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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, March 7, 2012**

***Convened 8:28 a.m. / Adjourned 5:21 p.m.***

All proposed ordinances and information on other items listed below, which have been provided in advance of this meeting, may be inspected in the office of the City Clerk, City Hall, or on the City of Naples website [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 Michael McKellar, Naples Church of God.***
3. Announcements
  - Outstanding Urban Forestry Program Small Community Award  
***(presented by Mr. Clark Ryais, Florida Urban Forestry Council)***
  - Employee Service Awards - ***Presented by various department directors.***
4. Set agenda (*add or remove items*) - ***As submitted / Finlay / Barnett / 7-0***
5. Public Comment - ***E. Smith, request for irrigation for street trees on Sixth Street South and offensive attitude of personnel; J. Zimmerman, Keep Collier Beautiful, request for assistance with annual May Day cleanup; and S. Smith, correction of her statement of 02/15/12, reference made to Rambosk rather than Rynders, and other corrections submitted for record.***
6. Correspondence and Communications - ***EMS services report/future workshop discussion, and request for support for Greater Naples Chamber of Commerce economic gardening program (Price); donation of campaign funds for River Park Pool and need for correspondence to be moved to end of agenda (Barnett); need to look into violation of recent parking variance granted to restaurant on 13th Avenue South (Sulick); emails received regarding utility billing and need to implement new software (Saad); need for opportunity for correspondence at end of agenda, message from Darlene House regarding sharing the road and suggested as topic of upcoming town hall meeting, information on response to recent staff presentation with regard to FEMA (Federal Emergency Management Agency) presentation, appreciation for recent Keewaydin Island rescue, and economic development plan underway for region and state (Heitmann); and construction work on Saturday and Town Hall Meeting scheduled for March 26<sup>th</sup> (Sorey).***

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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.

***Approve Consent Agenda; as submitted  
Price / Sulick / 7-0***

- 7-a. Approval of Minutes.  
January 17, 2012 - Workshop  
January 18, 2012 - Regular

**City Clerk  
Approval of Minutes**

***Approved with Consent Agenda***

**2 Resolutions  
Utilities  
Accepting two Water Line and Transmission  
Main Easements**

- 7-b. Approve the following for the purpose of accessing and maintaining utility facilities related to the Golden Gate Canal Intake Structure and Transmission Main:  
1. Accept a perpetual Water Line and Transmission Main Easement from Nature Pointe Homeowners Association Inc. for construction and access to utility facilities along the western boundary of Nature Pointe and direct the City Clerk to record the Easement  
2. Accept a Perpetual Water Line and Transmission Main Easement from Naples-Oxford Limited Partnership, the owner of River Reach; accept a Perpetual Water Line and Transmission Main Easement Subordination, Consent and Joinder given by Deutsche Bank Trust Company Americas, as Trustee, for construction and access to utility facilities along the western boundary of the River Reach property; and direct the City Clerk to record the Easement and the Subordination, Consent and Joinder

***7-b-1) 12-13053 Approved with Consent Agenda***

***7-b-2) 12-13054 Approved with Consent Agenda***

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**END OF CONSENT AGENDA**

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**Finance  
Presentation of the 5-Year General Fund  
Sustainability Report**

8. Presentation and review of the 5-Year General Fund Sustainability Report

***Discussion only.***

**City Manager  
Fifth Avenue South Business Improvement  
District request for placement of directory signs  
*Approved (a sign in each of two parking garages  
and FASBID to work with staff to determine  
location(s) of additional signage) / Saad / Sulick  
/ 7-0***

9. Consideration of a request from the Fifth Avenue South Business Improvement District (FASBID) to implement a sign plan for directory signs in the Fifth Avenue South Business Improvement District
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Resolution - **Quasi-Judicial**  
City Manager / Natural Resources  
Marine Permit Application 11-3421  
Petitioner: Thomas Dille  
Agent: Garland and Garland, Inc.  
Marine Permit Application for seawall  
removal and construction  
Continued from 02/15/12

***Continued / Barnett / Sulick / 7-0***

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Resolution - **Quasi-Judicial**  
Planning  
Outdoor Dining on Public Property  
Petition 12-ODPB3  
Petitioner: ECIB of Naples LLC  
Agent: Luca DiFalco

***12-13055 TO DENY based upon adverse  
impact to adjacent residential / Sulick / H  
eitmann / 7-0***

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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

***12-a) 12-13056 TO APPROVE based  
upon Section 46-47(a)(c)(2)a (2, 4, and 6)  
/ Finlay / Barnett / FAILED / 3-4 (Price,  
Sulick, Heitmann and Sorey dissenting)***

***12-b) 12-13057 TO DENY based upon  
denial of 12-a / Price / Heitmann / 4-3 (Ba  
rnett, Finlay and Saad dissenting)***

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Utilities  
Award of three two-year contracts for  
lab testing services as needed

Clerk's Tracking ***#12-00001***  
***Barnett / Saad / 7-0***

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

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11. **Public Hearing** to consider determining Outdoor Dining Petition 12-ODPB3 pursuant to Section 56-126 (c)(1) to allow Bice Ristorante and Dolce and Salato Restaurant to have outdoor dining, exceeding 100 square feet on public property and which faces residentially zoned property, located at 300 Fifth Avenue South owned by M-P Realty LLC

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12. Consider the following as they relate to property owned by TOMAC, LLC, located at 358 and 360 2<sup>nd</sup> 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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13. Consider awarding three two-year contracts to Southern Analytical Laboratories, MWH Laboratories, and Florida Spectrum on an as needed basis for lab testing services based on unit prices as bid

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**Resolution  
Streets and Stormwater  
Award of Contract for street sweeper  
and approve a Budget Amendment  
Continued from 01/18/12 and 02/15/12**

**14-a) Clerk's Tracking #12-00002  
Saad / Sulick / 6-1 (Finlay dissenting)**

**14-b) 12-13058 / Saad / Sulick / 6-1  
(Finlay dissenting)**

**Streets and Stormwater  
Approve a Professional Services  
Agreement for stormwater  
quality testing**

**Clerk's Tracking 12-00003  
Saad / Barnett / 6-1 (Price dissenting)**

**City Manager  
Selection of a Chair and Vice-Chair of  
the Community Redevelopment Agency  
Continued from 02/15/12**

**Chair - Saad / 5-2  
(Sulick and Heitmann dissenting)  
Vice Chair - Sulick / 7-0**

**9 Resolutions  
City Clerk  
Selection of City Council Members for  
various Boards and Committees  
Continued from 02/15/12**

**17-a) 12-13059 / Barnett / 7-0  
17-b) 12-13060 / Price / 7-0  
17-c) 12-13061 / Price / 7-0  
17-d) 12-13062 / Heitmann / 7-0  
17-e) 12-13064 / Sulick / 7-0  
17-f) 12-13065 / Finlay / 7-0  
17-g) 12-13066 / Sorey / 7-0  
17-h) 12-13067 / Heitmann / 7-0  
17-i) 12-13068 / Sorey / 7-0**

**City Manager-City Council  
City Clerk Candidates interviews  
and selection**

**Time Certain - 1:00 p.m.  
Sorey nominating P. Rambosk / 4-3  
(Price, Heitmann and Finlay dissenting)**

14. a. Consider awarding a contract for the purchase of a new street sweeper and five-year turn-key maintenance plan: \ Vendor: Environmental Products of FL Corporation, Apopka, FL \ Cost: \$288,156 \ Funding: CIP 12V05 - Street Sweeper  
b. Consider amending the 2011-12 Budget adopted by Ordinance 11-12953 to appropriate funds from the Fund Balance of the Streets Fund to increase the Budget of the street sweeper project for the purchase of a replacement street sweeper - 12V05 - in the amount of \$28,158
15. Approve a Professional Services Agreement to perform stormwater quality sampling, analysis and reporting at various locations throughout the City: \ Vendor: AMEC Engineering and Infrastructure, Inc. (formerly MACTEC Engineering and Consultants, Inc.), Newberry, FL \ Cost: \$59,015 \ Funding: Stormwater Operations Budget
16. Consider selecting the Community Redevelopment Agency Chair and Vice-Chair pursuant to Article III, Officers, Section 3.1, Regular Officers, of the Community Redevelopment Agency By-Laws, and Florida Statute 163.356
17. Consider appointing Members of City Council to the following Boards and Committees:
  - a. Airport Noise Compatibility Committee
  - b. Fire Pension Board
  - c. General Pension Board
  - d. Juvenile Justice Council
  - e. Metropolitan Planning Organization
  - f. Naples Art Association Board of Directors
  - g. Naples Players
  - h. Southwest Florida Regional Planning Council
  - i. Tourist Development Council
18. Interview three internal candidates, Patricia Rambosk, Jessica Rosenberg and Vicki Smith, for the position of City Clerk; select the Candidate of choice and authorize the Mayor to negotiate an Employment Agreement, subject to review and approval by City Council

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**Second Reading of an Ordinance  
Building  
Change to Flood Damage  
Prevention Ordinance  
Approved on First Reading 02/15/12**

**12-13069 / Saad / Barnett / 7-0**

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**Resolution  
Mayor  
Proposed City Council Rules  
of Procedure  
Continued from 02/15/12**

**Continued**

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**Second Reading of an Ordinance  
Finance  
Amending the Utility Billing Ordinance  
Approved on First Reading 02/15/12**

**12-13070 / Saad / Sulick / 7-0**

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19. Public Hearing to consider an Ordinance amending Section 16-146, Subsections (1) and (2) of the Code of Ordinances, for the purpose of adopting the Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRMs) revised May 16, 2012 for Collier County and incorporated areas

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  20. Consider a Resolution adopting the Rules of Procedure of the City Council of the City of Naples to facilitate the transaction of business, to ensure the public's business is transacted both efficiently and effectively for the benefit of the public, and to promote cooperation in the deliberation of public policy; repealing Resolutions 98-8218, 00-8943, 02-9689 and 07-11892

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  21. **Public Hearing** to consider an Ordinance relating to Utilities, amending the definition of City Managerial Employee in Section 2-972 of Article IX, Code of Ethics, amending Article I, Divisions 1 and 2 of Article II, amending Article III, amending Article IV, amending Section 30-342 of Chapter 30, Utilities, amending Section 48-62, amending Section 48-63 and amending Section 48-93 (a) of the Code of Ordinances, for the purpose of eliminating conflicts between previously adopted ordinances; ensuring current operations of the City's water, sewer and reclaimed water utilities; consolidating information such as utility rates, applications for service and discontinuation of services into one section of the Code; updating general regulations; revising the process for application of service, utility billing procedures and related billing regulations; and to correct the name of the Public Works Department to the Utilities Department
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<p><b>Resolution Finance</b> Amendments to Appendix "A" to replace <b>updated Sections and descriptions</b></p>	<p>22. Consider a Resolution relating to Utility Fees; amending Sections of Chapter 30, Public Works, of Appendix "A", Fees and Charges Schedule, of the Code of Ordinances to reflect the updated Chapter 30 Sections and Descriptions</p>
<p><u>12-13071 / Saad / Price / 7-0</u> <b>Second Reading of an Ordinance City Manager Police Officers Pension and Retirement System amendments Approved on First Reading 02/15/12</b></p>	<p>23. <b>Public Hearing</b> to consider an Ordinance relating to the Police Officers Pension and Retirement System of the City of Naples, Florida; amending the definitions of Final Average Compensation, Prior Service Credit and Compensation in Section 29-271, Definitions; amending Subsections (2) and (3) of Section 29-273, Maintenance of Fund; amending Section 29-311, Contributions; amending Section 29-312, Requirements for Retirement; repealing Section 29-313, Special Retirement Election for Members Over Age 45; repealing Section 29-314, Special Retirement Election for Members Over Age 44; amending Section 29-317, Separation from Municipal Employment; creating a new Section 29-327, Deferred Retirement Option Plan; creating a new Section 29-328, Non-Application of Certain Benefit Changes; directing the City Clerk to file a copy of this Ordinance with the Division of Retirement of the Florida Department of Management Services; and providing for conflicting provisions, severability and applicability</p>
<p><u>12-13063 / Price / Saad / 7-0</u> <b>City Manager Amendments to the 2012 City Council Meeting Schedule Approved / Barnett / Price / 7-0</b></p>	<p>24. Consider amending the adopted City Council Workshop and Regular Meeting schedule by revising meeting dates in the months of June and August</p>
<p><b>Council Member Finlay Discussion Vessel speeds in Naples Bay Continued</b></p>	<p>25. Discussion of Vessel Speeds in Naples Bay</p>
<p><b>City Clerk Nominations and Selection of the 2012 Sam Noe Award recipient Peter Manion / Finlay / 7-0</b></p>	<p>26. Consider the nominations received and select the 2012 Sam Noe Award recipient</p>

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**First Reading of an Ordinance  
Building  
Adopting the 2010 Florida Building Code**

27. Consider an Ordinance relating to Building and Technical Codes; repealing Section 16-111, Administration, Conflicts, of Article III, Building and Technical Codes; amending Section 16-112, Florida Building Code adopted, Amendments, of the Code of Ordinances for the purpose of adopting the 2010 Edition of the Florida Building Code
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**Approved / Barnett / Saad / 7-0**

**First Reading of an Ordinance  
City Clerk  
Amendment to Citizens Police Review  
Board training procedure**

**Approved amended as follows: Section 2-451(f): " Upon appointment to the board and prior to voting at any meeting, a member... designee."**

**Price / Saad / 7-0**

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28. Consider an Ordinance relating to the Citizens Police Review Board, amending Section 2-451 (f) of the Code of Ordinances for the purpose of revising the training requirements for newly appointed members of the Citizens Police Review Board
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**Public Comment - D. Bolduc, dangers of fluoridation of water supply (Saad requested action by Council on 04/18/12).**

**Adjourn - 5:23 p.m.**

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