eliminating the method of Planning Advisory Board approval for additional density; and adding definitions of transient lodging to add density requirement</p>
<p><b>Resolution</b> <b>Mayor</b> <b>Proposed City Council Rules</b> <b>of Procedure</b> <b>Continued from 02/15/12 and 03/07/12</b></p> <p><b><u>12-13083 amended per discussion</u></b> <b><u>Sorey / Barnett / 5-1</u></b> <b><u>(Heitmann dissenting; Price absent)</u></b></p>	<p>17. Consider a Resolution adopting the Rules of Procedure of the City Council of the City of Naples to facilitate the transaction of business, to ensure the public's business 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, 00-8943, 02-9689 and 07-11892</p>
<p><b><u>Added Item</u></b> <b><u>Requested by Mayor Sorey</u></b></p> <p><b><u>Approved</u></b> <b><u>Sorey / Barnett/ 6-0 (Price absent)</u></b></p>	<p>18. <u>Determine whether Council will reconsider Variance Petition 11-V4 and Subdivision Replat Petition 11-SD3 at the meeting of April 4, 2012.</u></p>
<p><b><u>Added Item</u></b> <b><u>Continued from workshop of 3/19/12</u></b> <b><u>Discussion only.</u></b></p>	<p>19. <u>New City of Naples Website Presentation.</u></p>

**Public Comment - D. Bolduc, fluoridation of public drinking water; S. Smith (referencing Item 16 above), expressed concern for the Old Naples historic district and unresponsiveness of Council to invitation to philanthropic event; and W. Kelly, prohibited from commenting.**

**City Council Comments - request for incoming City Clerk salary information from City Manager and concern that retiring City Clerk's contract not being honored (Heitmann).**

**Adjourn - 4:17 p.m.**

**Order of consideration, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, Public Comment, and City Council Comments.**