



City of Naples

City Council Chamber
735 Eighth Street South
Naples, Florida 34102

City Council Regular Meeting - March 21, 2012 - 8:29 a.m.

Mayor Sorey called the meeting to order and presided.

ROLL CALL.....ITEM 1

Present:

John F. Sorey III, Mayor
Gary Price II, Vice Mayor (absent)

Council Members:

Bill Barnett
Douglas Finlay
Teresa Heitmann
Samuel Saad, III
Margaret Sulick

Also Present:

William Moss, City Manager
Robert Pritt, City Attorney
Tara Norman, City Clerk
Roger Reinke, Assistant City Manager
Vicki Smith, Technical Writing Specialist
Jessica Rosenberg, Deputy City Clerk
Joe Boscaglia, Parks & Parkways Superintendent
David Lykins, Community Services Director
Paul Bollenback, Building Services Director
Ralph LaCivita, Comptroller
Gregg Strakaluse, Streets & Stormwater Director
Karen Ball, Deputy Finance Director
Adam Benigni, Planner
Kathryn Hankins, Budget & Investment Manager
Michael Bauer, Natural Resources Manager
Patricia Rambosk, Legal Coordinator
Denise Perez, Human Resources Director
Stephen Weeks, Technology Services Director
Jeffrey Cochran, Senior Network Specialist
Leanne Cross
Lerin Berg

Michael Harper
William MacIlvaine
George Dondanville
Sue Smith
Henry Kennedy
Peter Manion
Lynn Manion
Murray Hendel
Lynn Noe
Matthew Kragh
Charles Thomas
William Kelly
Jennifer Nelson
John Passidomo
David Bolduc
Steve Fleischer
Larry Porter
Ramon Acevedo

Media:

Kristine Gill, Naples Daily News
Other interested citizens and visitors

INVOCATION AND PLEDGE OF ALLEGIANCE.....ITEM 2

Reverend Michael Harper, Naples Community Hospital.

ANNOUNCEMENTS.....ITEM 3

Former Council Member William MacIlvaine read a proclamation designating April 6 as National Tartan Day, following which Council Member Barnett read the proclamation regarding the Children's Museum of Naples, noting its grand opening on March 23. Mayor Sorey then presented the annual Sam Noe Award to Peter Manion for his service on the Naples Airport

Authority (NAA) (Resolution 12-13072 by acclamation) and read the final proclamation designating March 30 as Welcome Home Vietnam Veterans Day.

SET AGENDA (add or remove items).....ITEM 4

MOTION by Barnett to SET THE AGENDA adding Item 18 (request to reconsider Variance Petition 11-V4 / Replat Petition 11-SD3) and Item 19 (presentation on new City website). This motion was seconded by Saad and unanimously carried 6-0 (Barnett-yes, Finlay-yes, Heitmann-yes, Price-absent, Saad-yes, Sulick-yes, Sorey-yes)

PUBLIC COMMENT.....ITEM 5

(8:54 a.m.) **Steve Fleischer, West Lake Drive**, provided an update on the renovation of the former First Baptist Church (located on Eighth Street at Seventh Avenue South), noting that the restaurant, to be named the Chapel Grill, is scheduled to open September 1. (Copies of pictures of the interior demolition are contained in the file for this meeting in the City Clerk's Office.) **Sue Smith, 11th Avenue South**, shared additional historical memories of the aforementioned church, following which she urged Council Members not to use personal electronic devices nor engage in side bar comments during meetings.

CORRESPONDENCE AND COMMUNICATIONS.....ITEM 6

(9:00 a.m.) Council Member Sulick noted receipt of a recent complaint regarding excessive noise on Fifth Avenue South, urging that a workshop discussion be scheduled to address the issue. Council Member Finlay observed that the City has a vested interest in Collier County's 10-year stormwater master plan; Mayor Sorey therefore directed the City Manager to contact the County Manager to ascertain the means by which the City could become involved. Mr. Finlay also cited the County's resign-to-run ordinance as it applies to City appointees to County boards; a consensus followed that staff should draft a resolution for presentation to the County opposing that provision. Council Member Heitmann noted her concern with the terms of the current City Clerk's retirement. Mayor Sorey indicated that the City Manager had aided in negotiations which resulted in an agreement that 20 days of vacation accrual would be taken by the City Clerk prior to the May 31 retirement date; she would then be paid for the remainder owed. Mrs. Heitmann reiterated her displeasure that the Clerk's contract was not being honored. Mayor Sorey then received consensus that funeral homes should be added to the list of allowable operations within the City and staff was directed to pursue the amendment to the Code of Ordinances.

CONSENT AGENDA

APPROVAL OF MINUTES.....ITEM 7-a

February 15, 2012 Regular meeting minutes; as submitted.

APPROVAL OF SPECIAL EVENTS.....ITEM 7-b

- 1) 18th 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 & Wildlife Conservation Foundation - 12th Avenue South and the Fishing Pier - 04/28/12.
- 3) 26th 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.
- 5) Removed from Consent agenda for separate discussion.

CLERK'S TRACKING #12-00004ITEM 7-c

AWARDING 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., FORT PIERCE, FLORIDA \ COST: \$78,500 \ FUNDING: CIP 12U12 - LIGHT LIFT TRUCK.

RESOLUTION 12-13073.....ITEM 7-d

A RESOLUTION AUTHORIZING 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; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 12-13074.....ITEM 7-e
A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT FISCAL YEAR 2012-2013 COLLIER COUNTY TOURIST DEVELOPMENT COUNCIL CATEGORY "A" GRANT APPLICATIONS UNDER THE BEACH RENOURISHMENT AND PASS MAINTENANCE PROGRAM; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 12-13075.....ITEM 7-f
A RESOLUTION 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; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 12-13076 (removed from Consent Agenda / see below).....ITEM 7-g
MOTION by Barnett to APPROVE CONSENT AGENDA except Item 7-b-5 and Item 7-g; seconded by Sulick and unanimously carried 6-0 (Barnett-yes, Finlay-yes, Heitmann-yes, Price-absent, Saad-yes, Sulick-yes, Sorey-yes).

END CONSENT AGENDA

(Removed from Consent Agenda for separate discussion / see above).....ITEM 7-b-5
APPROVING SPECIAL EVENT - CITY FEST CYCLING EVENT: "ORANGE BLOSSOM SPECIAL" - GULFVIEW MIDDLE SCHOOL - 05/05/12 AND THIRD STREET SOUTH AND BROAD AVENUE SOUTH - 05/06/12. (9:17 a.m.) Council Member Sulick expressed concern with this new event, questioning the length and intensity of activities in the Third Street South area. Community Services Director David Lykins then provided a brief overview as contained in his agenda memorandum (Attachment 1), pointing out that roadways are opened once the cyclists have moved through an area.

Public Comment: (9:18 a.m.) None.

MOTION by Barnett to APPROVE THIS ITEM as submitted; seconded by Finlay and unanimously carried 6-0 (Barnett-yes, Finlay-yes, Heitmann-yes, Price-absent, Saad-yes, Sulick-yes, Sorey-yes)

RESOLUTION 12-13076 (removed from Consent Agenda / see above).....ITEM 7-g
A RESOLUTION APPROVING 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 US 41 AND WEST OF TENTH STREET SOUTH, OWNED BY RSII PROPERTIES, INC., AMENDING AND SUPERSEDING RESOLUTION 12-13042; MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (9:18 a.m.), who then provided a brief explanation as to the need for the item being corrected as contained in the agenda memorandum by Traffic Engineer George Archibald (Attachment 2).

Public Comment: (9:25 a.m.) None.

MOTION by Sulick to APPROVE RESOLUTION 12-13076 as submitted; seconded by Finlay and unanimously carried 6-0 (Barnett-yes, Finlay-yes, Heitmann-yes, Price-absent, Saad-yes, Sulick-yes, Sorey-yes)

COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR).....ITEM 8
PRESENTATION BY MAUDLIN AND JENKINS OF THE SEPTEMBER 30, 2011 COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR). (9:25 a.m.) Leanne Cross,

Maudlin & Jenkins, LLC, utilized an electronic presentation to review the City's Comprehensive Annual Financial Report (CAFR). (It is noted for the record that a printed copy of the report and electronic presentation are contained in the file for this meeting in the City Clerk's Office; excerpted text of Ms. Cross' presentation is appended hereto as Attachment 3.) Following her responding to questions and various comments by Council, public comment was heard.

Public Comment: (10:25 a.m.) **Sue Smith, 11th Avenue South**, questioned whether the outstanding unpaid balance of the Water and Sewer Funds had been reflected in the report. Mayor Sorey indicated that these amounts had in fact been included, and that the recovery of the money had become a priority of the Finance Department. This issue is to be scheduled for additional Council discussion, Mayor Sorey added. Mrs. Smith commended fellow resident, Marvin Easton, for his tenacity regarding the uncollected balances, thanking him for a previous presentation to Council. City Manager William Moss then assured Mrs. Smith that the amount of water produced from the treatment plant is tracked and compared to the amount billed.

Recess: 10:33 a.m. to 10:47 a.m. It is noted for the record that the same Council Members were present when the meeting reconvened.

RESOLUTION 12-13077.....ITEM 9

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, MORE FULLY DESCRIBED HEREIN, SUBJECT TO THE CONDITIONS SET FORTH HEREIN; AND PROVIDING AN EXPIRATION DATE AND AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (10:48 a.m.). This being a quasi-judicial proceeding, Notary Public Vicki Smith administered an oath to those intending to offer testimony; all responded in the affirmative. City Council Members then made ex parte disclosures to the effect that none had had contact; in addition, Barnett, Finlay, Sulick and Heitmann said that they were familiar with the site; Sorey and Saad reported that they had visited the site; and Heitmann and Sorey indicated that they had reviewed the Planning Advisory Board (PAB) consideration of the petition.

Lerin Byrd, Gulfcoast Consulting Group, Inc., agent for the petitioner, provided a brief overview of the project which includes painting the structure, restriping and resealing the parking lot, and designating a drop-off location for donated items. The key function of this location is a bookstore, so the majority of additional items received will be transferred to other locations. The PAB's recommendation of additional front and rear landscaping for buffering had been included in the submittal, she added. Architect Ramon Acevedo reviewed the site plan. Jennifer Nelson, Goodwill Industries of Southwest Florida, Inc., clarified for Council Member Sulick that while signage indicates the prohibition of dumping at the site, Goodwill picks up nighttime donations by 8:00 a.m. at all locations.

Planner Adam Benigni then reviewed the petition as contained in his agenda memorandum (Attachment 4), confirming that staff had reviewed and approved the aforementioned landscaping improvements. He further indicated that a party interested in developing the adjacent southern parcel does not wish to pursue a future parking lot interconnect due to the configuration of the access easement to the subject parcel. The owner of the Moorings Plaza, located north of the subject parcel, also does not support the parking lot interconnect and further requested that hours of pick-up be limited to the morning. Mr. Benigni pointed out the petitioner's concern with the latter is that the store could become overcrowded and noted that large trucks would be present on the site merely to pick up large items. Staff and the PAB recommended approval as submitted, he concluded.

During further discussion of prohibited access to the southern property, City Attorney Pritt cautioned that nothing regarding the parking lot to the south should be decided during the

current consideration. Following discussion of various changes to the language of Section 2-1 of the resolution, the motion below was proffered as access to the southernmost property would be determined during consideration of a future petition.

Public Comment: (11:25 a.m.) None.

MOTION by Saad to APPROVE RESOLUTION 12-13077 amended as follows: deleting Section 2-1; and renumbering accordingly. This motion was seconded by Barnett and unanimously carried 6-0 (Barnett-yes, Finlay-yes, Heitmann-yes, Price-absent, Saad-yes, Sulick-yes, Sorey-yes).

RESOLUTION 12-13078.....ITEM 10

A RESOLUTION 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; PROVIDING FINDINGS; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (11:26 a.m.).

This being a quasi-judicial proceeding, Notary Public Vicki Smith administered an oath to those intending to offer testimony; all responded in the affirmative. City Council Members then made the following ex parte disclosures: Heitmann/visited the site and spoke with the petitioner; Saad/visited the site and spoke with the petitioner’s agent; Sulick/visited the site but no contact; and Sorey, Finlay and Barnett/no contact. Agent for the petitioner, Charles Thomas (planning and development consultant), briefly reviewed riparian rights, summarizing that the subject canal had been dedicated during original platting of the development and the area of land to be removed to the lawful lot line would in fact return to that dedicated use as a canal. Larry Porter, with PorterVanArsdale Construction, indicated that the property also abutting the end of the canal would be aligned with the original platted lot lines at the expense of the petitioner and with the permission of its owner.

Natural Resources Manager Michael Bauer noted staff’s recommendation for approval as no environmental, ecological or navigational issues exist with the proposed project; in fact, erosion would most likely be lessened, he added. With regard to removal of mangroves, he explained that a property owner may seek and receive an exemption on-line from the Florida Department of Environmental Protection (FDEP) for residential seawall construction. Dr. Bauer also clarified for Council Member Saad that while riprap is not practical in canals, it is encouraged along the shoreline of estuaries such as Naples Bay.

Public Comment: (11:40 a.m.) None.

MOTION by Barnett to APPROVE RESOLUTION 12-13078 as submitted; seconded by Saad and unanimously carried, 6-0 (Barnett-yes, Finlay-yes, Heitmann-yes, Price-absent, Saad-yes, Sulick-yes, Sorey-yes)

CLERK’S TRACKING #12-00005ITEM 11-a

CLERK’S TRACKING #12-00006ITEM 11-b

CLERK’S TRACKING #12-00007ITEM 11-c

CLERK’S TRACKING #12-00008ITEM 11-d

CLERK’S TRACKING #12-00009ITEM 11-e

AWARDING FIVE THREE-YEAR CONTRACTS WITH TWO ONE-YEAR RENEWALS FOR PAVEMENT, REPAIR AND MARKING SERVICES: \ VENDORS: a) BONNESS, INC., NAPLES FLORIDA; b) ROAD SAFE TRAFFIC SYSTEMS, INC., FORT MYERS, FLORIDA; c) ROADWAY MANAGEMENT, INC., WINTER PARK, FLORIDA; d) C.W. ROBERTS CONTRACTING, INC., FORT MYERS, FLORIDA; AND e) AJAX PAVING SYSTEMS, INC., NOKOMIS, FLORIDA \ 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). (11:40 a.m.)

Streets & Stormwater Director Gregg Strakaluse provided a brief explanation for the contracts as contained in his agenda memorandum (Attachment 5), noting that pavement striping was

included for roadways which are to undergo resurfacing by overlay.

Public Comment: (11:45 a.m.) None.

MOTION by Sulick to APPROVE ITEM 11 as submitted; seconded by Finlay and unanimously carried, 6-0 (Barnett-yes, Finlay-yes, Heitmann-yes, Price-absent, Saad-yes, Sulick-yes, Sorey-yes)

RESOLUTION 12-13084.....ITEM 12

A RESOLUTION APPROVING AN EMPLOYMENT AGREEMENT WITH PATRICIA L. RAMBOSK AS CITY CLERK; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (11:45 a.m.) Following a brief introduction by Mayor Sorey, Council discussed specifics of the employment agreement. He clarified that the provision mandating that the new City Clerk obtain certification as a municipal clerk and records manager would be reviewed annually and prior to a 5% increase as stipulated in the document. Council Members Heitmann and Saad expressed their opinion that the records management certification was of greater importance than the clerk certification and, at Mayor Sorey’s direction, incoming City Clerk Patricia Rambosk indicated that she was enrolled to attend a two-day seminar on this topic. In response to Mr. Saad’s remarks regarding personal leave, the motion below was proffered.

Public Comment: (12:03 p.m.) **Henry Kennedy, Naples**, expressed concern with what he termed vagueness of the document. **Sue Smith, 11th Avenue South**, questioned the fact that as the chief election official for the City, Mrs. Rambosk’s being married to the Collier County Sheriff could create the appearance of a conflict in this regard. She also requested the final annual amount of compensation for the new City Clerk and how much her training has cost over her tenure with the City. **William Kelly, PO Box 2584**, questioned the wisdom of the City providing Mrs. Rambosk with a cell phone, pointing out that her phone records would then become a public record.

MOTION by Sorey to APPROVE RESOLUTION 12-13084 amending the agreement as follows: Section III-B: “...Personal Leave Program consistent with City non-bargaining employees.”; and Section III-C: “...subject to change annually.”. This motion was seconded by Barnett and unanimously carried 6-0 (Barnett-yes, Price-absent, Heitmann-yes, Saad-yes, Finlay-yes, Sulick-yes, Sorey-yes).

ORDINANCE 12-13079.....ITEM 13

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, CITY OF NAPLES, FOR THE PURPOSE OF ADOPTING THE 2010 EDITION OF THE FLORIDA BUILDING CODE; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (12:22 p.m.). In response to Council Member Heitmann, Building Services Director Paul Bollenback confirmed that Chapter I of the Florida Building Code (FBC) is an administrative section that may be amended by the City to address its needs. Mr. Pritt observed that a more standard set of codes, such as the nine volume FBC under discussion, had resulted from the experiences of Hurricane Andrew. Many of the safeguards contained in the City’s Code of Ordinances (building and technical codes) now exist in the FBC and are therefore redundant, he said. Mr. Bollenback explained that codes applicable to historic homes would not be repealed.

Public Comment: (12:36 p.m.) None.

MOTION by Barnett to ADOPT ORDINANCE 12-13079 as submitted; seconded by Finlay and carried 5-1 (Barnett-yes, Finlay-yes, Heitmann-no, Price-absent, Saad-yes, Sulick-yes, Sorey-yes).

ORDINANCE 12-13080.....ITEM 14

AN ORDINANCE RELATING TO THE CITIZENS POLICE REVIEW BOARD; AMENDING

SECTION 2-451(f) OF THE CODE OF ORDINANCES, CITY OF NAPLES, FOR THE PURPOSE OF REVISING THE TRAINING REQUIREMENTS FOR NEWLY APPOINTED MEMBERS OF THE CITIZENS POLICE REVIEW BOARD; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (12:37 p.m.). City Clerk Tara Norman briefly explained the amendment, noting its support by the Citizens Police Review Board (CPRB).

Public Comment: (12:38 p.m.) None.

MOTION by Saad to ADOPT ORDINANCE 12-13080 as submitted; seconded by Finlay and unanimously carried 6-0 (Barnett-yes, Finlay-yes, Heitmann-yes, Price-absent, Saad-yes, Sulick-yes, Sorey-yes).

Referencing item 12 above, City Clerk Tara Norman clarified that certification as a records manager would not be achieved in a two-day seminar, that this designation is conveyed by the ICRM (Institute of Certified Records Managers) following an intensive two-day proctored test. Conversely, the Certified Municipal Clerk involves no test and is based upon points accrued for experience and education, she added. Both certifications should be sought by the incoming City Clerk, Mayor Sorey indicated.

Recess: 12:41 p.m. to 1:30 p.m. It is noted for the record that the same Council Members were present when the meeting reconvened.

RESOLUTION 12-13081.....ITEM 15-a
A RESOLUTION APPOINTING ONE ALTERNATE TO THE CODE ENFORCEMENT BOARD FOR THE BALANCE OF A THREE-YEAR TERM EXPIRING JANUARY 18, 2014; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (1:31 p.m.).

Public Comment: (1:31 p.m.) None.

MOTION by Finlay to APPROVE RESOLUTION 12-13081 APPOINTING WYNN PHILLIPS unanimously carried 6-0 (Barnett-yes, Finlay-yes, Heitmann-yes, Price-absent, Saad-yes, Sulick-yes, Sorey-yes).

RESOLUTION 12-13082.....ITEM 15-b
A RESOLUTION ENDORSING 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; DIRECTING THAT THIS RECOMMENDATION BE FORWARDED TO THE BOARD OF COLLIER COUNTY COMMISSIONERS; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (1:32 p.m.).

Public Comment: (1:32 p.m.) None.

MOTION by Barnett to APPROVE RESOLUTION 12-13082 APPOINTING LINDA PENNIMAN unanimously carried 6-0 (Barnett-yes, Finlay-yes, Heitmann-yes, Price-absent, Saad-yes, Sulick-yes, Sorey-yes).

ORDINANCE (First Reading).....ITEM 16
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 SUBSECTION (18) OF SECTION 58-904, CONDITIONAL USES; OF THE CODE OF ORDINANCES, CITY OF NAPLES, FOR THE OF PURPOSE 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; ADDING DEFINITIONS OF TRANSIENT LODGING TO ADD DENSITY REQUIREMENT; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (1:32 p.m.). Planner Adam Benigni briefly reviewed the amendments as contained in his agenda memorandum (Attachment 6), explaining that they merely clarify in the code additional information currently contained in the Comprehensive Plan only; the changes halt the necessity of referring between the two documents, he said.

Public Comment: (1:51 p.m.) None.

MOTION by Barnett to APPROVE THIS ORDINANCE at First Reading, as submitted; seconded by Sorey and unanimously carried, 6-0 (Barnett-yes, Finlay-yes, Heitmann-yes, Price-absent, Saad-yes, Sulick-yes, Sorey-yes).

RESOLUTION 12-13083.....ITEM 17

A RESOLUTION ADOPTING 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; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (1:52 p.m.). Following a brief introduction by City Manager William Moss, the Rules of Procedure, (a copy of which is contained in the file for this meeting in the City Clerk's Office) was discussed and amendments made. A copy of the final document is appended hereto as Attachment 7).

Public Comment: (2:41 p.m.) **Henry Kennedy, Naples**, requested clarification as to when speaker slips must be presented to the Mayor to allow an individual to address Council. Mayor Sorey responded that the slip would have to be submitted prior to the close of public comment for any particular item. Mr. Kennedy also observed that public comment should occur at a point in the deliberations so as to allow speakers to hear all of the testimony. **Sue Smith, 11th Avenue South**, stated that she viewed the new rules as an attempt to remove citizens from the process, hindering their opportunity for public comment. She agreed with Mr. Kennedy that public comment should occur near the end of a consideration.

Amendments are reflected in the motion below.

MOTION by Sorey to APPROVE RESOLUTION 12-13083 amended as follows: One reading and one hearing of ordinances; Correspondence and Communications returned to end of meeting; Section 6(i) reinserting "at least.. agenda packet.. "; insert "Nothing shall impede the public's right to speak." somewhere in the document; Section 12(b)(12): "... Avoid asking questions for which the answer is known." : Section 12(c)(1)a: "...S peaker Registration Form before the meeting and submit it prior to the close of public comment for any particular item." and; adding under Section 12: " No

thing herein shall limit Council's ability to ask questions of the public." . This motion was seconded by Barnett and carried 5-1 (Price-absent, Barnett-yes, Sulick-yes, Saad-yes, Finlay-yes, Heitmann-no, Sorey-yes).

Recess: 3:22 p.m. to 3:33 p.m. It is noted for the record that the same Council Members were present when the meeting reconvened.

(Added Item / see Item 4 above).....ITEM 18 DETERMINING WHETHER COUNCIL WILL RECONSIDER VARIANCE PETITION 11-V4 AND SUBDIVISION REPLAT PETITION 11-SD3 AT THE MEETING OF APRIL 4, 2012. (3:34 p.m.) City Attorney Robert Pritt provided a brief introduction, noting that Mayor Sorey was requesting the reconsideration and, if approved, the item would be placed on the April 4 regular meeting agenda.

Attorney John Passidomo, agent for the petitioner, explained that he believed information not previously submitted should be considered by Council.

Public Comment: (3:37 p.m.) None.

MOTION by Sorey to APPROVE RECONSIDERATION OF VARIANCE PETITION 11-V4 AND SUBDIVISION REPLAT PETITION 11-SD3 AT APRIL 4, 2012 REGULAR MEETING. This motion was seconded by Barnett and unanimously carried, 6-0 (Barnett-yes, Finlay-yes, Heitmann-yes, Price-absent, Saad-yes, Sulick-yes, Sorey-yes)

NEW CITY OF NAPLES WEBSITE PRESENTATION (continued from 03/19/12).....ITEM 19 (3:38 p.m.) Assistant City Manager Roger Reinke, utilizing the City's website, provided Council a brief overview of its new features as contained in the agenda memorandum by Technology Services Director Stephen Weeks (Attachment 8).

Public Comment: (4:04 p.m.) **Sue Smith, 11th Avenue South**, questioned the storage location for public records displayed on the website and Mr. Reinke stated that they would be retained according to the pertinent state law. Mrs. Smith then expressed concern that those without access to a computer would also not have access to this information.

PUBLIC COMMENT.....
(4:07 p.m.) **David Bolduc, 2039 Snook Drive**, expanded on comments against fluoridation of drinking water which he had made at previous sessions; he also thanked the Council for the upcoming (April 18) discussion regarding the issue (a copy of the documentation submitted by Mr. Bolduc is contained in the file for this meeting in the City Clerk's Office). **Sue Smith, 11th Avenue South**, referencing Item 16 above, expressed concern regarding what she termed additional uses in historic districts, such as nursing homes and rehabilitation facilities. Mayor Sorey explained that the uses had been allowed per the Comprehensive Plan but not referenced in the Code. The amendments are merely to clarify such regulations, he said, and recommended that she take up any disagreement with a Council Member. Mrs. Smith then noted her disappointment with the lack of response from the Council to the recent Umbrellas for Peace program held in the City. **William Kelly, PO Box 2584**, was prohibited from speaking regarding the topic of rocket science as noted on his speaker registration form and was ejected from the meeting when questioning that decision.

CITY COUNCIL COMMENTS.....
(4:15 p.m.) Council Member Heitmann noted her concern that the current City Clerk's contract was not being honored. Mayor Sorey indicated that it in fact was being honored.

ADJOURN.....
4:17 p.m.

John F. Sorey III, Mayor

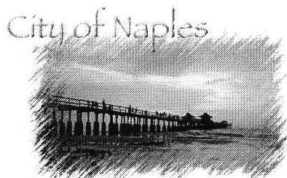
Tara A. Norman, City Clerk

Minutes prepared by:

Vicki L. Smith, Technical Writing Specialist

Minutes Approved: 05/02/12

Attachment 1 / Page 1 of 2



NAPLES CITY COUNCIL AGENDA MEMORANDUM

Regular Meeting Date: March 21, 2012

Page Three

Agenda Item:

7-b

BACKGROUND (cont.):

Item #4 – Sand Sculpture and Wine Tasting Festival (New Event): Tin City Merchants are hosting a Sand Sculpture and Wine Tasting Festival April 27, 2012 through May 6, 2012. The covered parking area at Tin City will receive 100 tons of sand and be transformed to a sand sculpting area permitting the creation and display of approximately six large sand sculptures professionally designed by sand artists from around the country. A secondary element is a wine tasting component provided by approximately six wine vendors. A semi transparent screen will drape the sides of the covered parking area and a fee will be charged for viewing. This festival is not a fundraiser. Parking will be provided on site at 199 spaces within the Tin City property. Additional spaces will be provided by Tin City through rental of privately owned adjacent parking areas within walking distance of Tin City. The City has not received a request for fee waiver or sponsorship, no booth fees are charged for this event, and the petitioner is responsible for all fees assessed by the City for this event. Combined attendance anticipated throughout the event is estimated at 5,000.

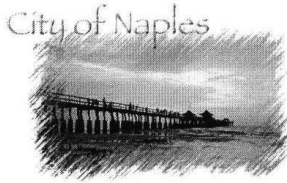
Sand Sculpture and Wine Tasting Festival Request: City Council authorization for a community event in excess of 1,500 attendees; outdoor amplified sound for periodic announcements throughout the duration of the festival April 27, 2012 through May 6, 2012 between the hours of 10:00 a.m. – 9:00 p.m.

Item #5 – City Fest Cycling Event “Orange Blossom Special” (New Event): A new two-day City Fest event, May 5 and 6, 2012, the Orange Blossom Special, features criterium cycle racing on a flat and fast one-mile circuit. A registration fee is required for cyclist competing in each race. Competing racers will vie for over \$7,500 in cash and prizes, while spectators enjoy free admission to a world-class professional and amateur cycling event. The Orange Blossom Special is accredited under numerous statewide and national competitive cycling calendars, including the Florida Points Series, the Get Healthy Cup Women’s Series and the Lance Armstrong Junior Race Series. Additional highlights of the Orange Blossom Special weekend include a race day expo, the Tropicool 5K Run, the 29th Annual Taste of Collier and the Luau Paddle Board Competition, each conducted for City Fest 2011 and repeated in 2012.

Races will occur between the hours of 8:00 a.m. and 4: 30 p.m. each day. Two different courses will be utilized. Gulfview Middle School Saturday May 5th, 3rd St. S. and Broad Ave. S. Sunday May 6th.

Set up will occur Friday, May 4th from 4:00 p.m. to 6:00 p.m. An announcer stage (8 ft. x 26 ft.) will be required at each location. Ten separate events are scheduled throughout the day on each course. Course clean up will occur between 4:00 p.m. and 5:00 p.m. each day. Traffic will be permitted to cross streets and access residences throughout the races each day minimizing disruption for resident traffic use. The Fifth Avenue South BID and the 3rd Street South Association are participating in City Fest, have been notified of the race details, are fully supportive of the event and will be participating with affiliated retail tie-ins.

The Naples Police Department has reviewed each course and supports the course layouts. Officers will be strategically stationed at intersections with volunteer assistance.



NAPLES CITY COUNCIL AGENDA MEMORANDUM

Regular Meeting Date: March 21, 2012

Page Four

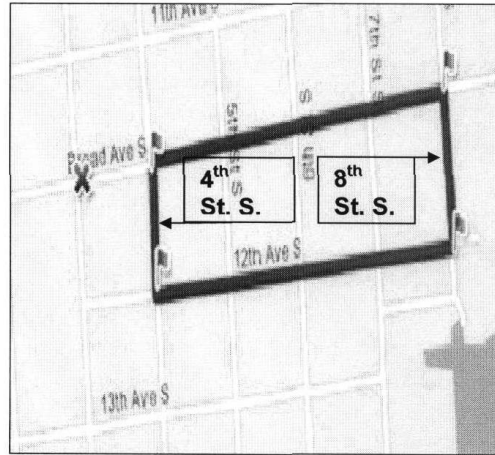
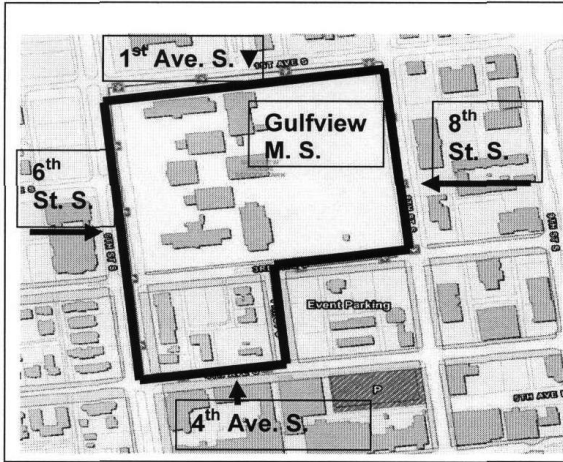
Agenda Item:

7-b

BACKGROUND (cont.):

Saturday May 5th – Gulfview Middle School

Sunday May 6th – 3rd St. S. and Broad Ave. S.



City Fest Cycling Event “Orange Blossom Special” Request: City Council authorization for temporary street closure of 1st Avenue South, 8th Street South, 3rd Avenue South, 7th Street South, 4th Avenue South, and 6th Street South, Saturday May 5, 2012 between the hours of 6:00 a.m. and 5:00 p.m.; temporary street closure of Broad Avenue South, 4th Street South, 12th Avenue South, and 8th Street South Sunday May 6, 2012 between the hours of 6:00 a.m. and 5:00 p.m.; amplified sound for announcements each day between the hours of 8:00 a.m. and 4:30 p.m. Parking for the May 5th event will include the City parking garages, parking within and around Gulfview Middle School and Naples Community Hospital. Parking for the May 6th event will include multiple private lots within the 3rd Street South retail area and the City lot at the corner of 8th Avenue and 8th Street South across from Fire Station #1. Participants are anticipated to number 250 for each day of racing and anticipated spectator attendance is approximately 1,000 each day. The City has not received a request for fee waiver or sponsorship, no booth fees are charged for this event, and the petitioner is responsible for all fees assessed by the City for this event.

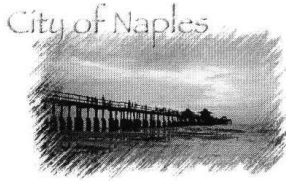
RECOMMENDED ACTION: Approve the special event requests as submitted.

Reviewed by Department Director
Dave Lykins

Reviewed by Finance
N/A

Reviewed by City Manager
Bill Moss

City Council Action:



NAPLES CITY COUNCIL AGENDA MEMORANDUM

Regular Meeting Date: March 21, 2012

Agenda Section: Consent	Prepared By: George Archibald, Traffic Engineer Department: Streets and Stormwater	
Agenda Item: 7-g	Legislative <input checked="" type="checkbox"/>	Quasi-Judicial <input type="checkbox"/>
SUBJECT: Resolution approving a corrected record plat for RSI Naples (Robb & Stuckey Project on U.S. 41 at 3 rd Avenue South).		
SUMMARY: City Council is asked to adopt a Resolution approving 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 4 th Avenue South, south of 3 rd Avenue South, east of U. S. 41 and west of 10 Street South, owned by RSII Properties, Inc., and amending and superseding Resolution 12-13042.		
BACKGROUND: On February 15, 2012, City Council approved Petition 12-SD1 for the recording of the RSI Naples plat pursuant to Resolution 12-13042. In processing the plat for recording, there were errors identified in the legal description involving the designation of block and tier and involving the direction (bearing) of a property line. To correct the scrivener's error, a corrective surveyor's certification and a corrective warranty deed were prepared and recorded on behalf of the property owner. To reflect the corrected legal description on the RSI Naples plat, the attached resolution has been prepared. The resolution provides for the approval of the record plat with the corrected legal description. Additionally, the resolution amends and supersedes Resolution 12-13042. This action has no effect or change to the approved site plan pursuant to Resolution 12-13043.		
RECOMMENDED ACTION: Adopt a Resolution approving 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 4 th Avenue South, south of 3 rd Avenue South, east of U.S. 41 and west of 10 th Street South, owned by RSII Properties, Inc., and amending and superseding Resolution 12-13402.		
Reviewed by Department Director Gregg Strakaluse	Reviewed by Finance N/A	Reviewed by City Manager Bill Moss
City Council Action:		

032112r Excerpted text of Item 8 / CAFR presentation:

City of Naples, Florida

Comprehensive Annual Financial Report
Fiscal Year Ending September 30, 2011

Auditor's Reports

- Independent Auditor's Report (page 1)
- Independent Auditor's Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with *Government Auditing Standards* (page 185)
- No Single Audit in current year. The City did not spend more than \$500,000 in Federal or State financial assistance.
- Independent Auditor's Management Letter (page 187)
- Independent Auditor's Report (page 1)
 - Issuing an opinion on governmental activities, business-type activities, each major fund and aggregate remaining fund information.
 - Major funds for 2010/2011 were the General Fund, Debt Service Fund, Capital Projects Fund, Community Redevelopment Fund, Streets and Traffic Fund, Water and Sewer Fund, Solid Waste Fund, and Stormwater Fund.
 - Audit was performed in accordance with U.S. generally accepted auditing standards and *Government Auditing Standards*.
 - Issued an unqualified opinion—the financial statements are fairly presented, in all material respects, and report the financial position and changes in financial position and cash flows for the year then ended.
- Independent Auditor's Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with *Government Auditing Standards* (page 185)
 - Internal Control Over Financial Reporting
 - ◆ Not issuing an opinion on the effectiveness of the City's internal control over financial reporting.
 - ◆ No material weaknesses or significant deficiencies reported.
 - Compliance and Other Matters
 - ◆ Not issuing an opinion on compliance with the provisions of laws, regulations, contracts, and grant agreements.
 - ◆ No instances of noncompliance reported.
- Independent Auditor's Management Letter (page 187)
 - Audit was also conducted in accordance with Chapter 10.550, Rules of the Auditor General.
 - ◆ Reports on the Status of Prior Audit Findings—all prior audit findings were corrected.
 - ◆ City complied with Florida Statutes regarding the investment of public funds.
 - ◆ City did not meet any of the conditions described in the Florida Statutes regarding financial emergencies.
 - ◆ Financial condition assessment was performed.

SAS 114 Letter

- Separate letter—not in CAFR
- In accordance with generally accepted auditing standards, we are required to report certain matters to the governing authority regarding the conduct of the audit.
 - No significant changes in accounting policies or financial statement disclosures except for:
 - City implemented GASB 54—*Fund Balance Reporting and Governmental Fund Type Definitions*—See page 156 and 157 for noted differences in how fund balance is being reported. Page 47 provides definitions of the new categories of fund balance. Page 74 provides a detail of the amounts reported in the Balance Sheet for the Governmental Funds.
 - Provides a list of the audit adjustments that were made as a result of our audit procedures.

- No difficulties encountered during the audit.

Financial Highlights

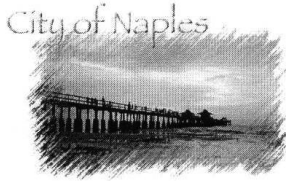
Government-wide (Pages 16-19 of CAFR)

- The assets of the City exceeded liabilities by \$203.6 million (net assets); of which \$66 million (unrestricted net assets) may be used to meet the City's ongoing obligations to citizens and creditors.
 - Governmental activities total net assets were \$94 million and unrestricted net assets were \$33.1 million or 35%.
 - Business-type activities total net assets were \$109.5 million and unrestricted net assets were \$33 million or 30%.
- Outstanding debt decreased \$6 million
- Total net assets increased by \$7.7 million in 10/11 compared to \$6.5 million in the prior year.
 - Governmental activities net assets increased \$236 thousand in 10/11 compared to a decrease of \$1.6 million in the prior year.
 - Business-type activities net assets increased \$7.5 million in 10/11 compared to an increase of \$8.1 million in the prior year.
- Governmental Activities
 - Revenue decreased \$1.6 million
 - Charges for services revenue increased \$182K.
 - Building permit revenue increased over \$200K.
 - COBRA retiree premiums increased approx \$100K.
 - Fees from parks, culture, and recreation decreased approx \$90K.
 - Operating grants/contributions decreased approx \$280K-\$470K decrease in TIF from the County for the CRA and a \$287K increase in assessment revenue from the 5th Avenue Business District, as well as some decreases in other miscellaneous operating grants.
 - Capital grants/contributions decreased \$131K mainly due to CDBG grants in prior year for improvements at Cambridge Perry Park and River Park Community Center.
 - Property taxes decreased approximately \$1.55 million due to lower property values.
 - Investment earnings decreased approximately \$170K due to low interest rates.
 - Expenses decreased approximately \$3.467 million.
 - All governmental functions had a decrease in expenses except for physical and economic environment. The reason for the increase is related to the payment for the 5th Avenue Business District and payment to Habitat for Humanity for foreclosed homes.
- Business-type activities
 - Revenues decreased approximate \$337K
 - Charges for services increased approximately \$981K, increase in utility rates, meter collections, and fuel at the City dock.
 - Capital grants/contributions decreased \$1.2 million.
 - \$780K decrease in SFWMD grants in the Water and Sewer Fund.
 - \$675K decrease in SFWMD grants in Stormwater Fund.
 - \$329K increase in water/sewer system development fees
 - Investment earnings decreased \$72K.
 - Expenses increased approx \$304,000
 - Solid waste (\$131K), stormwater (\$184K), and city dock (\$150K) reported increases in expenses.
 - Solid waste increase is related to large outlay (\$265K) for the purchase of new garbage receptacles.
 - Stormwater increase was primarily related to increase in depreciation expense of \$230K which is related to all of the Basin III/V stormwater improvements that have occurred over the last several years.
 - City dock increase was primarily related to increase in fuel expenses, which correlated to increase in fuel revenue of \$162K.
- Governmental Funds (pages 20-25 in the CAFR)

- Reported a decrease in fund balances of \$294,000.
 - Revenues decreased \$1.727 million
 - Taxes decreased \$1.343 million
 - Permits, fees, and assessments increased \$585K
 - Intergovernmental decreased \$800K
 - Charges for services decreased \$136K
 - Investment earnings decreased \$156K
 - Expenditures decreased \$1.427 million
 - General Fund expenditures decreased \$2.4 million—all functions reported decreases.
 - Capital Projects Fund expenditures increased \$877K (aerial fire truck and new dog park).
 - Community Redevelopment expenditures decreased \$471K (prior year 5th Avenue Street Lighting project).
 - Other nonmajor governmental funds increased \$328K mainly due to the East Naples Bay dredging project.
- General Fund (page 20 and 24 in CAFR)
 - Reported an increase in fund balance of \$1.774 million.
 - Total fund balance at September 30, 2011, is \$19.248 million.
 - Unassigned fund balance at September 30, 2011, is \$15.508 million or 47% of expenditures. Prior year unreserved fund balance was \$17,053 million or 48% of expenditures.
 - **Unassigned fund balance and unreserved fund balance are not the same.** To compare the current year unassigned to the prior year unreserved, add the emergency reserve which is classified in committed in the current year (previously reported as unreserved) to the unassigned fund balance ($\$15.508 + 3.448 = \18.956).
- Proprietary Funds (pages 28-37 in CAFR)
 - All funds (Water and Sewer, Solid Waste, Stormwater, Beach, City Dock and Tennis) reported increases in net assets.
 - All funds are reporting positive unrestricted net assets.
- Fiduciary Funds (pages 38-39 CAFR)
 - The pension funds overall reported an increase in net assets of \$400,000—total increase in prior year was \$10.017 million.
 - In the prior year, \$5.5 million increase in FMV of investments. This year there was a \$2.3 million decrease in the FMV of investments.
 - Also, required City contributions for the fire pension decreased approx \$650K due a change in a prior year actuarial valuation.
 - All required contributions were made by the City.

Conclusion

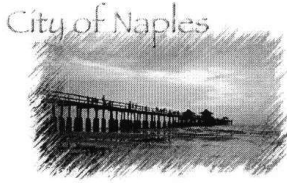
- Thanks to all of the Departments that assisted us in completing the audit.
- Special thanks to Ann Marie, Ralph and Karen in Finance.
- Questions?



NAPLES CITY COUNCIL AGENDA MEMORANDUM

Regular Meeting Date: March 21, 2012

Agenda Section: Regular	Prepared By: Adam Benigni, AICP Department: Planning
Agenda Item: 9	Legislative <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/>
SUBJECT: Resolution determining Conditional Use Petition 12-CU1 in order to allow the retail sale of secondhand merchandise on property in the HC, Highway Commercial District located at 1795 9 th Street North.	
SUMMARY: City Council is asked to consider a Resolution determining Conditional Use Petition 12-CU1 pursuant to Section 58-503, in order to allow the retail sale of secondhand merchandise in the Highway Commercial zoning district, on property owned by Goodwill Industries of Southwest Florida, Inc. and located at 1795 9th Street North. In that this is a Quasi-Judicial matter, disclosures and the swearing in of those giving testimony are required.	
BACKGROUND: Goodwill Industries of Southwest Florida, Inc. purchased the subject property to open a book store and donation center. The property is zoned HC, Highway Commercial. The HC district requires conditional use approval for the retail sale of secondhand merchandise. The building was formerly occupied by Classic Furniture. In 1997, City Council granted a variance for the properties located at 1795 – 1841 9 th Street North. The variance was granted because the buildings encroached into the front and side yard setbacks and did not meet landscape requirements. The only condition of the variance was that any expansion of the existing buildings on the property would require the addition of landscape buffers along Mandarin Road. There is no proposed expansion of this building; therefore, no additional landscape buffer along Mandarin Road is required. At their February 8, 2012 meeting, the Planning Advisory Board (PAB) voted 7 to 0 to recommend approval of this petition subject to the two conditions recommended by staff and a third condition that a landscape plan be submitted to buffer the front and rear of the building. The petitioner has submitted the landscape plan and staff has confirmed that the proposed location of the landscaping along Mandarin Road is suitable and will not create a traffic hazard according to the City's Traffic Engineer.	
File Reference: 12-CU1 Petitioner: Goodwill Industries of Southwest Florida, Inc. Agent: Gulfcoast Consulting Group, Inc. Location: 1795 9 th Street North Zoning: HC, Highway Commercial	



NAPLES CITY COUNCIL AGENDA MEMORANDUM

Regular Meeting Date: March 21, 2012
Page Two

Agenda Item:

9

RECOMMENDED ACTION:

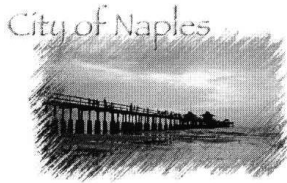
Adopt a Resolution approving Conditional Use Petition 12-CU1, pursuant to Section 58-503, in order to allow the retail sale of secondhand merchandise in the Highway Commercial Zoning District, located at 1795 9th Street North subject to the conditions in the resolution.

Reviewed by Department Director
Robin Singer

Reviewed by Finance
N/A

Reviewed by City Manager
A. William Moss

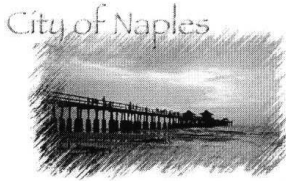
City Council Action:



NAPLES CITY COUNCIL AGENDA MEMORANDUM

Regular Meeting Date: March 21, 2012


Agenda Section: Regular	Prepared By: Scott May, Engineering Manager Department: Streets & Stormwater Department
Agenda Item: 11	Legislative <input checked="" type="checkbox"/> Quasi-Judicial <input type="checkbox"/>
SUBJECT: Award of five contracts for pavement maintenance, repair, and marking services.	
SUMMARY: City Council is asked to award contracts to Bonness, Inc., Road Safe Traffic Systems, Inc., Roadway Management, Inc., CW Roberts Contracting, Inc., and Ajax Paving Systems, Inc. to provide pavement maintenance, repair, and striping services. Work orders will not exceed \$150,000 per project or assignment and will not exceed funds provided in the annual budget. The contracts will be for a period of three years, with the City's option to renew for two one-year renewal periods pursuant to the City's RFP 009-12.	
BACKGROUND: Funding for outsourced pavement maintenance and resurfacing is allocated annually within the Streets and Traffic Fund. Work includes major and minor improvements and repairs to paved surfaces including streets, alleys, parking lots and pathways owned and operated by the City. The Streets & Traffic Division also coordinates pavement repairs for the Water Distribution Division, the Stormwater Division, and the Wastewater Collections Divisions. Some examples of the services these contracts will provide, but not limited to, are:	
<ul style="list-style-type: none"> • Services related to the City's annual pavement maintenance program, including milling (pavement removal), asphalt overlays, and reconstruction. • Sidewalk and pathway repairs, including concrete, brick, and asphalt. • Street repairs due to utility cuts, settlement, pot-holes, manhole and valve adjustments, etc. • Placement of paint and thermoplastic for centerline and edge striping, curb painting, and other markings as necessary. 	
<p>Since 2008, the Department has issued work orders among four contractors under contract to provide these services throughout the City. One of the current contractors no longer provides paving services and another specializes in alternative pavement technologies such as microsurfacing. Therefore, the City has only two contractors from which to choose and neither have rates for pavement striping and markings. Existing contracts expire in May of this year.</p>	
<p>On December 6, 2012, RFP # 009-12 was publicly advertised, with a submittal date of January 11, 2012. Eight (8) contractors responded, providing rates, qualifications, and references. A selection committee of four City staff members, appointed by the City Manager, reviewed submittals during a</p>	

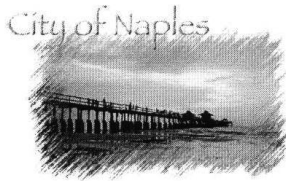


NAPLES CITY COUNCIL AGENDA MEMORANDUM

Regular Meeting Date: March 21, 2012

Page Two

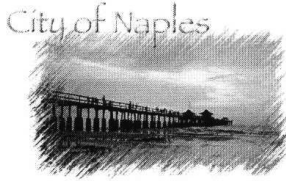
Agenda Item: 11		
<p>BACKGROUND (cont.): publicly advertised meeting held on January 27, 2012 and ranked the eight submittals in the following order:</p> <ol style="list-style-type: none"> 1. Bonness, Inc. 2. Road Safe Traffic Systems, Inc. 3. Roadway Management, Inc. 4. C. W. Roberts Contracting, Inc. 5. Ajax Paving Systems, Inc. 6. Asphalt Paving Systems, Inc. 7. Naples Paving, Inc. 8. Pavement Technology, Inc. <p>The selection committee recommended prequalification of the top five companies. Road Safe Traffic Systems, Inc. only provides pavement striping and marking services. The other four companies provide pavement maintenance and repair.</p> <p>FUNDING SOURCE: The total amount spent will depend on the level of funding allocated to the Streets & Traffic Fund Capital Improvement Program through the budget process. The annual budget has allocated approximately \$700,000 for pavement maintenance. The Utility Department budgets an additional \$150,000 for pavement repairs.</p> <p>RECOMMENDED ACTION: Award of contracts to Bonness, Inc., Road Safe Traffic Systems, Inc., Roadway Management, Inc., C.W. Roberts Contracting, Inc., and Ajax Paving, Inc. for pavement maintenance, repair and striping services. Individual assignments will not exceed \$150,000 per project or assignment and shall be within the annual amount budgeted for such services, for a period of three years, beginning March 22 2012, with the City's option to renew for two one-year renewal periods and authorize the City Manager to execute the contract.</p>		
Reviewed by Department Director Gregg R. Strakaluse	Reviewed by Finance Ann Marie Ricardi	Reviewed by City Manager Bill Moss 
City Council Action:		



NAPLES CITY COUNCIL AGENDA MEMORANDUM

Regular Meeting Date: March 21, 2012

Agenda Section: Regular	Prepared By: Adam A. Benigni, AICP Department: Planning
Agenda Item: 16	Legislative <input checked="" type="checkbox"/> Quasi-Judicial <input type="checkbox"/>
SUBJECT: Consideration of an Ordinance amending Section 56-88, Density, Section 56-123, Densities, maximum permitted and various Sections of Chapter 58 in order to amend the maximum density permitted in the D Downtown District and Fifth Avenue South Special Overlay District to be consistent with district regulations and to add the maximum density requirements to each zoning district.	
SUMMARY: City Council is asked to consider an Ordinance on First Reading amending Section 56-88, Density, Section 56-123, Densities, maximum permitted and various Sections of Chapter 58 in order to amend the maximum density permitted in the D Downtown district and Fifth Avenue South Special Overlay district to be consistent with district regulations and to move the maximum density requirements from Chapter 56 to each zoning district.	
BACKGROUND: Section 56-123 (a) (2) c states <i>"the maximum density for transient lodging facilities in commercial zone districts including PD zone districts shall be 26 transient lodging units per net acre."</i> Commercial zone districts, by definition, include the D-Downtown District and the 5 th Avenue South Special Overlay District although neither of these Districts have a limitation on density for transient lodging units. City Council approved a text amendment to the D-Downtown District (Ordinance #11-12963) on October 5, 2011 that amended various sections of the District's Code. This amendment included adding transient lodging facilities to the list of conditional uses in the District. The Planning Advisory Board had recommended a density of 26 units per acre for transient lodging facilities; however, after City Council discussion and staff input, Council voted to not have a density limitation on transient lodging facilities. These facilities, similar to those in the Fifth Avenue South Special Overlay District, shall be limited by parking and building envelope. However, Section 56-123, Densities, maximum permitted, was inconsistent with this change. The proposed amendment will provide consistency within the Code by eliminating Section 56-123. In addition to making the Code consistent with respect to transient lodging, this amendment will move the maximum commercial and residential densities found in Sections 56-88 and 56-123 into each zoning district, move the densities for transient lodging and nursing homes into each applicable district, and eliminate the method of Planning Advisory Board approval for additional density. This will make it easier for the public to find the density limitation for each district by reading the district designation. In Planned Developments, the density will be limited by the Comprehensive Plan in residential future land use designations and by the current limitations provided in Section 56-123 in commercial future land use designations outside of the Downtown Mixed Use land use.	



NAPLES CITY COUNCIL AGENDA MEMORANDUM

Regular Meeting Date: March 21, 2012

Page Two


Agenda Item: 16		
RECOMMENDED ACTION: Approve an Ordinance on First Reading amending Section 56-88, Density, Section 56-123, Densities, maximum permitted and various Sections of Chapter 58 in order to amend the maximum density permitted in the D Downtown district and Fifth Avenue South Special Overlay district to be consistent with district regulations and to add the maximum density requirements to each zoning district.; and schedule the Second Reading and Public Hearing for the April 4, 2012 meeting.		
Reviewed by Department Director Robin D. Singer	Reviewed by Finance N/A	Reviewed by City Manager Bill Moss 
City Council Action:		

Exhibit A

March 21, 2012

**RULES OF PROCEDURE
CITY COUNCIL
CITY OF NAPLES**

Purpose.

The purpose of these Rules of Procedure is to facilitate the transaction of business, to insure 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. These Rules of Procedure are designed to provide for thoughtful debate and action in a fair manner. These rules protect the rights of the public to be heard and considered, the right of the minority to be heard, the rights of individual members of Council, and the right of the majority to decide.

Section 1. Rules of Order and Quorum.

- (a) Except as otherwise required by law or city code, all proceedings shall be governed by these Rules of Order. The City Attorney shall act as parliamentarian and shall render opinions as to procedure or matters not contained in these rules of order.
- (b) The City government is a Council-Manager form of Government. Except as stated in the City Charter, Ordinances and these Rules of Procedure, the Mayor shall have no greater authority than any other member of Council.
- (c) A majority of the members of the city council shall constitute a quorum to transact any business, but a less number may meet and adjourn from time to time and, if necessary, may compel the attendance of absent members by attachment and arrest by the chief of police or by imposition of such fine or penalty as may be fixed by ordinance. [Sec. 2-54 City Code]
- (d) All meetings of the city council shall be open to the public. [Sec. 2-54 City Code]
- (e) Per section 2.4 of the City Charter, the Mayor or Vice Mayor shall preside, except when both are absent; then the members present shall elect a presiding member. A member present but disqualified from voting on a question by a state law or ordinance due to a conflict of interest shall be counted for purposes of a quorum. Members shall abide by the ruling of the Mayor unless otherwise determined in subsection (f) below.

SUPPLEMENT
CLERK

AMENDED VERSION

1

- (f) Questions of order shall be decided by the Mayor without debate, subject to appeal by Council.
 - (1) An appeal to the ruling of the Mayor shall be made by the statement; "I appeal from the decision of the Mayor." The appeal must be seconded and is subject to debate.
 - (2) The Mayor then puts to a vote the question; "Shall the decision of the Mayor be sustained?" A majority or tie vote sustains the ruling of the Mayor.
- (g) If a member believes the Rules of Procedure are being violated, that member may interrupt a speaker without being recognized by stating "Point of Order." No motion is required nor is debate allowed. The Mayor shall ask the member to state the point and shall rule. The ruling is subject to appeal. If the Mayor is in doubt, the Mayor may put the question to a vote.
- (h) These Rules may be suspended for a definite purpose by majority vote. A motion to suspend is not debatable.

Section 2. Voting Requirements.

- (a) All actions of Council, including when acting as the Board of Appeals, shall be by majority vote of members present at a public meeting except where otherwise provided by law.
- (b) Every Council Member present, including the Mayor, shall vote on every question except when required to refrain from voting by law.
- (c) Votes may be by voice. Those in favor of a motion shall say "yes" and those opposed shall say "no".
- (d) The Mayor or any member of Council may call for a roll call vote. The order of the roll call vote shall vary with each vote, with the Mayor to cast the last vote.
- (e) The vote on every question for each member shall be recorded in the minutes.

Section 3. Introduction of Agenda Subjects and Motions.

- (a) The City Attorney and/or City Manager shall read an ordinance or resolution by title only (except where otherwise provided by law) and/or summarize the issue before City Council.

- (b) Following introduction of a subject, discussion by City Council is permitted prior to and after the introduction of a motion. The members of Council shall signal their desire to speak on an issue by raising their hand. The Mayor shall call on each City Council Member in the order seen.
- (c) The Mayor shall recognize those citizens who have completed a Speaker Registration Form prior to a vote on a motion. Such recognition may occur prior to or after a motion is introduced.
- (d) When a motion is proposed and seconded, the Mayor will repeat the motion and the names of the Council Members initiating and seconding the motion.
- (e) Motions shall be made in the affirmative (i.e. "I move that...be approved" or "I move that.... be denied.")
 - (1) The member offering the motion will be given the first opportunity to speak to the motion, followed in order by other members wishing to be heard.
 - (2) Generally, each member should limit comments to a period of five (5) minutes.
 - (3) Following comments from each member who wishes to speak, each member may again comment, preferably limiting comments to three (3) minutes.
- (f) All motions shall be open to amendments.
- (g) In all cases where an amendment shall be offered, the motion shall be seconded and is debatable. A vote shall be taken on the amendment. If an amendment is adopted by majority vote, debate may continue on the main motion as amended.
- (h) A member may request that the person offering the motion consider an amendment to a motion. If the maker and the person who seconded the motion agree, the motion shall be amended without a vote. The Mayor shall state the motion as amended.
- (i) If a vote of City Council is equally divided, the vote shall be considered to be in the negative.

Section 4. Reconsideration of a Motion.

- (a) During the meeting in which the matter has been voted on, City Council may re-open the matter by simple majority vote and

reconsider its decision. The request to re-open the matter must be made by a person who had voted in the majority.

(b) After adjournment of the meeting in which the matter was voted upon, reconsideration must adhere to the following:

- (1) Only City Council Members may request reconsideration of an agenda item which has been voted on by City Council.
- (2) Any City Council Member who voted with the majority may ask for reconsideration. Where the matter resulted in a tie vote, any City Council Member who cast a vote may request reconsideration.
- (3) A request for reconsideration shall be transmitted in writing to the Mayor no later than forty-eight (48) hours prior to the next regularly scheduled City Council meeting after the item was voted on.
- (4) The City Council will first discuss whether to reconsider the item. A majority vote in favor of reconsideration will place the item on a future regularly scheduled City Council agenda. Failure to receive a majority vote will halt the reconsideration process.
- (5) Items approved for reconsideration shall be placed on the next regularly scheduled City Council meeting agenda unless City Council specifically votes to set a different schedule for hearing the matter. All parties who participated by speaking, submitting registration forms or written materials at the first hearing, shall be notified by the City Clerk of the date of reconsideration.

(c) General Rules

- (1) A matter can be reconsidered one time only by City Council. After that, any matter or any issues subsumed by it shall require new agenda submittal, including but not limited to, a new petition, including filing fees, advisory board hearings, where appropriate, and City Council action.
- (2) The policy contained herein shall constitute the full and complete procedures for reconsideration of a matter by the City Council.

Section 5. Types of Motions.

- (a) Main Motion
 - (1) Defined as a proposal that certain action be taken or an opinion be expressed by the group.
 - (2) The words to use are "I move..."
- (b) Secondary Motion
 - (1) Motions can be made while the main motion is on the floor and before it has been decided. These are called "secondary motions" and include subsidiary and privileged motions. Several rules should be remembered.
 - a. A secondary motion can be introduced while a main motion is being debated. The secondary motion shall be considered first.
 - b. The most common is a "motion to amend" [the main motion]. The motion may be debated and must be voted upon before the main motion is further considered.
 - c. Some secondary motions are not debatable. These include the following motions: "move the previous question"; "call the question" which takes members back to the main motion if approved; "to recess or adjourn"; "to table"; and "to suspend the rules". A call for the question requires a second if members informally do not agree to suspend debate. A 2/3 vote is required (5 of 7).
 - d. Debatable secondary motions include: "to amend"; "to refer to committee"; or "to postpone to a time certain".

Section 6. Agenda.

- (a) The City Manager shall be responsible for the preparation of the agenda for meetings of the City Council. The City Manager shall consult with the Mayor as to the order of the agenda and "time certain" agenda subjects.
- (b) The City Clerk shall publish notice containing time, date and location of a Council meeting in a newspaper of general circulation

of the City not more than seven (7) or less than two (2) days before such meeting (except for emergency meetings).

- (c) All items on the agenda shall be accompanied by supporting documentation. The agenda, agenda memorandum, and supporting information shall, whenever possible, be provided to the City Council on the Wednesday preceding a regular City Council meeting, and at least forty-eight (48) hours in advance of any special called or workshop meeting except for emergency meetings. Revised or additional information may be distributed through an Agenda Supplement in advance of the meeting, or, if adequate time is not available, during the meeting.
- (d) No business at any regular or special meeting of the city council shall be transacted, except such business as may be specifically set forth in:
 - (1) A notice containing time, date and location which shall be printed 1 time in a newspaper published and of general circulation in the city not more than 7 or less than 2 days before such meeting; or
 - (2) The notice calling the meeting. [Sec. 2-53 City Code]
- (e) This section shall not apply to the transaction of such business if the transaction to be considered at such meeting is added to the agenda by a 5/7 vote of the city council. Reconsideration of items shall be conducted as specified by resolution of the city council. [Sec. 2-53 City Code]
- (f) The agenda for regular and workshop meetings shall include provisions for public comment period prior to the regular business of City Council, but shall not be included in the agenda for special-called or emergency meetings. Nothing should impede the rights of the public to speak.
- (g) The agenda shall include a section for "correspondence and communications" by City Council following the Business Section.
 - (1) A Council Member may request that a subject matter be placed on a future workshop or regular agenda.
 - (2) City Council may accept or reject the placement of the subject matter on a future agenda by consensus vote.
 - (3) A Council Member may provide a "position paper," memorandum, or summary to the City Manager prior to

distribution of the agenda subject to City Council to clarify the purpose and intent of the subject matter.

- (4) Council Members may share reports, information, correspondence or other items they deem necessary for the City Council to hear.
- (h) The Agenda may have a "Consent Agenda" section for items relating to routine business, reoccurring, or non-controversial business of City Council.
 - (1) The intent of the "Consent Agenda" is to facilitate the conduct of Council's business in an efficient, timely, and orderly manner.
 - (2) Should a Council Member desire to discuss any item on the Consent Agenda, the member shall request the City Manager remove the item from the Consent Agenda forty-eight (48) hours prior to the meeting on which the item was calendared. Proper protocol would be either at the Workshop or by email to the City Manager. Upon removal, City Council shall consider that item of business separate from the other items on the Consent Agenda. Any member of City Council may remove an item from the Consent Agenda without the further consultation of City Council.
- (i) The Agenda Packet shall be in electronic format. The City Council agenda and packet shall be posted on the City's web site for public review prior to the meeting. In addition, the City Clerk will have at least one (1) hard copy of the agenda packet available for public review before the meeting and at the meeting.

Section 7. Meetings of City Council.

- (a) The city council shall hold regular meetings no less than twice each month. The meetings shall usually be held on the first and third Wednesdays of each month at 8:30 a.m.; however, the city council may, on a majority vote of the members present at a regular meeting, cancel a regular meeting and reschedule the meeting at a time fixed by the majority. The city council may, by ordinance, schedule additional regular meetings of the city council when the business of the city so dictates and such additional regular meetings shall be held on a day and time fixed in the ordinance. [Sec. 2-51 City Code]
- (b) Workshop meetings of City Council shall be held at 8:30 a.m. on the third Monday in each month unless changed by a majority vote

of the City Council. If the third Monday of a month falls on a holiday, the Workshop may be scheduled on the Tuesday following the third Monday.

- (c) A schedule of City Council regular and workshop meetings for the year shall be adopted by motion prior to January of each year.
- (d) The city council may hold special meetings at any time pursuant to due notice being given in writing by the mayor or a majority of the city council. The notice shall specify the object of the special meeting. [Sec. 2-52 City Code]
- (e) All meetings shall be open to the public.
- (f) Executive sessions (closed meetings or portions of meetings) may be held and shall be limited to those subject matters authorized by Florida Statutes.
- (g) The city council may recess any regular or special meeting, provided such recessed meeting shall be to a future day and hour to be specifically provided for in the motion for such recess. The recessed meeting shall not be later than the next regular meeting, and any such recessed meeting shall not be held at any hour or time other than as specified in such resolution. [Sec. 2-55 City Code]

Section 8. Minutes of Meetings.

The City Clerk or designee shall keep minutes of all public meetings, which shall be a matter of permanent public record and shall be presented to City Council for review and approval. A taped or video recording of meetings may be made, but shall not be considered the official public record of the minutes.

Section 9. Public Hearings (Other than Quasi-judicial).

The purpose of public hearings is to receive input from citizens regarding the issue before City Council. Public hearings are held for: ordinances on second reading, variances, budgets, utility rate changes, and as otherwise determined by City Council.

- (a) For ordinances generally, the public hearing and public comment shall be limited to the date on which the ordinance is considered on second reading. City Council may discuss the provisions of an ordinance upon presentation on first reading.
- (b) For proposed ordinances that change the zoning map designation for 10 acres or more, the list of permitted, conditional, or prohibited

uses within a zoning category, the public hearing shall be on both the first reading and the second reading of the ordinance. The number of readings and hearings may vary depending upon state law requirements.

- (c) The City Attorney or City Manager shall summarize the issue before City Council rather than read the entire staff report, unless otherwise requested by City Council. Ordinances and Resolutions will be read into the record by title only.
- (d) The Mayor shall remind the public to fill out a Public Speaker Form prior to the start of the public hearing.
- (e) Following the summary explanation, the Public Hearing will open. Speaker Registration forms shall be required. Public comments shall be limited to three minutes unless otherwise determined by the Mayor or a majority of City Council.
- (f) When the public comments have concluded, the Mayor will close the Public Hearing. Debate may continue until the question is called.

Section 10. Quasi-judicial Proceedings and Public Hearing.

- (a) After introduction of the petition by staff, the Petitioner's presentation shall occur first and Petitioner shall have up to twenty (20) minutes to present the petition, followed by questions from Council of the Petitioner. A majority of City Council members may grant additional time. Petitioner should notify the Manager in advance of the proceeding if it is recognized that additional time for presentation is desirable.
- (b) Staff shall then provide an analysis of the Petition and staff report for a period of up to twenty (20) minutes, followed by questions from City Council.
- (c) The Mayor shall call for public comment by those who have completed a Speaker Registration form. Each speaker shall have up to three (3) minutes to present comments on the Petition.
- (d) Upon conclusion of public comment, the public hearing shall be closed.
- (e) Petitioner shall have up to five (5) minutes to present any final summation, followed by questions from City Council.

- (f) Questions of an informational nature from the petitioners or public speakers may be asked through the Chair; however, direct questions between the petitioner and witnesses shall not be permitted.
- (g) City Council should introduce a motion, debate the petition, and call for the question.
- (h) Request for a "time certain" may be presented to the Mayor at least five days in advance of the publication of the City Council Agenda. Requesting a "time certain" does not guaranty that such "time certain" will be granted.
- (i) Petitioner shall provide electronic copies of presentation materials to the City Manager or staff prior to publication of the City Council Agenda for inclusion with the Council Agenda Packets.
- (j) Handouts provided during the proceeding shall consist of twelve (12) copies for City Council and staff.
- (k) Decisions of Council shall be fair and impartial; be based only upon the testimony and other evidence presented at the hearing; and apply the ordinances correctly.
- (l) If a petition is rejected, City Council shall state the reason(s) in the resolution.

Section 11. Public Hearings by Committee, Mayor, or City Manager.

When authorized by law or ordinance, City Council may appoint a special magistrate or committee, or designate the Mayor or City Manager to assist in or hold a public hearing for City Council at any time upon any matter pending before it. The requirements of the Sunshine law shall apply in the same manner as it would apply to City Council. Minutes or reports of hearings held by special committees, the Mayor, or City Manager shall be filed as a public record.

Section 12. Conduct of Meetings.

- (a) The Mayor shall:
 - (1) Conduct the meeting firmly and courteously while maintaining order at all times.
 - (2) Ensure that a member is recognized before speaking, and permit only one person to speak at a time.

- (3) Allow persons not on Council to speak only at designated times. Apply time limits uniformly.
- (4) Rule out of order remarks which involve personalities or attack motives or character of another member, or which are not related to the matter before the City Council.
- (5) Reject frivolous motions and motions not permitted by the Rules. Require motions to be stated affirmatively and to the point.
- (6) Restate the motion and allow the maker of the motion to speak first.
- (7) Allow a member additional opportunities to speak on a matter only after all other members have had an opportunity to speak.
- (8) Allow interruption of a speaker only by consent of the speaker or for permitted reasons (e.g. "Point of Order," "Point of Information, Please.")
- (9) Recognize citizens wishing to address City Council on the issues before Council following the debate, but prior to the vote.
- (10) Reject discussion of motions which are not debatable (e.g. adjourn, call for the question; continuance; recess, table).
- (11) Recognize that all members have equal rights, privileges, and obligations. Remain impartial in the use of authority.
- (12) Call for the question when it appears that members have concluded debate, or when such debate has become repetitive and non-productive for the required policy decision.
- (13) Remind the public of the requirement to submit a Speaker Registration Form for the "Public Comment" section of the agenda or for an agenda subject.

- (b) City Council Members shall:
- (1) Be recognized by the Mayor before speaking. Then, after each member has had the opportunity to speak, a member may comment on the subject at random following recognition by the Mayor. The Mayor may elect to less formalized speaker order during workshop topics, and a more formalized speaker order depending on the issue and volume of the information to be discussed.
 - (2) When making a motion, speak clearly and concisely so as to avoid any misunderstanding as to the intent of the motion. State the motion affirmatively.
 - (3) Not speak a second time on a subject until all who wish to speak have done so.
 - (4) Confine remarks to the subject of the motion, while avoiding remarks involving personalities, or remarks which are intended to be a "political speech" for the attending public rather than for influencing City Council's decisions.
 - (5) Not interrupt a speaker who has the floor without consent, except to present a privileged motion.
 - (6) Limit comments to that required to state a position while avoiding repetitiveness or redundancy.
 - (7) Not be obligated to state a position or opinion on matters under discussion. Discussion should be intended to add information, persuade colleagues through debate, and state positions.
 - (8) Refrain from adding comments or explanations during the voting process. Comments and explanations should be made during discussion before or after the motion, and not when voting.
 - (9) At all times act with decorum toward the members and those members of the public attending the meeting. Recognize that people appearing before City Council should be treated with respect and dignity.
 - (10) Refrain from initiating a discussion with citizens during the "public comment" period except to clarify points raised by a citizen. Let public speakers finish before commenting. If

additional information or response from staff is needed, the Council Member may ask questions following the public comment.

- (11) Recognize that the legislative process involves interaction of competing ideas that resolve themselves in a decision by the City Council. That decision may not satisfy all members, but the will of the majority shall prevail. Once a question has been voted on, the decision becomes that of the City and each member should accept and abide by the results.
 - (12) Be prepared and be focused. While questions and clarification will occur, many questions can be answered by studying the agenda packet, or with a phone call or visit to City Hall before a meeting. City Council and the public may then focus on the decision-making process at hand in a timely manner.
- (c) The public shall:
- (1) Be permitted to address City Council during the public comment period on any subject, and on any matter scheduled on the agenda prior to a call for the question, except for ordinances presented on First Reading.
 - a. Citizens who wish to address City Council on business matters scheduled on the agenda shall complete and submit a Speaker Registration Form prior to the close of the public comment period for that agenda item. Registered speakers who have completed a Speaker Registration Form will be called to the podium by the Mayor.
 - b. Public comment shall be limited to three (3) minutes unless waived by the Mayor or by a majority of City Council Members.
 - (2) Be permitted to address City Council on any subject matter not scheduled on the agenda during the "public comment" section of the agenda.
 - a. Speaker Registration Forms are required.
 - b. Upon being recognized by the Mayor, the person shall proceed to the podium and state name and address.

- c. The Mayor shall allow the person a period of three (3) minutes to present matters of public interest before City Council unless otherwise waived by the Mayor or a majority of Council Members. Speaker time limits will be extended to approximate time involved with City Council dialogue. The Mayor or majority of City Council may waive the time limitation.
- d. "Public Comment" is intended to encourage citizens to speak about issues. The answering of questions will only occur when directed by the Mayor. Otherwise, answers will be provided by staff or Council Members outside of the meeting. Nothing herein shall limit the ability of Council Members to question public speakers.

Section 13. Process for the Election of the Vice Mayor.

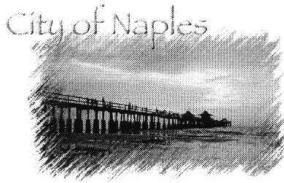
- (a) The Mayor will call for nominations. Nominations do not require a second. The Mayor may nominate. Nominations should continue until there are no further nominations. Discussions may follow the nominations. A nominee may decline the nomination.
- (b) When no further nominations are forthcoming, the Mayor should close the nominations and call for a vote. Each nominee shall be called in alphabetical order.
- (c) If there are more than two candidates nominated, it is possible that, following the vote, no candidate will receive a majority (4) of votes. If there are three or more nominees, the nominee(s) receiving the least number of affirmative votes will be dropped from consideration, followed by a second vote on the nominees receiving the most votes.
- (d) In the event that neither of the remaining nominees receives a majority vote, or in the event of a tie vote, the Mayor shall reopen nominations followed again by a vote in order of nomination.

Section 14. Not Appealable.

The failure of City Council to adhere strictly to any of the rules contained herein shall not create a cause of action or basis of appeal or challenge of the matter before City Council.

Section 15. Conflict with Charter or Ordinances.

Where these rules conflict with the City Charter, ordinances, or Florida Statutes, the Charter, ordinances, or Florida Statutes shall prevail.



NAPLES CITY COUNCIL AGENDA MEMORANDUM

Workshop Meeting Date: March 19, 2012

Agenda Item:	Prepared By: Steve Weeks, Director	
13	Department: Technology Services	
SUBJECT: Presentation of City website changes.		
BACKGROUND: On February 3, 2012, the City's new website was made available to the public. The website is intended to be a tool to increase community engagement with their local government. Residents, business owners, and visitors are encouraged to utilize the site to obtain information, find answers to frequently asked questions, access records, process electronic bill payments, and to register for automatic notifications of emergency alerts, agenda publication, calendar events, and even bid postings. It is envisioned that increased use of the website by residents, business owners, and visitors to obtain information and transact business will improve efficiency and reduce staff time required to provide these services in person or over the telephone. As the website is accessed through the Internet, our seasonal residents may find transacting business in this manner useful. The website is now hosted in the "cloud" by Civic Plus. Civic Plus provides similar services on a contract basis to more than 1,000 governmental organizations. The annual cost for hosting, support and maintenance is \$3,150, subject to an annual 5% increase. In addition to providing more information than previously available, the website is now updated more frequently. This is made possible through the decentralization of website maintenance from Technology Services to the individual departments. Therefore, if the Community Services Department schedules an outdoor movie night at Cambier Park, staff can post the event directly to the website, thereby improving the timeliness and quality of information and efficiency of the operation. Assistant City Manager Roger Reinke will provide an overview of the website.		
Reviewed by Department Director Steve Weeks	Reviewed by Finance N/A	Reviewed by City Manager Bill Moss
City Council Action:		