

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

**Annotated**

**Notice of Meeting and Agenda  
Naples City Council**

**City Council Chamber, 735 Eighth Street South, Naples, Florida**

**Mayor: 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 18, 2012**

***Convened 8:28 a.m. / Adjourned 5:45 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.***
2. Invocation and Pledge of Allegiance - ***Pastor Steven Wigdahl, Emmanuel Lutheran Church.***
3. Announcements - Read by Mayor Sorey.
  - Crime Victim's Rights Week Proclamation
  - Sexual Assault Awareness Month Proclamation
  - Lipdub Naples Day Proclamation
  - World Wide Parkinson's Awareness Month Proclamation
4. Set agenda (*add or remove items*) - ***Removing Items 6-b-5 (iLearn Life, Inc. 239 Music Fest), 6-c (CDBG application), and 6-d (booth/vendor fee amendments) from the Consent Agenda for separate discussion / Sulick / Saad / 7-0.***
5. Public Comment - ***L. Schultz, aircraft noise and curfew violations of aircraft; J. Remington, concerns regarding turtle lighting design plans and their submittal to City (see Item 13); and W. Kelly, failure of City to take action on code violation and responsiveness of City to resident complaints.***

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

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**Approve Consent Agenda  
(except 6-b-5, 6-c and 6-d)  
Barnett / Sulick / 7-0**

6-a. Approval of Minutes.

March 7, 2012 - Regular

City Clerk  
Approval of Minutes  
Continued from 04/04/12

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**Approved with Consent Agenda**

Community Services  
Approval of Special Events

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6-b. Approve the following special events:  
1. City Fest Spring 2012 - Sip of Fifth - Fifth Avenue South Business Improvement District (FASBID) - Fifth Avenue South - 05/04/12 (05/11/12 - Rain Date)  
2. City Fest Spring 2012 - Blues, Brews & BBQ - Tin City - Tin City covered parking lot - 05/11/12 and 05/12/12  
3. 2012 Fourth of July Parade - City of Naples - Broad Avenue to Third Street South to Fifth Avenue South to Eighth Street South - 07/04/12  
4. 2012 Fourth of July Fireworks - City of Naples - Fishing Pier - 07/04/12  
5. City Fest Spring 2012 - The "iLearn Life, Inc." 239 Music Fest - "iLearn Life, Inc.", Foundation and the Naples Daily News - Goodlette-Frank Road and U S 41 (Renaissance Village site)

**6-b-1 through 6-b-4  
Approved with Consent Agenda**

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

Resolution  
Community Services  
FY 2012-2013 CDBG Application

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6-c. Ratify and confirm the action of the City Manager in executing the Fiscal Year 2012 -2013 Community Development Block Grant (CDBG) Application in the amount of \$105,835 to Collier County for the support of vacant land acquisition

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**12-13098 / Saad / Price / 7-0**

2 Resolutions  
Community Services  
Amending Booth / Vendor Fees for  
Special Events conducted in the City

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6-d. Approve the following:  
1. A Resolution regarding Appendix "A", Fee Schedule; repealing Paragraph (e) of Section 28-32 (2); repealing Paragraph (e) of Section 28-32 (3), of Appendix "A", Fee Schedule, of the Code of Ordinances, for the purpose of eliminating booth or vendor fees for certain special events conducted within the City  
2. A Resolution approving an amended policy establishing review and approval criteria for special events for the purpose of amending booth or vendor fees for certain special events conducted within the City; and repealing Resolution 10-12732

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**6-d-1) 12-13099 / Saad / Finlay / 7-0**

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**6-d-2) 12-13100 / Saad / Finlay / 7-0**

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**Utilities**  
**Award Contract for cleaning of Aeration Basin III**

Clerk's Tracking #12-00012  
***Approved with Consent Agenda***

**Resolution**  
**Utilities**  
**Accepting Easements from Headwaters**  
**Development Limited Liability Limited**  
**Partnership, LLLP**

**12-13101 *Approved with Consent Agenda***

**4 Resolutions**  
**City Clerk**  
**Reappointments to the Citizens Police Review**  
**Board and the Planning Advisory Board**

***6-g-1) 12-13102 Approved with Consent Agenda***

***6-g-2) 12-13103 Approved with Consent Agenda***

***6-g-3) 12-13104 Approved with Consent Agenda***

***6-g-4) 12-13105 Approved with Consent Agenda***

6-e. Award a contract for the removal of sand and grit from Aeration Basin III located at the Wastewater Treatment Plant: \ Vendor: Vision Enviro Services, LLC, De Bary, FL \ Cost: \$72,300 \ Funding: CIP 12M05 - Aeration Basin

6-f. Approve a Resolution regarding the Golden Gate Canal Transmission Main; approving a Utility Easement Purchase Agreement in the amount of \$21,000 and authorizing the Mayor to execute the Purchase Agreement; accepting a Perpetual Water Line and Transmission Main Easement; and accepting a Temporary Construction Easement from Headwaters Development Limited Liability Limited Partnership, LLLP, a Florida Limited Liability Limited Partnership, for construction, access and maintenance of a 20-inch transmission main from the Golden Gate Canal Intake Structure along the northern and western boundary of the Headwaters Development Property; and directing the City Clerk to record the Perpetual Water Line and Transmission Main and Temporary Construction Easements

6-g. Approve the following Resolutions:  
1. Reappoint Brett Backus, a resident of Police Patrol Section 3, to the Citizens Police Review Board for a three-year term commencing April 18, 2012 and expiring April 17, 2015  
2. Reappoint Rodney Schwasinger, a resident of Police Patrol Sector 2, to the Citizens Police Review Board for a three-year term commencing April 18, 2012 and expiring April 17, 2015; and waive the term limit requirement pursuant to Section 2-403 of the Code of Ordinances  
3. Reappoint James Krall to the Planning Advisory Board for a three-year term commencing on May 1, 2012, and expiring April 30, 2015  
4. Reappoint D. Wayne Arnold to the Planning Advisory Board for a three-year term commencing on May 1, 2012 and expiring April 30, 2015

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<p><b>Resolution City Clerk Confirm the appointment of David Graff to the General Pension Board</b></p>	<p>6-h. Confirm the appointment of David Graff as the Non-Bargaining Unit Member to the Board of Trustees of the City of Naples General Retirement System for the balance of a four-year term commencing April 18, 2012 and expiring March 3, 2015</p>
<p><b>12-13106 Approved with Consent Agenda</b></p>	
<p><b>END OF CONSENT AGENDA</b></p>	
<p>Resolution - <b>Quasi-Judicial Planning Site Plan Petition 12-SP4 Petitioner: Horizon Business Services, Inc. Agent: William J. Dempsey, Esquire 12-13107 amended as follows: Section 2-1: “ City Council Staff shall review...Floor Plan.”. Barnett / Saad / 7-0</b></p>	<p>7. <b>Public Hearing</b> to consider determining Site Plan Petition 12-SP4 to allow access points on Mandarin Road and Orchid Drive for property owned by First Christian Church of Naples, Inc., located in the HC, Highway Commercial District and located at the northeast corner of Mandarin Road and Orchid Drive</p>
<p>Resolution - <b>Quasi-Judicial Planning Subdivision / Replat Petition 12-SD3 Petitioner: Liberty Bank FSB Agent: Jayne M. Skindzier, Esquire Planning Advisory Board Recommendation for Approval</b></p>	<p>8. <b>Public Hearing</b> to consider accepting and approving the Preliminary and Final (Record) Plat for the 697 &amp; 699 Fairway Terrace Plat, a replat of a parcel (approximately 14,250 square feet) with an existing duplex into 2 platted lots of approximately 7,125 square feet, located at 697 and 699 Fairway Terrace, owned by Liberty Bank, FSB</p>
<p><b>12-13108 / Saad / Price / 7-0</b></p>	<p>9. Consider the following: a. <b>Public Hearing</b> to consider approving a Preliminary Plat for Lusso, a Replat of Lots 1-7 of the Pienza II Subdivision (containing approximately 77,540 square feet), creating 5 separate lots located at 4882 West Boulevard Court b. <b>Public Hearing</b> to consider determining Site Plan with Deviations Petition 12-SPD2 to allow the creation of a multifamily parcel with an 11.5 foot side yard setback from the east property line for an existing pool where 15 feet is required; a front yard setback of 20.2 feet to the west property line along West Boulevard for a new pool where 25 feet is required; the creation of 4 single family lots with widths of 57.60 feet, 55.10 feet, 55.10 feet and 58.51 feet where a minimum lot width of 60 feet is required; and the construction of 4 two-story, single family homes with 7.5 foot interior side setbacks (15 foot separation between structures) where 10 feet is required for property located at 4882 West Boulevard Court</p>
<p>2 Resolutions - Quasi-Judicial <b>Planning Subdivision / Replat Petition 12-SD2 Site Plan with Deviations Petition 12-SPD2 Petitioner: Everbank and WBC Partners, LLC Agent: Q. Grady Minor and Associates, P.A. Planning Advisory Board Recommendation for Approval</b></p>	
<p><b>9-a) 12-13109 / Saad / Barnett / 7-0</b></p>	
<p><b>9-b) 12-13110 / Saad / Barnett / 7-0</b></p>	

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Resolution - **Quasi-Judicial  
Planning  
Variance Petition 12-V3  
Petitioner: Fifth Avenue of  
Naples, Inc.  
Agent: Gary D. Foreman, PE, AIA  
Planning Advisory Board Recommendation  
for Approval  
12-13111 DENIED due to failure to meet  
specific variance criteria (Section 46-  
37(c)(2)a, 1 through 8) / Price / Sorey / 7-0**

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**Resolution  
City Attorney  
Approval of Quit-Claim Deed, Estoppel  
Certificate, and Consent to Assignment of  
Ground Lease regarding the sale of  
Jasmine Cay Apartments**

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**12-13112 / Barnett / Saad / 7-0**

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**Utilities  
Award of three Contracts for annual  
electrical maintenance and repair services**

**12-a) Clerk's Tracking #12-00013**

**12-b) Clerk's Tracking #12-00014**

**12-c) Clerk's Tracking #12-00015**

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**Saad / Finlay / 7-0**

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

**Continued on next page**

**Continued from previous page**

**12-13113 amended as follows: Title: "...SET  
BACK LINE AND ADDING A**

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10. **Public Hearing** to consider determining Variance Petition 12-V3 from Section 58-1134 (b) (4) of the Code of Ordinances for the conversion of an existing dumpster enclosure to a dry storage enclosure within the required setback for Vergina's Restaurant on property zoned C1-A and within the Fifth Avenue South Special Overlay District, located at 700 Fifth Avenue South, Unit 100, owned by Fifth Avenue of Naples, Inc.

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11. Consider a Resolution regarding the sale of Jasmine Cay Apartments; approving and accepting a Corrective Quit-Claim Deed for a portion of the property; approving a Ground Lessor Estoppel Certificate and Consent to Assignment of Ground Lease to Fannie Mae, Wells Fargo Bank, National Association and Commonwealth Land Title Insurance Company; and authorizing the City Manager to execute the Ground Lessor Estoppel Certificate

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12. Consider awarding three Contracts to provide annual electrical maintenance and repair services for the Utilities, Streets and Stormwater, and Community Services Departments: \ Vendors: (a) Bentley Electric Company of Naples, Inc., Naples, FL - (b) Simmonds Electrical of Naples, Inc., Naples, FL - (c) Doyle Electric Services, Inc., Fort Myers, FL \ Cost: Work Orders will be limited to \$150,000 per project or assignment \ Funding: Repair and Maintenance accounts in the Utilities, Streets and Stormwater, and Community Services Departments annual budgets

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13. **Public Hearing** to consider Second 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

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PROVISION...PROTECTION REGULATIONS ;  
**Section 52-33(e)(1) reverts to original language; and deleting Section 52-33(e)(1)c. Barnett / Saad / 4-3 (Sulick, Heitmann and Price dissenting)**

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City Attorney  
Executive Session

Time Certain - 11:30 a.m.

**No actions announced.**

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Fire-Rescue and Police  
Discussion of software for Fire and Police  
employee time-keeping and payroll  
processing

**Support as presented; additional information as to cost of server to be provided / Sulick / Heitmann / 7-0**

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Planning  
Discussion of Indoor / Outdoor Live  
Entertainment

**Consensus that no amendments will be pursued at this time.**

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City Manager - Waterfront Operations  
Discussion regarding signage on commercial vessels

**Continued**

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Planning - Natural Resources  
Discussion of seawall construction  
standards and dredge and fill permits

**Continued**

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Utilities  
Fluoride discussion and presentations

Time Certain - 3:00 p.m.

**Consensus that fluoride remain in drinking water with continuing review of pertinent information**

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Coastal Construction Setback Line and adding a provision that improves enforcement of the City's marine turtle protection regulations

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14. Attorney / Client Executive Session pertaining to:  
*State of Florida v. Michael William Bailey*, Collier County Court Case No. 11-2012-IN-000096-AXXX-XX - before Judge Turner; and  
*State of Florida v. James Rickney*, Collier County Court Case No. 11-2012-IN-000097 AXXX-XX - before Judge Provost (combined for trials)

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15. Discussion of proposed acquisition of TeleStaff Public Safety Software for time-keeping and payroll processing for the Police and Fire-Rescue Departments

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16. Discussion related to Indoor / Outdoor Live Entertainment to determine whether to standardize days, hours of operation, the maximum number of entertainers, and whether to eliminate outdoor and indoor live entertainment while allowing only indoor live entertainment with doors open

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17. Discussion to determine whether the regulations for signage on commercial vessels docked within the City should be modified, removed or remain in place

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18. Discussion of a proposed comprehensive amendment to the City Code of Ordinances pertaining to seawall construction standards

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19. Discussion and direction regarding the use of fluoride in drinking water

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Public Comment - *S. Smith, increase in noise level citywide, especially leaf blowers and new City-owned street sweeper.*

Correspondence and Communications - *Next Town Hall meeting scheduled for 6:00 p.m. on*

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*May 1 and received consensus for workshop discussion regarding lot width for single and multi-family dwellings, staff to follow-up on Item 10 (see above) regarding removal of dumpster enclosures no longer used for that purpose and noted April 27 visit to Naples by Michelle Obama (Sorey); commended residents who recently graduated from Citizens Police Academy (Sorey and Saad); and update on server for TeleStaff data storage (hosting not available and use of automatic features requires server, cost cited at \$5,000).*

**Adjourn - 5:45 p.m.**

**Order of Consideration: 1, 2, 3, 4, 5, 6-a, 6-b(1 through 4), 6-e, 6-f, 6-g, 6-h, 6-b-5, 6-c, 6-d, 7, 8, 9, 10, 14, 11, 12, 13, 15, 17, 18, 19, 16, Public Comment, and Correspondence and Communications.**