



City of Naples

City Council Chamber
735 Eighth Street South
Naples, Florida 34102

City Council Regular Meeting – Wednesday, March 1, 2006 – 9:00 a.m.

Mayor Barnett called the meeting to order and presided.

ROLL CALL ITEM 1

Present:

Bill Barnett, Mayor
Johnny Nocera, Vice Mayor

Absent:

William MacIlvaine
John Sorey, III

Council Members:

Gary Price
Penny Taylor
Bill Willkomm

Also Present:

Robert Lee, City Manager
Tara Norman, City Clerk
Robert Pritt, City Attorney
Robin Singer, Community Development Director
Stephen Olmsted, Planning Administrator
Jessica Rosenberg, Deputy City Clerk
Victor Morales, Assistant to City Manager
Ann Marie Ricardi, Finance Director
Adam Benigni, Planner I
Chet Hunt, CRA Manager
David Lykins, Community Services Director
Steven Moore, Chief of Police & Emergency Services
Stephen Weeks, Technology Services Director
Tony McIlwain, Planner II

Henry Kennedy
Sue Smith
Edward Morton
Alan Weiss
Erin Degnan

Media:

Aisling Swift, Naples Daily News

Other interested citizens and visitors.

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

Reverend Charles Cary, Moorings Presbyterian Church

ANNOUNCEMENTS ITEM 3

Naples Community Hospital (NCH) Healthcare 50th Anniversary Proclamation
Presentation by Council Member Taylor of \$14,000 in unused campaign funds for tree planting.

SET AGENDA..... ITEM 4

MOTION by Nocera to ***SET THE AGENDA*** continuing Item 12 to March 15, 2006, and adding Item 19 (processing of petition regarding Bear’s Paw Country Club wall); seconded by Taylor and unanimously carried (MacIlvaine-absent, Nocera-yes, Price-yes, Sorey-absent, Taylor-yes, Willkomm-yes, Barnett-yes).

PUBLIC COMMENT.....ITEM 5

(9:12 a.m.) **Henry Kennedy, Pelican Avenue**, requested that the interview process for Citizens' Police Review Board (CPRB) vacancies not be waived as proposed. He said he felt strongly that if not eliminated, the CPRB should at least be more tightly controlled because of a recent negative experience which had occurred when he petitioned this body. He therefore asked that appointments be continued until interviews could be held. **Sue Smith, 11th Avenue South**, cited Mr. Kennedy's statements and urged that the City Council take corrective action with regard to various committees, noting a negative experience she had had with the Planning Advisory Board (PAB) on January 16, a meeting which had been advertised for all interested parties to attend and be heard. She said that Chairman Falconer Jones had cautioned her that while she could make a statement she could not cross-examine the staff; the questions she had asked had only received partial response at the meeting her having been unable to glean information in prior contacts with the Community Development Department. Mrs. Smith said she deemed Chairman Jones's behavior unacceptable and urged that concerns expressed by the public be more seriously considered in this and other City government venues.

Council Member Taylor cited prior efforts to develop procedures in regard to Council deliberations, such as the order in which various groups speak. Mayor Barnett expressed regret that any citizen did not feel well served by the Council or any of its boards or committees, although many of the issues regarding conduct of meetings are under the control of the chair. However, he said that he had not previously heard that difficulties of this type had occurred; he suggested that Council may wish to discuss this issue further when all members are present. Miss Taylor also noted that Council policies indicate that questions from petitioners or public speakers must be posed through the chair, direct questions between witnesses being disallowed. Therefore, in the context of City Council, a citizen must address questions through the Mayor, she added. City Attorney Robert Pritt said that he had observed the aforementioned exchange between PAB Chairman Jones and Mrs. Smith and characterized Mrs. Smith's exchange with the staff as an interrogation; in addition, the matter being considered was not quasi-judicial but legislative which calls for questions to be directed through the chair. However, the chair has the latitude to determine the order in which responses are given, he said, pointing out that forums of this type allow for public comment but not a right of inquiry. Council Member Price said that if the PAB had not already done so, it would be advisable to adopt a procedure similar to that cited above by Council Member Taylor. He recommended that this procedural information also be summarized for the information of the public at each meeting. Vice Mayor Nocera noted that the Council and its boards and committees should nevertheless remain mindful of the importance of public input; the public should be heard, he said, regardless of procedures. Miss Taylor expressed apologies to Mrs. Smith, particularly in light of there having not been adequate communication of procedures. Council Member Willkomm also urged that deference be accorded members of the public who may be emotional relative to various issues. Mayor Barnett expressed appreciation to Mrs. Smith and to the various Council Members who had made suggestions in this regard.

CONSENT AGENDA

APPROVAL OF MINUTES.....ITEM 6-a

February 8, 2006, Regular Meeting, as submitted.

..... ITEM 6-b
APPROVE THE FOLLOWING SPECIAL EVENTS: (1) PRIVATE PARTY – EIGHTH AVENUE, SOUTH – 04/23/06 (2) TWENTIETH ANNUAL FITNESS CHALLENGE TRIATHLON – GULF COAST RUNNERS AND BIKE ROUTE – NAPLES BEACH HOTEL AND GOLF CLUB - 06/04/06

RESOLUTION 06-11135.....ITEM 6-c
A RESOLUTION APPROVING A FIRST AMENDMENT TO AGREEMENT BETWEEN THE CITY OF NAPLES AND BLISS PRODUCTS AND SERVICES, INC., TO PURCHASE AND INSTALL A GIBRALTAR CLIMBING ROCK AT FLEISCHMANN PARK; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 06-11136..... ITEM 6-d
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF NAPLES AND USA STEEL FENCE COMPANY FOR THE PURCHASE AND INSTALLATION OF FENCING IN FLEISCHMANN PARK.; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 06-11137.....ITEM 6-e
A RESOLUTION WAIVING COMPETITIVE BIDS; APPROVING AN AGREEMENT WITH METRO CONCRETE CONSTRUCTION, INC. TO CONSTRUCT A COMPACTOR ENCLOSURE AT CAMBIER PARK; AMENDING THE 2005-06 BUDGET AS ADOPTED BY ORDINANCE 05-10962; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 06-11138..... ITEM 6-f
A RESOLUTION APPROVING AN AGREEMENT WITH CONTAINMENT SERVICES INC., FOR THE REMOVAL OF GRIT FROM AERATION BASIN #3 AND FROM THREE BACKWASH FILTERS LOCATED AT THE WASTEWATER TREATMENT PLANT; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 06-11139.....ITEM 6-g
A RESOLUTION APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH TETRA TECH INC. FOR CONSULTING ENGINEERING SERVICES REGARDING ATTAINMENT OF A FLORIDA DEPARTMENT OF ENVIRONMENTAL RESOURCE PERMIT AND SUBMERGED LAND LEASE FOR THE CITY MOORING FIELDS; AMENDING THE 2005-06 BUDGET AS ADOPTED BY ORDINANCE 05-10962; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE. Title not read.

MOTION by Nocera to APPROVE CONSENT AGENDA; seconded by Taylor and unanimously carried (MacIlvaine-absent, Nocera-yes, Price-yes, Sorey-absent, Taylor-yes, Willkomm-yes, Barnett-yes).

END CONSENT AGENDA

ORDINANCE 06-11140.....ITEM 7
AN ORDINANCE AMENDING SECTION 110-54, YARDS, FOR THE PURPOSE OF ADDRESSING ALLOWABLE ENCROACHMENTS INTO SIDE SETBACKS; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (9:32 a.m.).

Public Comment: None. (9:32 a.m.)

MOTION by Nocera to **ADOPT ORDINANCE 06-11140 AS SUBMITTED**;
*seconded by Taylor and unanimously carried (MacIlvaine-absent, Nocera-yes,
Price-yes, Sorey-absent, Taylor-yes, Willkomm-yes, Barnett-yes).*

RESOLUTION 06-11141.....ITEM 8

A RESOLUTION DETERMINING CONDITIONAL USE PETITION 06-CU1 TO ALLOW FOR AN ADDITIONAL RESIDENTIAL DWELLING UNIT AT 360 12TH AVENUE SOUTH TO BE INCLUDED IN THE C1 RETAIL SHOPPING DISTRICT, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO THE CONDITIONS LISTED HEREIN; PROVIDING FOR THE CITY CLERK TO RECORD SAID CONDITIONAL USE; AND PROVIDING AN EXPIRATION DATE AND AN EFFECTIVE DATE. Title read by City Attorney, Robert Pritt. (9:34 a.m.) Planning Administrator Stephen Olmsted reported that this permit had received approval by the Planning Advisory Board (PAB) on December 1 and by the Design Review Board (DRB) on December 15. He further stated that there are two residential units on this site currently with 6,500 square feet of retail and that the petitioner seeks to add an additional unit. A total of 27 parking spaces are required and 28 have actually been provided. An issue, he said, did arise regarding the building height, but the building is in fact below maximum height and also compliant with Federal Emergency Management Agency (FEMA) regulations. In addition, he stated that the question of compatibility of use came before the PAB and that the City does have the right to impose any additional conditions in that regard. Therefore he recommended approval of the petition.

Attorney Erin Degnan, representing building owner RJ Victor, LLC, stated that the request is compatible with the zoning standards for this area. She stated that she had worked closely with planning staff and supports the finding of approval by the DRB and PAB; she therefore requested approval of the Council.

Council Member Price then expressed concern over the location of the building with regard to a one-way, 12-foot wide alley, and said that the City does not have an easement to afford access to the private property on the west side. He also ascertained from Mr. Olmsted that the minimum emergency access requirement is within 50 feet of the front door, although Mr. Price maintained that the landscaping on the west side of the building appears to infringe on the alley and may impede fire truck access. Mr. Price next remarked that three of the proposed parking spaces (16, 17, and 18) appear to require backing into the alley; Mr. Olmsted responded that this was believed to impose no conflict. Mr. Price then stated his concern about the appropriateness of a residential unit in respect to the adjacent alley. Mr. Olmsted however expressed the view that this would be mitigated by adequate landscaping.

Despite compliance with district standards, Council Member Taylor questioned the adequacy of 1½ spaces per residential unit, but Mr. Olmsted said that 27 spaces were provided while 26 were required. He also said that he felt this was the best solution given space available. Miss Taylor however noted that the City is reviewing residential parking issues and that in this instance there would be no parking in the alley itself. She stressed that this alley is a very important thoroughfare and requested a ban on parking there as a condition of approval of this petition. Council Member Price however suggested that prohibiting parking in the alley fell under enforcement; in further discussion it was agreed that this restriction not be imposed. Mr. Price then stated for the record his opposition to this project because of anticipated difficulties with residential units in such close proximity to commercial activities.

Public Comment: None. (9:49 a.m.)

MOTION by Willkomm to APPROVE RESOLUTION 06-11141 AS SUBMITTED (with the parking space conditions specified in Section 2); seconded by Nocera and carried 3-2 (MacIlvaine-absent, Nocera-yes, Price-no, Sorey-absent, Taylor-no, Willkomm-yes, Barnett-yes).

ORDINANCE (First Reading).....ITEM 9
AN ORDINANCE AMENDING SECTION 104.1.11 OF CHAPTER 1, ADMINISTRATION OF SECTION 94-32(c), BUILDING CODE, OF THE NAPLES CODE OF ORDINANCES PERTAINING TO DEMOLITION PERMITS FOR CONTRIBUTING STRUCTURES FOR THE PURPOSE OF INCREASING THE REQUIRED WAITING PERIOD FOR ISSUANCE OF A PERMIT FOR THE DEMOLITION OF A CONTRIBUTING BUILDING IN AN HISTORIC DISTRICT FROM 45 DAYS TO 180 DAYS; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt. (9:55 a.m.)

Public Comment: Sue Smith, 11th Avenue South, spoke with concern as an owner of an older home affected by this proposed ordinance, and also expressed concern that no information had been provided to home owners beyond a classified ad. Mayor Barnett stated that the intent was to allow time for possible preservation of the 64 historic homes so designated. Council Member Price agreed that a notice should be mailed to the affected residences encouraging feedback. Mayor Barnett ascertained that no demolition permit applications were pending and asked whether a continuance would be in order. City Attorney Pritt suggested acting at first reading and then delaying the second reading until the first meeting in April, which would allow for the suggested property owner notification. Council then concurred that the above referenced notice be provided to all affected property owners.

MOTION by Taylor to APPROVE ITEM 9 AT FIRST READING AS SUBMITTED (notifying by mail all affected property owners, and conducting second reading on April 5, 2006); seconded by Price and unanimously carried (MacIlvaine-absent, Nocera-yes, Price-yes, Sorey-absent, Taylor-yes, Willkomm-yes, Barnett-yes).

RESOLUTION 06-11142.....ITEM 10
A RESOLUTION DETERMINING PETITION 06-SD1 FOR A SUBDIVISION PLAT, “RUTTER ESTATES,” IN ORDER TO CREATE TWO LOTS MEASURING 16,686.3 SQUARE FEET AND 24,485.67 SQUARE FEET IN AREA ON PROPERTY LOCATED AT THE SOUTHEAST CORNER OF GULF SHORE BOULEVARD NORTH AND NORTH LAKE DRIVE, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt. (10:11 a.m.) who recommended that “more or less” be inserted into the resolution to qualify the square footage measurement. This being a quasi-judicial proceeding, Council Members made the following ex parte disclosures: Willkomm, Price and Nocera/visited the site but no contact; Barnett/conversed with petitioner’s attorney; and Taylor/familiarity with the site but no contact. Deputy City Clerk Jessica Rosenberg administered an oath to those intending to offer testimony; all responded in the affirmative. Planning Administrator Steven Olmsted explained that division of the property into sites for the main house and guest house would have no impact on adjoining properties. The petitioner, he further explained, wishes to relocate from the main house to the guest house and market the main house as a separate property. Mr. Olmsted listed four additional requests by the Planning Advisory Board (PAB) with reference to the final plan, which will require further review including detailed engineering drawings.

Attorney Steven Pierce, representing the petitioner, reviewed the notations which had been proposed for inclusion on the plat; namely, that access to the southern structure be maintained from Gulf Shore Blvd., North, and, being a nonconformity with reference to setbacks, be brought into compliance should it be replaced. In addition, topographical information had also been added to the drawings and indications of utility access points and that separate utility services would be provided to each parcel requiring granting of appropriate easements. Mr. Pierce also concurred with City Attorney Pritt’s recommendation that “more or less” be added to account for slight variations in property measurements.

Council Member Price then asked whether a new record plat with the new information would be submitted to the Council and City Attorney Pritt confirmed that a final approval would be requested of Council in the future. In conclusion, Mr. Pierce stated that notice of this project had been sent to all surrounding residences and no objections had been submitted.

Public Comment: None (10:27 a.m.)

MOTION by Taylor to APPROVE RESOLUTION 06-11142, AS AMENDED as follows: a) adding the term “more or less” to square footage references; b) including all Planning Advisory Board recommendations contained in the January 25, 2006, staff report (Attachment 1); and c) incorporating the following on the final plat (pursuant to testimony of petitioner’s agent): 1) access to the southern lot to be from Gulf Shore Boulevard North; 2) southern structure, if replaced, to be constructed in accordance with “R1-10” residential zoning requirements; 3) the properties so created would be serviced by independent and separate utility connections; and 4) a perpetual easement will be furnished for access to water and sewer utilities for the benefit of the southern property owner. This motion was seconded by Willkomm and unanimously carried (MacIlvaine-absent, Nocera-yes, Price-yes, Sorey-absent, Taylor-yes, Willkomm-yes, Barnett-yes).

ORDINANCE (First Reading).....ITEM 11
AN ORDINANCE AMENDING SECTION 114-133 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES FOR THE PURPOSE OF CLARIFYING NOTIFICATION RESPONSIBILITIES FOR DREDGING WITHIN NATURALLY OCCURRING INLAND WATERS WITHIN THE CITY; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (10:29 a.m.) who added that this is a legislative matter. Michael Bauer, Natural Resources Manager, said that this legislation is intended to address a redundant process wherein applications must be submitted to both the Florida Department of Environmental Protection (DEP) and then the City Council. This amendment therefore eliminates the local application in lieu of DEP which can take two to three months. However, dredging in manmade waters requires only an application to the City Manager and no approval from DEP is necessary.

Public Comment: None. (10:31 a.m.)

It is noted for the record that Council Member Willkomm left the meeting just prior to the vote on Item 11 and returned at 10:32 a.m.

MOTION by Nocera to APPROVE ITEM 11 AT FIRST READING AS SUBMITTED; seconded by Price and unanimously carried (MacIlvaine-absent, Nocera-yes, Price-yes, Sorey-absent, Taylor-yes, Willkomm-absent, Barnett-yes).

(Continued-see Item 4)ITEM 12
A RESOLUTION APPROVING A CONSENT ORDER WITH THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND APPROVAL OF A TEMPORARY USE AGREEMENT RELATIVE TO VIOLATIONS AT THE CITY DOCK FOR THE USE OF SOVEREIGNTY SUBMERGED LANDS THROUGH DECEMBER 31, 2006; AMENDING THE 2005-06 BUDGET FOR THE PAYMENT OF THE FINES AND SETTLEMENT RELATED TO THE CONSENT ORDER AND TEMPORARY USE AGREEMENT; AUTHORIZING THE MAYOR TO EXECUTE THE CONSENT ORDER AND TEMPORARY USE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 06-11143.....ITEM 13
A RESOLUTION RANKING THE TOP TWO (2) CONSULTING ENGINEERING FIRMS TO PROVIDE PROFESSIONAL ENGINEERING SERVICES ASSOCIATED WITH THE DREDGING WITHIN THE PURVIEW OF THE EAST NAPLES BAY SPECIAL TAXING DISTRICT; AUTHORIZING THE CITY MANAGER TO NEGOTIATE AN AGREEMENT WITH THE TOP-RANKED FIRM; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt. (10:32 a.m.) Mr. Pritt noted for the record that in the third “whereas” clause two rather than three firms were noted because only two responses had been received in this instance.

Public Comment: None. (10:33 a.m.)

MOTION by Nocera to APPROVE RESOLUTION 06-11143 AS SUBMITTED; seconded by Willkomm and unanimously carried (MacIlvaine-absent, Nocera-yes, Price-yes, Sorey-absent, Taylor-yes, Willkomm-yes, Barnett-yes).

ORDINANCE (First Reading).....ITEM 14
AN ORDINANCE AMENDING SECTION 2-356 (2) OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, WAIVER OF COMPETITIVE BIDDING REQUIREMENTS, FOR THE PURPOSES OF AMENDING THE DOLLAR AMOUNT FOR CERTAIN IMPRACTICAL BIDS; AND PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (10:34 a.m.) who explained that when thresholds for City Manager approval had been raised, the waiver did not undergo the necessary matching change. If the accepted bid for a service is over \$50,000, the City Manager must therefore still seek approval from Council which seems impractical. Council Member Price stated that it was his understanding that such a waiver would have been employed only twice if this change had been in effect. Nevertheless, he maintained a concern that Council should receive notification of incidents when a waiver is used over the present \$10,000 limit. City Manager Robert Lee offered to include this information in his monthly financial report to the Council.

Recess: 10:42 a.m. to 10:54 a.m. It is noted for the record that the same Council Members were present when the meeting reconvened.

After the meeting reconvened, City Attorney Pritt noted an amendment to Section 2 of the ordinance as follows: “The City Manager shall prepare and provide to Council on a regular basis a report of administrative bid waivers for bids exceeding a bid threshold of \$10,000.” Council Member Price indicated his approval of this recommendation.

Public Comment: None. (10:54 a.m.)

MOTION by Willkomm to APPROVE ITEM 14 AT FIRST READING AS AMENDED by adding to Section 2: “The City Manager shall prepare and

provide to Council on a regular basis a report of administrative bid waivers for bids exceeding a threshold of \$10,000.” This motion was seconded by Price and unanimously carried (MacIlvaine-absent, Nocera-yes, Price-yes, Sorey-absent, Taylor-yes, Willkomm-yes, Barnett-yes).

RESOLUTION 06-11144.....ITEM 15

A RESOLUTION APPROVING THE COMMUNITY REDEVELOPMENT AGENCY’S (CRA) SPONSORSHIP OF THE FOUR CORNERS DESIGN COMPETITION’S “PEOPLE’S CHOICE AWARD” USING CRA FUNDS; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney, Robert Pritt (10:55 a.m.). Mayor Barnett noted for the record that the Community Redevelopment Agency (CRA) had met that week and that this topic had been discussed. Chet Hunt, CRA Manager, stated that the number of entries had reached 70 and that \$10,000 would be awarded to the winner. He asked that the City be one of the sponsors in the amount of \$5,000. Mayor Barnett asked for suggestions in publicizing the event. Stephen Weeks, Technology Services Director, said that he believed that a short segment could be worked into transmissions on the City’s cable television channel. A short discussion of voting for winners followed.

Public Comment: None. (10:58 a.m.)

MOTION by Taylor to APPROVE RESOLUTION 06-11144 AS SUBMITTED;
seconded by Nocera and unanimously carried (MacIlvaine-absent, Nocera-yes, Price-yes, Sorey-absent, Taylor-yes, Willkomm-yes, Barnett-yes).

RESOLUTION 06-11145.....ITEM 16

A RESOLUTION APPROVING EMERGENCY ASSISTANCE TO REPAIR THE ROOF AT FUN TIME EARLY CHILDHOOD ACADEMY, INC. USING COMMUNITY REDEVELOPMENT AGENCY (CRA) FUNDS; AMENDING THE 2005-06 BUDGET BY \$12,500 TO PAY FOR HURRICANE WILMA DAMAGE TO THE FUN TIME NURSERY ROOF; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt. (11:00 a.m.) Council Member Taylor expressed concern that the roof is being guaranteed for only two years and there is no guarantee that the new building can be completed in this same time frame. Chet Hunt, CRA Manager, then responded that the contractor had indicated two years had applied to workmanship. Council Member Willkomm also pointed out that it was doubtful any such guarantee would extend beyond two years for workmanship and that material warranties approximate 15 to 20 years. Therefore, any leaks should be considered minor repairs. Mr. Hunt stressed that Fun Time Early Childhood Development Center is a qualified non-profit organization and that this would not set a precedent with reference to the redevelopment district. Council Member Taylor requested that, in light of this funding request, Fun Time provide documentation of salaries and benefits despite the emergency nature of this funding approval.

Public Comment: None. (11:15 a.m.)

MOTION by Barnett to APPROVE RESOLUTION 06-11145 AS SUBMITTED;
seconded by Nocera and unanimously carried (MacIlvaine-absent, Nocera-yes, Price-yes, Sorey-absent, Taylor-yes, Willkomm-yes, Barnett-yes).

RESOLUTION 06-11146..... ITEM 17-a-1

A RESOLUTION APPOINTING ONE RESIDENT OF POLICE PATROL SECTOR 5 TO THE CITIZENS’ POLICE REVIEW BOARD FOR A TWO-YEAR TERM COMMENCING MARCH 17, 2006, AND EXPIRING MARCH 16, 2008; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt. (11:16 a.m.) Mayor Barnett led a brief discussion regarding interaction of CPRB members with the public.

Mayor Barnett agreed to draft a letter to the chairs of boards and committees stressing the importance of courtesy to the public during their deliberations.

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

MOTION by Taylor to **APPROVE RESOLUTION 06-11146 AS SUBMITTED** (appointing Eugene Greener); seconded by Nocera and unanimously carried (MacIlvaine-absent, Nocera-yes, Price-yes, Sorey-absent, Taylor-yes, Willkomm-yes, Barnett-yes).

RESOLUTION 06-11147..... ITEM 17-a-2
A RESOLUTION APPOINTING ONE RESIDENT OF POLICE PATROL SECTOR 3 TO THE CITIZENS’ POLICE REVIEW BOARD FOR A TWO-YEAR TERM COMMENCING MARCH 17, 2006, AND EXPIRING MARCH 16, 2008; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt. (11:26 a.m.)

Public Comment: None. (11:26 a.m.)

MOTION by Taylor to **APPROVE RESOLUTION 06-11147 AS SUBMITTED** (appointing Willie Anthony); seconded by Barnett and unanimously carried (MacIlvaine-absent, Nocera-yes, Price-yes, Sorey-absent, Taylor-yes, Willkomm-yes, Barnett-yes)

RESOLUTION 06-11148..... ITEM 17-a-3
A RESOLUTION APPOINTING ONE RESIDENT TO AT-LARGE SEAT #1 OF THE CITIZENS’ POLICE REVIEW BOARD FOR A TWO-YEAR TERM COMMENCING MARCH 17, 2006, AND EXPIRING MARCH 16, 2008; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt. (11:27 a.m.)

Public Comment: None. (11:27 a.m.)

MOTION by Nocera to **APPROVE RESOLUTION 06-11148 AS SUBMITTED** (appointing Harriet Coleman); seconded by Taylor and unanimously carried (MacIlvaine-absent, Nocera-yes, Price-yes, Sorey-absent, Taylor-yes, Willkomm-yes, Barnett-yes).

RESOLUTION 06-11149..... ITEM 17-a-4
A RESOLUTION APPOINTING ONE RESIDENT TO AT-LARGE SEAT #3 OF THE CITIZENS’ POLICE REVIEW BOARD FOR A TWO-YEAR TERM COMMENCING MARCH 17, 2006, AND EXPIRING MARCH 16, 2008; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt. (11:28 a.m.)

Public Comment: None. (11:28 a.m.)

MOTION by Price to **APPROVE RESOLUTION 06-11149 AS SUBMITTED** (appointing Lloyd Donnelly); seconded by Taylor and unanimously carried (MacIlvaine-absent, Nocera-yes, Price-yes, Sorey-absent, Taylor-yes, Willkomm-yes, Barnett-yes).

RESOLUTION 06-11150..... ITEM 17-a-5
A RESOLUTION APPOINTING ONE RESIDENT OF POLICE PATROL SECTOR 1 TO THE CITIZENS’ POLICE REVIEW BOARD FOR A TWO-YEAR TERM COMMENCING MARCH 17, 2006, AND EXPIRING MARCH 16, 2008; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt. (11:29 a.m.)

Public Comment: None. (11:29 a.m.)

MOTION by Taylor to **APPROVE RESOLUTION 06-11150 AS SUBMITTED** (appointing James Jessee); seconded by Price and unanimously carried (MacIlvaine-absent, Nocera-yes, Price-yes, Sorey-absent, Taylor-yes, Willkomm-yes, Barnett-yes).

RESOLUTION 06-11151..... ITEM 17-b
A RESOLUTION RECOMMENDING ONE CITY RESIDENT FOR APPOINTMENT TO THE COLLIER COUNTY CONTRACTORS LICENSING BOARD FOR A THREE-YEAR TERM IN THE CATEGORY OF SPECIALTY CONTRACTOR; DIRECTING THE CITY CLERK TO PROVIDE SAID RECOMMENDATION TO THE COLLIER COUNTY COMMISSION FOR APPOINTMENT; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt. (11:30 a.m.)

Public Comment: None. (11:30 a.m.)

MOTION by Barnett to APPROVE RESOLUTION 06-11151 AS SUBMITTED (appointing Eric Guite); seconded by Price and unanimously carried (MacIlvaine-absent, Nocera-yes, Price-yes, Sorey-absent, Taylor-yes, Willkomm-yes, Barnett-yes).

ORDINANCE 06-11152..... ITEM 18
AN ORDINANCE OF THE CITY OF NAPLES, FLORIDA, AMENDING THE CITY OF NAPLES CODE OF ORDINANCES; CHAPTER 50; ARTICLE V FIREFIGHTERS' PENSION AND RETIREMENT SYSTEM, AMENDING SECTION 50-286, DEFINITIONS, TO PROVIDE A DEFINITION OF PRIOR SERVICE CREDIT ALLOWING FOR THE PURCHASE OF PRIOR MILITARY AND FIREFIGHTER SERVICE; AMENDING SECTION 50-288(2), MAINTENANCE OF FUND, TO PROVIDE FOR INCREASED EMPLOYEE CONTRIBUTIONS CONTINGENT ON INCREASES IN CITY CONTRIBUTIONS; REPEALING SECTION 50-337(8) AS OBSOLETE; AMENDING SECTION 50-337(9) TO PROVIDE INCREASED COST OF LIVING ADJUSTMENTS FOR FIREFIGHTERS WHO RETIRE SUBSEQUENT TO SPECIFIC DATES AND AT SPECIFIC AGES; AMENDING AND CLARIFYING SECTION 50-338(a)(2) TO LIMIT AMOUNT PAYABLE TO SURVIVOR ONLY UPON DEATH OF FIREFIGHTER; AMENDING AND CLARIFYING SECTION 50-338(c) BY INCORPORATING BY REFERENCE THE PROVISIONS OF SECTION 415(b) OF THE INTERNAL REVENUE CODE; PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY AND APPLICABILITY; PROVIDING AN EFFECTIVE DATE AND FOR ADOPTION. Title read by City Attorney Robert Pritt. (11:32 a.m.)

Public Comment: None. (11:32 a.m.)

MOTION by Taylor to ADOPT ORDINANCE 06-11152 AS SUBMITTED; seconded by Nocera and unanimously carried (MacIlvaine-absent, Nocera-yes, Price-yes, Sorey-absent, Taylor-yes, Willkomm-yes, Barnett-yes).

BEAR'S PAW COUNTRY CLUB WALL..... ITEM 19
CONSIDER REQUEST BY BEAR'S PAW COUNTRY CLUB TO PRESENT REZONE PETITION 06-R1 TO ALLOW CONSTRUCTION OF AN 8 FOOT WALL ADJACENT TO PORTIONS OF 2500 GOLDEN GATE PARKWAY AND AIRPORT-PULLING ROAD AT THE MARCH 15, 2006 COUNCIL MEETING. It was noted by City Attorney Robert Pritt that this was a legislative matter. City Manager Robert Lee indicated that this project had been delayed due to procedural issues and that the Planning Advisory Board review would occur on March 8.

Public Comment: None. (11:34 a.m.)

MOTION by Taylor to APPROVE ITEM 19; seconded by Willkomm and unanimously carried (MacIlvaine-absent, Nocera-yes, Price-yes, Sorey-absent, Taylor-yes, Willkomm-yes, Barnett-yes).

PUBLIC COMMENT.....

(11:35 a.m.) **Sue Smith, 11th Avenue South**, requested clarification on a comment made during a Community Redevelopment Agency (CRA) meeting regarding \$5-million in unused funds. City Manager Robert Lee replied that the financial report of the CRA would be made available to Mrs. Smith. Mrs. Smith then stated that she could think of no better use for these funds than assisting the people of the River Park area and the Fun Time Early Childhood Development Center.

CORRESPONDENCE AND COMMUNICATIONS.....

Council Member Price thanked staff for producing information on requests for federal appropriations.

Noting a movie scheduled April 22 at the Cambier Park bandshell, Vice Mayor Member Nocera requested that the program continue throughout the summer possibly with sponsorship from local businesses. Mr. Nocera also mentioned an auto show on Saturday, March 4, and that the proceeds from this event would go to charity.

City Manager Robert Lee then said he is in the process of developing a tiered system including full time code enforcement officers but also utilizing other employees such as building inspectors and police officers with authority to issue citations. A second tier would involve designating 12-15 other City employees who, while out in the field performing other duties, would have code enforcement powers (issuing citations, testifying before the Board). The third tier would involve City employees in general, who would have access to a central reporting source, such as utilizing a software system to enter any violations noted while on duty. These latter individuals would have no enforcement powers nor issue citations, however.

In response to Vice Mayor Nocera, City Manager Lee said that it was recommended that the Fishing Pier be closed for four hours, one day a week to make repairs and improvements. Mr. Nocera added that there are various individuals willing to donate benches at the pier which could be placed under the shaded areas to provide additional seating.

Council Member Taylor requested information on surtaxes for affordable housing which she indicated had been employed on the East Coast. Miss Taylor also mentioned a communication from Crayton Road resident Elaine Luckhart regarding the City's planned replacement of trees on Crayton Road which would have also entailed removal of trees her late husband had planted with the City's approval in the right-of-way. Mrs. Lutgert, she said, had contacted the City but had received no response. Miss Taylor further stated that she felt respect had not been afforded Mrs. Lutgert. City Manager Lee stated that he would follow up on this issue.

Council Member Taylor also noted a letter from Harvey and Anne Shreve expressing their reluctance to execute a temporary beach restoration easement for their beachfront property which would be in force for 20 years. Miss Taylor then added the Shreves had expressed a willingness to however grant an easement for a lesser period of time.

Miss Taylor commended staff for reviewing area parking and expressed the hope that the report would be provided before the Council's summer recess. She also questioned Finance Director Ann Marie Ricardi's signing off as reviewing bids and that she felt the City Attorney should be handling this function. City Manager Lee assured Council that he had personally requested Ms. Ricardi to do this, but that Mr. Pritt also reviews bids.

City Council Regular Meeting – March 1, 2006 – 9:00 a.m.

Mayor Barnett mentioned the upcoming City Council/Collier County Commission workshop on Tuesday, March 7.

ADJOURN
11:58 a.m.

Bill Barnett, Mayor

Tara A. Norman, City Clerk

Minutes prepared by:

Vicki L. Smith, Technical Writing Specialist

Minutes Approved: _____

City Council Regular Meeting – March 1, 2006 – 9:00 a.m.

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Attachment 1, Page 1 of 1.

subdivision plan is approved, Section 98-31 of the Code of Ordinances requires subsequent review and approval of a record plat. Approval of a preliminary plan does not guarantee approval of the construction plans or record plat.

- The subject property is zoned R1-10. The lots as proposed meet the dimensional requirements of the zoning district. However, if the division is approved, the side yard of the existing two story residence at 616 Gulf Shore Boulevard becomes a rear yard with a setback of 18 feet and 7 inches. This existing structure would not meet the rear yard setback of the R1-10 district of 25 feet and would become a nonconforming structure. If destroyed, the structure would be required to be reconstructed in conformance with all setback requirements. The lot would be large enough to meet setback requirements. Access to both homes will continue to be provided from North Lake Drive as existing conditions with regards to both structures is not proposed to change. The Planning Division does not object to the proposed division as proposed with the condition that if the existing two story residence is ever destroyed or demolished, access would be provided from Gulf Shore Boulevard. A note to that effect should be included on the recorded plat.
- The preliminary plan appears to meet all of the submittal criteria for a preliminary plan as specified in Section 98-32 of the Code of Ordinances. Comments and requirements of other City departments that have reviewed the submitted plans are attached. The proposed plat will need to comply with any and all applicable local, county, state and federal laws and requirements.
- **FINDINGS:** Comments from The Transportation and Utilities Administration Divisions are attached. Compliance with the comments of these reports can be met at the time the record plat is reviewed and approved.
- **PUBLIC NOTIFICATION:**
On January 18, 2006, a total of 41 letters were mailed to all property owners located within 500 feet of the subject property. To date there have been no responses.
- **STAFF RECOMMENDATION:** The Planning Division recommends approval of the proposed replat to allow for the division of the subject property into two separate lots contingent upon satisfactory resolution of all issues identified in attached reports from the Utilities Administration Department dated January 19, 2006, and the Transportation Department dated January 19, 2006, and with the condition that a note be included on the plat requiring access to be provided from Gulf Shore Boulevard to the southern lot if and when the existing home is demolished.

Respectfully submitted,

Stephen R. Olmsted, AICP
Planning Manager

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