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## **Annotated**

### **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**

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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.

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## **Regular Meeting**

**Wednesday, April 4, 2012**

***Convened 8:29 a.m. / Adjourned 5:51 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 - ***All present (Saad arrived 8:32 a.m./ left 5:01 p.m.)***
2. Invocation and Pledge of Allegiance - ***Reverend Dr. Sam Henderson, Moorings Presbyterian Church.***
3. Announcements
  - Presentation to Community Policing Officer Buddy Bonollo from the Aqualane Shores Association - ***Aqualane Shores Association.***
  - National Public Safety Telecommunications Week Proclamation - ***Mayor Sorey.***
  - Child Abuse Awareness Month Proclamation - ***No presentation.***
  - National Healthcare Decisions Day and the Five Wishes Proclamation - ***Mayor Sorey.***
  - Water Conservation Proclamation - ***Mayor Sorey.***
4. Set agenda (*add or remove items*) - ***Continuing Item 6-a (approval of minutes), and removing Item 6-h (pedestrian signal at Four Corners) and Item 6-l (budget amendment for installation of gate system at both parking garages) from Consent Agenda for separate discussion / Barnett / Finlay / 7-0.***
5. Public Comment - ***J. Remington, request to delegate coastal construction setback line variance process to City Manager, and protection of turtles during nesting season; H. Kennedy, safety concerns regarding Fifth Avenue South traffic; W. Jones, airport pollution; J. Zimmerman, Keep Collier Beautiful presentation to Mayor Sorey for volunteer efforts; S. Schultz, airport advisory committee list; L. Schultz and S. Kenny, need for airport advisory committee; A. Parker, airport runway extension concerns and suggestions; S. Smith, airport noise and safety issues, and bicycle path concern; J. Miller, airport pollution and need for airport advisory committee.***

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**City Council will not recess for lunch**

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### **NOTICE**

Formal action may be taken on any item discussed or added to this agenda. Any person who decides to appeal any decision made by the City Council with respect to any matter considered at this meeting (or hearing) will need a record of the proceedings and may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be heard. Any person with a disability requiring auxiliary aids and services for this meeting may call the City Clerk's Office at 213-1015 with requests at least two business days before the meeting date.

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**CONSENT AGENDA**

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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 by City Council is desired, that item(s) will be removed from the Consent Agenda and considered separately.

**Approve Consent Agenda  
(except Items 6-a, 6-h and 6-i)  
Saad / Barnett / 7-0**

6-a. Approval of Minutes  
  
March 7, 2012 Regular

**6-a) Continued to 4/18/12 / Sulick / Saad / 7-0  
Community Services**

6-b. Approve the following special events:  
1. 27<sup>th</sup> Summer Jazz Concert Series - Naples Beach Hotel and Golf Club - Watkins Lawn - 06/16/12, 07/21/12, 08/25/12 and 09/22/12  
2. Lipdub - Community Music Video - portions of Third Street South, 13<sup>th</sup> Avenue South, Gordon Drive, and the Fishing Pier (12<sup>th</sup> Avenue South) - 04/22/12  
3. Evenings on Fifth - Fifth Avenue South BID - Fifth Avenue South - 04/12/12, 04/19/12, 04/26/12, and 05/10/12  
4. Gulf Coast Runners Tropicool 5k Run - City Fest Event - Third Street South and Broad Avenue South, west on Broad Avenue South to Second Street South, south on Second Street South to Gordon Drive, north on Gordon Drive to 18<sup>th</sup> Avenue South and Third Street South, east on 14<sup>th</sup> Avenue South to Fourth Street South, and north on Fourth Street South to Broad Avenue South, and west on Broad Avenue South to the finish line at Broad Avenue South and Third Street South - 05/06/12

**Approved with Consent Agenda**

**Utilities  
Award of Contract for well heads**

**Clerk's Tracking # 12-00010  
Approved with Consent Agenda**

**Resolution  
Utilities  
Acceptance of a 12-inch water main**

6-c. Award a contract for improvements to the City's potable water supply well heads: \ Vendor: Wellmasters, Inc., Mulberry, FL \ Cost: \$81,836.65 \ Funding: CIP 12X01 - Well Equipment Golden Gate Wellfield

6-d. Accept a Bill of Sale from the Naples Airport Authority for 1,150 feet of new 12-inch water main piping located along Citation Point Road to an existing City of Naples owned and maintained 6-inch water main at the intersection of Citation Point Road and Enterprise Road

**12-13085 Approved with Consent Agenda**

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**Resolution  
Utilities  
Subordination of Easement Interest**

6-e. Approve a Subordination of Easement Interest and Agreement for Facility Relocation with Collier County subordinating a 5 foot by 60 foot strip of land within an existing City easement in order for Collier County to construct intersection improvements at Pine Ridge Road and Naples Boulevard; authorize the Mayor to execute the Subordination of Easement Interest; and direct the City Clerk to record the Subordination of Easement Interest

**12-13086 Approved with Consent Agenda**

**Resolution  
Streets and Stormwater  
FDOT Maintenance Agreement for Gulf  
Shore Boulevard Sidewalk Project**

6-f. Approve a Transportation Post Project Maintenance Agreement between the Florida Department of Transportation and the City of Naples relating to the Gulf Shore Boulevard Sidewalk Project (Reference #429842); and authorize the Mayor to execute the Maintenance Agreement

**12-13087 Approved with Consent Agenda**

**Resolution  
Streets and Stormwater  
FDOT Maintenance Agreement for Crayton  
Road Sidewalk Project**

6-g. Approve a Transportation Post Project Maintenance Agreement between the Florida Department of Transportation and the City of Naples relating to the Crayton Road Sidewalk Project (Reference #777 184A); and authorize the Mayor to execute the Maintenance Agreement

**12-13088 Approved with Consent Agenda**

**Resolution  
Streets and Stormwater  
FDOT Permitting Forms and Agreements  
for Pedestrian Signal Project at the  
Intersection of S.R. 90 and S. R. 45 (Four  
Corners)**

6-h. Approve Permitting Forms and Agreements for the Pedestrian Signal Crossing Project at the intersection of State Road 90 (US 41 South) and State Road 45 (US 41 East) also known as Four Corners; and authorize the City Manager to execute Florida Department of Transportation Permitting Forms and Agreements

**12-13089 amended as follows: Section 2:  
"...permitting and implementation of the..."  
Saad / Price / 6-1 (Heitmann dissenting)**

**Resolution  
Community Redevelopment Agency  
Budget Amendment for Parking Garage  
Improvements**

6-i. Approve amending the Fiscal Year 2011-12 Budget adopted by Ordinance 11-12953 in the amount of \$50,000 to fund the costs of installing gate activated access control systems at the two downtown parking garages

**12-13090 Sorey / Finlay / 4-3**

**(Price, Sulick and Heitmann dissenting)**

**END OF CONSENT AGENDA**

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2 Resolutions - **Quasi-Judicial  
Planning  
Variance Petition 11-V4  
Subdivision / Replat Petition 11-SD3  
Petitioner: TOMAC, LLC  
Agent: Kristin M. Conroy, Esquire  
Planning Advisory Board  
Recommendation for Denial  
Denied on 03/07/12  
Reconsideration Approved 03/21/12**

***7-a) 12-13091 Barnett / Finlay / 5-2  
(Heitmann and Sulick dissenting)***

***7-b) 12-13092 Barnett / Finlay / 5-2  
(Heitmann and Sulick dissenting)***

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Resolution - **Quasi-Judicial  
Planning  
Variance Petition 12-V4  
Petitioner: Dan G. Fishburn, Trustee and  
Patricia S. Mannix (Fishburn), Trustee  
Agent for Petitioner; David E. Leigh, P.A.  
and Albie Varoski  
Planning Advisory Board  
Recommendation for Approval  
***12-13093 Heitmann / Finlay / 7-0*****

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7. Reconsider the following as they relate to property owned by TOMAC, LLC, located at 358 and 360 Second Avenue South:
- a. **Public Hearing** to consider determining Variance Petition 11-V4 from Section 58-294 of the Code of Ordinances for a parcel (approximately 10,999.50 square feet) with an existing duplex to be subdivided resulting in two parcels each measuring less than the required 6,000 square foot minimum lot size, and a variance from Section 58-296 of the Code of Ordinances to allow zero-foot rear yards where the existing buildings abut each other, and to allow the southern most unit 20 feet from the property line along the alley where a 25 foot front yard would be required on property zoned R3-12
  - b. **Public Hearing** to consider approving the Preliminary and Final (Record) Plat of 364 Second Avenue South, a replat of a parcel with an existing duplex (approximately 10,999.50 square feet) into two platted lots of approximately 5,668.29 square feet and 5,331.21 square feet
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8. **Public Hearing** to consider determining Variance Petition 12-V4 from Section 58-176 of the Code of Ordinances to allow an existing house and pool to remain with nonconforming front, side and rear setbacks on property located at 1575 Gulf Shore Boulevard South, owned by Dan G. Fishburn, Trustee and Patricia S. Mannix (Fishburn), Trustee
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**Second Reading of an Ordinance  
Planning  
Text Amendment 12-T1  
Petitioner: City of Naples  
Approved on First Reading 03/21/12**

9. **Public Hearing** to 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 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
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12-13094 Finlay / Saad / 7-0***

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**First Reading of an Ordinance  
City Manager / Natural Resources  
Text Amendment 12-T2  
Petitioner: City of Naples  
Amending the Coastal  
Construction Code**

**No Public Comment**

***Title read / no action taken / Second  
Reading 04/18/12***

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**Resolution  
City Council  
Amendment to Collier County Resign to  
Run Ordinance  
12-13095 Finlay / Barnett / 7-0**

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**Resolution  
Utilities  
Award of Contract for Water Treatment  
Plant Improvements and Budget  
Amendment**

***12-a) Clerk's Tracking #12-00011  
Sulick / Heitmann / 7-0***

***12-b) 12-13096 Saad / Sulick / 7-0***

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**Resolution  
Community Redevelopment Agency  
Budget Amendment for Streetlight  
Improvements**

***12-13097 Saad / Price / 4-3  
(Heitmann, Finlay and Sulick dissenting)***

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definitions of transient lodging to add  
density requirement

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10. First Reading of an Ordinance relating to the Coastal Construction Code; amending Section 52-32 of the Code of Ordinances to define the role coastal areas play in our community, update the coastal construction requirements and definitions to be in compliance with the flood damage prevention ordinance, the Florida Statutes and to provide a higher regulatory standard in protecting our coastal areas and amending Section 52-33 of the Code of Ordinances pertaining to the Coastal Construction Setback Line, revising the requirement to obtain a variance for residential construction seaward of the Coastal Construction Setback Line and adding a provision that improves enforcement of the City's marine turtle protection regulations
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11. Consider a Resolution requesting that the Collier County Board of County Commissioners amend Section 2-830 (d) of the Collier County Code of Ordinances, known as the "Resign to Run" provision
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12. Consider the following:  
a. Award a contract for improvements to the City's Water Treatment Plant filter controls and valves: \ Vendor: Poole & Kent Company of Florida, Miami, FL \ Cost: \$1,263,300 \ Funding: CIP 11K15 - Filter Control Rehab  
b. Approve amending the Fiscal Year 2011-12 Budget in the amount of \$83,082 adopted by Ordinance 11-12953 to provide sufficient funding for the Water Treatment Plant Filter Control Rehab Project
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13. Approve amending the Fiscal Year 2011-12 Budget adopted by Ordinance 11-12953 in the amount of \$95,500 to fund the costs of repairing and maintaining the decorative streetlights within the 41-10 District and River Park neighborhood in the Community Redevelopment Area
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<b>Streets and Stormwater</b> <b>Discussion of Stormwater Lakes Strategy</b> Continued from 03/19/12 Workshop <i>Consensus to place Tier I (City-owned) and Tier II lakes management plans in next capital budget cycle; staff to return with additional information on Lake Manor.</i>	14. Discussion of Stormwater Lakes Management Plan
<b>Community Services</b> <b>Discussion of Vendor / Booth Fees</b> Continued from 03/19/12 Workshop <i>Motion to direct staff to draft resolution eliminating booth fees for consideration on 04/18/12 and return at a future time with recommendations from CSAB on park/street fees. Sorey / Price / 6-1 (Heitmann dissenting)</i>	15. Discussion of Vendor / Booth Fees for Special Events conducted within the City of Naples
<b>Utilities</b> <b>Presentation of Zero-Based Budget</b> Continued from 03/19/12 Workshop <i>Presentation only</i>	16. Presentation of Utilities Zero-Based Budgeting

**Public Comment - E. Linneman and C. Giblin, response from NAA regarding comments during Item 5 above; and S. Smith, concerns with aircraft generated noise and pollutants.**

**Correspondence and Communications - Review of items discussed at March 26 Town Hall meeting (consensus that no airport advisory committee be implemented; staff to schedule joint Council / NAA meeting), noted his intent to attend upcoming NAA meeting (as a private citizen) regarding aircraft ignoring voluntary curfew, and cautioned against discussion of Clam Bay issues due to ongoing litigation (consensus that Dr. David Buser submit position paper for discussion by Council avoiding issues under litigation) (Sorey); noted April 2 as World Autism Day, complimented aforementioned Town Hall meeting recommending upcoming ones be moderated by Mayor only, and need to treat board and committee members with respect (Price); suggested future Town Hall meetings be held in other locations around City and that discussion be scheduled regarding the City purchasing the Renaissance Village property (northwest corner of US 41 and Goodlette-Frank Road) (consensus not to pursue) (Barnett); received confirmation of "open bottle law" and violations occurring along Fifth Avenue South, buildup of horticultural waste prior to being picked-up (Sulick); importance of health care directives, status of code amendments regarding duplexes, noted Sheriff's Department 911 software update, and questioned possible use of open space fund(s) for purchase of property near FPL substation for use as parking for River Park pool (consensus for staff to research site) (Saad); questioned use of sandwich board signage and shared personal feelings regarding outcome of rules and procedures discussion and ejection of citizen during last meeting (Heitmann); and referenced his personal discussion with aforementioned citizen regarding the incident noted prior (Sorey).**

**Adjourn - 5:51 p.m.**

**Order of Consideration: 1, 2, 3, 4, 5, 6-b through 6-g, 6-a, 6-h, 6-i, 7, 8, 9, 10, 11, 12, 13, 15, 14, 16, Public Comment, and Correspondence and Communications.**