

DRAFT MINUTES



City Council Chamber
735 Eighth Street South
Naples, Florida 34102

City Council Regular Meeting – September 18, 2013 – 8:30 a.m.

1. ROLL CALL

Present:

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

Also Present:

William Moss, City Manager
Robert Pritt, City Attorney
Patricia Rambosk, City Clerk
Vicki Smith, Deputy City Clerk
Robert Middleton, Utilities Director
Denise Perez, Human Resources Director
Charlotte O'Bryon, Administrative Coordinator
David Lykins, Community Services Director
Joe Boscaglia, Parks & Parkways Superintendent
Thomas Weschler, Police Chief
Roger Reinke, Assistant City Manager
Erica Goodwin, Planner
George Archibald, Transportation Planning Engineer
Lori Parsons, Risk Manager
Gregg Strakaluse, Streets & Stormwater Director
Robin Singer, Planning Director
Mark Jackson, Technology Services Director
Roger Jacobsen, Code & Harbor Manager
Jed Secory, Purchasing Manager
Joel Daurity
Andrew Dickman
Amy Lane
Dolores Sorey Amy Schler

Council Members:

Bill Barnett
Doug Finlay
Teresa Heitmann
Sam Saad III
Margaret "Dee" Sulick

John Hanley
John Allen
Henry Kennedy
Donna Krall
Jim Zimmerman
Michael Anderson
Richard Yovanovich
Jeffrey Curl
Bob Bernardi
Lise Sundrla
Jim Flagler
Andrew Deane
Kris Kaltenborn
Joyce Jacobs
Alan Mengel
Linda Penniman
Amy Saad
Ellie Krier
Linda Black
William Nehr Korn
Lex Tsaggaris
Michelle Martin
Roslyn Katz

It is noted for the record that all documentation electronically appended hereto is also contained in the file for the meeting in the City Clerk's Office.

2. INVOCATION AND PLEDGE OF ALLEGIANCE

Reverend John A. Hanley, St. Ann's Catholic Church.

3. ANNOUNCEMENTS:

- Mayor Sorey recognized Natural Resources Manager Michael Bauer for his reappointment to the Florida Environmental Regulation Committee;
- Keep Collier Beautiful proclamation was read by Mayor Sorey; and
- Employee Service Awards were presented by various department directors (a copy of the list of employees receiving awards is contained in the file for this meeting in the City Clerk's Office.)

4. SET AGENDA (add or remove items)

MOTION by Barnett to SET THE AGENDA removing Item 6-f from the Consent Agenda for separate discussion; seconded by Sulick and carried 6-0 (Barnett-yes, Finlay-yes, Heitmann-yes, Price-absent, Saad-yes, Sulick-yes, Sorey-yes).

5. PUBLIC COMMENT

Bob Bernardi, 600 5th Avenue South, #301, utilized an electronic presentation to review his comments in opposition to the flight path of aircraft leaving the municipal airport from runway 5/23 over 5th Avenue South. He indicated that he supported a path that would direct the flights over Naples Bay. **Andrew Deane, representing the Port Royal Property Owners Association**, voiced its objection to a change in the 5th Avenue South flight plan, pointing out that the Naples Bay path would result in aircraft traveling 4.5 miles before reaching open water while the existing distance is 1.5 miles following 5th Avenue. **Kris Kaltenborn, 484 1st Avenue North, representing the Old Naples Association**, urged Council to review the issues regarding the aforementioned flight path. **Jim Flagler, 2403 Boca Ciega Drive**, stated that he did not agree with a *Naples Daily News* article indicating that a conflict of interest exists with the recent appointment of Mayor Sorey as Executive Director of the Naples Players. He further noted his establishment of a group to act as a liaison between the public and local government agencies. **Michael Anderson, no address provided**, commented regarding personal legal issues. **Joyce Jacobs, representing the Harry Chapin Food Bank**, thanked the local community for its support.

[Path Study - Bernardi \(Added Attachment\)](#)

[Survey Area - Bernardi \(Added Attachment\)](#)

[Flight Path Presentation - Bernardi \(Added Attachment\)](#)

CONSENT AGENDA

MOTION by Barnett to APPROVE CONSENT AGENDA as submitted except Item 6-f; seconded by Finlay and carried 6-0 (Barnett-yes, Finlay-yes, Heitmann-yes, Price-absent, Saad-yes, Sulick-yes, Sorey-yes).

6. Consent Agenda

6-a. APPROVAL OF MINUTES FOR THE AUGUST 19, 2013 WORKSHOP AND AUGUST 21, 2013 REGULAR MEETINGS

[Agenda Memorandum](#) [8/19/13 Minutes](#) [8/21/13 Minutes](#)

6-b. CLERK'S TRACKING 13-00074 - APPOINTING LONNIE MILLS TO THE CARVER FINANCE BOARD OF DIRECTORS

[Agenda Memorandum](#)

6-c. AUTHORIZING PAYMENT TO SUNGARD PUBLIC SERVICE FOR SOFTWARE MAINTENANCE AND SUPPORT

[Agenda Memorandum](#) [Invoice](#)

6-d. RESOLUTION 13-13333 - APPROVING SOUTH FLORIDA WATER MANAGEMENT DISTRICT (SFWMD) 2013-2014 ALTERNATIVE WATER SUPPLY FUNDING PROGRAM AGREEMENT NO. 4600002927, TO PROVIDE MATCHING GRANT FUNDS IN THE AMOUNT OF \$600,000 FOR THE CONSTRUCTION OF AQUIFER STORAGE AND RECOVERY WELL 3.

Title not read.

[Agenda Memorandum](#) [Resolution](#) [Agreement](#)

6-e. RESOLUTION 13-13334 - APPROVING SOUTH FLORIDA WATER MANAGEMENT DISTRICT 2013-2014 ALTERNATIVE WATER SUPPLY FUNDING PROGRAM AGREEMENT NO. 4600002928, TO PROVIDE MATCHING GRANT FUNDS IN THE AMOUNT OF \$1,000,000 FOR THE CONSTRUCTION OF PHASE III OF THE RECLAIMED WATER DISTRIBUTION SYSTEM.

[Agenda Memorandum](#)

[Resolution](#)

[Agreement](#)

END OF CONSENT AGENDA

6-f. RESOLUTION 13-13335 - APPROVING COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AGREEMENT BETWEEN COLLIER COUNTY AND THE CITY OF NAPLES, ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$105,835 FOR A WHEELCHAIR ACCESSIBLE PLAY STRUCTURE TO BE CONSTRUCTED ACROSS THE STREET FROM THE RIVER PARK COMMUNITY CENTER LOCATED AT 1098 3RD AVENUE NORTH.

Title read by City Attorney Robert Pritt. In response to Council, City Manager William Moss briefly reviewed the item as contained in the agenda memorandum as well as the process for submitting applications for Community Development Block Grant (CDBG) funding to Collier County, which administers the HUD (Federal Department of Housing and Urban Development) allocations. Various Council Members expressed concern with regard to developing the City's priorities for the funding and Mayor Sorey recommended that Council provide their suggestions to staff for future consideration.

Public Comment: None.

MOTION by Sulick to APPROVE RESOLUITON 13-13335 as submitted; seconded by Heitmann and carried 6-0 (Barnett-yes, Finlay-yes, Heitmann-yes, Price-absent, Saad-yes, Sulick-yes, Sorey-yes).

[Agenda Memorandum](#)

[Resolution](#)

[Agreement](#)

[Site Map](#)

7 RESOLUTION 13-13336 - A RESOLUTION DETERMINING VARIANCE PETITION 13-V7 FROM SECTION 50-35(a), PERMITTED SIGNS, COMMERCIAL ZONING DISTRICTS, OF THE CODE OF ORDINANCES TO ALLOW THE ADDITION OF TWO WALL SIGNS FOR A TOTAL OF 3 WALL SIGNS WHERE ONE 60 SQUARE FOOT WALL SIGN IS ALLOWED, FOR HERTZ RENTAL CAR COMPANY LOCATED AT 850 SEAGATE DRIVE IN THE HIGHWAY COMMERCIAL DISTRICT, OWNED BY ANNE H. LANGLEY, MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Robert Pritt. This being a quasi-judicial proceeding, Notary Public Vicki Smith administered an oath to those intending to offer testimony; all responded in the affirmative. City Council Members then made the following ex parte disclosures: Barnett, Finlay, Sorey and Sulick/familiar with the site but no contact; Heitmann/visited the site but no contact; and Saad/visited the site and spoke with nearby community members. Architect Joel Daurity, petitioner's agent, utilized an electronic presentation to briefly review the request, explaining that one of the new signs is to be on the north façade, or front of the building, and the other on the west, which is the direction from which all patrons would ingress as a median on Seagate Drive prohibits eastbound traffic from directly accessing the site. Noting the existing sign on the east façade, he reported that all three would be 26.25 square feet in size, a reduction which the Planning Advisory Board (PAB) had supported.

Planner Erica Goodwin reviewed the history of this petition's prior hearings and the staff report, noting that staff recommended denial based primarily on the request for the west façade sign which it deems unnecessary for east-bound traffic on Seagate Drive. Discussion followed during which Mr. Daurity indicated that existing window signage would be removed should the request be approved for both the north and west facing signs, adding that the majority of Hertz customers are transient and not familiar with location and traffic pattern into the site.

Public Comment: None.

MOTION by Barnett to APPROVE RESOLUTION 13-13336 as submitted conditional upon the removal of existing window signage and installed per

the revised plan; seconded by Sorey and FAILED 3-3 (Saad-no, Price-absent, Finlay-no, Barnett-yes, Sulick-no, Heitmann-yes, Sorey-yes).

Following the failure of the above motion, Council Member Sulick proffered the motion below.

MOTION by Sulick to APPROVE RESOLUTON 13-13336 amended as follows: Section 1: "...addition of one ~~two~~ wall signs on the north façade for a total of 2 3 wall signs...". This motion was seconded by Saad and carried 4-2 (Price-absent, Barnett-yes, Sulick-yes, Saad-yes, Finlay-no, Heitmann-no, Sorey-yes).

It is noted for the record that Item 7 was reconsidered later in the meeting; see Page 11 for final action.

[Agenda Memorandum](#) [Resolution](#) [Application](#) [Plans](#)
[Revised Plans](#) [Staff Report](#) [PAB Minutes](#)
[Petitioner's Photo Presentation \(Added Attachment\)](#)

8. RESOLUTION 13-13337 - A RESOLUTION DETERMINING VARIANCE PETITION 13-V8 FROM SECTION 58-296(2)c OF THE CODE OF ORDINANCES TO ALLOW FOR A SCREEN ENCLOSURE TO BE LOCATED 2.2 FEET OFF OF THE SIDE PROPERTY LINE, WHERE A 12.5 FOOT SETBACK IS REQUIRED IN THE R3-12 ZONING DISTRICT, FOR PROPERTY OWNED BY KATE KRASKA AND LOCATED AT 1065 4TH STREET SOUTH, MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Robert Pritt. This being a quasi-judicial proceeding, Notary Public Vicki Smith administered an oath to those intending to offer testimony; all responded in the affirmative. City Council Members then made ex parte disclosures to the effect that all had visited the site and Heitmann and Sulick/no contact; Saad/spoke with the petitioner's agent and members of the community; Finlay/spoke with the petitioner's agent and Alan Mengel; and Barnett and Sorey/spoke with Mr. Mengel. Attorney Richard Yovanovich, agent for the petitioner, utilized photographs of the site to provide an overview of the requested screen enclosure which is to enclose a small patio area at the rear of the unit; an existing areca palm landscape buffer is to remain along the rear property line, he added. In response to Mayor Sorey, he clarified that the enclosure would be a maximum height of 10 feet at the building and slope to a maximum height of 8 feet to the rear along the aforementioned landscape buffer; the buffer would be maintained at a minimum height to that of the screen enclosure, if approved, he confirmed. He further stated that a letter of support from the Old Royal Poinciana Cottages Association had been submitted for the Planning Advisory Board hearing of the petition (a copy of which is contained in the file for this meeting in the City Clerk's Office).

Planner Erica Goodwin briefly reviewed the staff report which included the recommendation for denial by staff and the basis therefor; the PAB had agreed with the recommendation, she added.

Discussion followed during which Alan Mengel, representing the petitioner, confirmed the height of the proposed screen enclosure, as referenced above, and resulted in the motion below.

Public Comment: None.

MOTION by Heitmann to APPROVE RESOLUTION 13-13337 amended as follows: Title and Section 1 are to reflect language in first Whereas clause; Section 2: "...Ordinances: "1. An areca palm buffer shall be maintained at a minimum height to that of the screen enclosure."; "2) The size of the screen enclosure shall be consistent with the width and height of the existing screen around the spa."; and "3) The screen enclosure shall be a maximum height of 10 feet at the building and a maximum height of 8 feet at the property line (sloped)". This motion was seconded by Barnett and carried 5-1 (Barnett-yes, Price-absent, Heitmann-yes, Saad-yes, Finlay-yes, Sulick-no, Sorey-yes).

[Agenda Memorandum](#) [Resolution](#) [Application](#)

[Screen Enclosure Drawing](#) [Staff Report](#) [PAB Minutes](#)
[Petitioner's Photographs \(Supplement 3\)](#)
[Petitioner's Handout \(Added Attachment\)](#)

Recess: 10:36 a.m. to 10:48 a.m. It is noted for the record that the same Council Members were present when the meeting reconvened.

9. APPROVAL OF SPECIAL EVENTS:

- 9-a. Art in the Park - Naples Art Association - Park Street, Cambier Park - 11/2/13, 12/7/13 2/1/14, 3/1/14, and 4/5/14**
- 9-b. 38th Annual Great Dock Canoe Race - Dock Restaurant - Crayton Cove, 12th Avenue South - 5/10/14**
- 9-c. Sunday Concerts - Naples Concert Band - Cambier Park Bandshell 10/20/13, 11/10/13, 12/1/13, 1/19/14, 2/9/14, 3/2/14, 3/23/14 and 4/11/14**
- 9-d. Southwest Florida Big Band Concerts - Southwest Florida Big Band - Cambier Park Bandshell -12/29/13, 1/20/14, 2/17/14, and 4/27/14**
- 9-e. Sunday Afternoon Concerts - Gulf Coast Big Band - Cambier Park Bandshell - 11/17/13, 12/15/13, 1/26/14, 2/16/14, 3/16/14 and 4/6/14**
- 9-f. 2013 Collier County Heart Walk - American Heart Association - 11/2/13**
- 9-g. 39th Annual Christmas Walk and Tree Lighting - Fifth Avenue South Business Improvement District (FASBID) -5th Avenue South, 3rd Street South, Park Street - 12/5/13**
- 9-i. Christmas on 3rd 2013 - Third Street South Association - within the 3rd Street South Shopping District - 11/25/13**
- 9-j. Annual Naples Daily News ½ Marathon - Gulf Coast Runners - Cambier Park, Old Naples, 5th Avenue South, 9th Street South, Gulf Shore Boulevard, 8th Street South, 5th Avenue South, 8th Avenue South, 2nd Street South, 15th Avenue South, Treasure Lane, Galleon Drive, Kingstown Drive and Fort Charles Drive - 1/19/14**
- 9-k. 8th Annual Empty Bowls - Harry Chapin Food Bank of Southwest Florida within Cambier Park - 1/25/14**
- 9-l. Christmas Parade 2013 - City of Naples - 3rd Street South, Broad Avenue South, 5th Avenue South, and 8th Street South - 12/10/13**
- 9-m. 2013 New Year's Eve Fireworks - City of Naples - Naples Pier and 12th Avenue South - 12/31/13**
- 9-n. Dixieland Jazz Concerts - Naples Dixieland Jazz Band - Cambier Park Bandshell - 10/27/13, 11/3/13, 12/8/13, 1/12/14, 2/2/14, 3/9/14, 3/30/14, 4/13/14 and 5/4/14**
- 9-o. Naples Jazz Orchestra Band Concerts - Cambier Park - 1/6/14, 1/13/14, 1/27/14, 2/3/14, 2/10/14, 2/24/14, 3/10/14 3/24/14, 3/31/14, 4/7/14 and 4/14/14**

9-g. The 64th Annual Swamp Buggy Parade - Swamp Buggy, Inc. - U.S. 41 from Fleischmann Boulevard to 3rd Avenue South - 11/2/13

9-r. Evening on Fifth - Fifth Avenue South Business Improvement District (FASBID) - 5th Avenue South, Park Street, 8th Street South, 5th Avenue South, and West Lake Drive - 10/10/13, 11/14/13 and 12/12/13

General comments regarding special events followed during which Council Member Sulick observed that parking remains an issue for the larger events such as the jazz concerts held in Cambier Park; coolers with food and beverages are also brought to the concerts which should not be allowed, she added. Council Member Saad stated that the events are not held solely to support commerce along 5th Avenue South and Mayor Sorey recommended that a workshop discussion of policies for special events be scheduled; action must be taken on the above items, he said.

Public Comment: Lex Tsaggaris, representing the Naples Jazz Orchestra (Item 9-o), stated that its concerts do not attract 5,000 patrons but average 1,500 to 1,700 persons. In response to Mrs. Sulick, he said that while some bring coolers, many in fact patronize the nearby restaurants. Tickets are to be sold for concerts during the upcoming season; this will allow an accurate reporting of attendance. Amy Lane, Executive Director of the Garden of Hope and Courage (Item 9-s), noted that following discussions with staff, the application for Item 9-s had been amended to reflect 3rd Street South as an alternate venue should Council prefer it over 5th Avenue South. Council agreed with the amended locale.

In response to a suggestion by Mayor Sorey, the list of events was reviewed and 9-h, 9-p and 9-s were separately discussed and approved by individual action (see below).

MOTION by Saad to APPROVE THIS ITEM as submitted except 9-h, 9-p and 9-s, which were removed for separate action; seconded by Barnett and carried 6-0 (Barnett-yes, Finlay-yes, Heitmann-yes, Price-absent, Saad-yes, Sulick-yes, Sorey-yes).

9-h. Downtown Naples New Year's Art Fair - Naples Art Association - 5th Avenue South, Park Street, 8th Street South, 5th Street South, 4th Street South, East Lake Drive and West Lake Drive - 1/4/14 and 1/5/14

in response to Council, Naples Art Association Executive Director Amy Schler confirmed that activities on East and West Lake Drive occur only to the alley which allows access for vendors. She agreed to the amendment reflected in the motion below.

MOTION by Sulick to APPROVE ITEM 9-h allowing activities on East Lake and West Lake Drives to the alley only; seconded by Saad and carried 6-0 (Barnett-yes, Finlay-yes, Heitmann-yes, Price-absent, Saad-yes, Sulick-yes, Sorey-yes).

9-p. Music Makers Show Band Concerts - Music Makers Show Band - Cambier Park Bandshell - 11/24/13, 1/5/14, 1/24/14, 2/14/14, 3/7/14, and 4/4/14

MOTION by Barnett to APPROVE ITEM 9-p as submitted; seconded by Heitmann and carried 6-0 (Barnett-yes, Finlay-yes, Heitmann-yes, Price-absent, Saad-yes, Sulick-yes, Sorey-yes).

9-s. Stiletto Sprint - Garden of Hope and Courage and Susan G. Komen Southwest Florida Affiliate - 5th Avenue South and Cambier Park Bandshell or 3rd Street South - 10/19/13

MOTION by Saad to APPROVE ITEM 9-s for 3rd Street South; seconded by Barnett and carried 6-0 (Barnett-yes, Finlay-yes, Heitmann-yes, Price-absent, Saad-yes, Sulick-yes, Sorey-yes).

[Agenda Memorandum](#)

[Amended Agenda Memorandum \(Supplement 2\)](#)

[Permit Applications](#)

[Email Transmittal \(Supplement 1\)](#)

[Special Event List 2012 \(Supplement 1\)](#)

[2013 Season Calendar \(Supplement 1\)](#)

10. RESOLUTION 13-13338 - A RESOLUTION DETERMINING RIGHT-OF-WAY PERMIT APPLICATION 2013-162 FOR PERMEABLE HARDSCAPE PARKING IN THE PUBLIC RIGHT-OF-WAY ON SECOND STREET SOUTH ADJACENT TO THE PRIVATE RESIDENCE OWNED BY 207 BROAD AVE SOUTH, LLC AND LOCATED AT 207 BROAD AVENUE SOUTH, MORE FULLY DESCRIBED HEREIN; AUTHORIZING THE CITY MANAGER TO EXECUTE THE RIGHT-OF-WAY PERMIT APPLICATION; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Robert Pritt. This being a quasi-judicial proceeding, Notary Public Vicki Smith administered an oath to those intending to offer testimony who had not previously been sworn; all responded in the affirmative. City Council Members then made ex parte disclosures to the effect that all had visited the site but had not had any contact except Council Member Saad who indicated that he had spoken with members of the community. Landscape Architect Jeffrey Curl, petitioner's agent, provided a brief overview of the petition, explaining the reconfiguration of the driveway to an opening on Broad Avenue South which would necessitate the removal of two parallel parking spaces; pervious pavers would be installed along 2nd Street South near the other opening to the driveway thereby providing two parking spaces in that area.

Transportation Planning Engineer George Archibald reviewed the staff report, noting that the same driveway configuration was in use elsewhere along 2nd Street. While the site has access to the alley in the rear, there exists some right of access to the roadway in the front; access to property is the intent of roadways, not to provide parking, he added. He stated that while staff recommended approval, the petition raises policy issues including reasonable access, public parking impacts and additional conflict points.

Various Council Members expressed concern with the removal of the two parking spaces along Broad Avenue South, a commercial area, and replacing them along 2nd Street South, a residential area.

Public Comment: None.

MOTION by Saad to DENY RESOLUTION 13-13338 based upon policy issues of reasonable access, public parking impacts, and creation of conflicts. This motion was seconded by Sulick and carried 4-2 (Sulick-yes, Barnett-no, Finlay-yes, Heitmann-yes, Saad-yes, Price-absent, Sorey-no).

[Agenda Memorandum](#) [Resolution](#) [Application](#)
[Drawings](#) [Pre-development Image](#)

It is noted for the record that Items 11-a and 11-b were read and considered concurrently.

11. LEGISLATION REGARDING THE CITIZENS' POLICE REVIEW BOARD

11-a. ORDINANCE 13-13339 AN ORDINANCE RELATING TO THE CITIZENS' POLICE REVIEW BOARD; AMENDING SECTION 2-451, CREATED; COMPOSITION; AND SECTION 2-452, JURISDICTION, POWERS AND DUTIES OF THE CODE OF ORDINANCES, CITY OF NAPLES; PROVIDING A SEVERABILITY CLAUSE AND A CONFLICT AND REPEALER CLAUSE; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

11-b. RESOLUTION 13-13340 - A RESOLUTION ADOPTING AMENDED PROCEDURES FOR THE CITIZENS' POLICE REVIEW BOARD; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Robert Pritt. City Clerk Patricia Rambosk provided a brief overview of the amended ordinance and resolution as contained in the agenda memorandum. In response to Council, Police Chief Thomas Weschler explained the process of filing a complaint against a police officer and the procedures once a complaint is received.

During discussion that followed, Council Member Heitmann listed her disagreement with: filing dates; duties of the Board; lack of review of the amended procedures by the Board; the change

in the Board administration; hearing notifications; and description of establishing a quorum and scheduling of meetings. The new legislation is simply too vague, she concluded.

Public Comment: Michael Anderson, no address provided, shared his experiences with regard to filing of such complaints.

MOTION by Saad to ADOPT ORDINANCE 13-13339 as submitted; seconded by Barnett and carried 5-1 (Barnett-yes, Finlay-yes, Heitmann-no, Price-absent, Saad-yes, Sulick-yes, Sorey-yes).

MOTION by Saad to APPROVE RESOLUTION 13-13340 as submitted; seconded by Barnett and carried 5-1 (Barnett-yes, Finlay-yes, Heitmann-no, Price-absent, Saad-yes, Sulick-yes, Sorey-yes).

[Agenda Memorandum](#) [\(a\) Ordinance](#) [\(b\) Resolution](#)
[Procedures \(underline and strikethrough\)](#)

Recess: 12:22 p.m. to 1:02 p.m. It is noted for the record that the same Council Members were present when the meeting reconvened.

12. APPROVING THE PURCHASE OF 170 SIERRA WIRELESS AIRLINK GX400 HIGH ACCURACY GPS DATA COLLECTION MODEMS FOR \$106,303 AND ESRI ARCGIS GEOEVENT PROCESSOR FOR\$10,000.

Technology Services Director Mark Jackson provided a brief overview of the item as contained in the agenda memorandum, adding that with the equipment's deployment in marine vessels, accurate reporting as to location at all times would in fact be possible.

Public Comment: None.

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

[Agenda Memorandum](#) [ArcGIS GeoEvent Processor Quote](#)
[High Accuracy GPS Data Collection Modems Quote](#)

16. TIME CERTAIN 1:00 PM - DISCUSSION OF PROFESSIONAL DESIGN CONSULTING SERVICES FOR THE DEVELOPMENT OF A CONCEPTUAL MASTER PLANNING AND DESIGN PROCESS FOR THE NEW GORDON RIVER PARK

Community Services Director David Lykins provided a brief overview of staff's endeavors thus far in seeking a professional design consultant via the Requests for Qualifications (RFQ) process; Kimley-Horn and Associates, Inc. is the top ranked firm following completion of interviews by the Evaluation Committee. Should Council approve moving forward with negotiations, the consultant's contract would be submitted for approval at the October 16 meeting; the cost would become known at that time, he added.

Council Member Finlay noted that he did not believe the master plan should be the priority at that time but the basics for the park and construction of the bridge connecting the park to the Gordon River Greenway to the east of the river. Council Member Saad agreed, adding that restrooms and parking are needed for the park to be initially functional. Mayor Sorey maintained that a master plan is needed to provide a vision for fundraising and Council Member Sulick stated that the basic elements need to be placed correctly at the beginning of development to avoid costly corrections later.

In response to Council Member Heitmann, City Manager William Moss explained that the above referenced bridge had been noted in the RFQ and Mr. Lykins added that a phased construction had also been included. Mr. Lykins then reported that Kimley-Horn had been chosen by the Committee following its presentations and examples of prior similar projects, especially with regard to connectivity.

Public Comment: None.

MOTION by Saad to APPROVE FINAL RANKING IN ORDER OF PREFERENCE as submitted; seconded by Sulick and carried 4-2 (Price-absent, Barnett-yes, Sulick-yes, Saad-yes, Finlay-no, Heitmann-no, Sorey-yes).

[Agenda Memorandum](#) [Minutes and Preliminary Ranking](#)
[Minutes and Final Ranking](#) [Master Plan Schedule](#)

17. CONSIDERATION OF A SPECIAL EVENT REQUEST FOR A FUNDRAISING GALA FOR THE NEW CITY OF NAPLES PARK ALONG THE GORDON RIVER

Community Services Director David Lykins briefly reviewed the application as contained in the agenda memorandum, noting that amplified sound was being requested but due to an oversight by staff, this had not been reflected in the application. Council Member Heitmann stated that while she supported the idea of the gala, she continued to be concerned with its timing and funding. Mayor Sorey pointed out that the initial \$20,000 being provided by the City is to be repaid via the proceeds and that the overall concept for the park is to be presented during the event to obtain sponsors for its construction and amenities.

Public Comment: None.

MOTION by Barnett to APPROVE THIS ITEM as submitted; seconded by Saad and carried 5-1 (Sulick-yes, Barnett-yes, Finlay-yes, Heitmann-no, Saad-yes, Price-absent, Sorey-yes).

[Agenda Memorandum](#) [Permit Application](#)

13. RESOLUTION 13-13341 - A RESOLUTION APPROVING THE CITY'S PROPERTY, LIABILITY, AND WORKERS' COMPENSATION INSURANCE PROGRAM FOR THE PERIOD OF OCTOBER 1, 2013 THROUGH SEPTEMBER 30, 2014; PROVIDING FOR THE PAYMENT OF PREMIUMS; AUTHORIZING THE CITY MANAGER TO ISSUE PURCHASE ORDERS; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Robert Pritt. Risk Manager Lori Parsons briefly reviewed the item as contained in the agenda memorandum, explaining that staff recommended increasing insurable values to the May 2013 appraised value to maintain blanket coverage of City-owned property. The increased cost is due to the increase in property values since the last appraisal in 2009, not a rate increase, she stated.

Public Comment: None.

MOTION by Barnett to APPROVE RESOLUITON 13-13341 as submitted; seconded by Sulick and carried 6-0 (Barnett-yes, Finlay-yes, Heitmann-yes, Price-absent, Saad-yes, Sulick-yes, Sorey-yes).

[Agenda Memorandum](#) [Resolution](#) [Premium Recapitulation](#)
[Premium Comparison](#) [Proposal](#)

14. AWARDING CONTRACTS TO: a. CLERK'S TRACKING 13-00075 - PALMDALE OIL COMPANY INC., b. CLERK'S TRACKING 13-00076 - MANSFIELD OIL COMPANY OF GAINESVILLE INC.; and c. CLERK'S TRACKING 13-00077 - EDISON OIL COMPANY FOR THE PURCHASE OF GASOLINE AND DIESEL FUELS REQUIRED FOR THE CITY'S FLEET, THE CITY DOCK, AND EMERGENCY STANDBY GENERATORS

City Manager William Moss introduced the item by reviewing the information contained in the agenda memorandum. In response to Council Member Finlay, Utilities Director Robert Middleton clarified that the mode of transportation and volume of fuel to be delivered dictates its cost, therefore the differing cost quotes.

Public Comment: None.

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

[Agenda Memorandum](#) [Palmdale Oil Company Agreement](#)
[Mansfield Oil Company Agreement](#) [Edison Oil Company Agreement](#) [Bid Tabulation](#)

15. RESOLUTION 13-13342 - A RESOLUTION AMENDING THE FISCAL YEAR 2012-13 BUDGET ADOPTED BY ORDINANCE 12-13175 TO PROVIDE ADDITIONAL FUNDING FOR REQUIRED FILL MATERIAL FOR THE CONSTRUCTION OF THE PERMANENT RECYCLE TRANSFER FACILITY AT THE NAPLES AIRPORT; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Robert Pritt. Utilities Director Robert Middleton reviewed the item as contained in the agenda memorandum, noting that additional fill dirt is needed at the new recycle transfer facility, which is under construction at the municipal airport. It had been anticipated that spoil material currently existing at the City's dewatering site could be used but it is now to become the berm for dewatering spoil from the upcoming Port Royal dredge project. The spoil from the Port Royal dredge will not be available in time for use at the subject construction site, he added.

Public Comment: None.

MOTION by Sulick to APPROVE RESOLUTION 13-13342 as submitted; seconded by Barnett and carried 5-1 (Barnett-yes, Finlay-yes, Heitmann-no, Price-absent, Saad-yes, Sulick-yes, Sorey-yes).

[Agenda Memorandum](#) [Resolution](#) [Brooks & Freund Proposal](#)

18. RESOLUTION 13-13343 - A RESOLUTION APPROVING A LAND LEASE AGREEMENT – COMMUNICATION FACILITY WITH NEW CINGULAR WIRELESS PCS, LLC IN ORDER TO CONSTRUCT AND MAINTAIN A 90-FOOT TALL ANTENNA STRUCTURE ON PROPERTY OWNED BY THE CITY OF NAPLES AND LOCATED AT 2665 LANTERN LANE, MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EXPIRATION DATE.

Title read by City Attorney Robert Pritt.

Public Comment: None.

MOTION by Saad to APPROVE RESOLUTION 13-13343 as submitted; seconded by Barnett and carried 6-0 (Barnett-yes, Finlay-yes, Heitmann-yes, Price-absent, Saad-yes, Sulick-yes, Sorey-yes).

[Agenda Memorandum](#) [Resolution](#) [Agreement](#) [Description of Premises](#)

19. AUTHORIZATION TO PURSUE VACATION OF SUGDEN PLAZA, 7TH STREET SOUTH BETWEEN 4TH AVENUE SOUTH AND 5TH AVENUE SOUTH, RIGHT-OF-WAY

City Manager William Moss provided a brief overview of the issues as contained in the agenda memorandum. He explained that following the interest of a property owner to expand their outdoor dining area further into the area where the Sugden Plaza is located (7th Street South between 4th and 5th Avenues South), it had become apparent that this portion of the roadway had never been properly vacated by the City at the time of the construction of the plaza and Sugden Theater. He thereby listed staff's recommendations for preparation of the following for Council approval:

- A resolution to formally vacate the subject right-of-way;
- A Special Warranty Deed from Philip McCabe and from the Wynn family (owners of properties adjacent to the subject right-of-way) for the portions of the right-of-way that upon vacation would otherwise vest title in them;
- Negotiate long-term ground leases with Mr. McCabe and the Wynn family for their respective dining areas in the right-of-way (Sugden Plaza), with terms coinciding with the termination date of the lease with Naples Players (sole users of Sugden Theater), and
- If needed, modify the terms of the lease with the Naples Players to recognize the status of the underlying property.

City Attorney Robert Pritt agreed with the above, noting that such actions would clear any cloud to ownership of the right-of-way and would maintain Sugden Plaza as it currently exists.

Mayor Sorey explained that as the newly appointed Executive Director of the Naples Players, he would abstain from voting (see Attachment 1, Form 8B Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers).

Public Comment: None.

Consensus to approve this item / 5-0-1 (Barnett-yes, Finlay-yes, Heitmann-yes, Price-absent, Saad-yes, Sulick-yes, Sorey-abstain). (See Attachment 1, Form 8B Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers.)

[Agenda Memorandum](#) [Revised Agenda Memorandum \(Supplement 1\)](#)
[Planning Director Memo](#) [City Attorney 9/10/13 letter](#)
[Code Sec. 46-38](#) [Form 8B - Sorey \(Added Attachment\)](#)

20. ORDINANCE (First Reading) - AN ORDINANCE RELATING TO THE PARK SHORE PLANNED DEVELOPMENT; DETERMINING REZONE PETITION 13-R1 TO REZONE BLOCKS 16 AND 17 AND A PORTION OF PARCEL "C" OF THE PARK SHORE PLANNED DEVELOPMENT, MORE FULLY DESCRIBED HEREIN, TO PERMIT REZONING FROM PD, PLANNED DEVELOPMENT TO A NEW PD PLANNED DEVELOPMENT, IN ORDER TO AMEND THE PLANNED DEVELOPMENT DOCUMENTS TO ALLOW ADDITIONAL BOAT DOCKS AT VENETIAN VILLAGE LOCATED AT GULF SHORE BOULEVARD AND PARK SHORE DRIVE, OWNED BY VILLAGE OF THE BAY, LLC AND JEFFREY W. TAYON, AS TRUSTEE OF THE STEWART JEFFREY TAYON INVESTMENT TRUST; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.

Title read by City Attorney Robert Pritt.

First Reading declared; Second Reading scheduled on October 2, 2013.

[Agenda Memorandum](#) [Ordinance](#) [Application](#) [Staff Report](#)
[Location Map](#) [Engineering Plans](#) [PAB Minutes](#)
[Neighboring property owners' responses](#)
[Public Comment](#)

None.

(2:30 p.m.) It is noted for the record that Council Member Saad requested reconsideration of Item 7 resulting in the motion below.

MOTION by Saad to RECONSIDER RESOLUTION 13-13336 (ITEM 7); seconded by Sulick and carried 5-1 (Barnett-yes, Finlay-no, Heitmann-yes, Price-absent, Saad-yes, Sulick-yes, Sorey-yes).

7. RESOLUTION 13-13336 - A RESOLUTION DETERMINING VARIANCE PETITION 13-V7 FROM SECTION 50-35(a), PERMITTED SIGNS, COMMERCIAL ZONING DISTRICTS, OF THE CODE OF ORDINANCES TO ALLOW THE ADDITION OF TWO WALL SIGNS FOR A TOTAL OF 3 WALL SIGNS WHERE ONE 60 SQUARE FOOT WALL SIGN IS ALLOWED, FOR HERTZ RENTAL CAR COMPANY LOCATED AT 850 SEAGATE DRIVE IN THE HIGHWAY COMMERCIAL DISTRICT, OWNED BY ANNE H. LANGLEY, MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Title reread by City Attorney Robert Pritt who then reminded all intending to testify that they remained under oath from the initial consideration earlier in the meeting. Petitioner's agent Joel Daurity then explained that he had failed to stress the importance of the sign for the west façade, stating that traffic traveling west on Seagate Drive must make a U-turn due to the existing median. All pedestrian and window signage would be removed should Council approve the request as submitted (additional sign on north and west façade). In response to Council, he clarified that the additional signage would be externally illuminated similarly to the existing sign on the east façade and would not impact drivers during nighttime hours.

Public Comment: None.

MOTION by Barnett to APPROVE RESOLUTION 13-13336 amended as follows: Section 1: "is allowed, in accordance with the final revised submittal plan prepared by Architectural Graphics, Inc. (received June 28,

2013), a copy of which is on file in the City Clerk's Office, and that any other existing signage be removed including window signage, for Hertz..."

This motion was seconded by Saad and carried 5-1 (Barnett-yes, Finlay-no, Heitmann-yes, Price-absent, Saad-yes, Sulick-yes, Sorey-yes).

CORRESPONDENCE AND COMMUNICATIONS

Council Member Sulick thanked staff for its aid to citizens during the previous day's heavy rainfall and Council Member Heitmann commended the immediate removal of debris from the same rain event. Council Member Finlay provided a brief overview of the Naples Art Association annual report and noted its upcoming 60th Anniversary in October.

ADJOURN

2:46 p.m.

John F. Sorey III, Mayor

Patricia L. Rambosk, City Clerk

Minutes prepared by:

Vicki L. Smith, Deputy City Clerk

Minutes Approved: _____

HAND OUT

19

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>Barry John F</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>City Council</i>
MAILING ADDRESS <i>220 GSBN</i>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY <i>Naples FL</i> COUNTY <i>34102</i>	NAME OF POLITICAL SUBDIVISION: <i>City of Naples</i>
DATE ON WHICH VOTE OCCURRED <i>Sept 18, 2013</i>	MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE <i>Mayor</i>

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, John F. Saroyan, hereby disclose that on Sept 18, 20 13:

(a) A measure came or will come before my agency which (check one)

- ☐ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☐ inured to the special gain or loss of my relative, _____;
- ☐ inured to the special gain or loss of _____, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Appearance of possible conflict of interest as I am being considered as Ex Director of The Naples Players #19

Sept 18, 2013
Date Filed

John F. Saroyan
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.