

MINUTES OF THE REGULAR MEETING OF NAPLES CITY COUNCIL HELD IN
THE PARKS & RECREATION BUILDING, NAPLES, FLORIDA, WEDNESDAY,
MARCH 1, 1978, AT 9:00 A.M.

Present: R. B. Anderson
Mayor

C. C. Holland
Wade H. Schroeder
Randolph I. Thornton
Edward A. Twerdahl
Kenneth A. Wood
Councilmen

Absent: James F. McGrath
Councilman

Also Present: George Patterson
City Manager
Roger Barry
Planning Director
William Savidge
Director of Public Works
Brad Estes
Assistant to the City Manager
John McCord
City Engineer
Barbara Harris
City Attorney's Secretary
Norris Ijams
Fire Chief
Ted Smallwood
Russ Wimer
Irving Berzon
Sam Aronoff
William Shearston
Egon Hill
Marjorie Carr
Reverend Jack Kern
Harry Boyes
Harry Rothchild
Marie Mueller
Richard Dexter
George Esselburn

News Media: David Swartzlander
Naples Daily News
Allan Bartlett
Ft. Myers News Press
Tom Martino
WBBH-TV
Kent Weissinger
WRGI
Elizabeth Bumiller
Miami Herald
Suzanne McGee
Naples Star

Other interested citizens and visitors.

Mayor Anderson called the meeting to order; whereupon, the Reverend Jack Kern, pastor of the Unity of Naples Church, gave the Invocation followed by the Pledge of Allegiance to the Flag.

AGENDA ITEM 3. Approval of Minutes.

Mayor Anderson called Council's attention to the minutes of the Special Meeting of February 8, 1978; and Mr. Thornton made a motion that they be approved, seconded by Mr. Schroeder, and unanimously carried on voice vote.

Mayor Anderson also called Council's attention to the minutes of the Regular Meeting of February 15, 1978; and Mr. Thornton made a motion that they be approved, seconded by Mr. Wood, and unanimously carried on voice vote.

AGENDA ITEM 4. JOINT PUBLIC HEARING: City Council and Planning Advisory Board.

Mr. Bigg organized the Planning Advisory Board. Roll call indicated all members present.

AGENDA ITEM 4-a. Special Exception Petition No. 78-S1, request for multi-family residential on second floor of commercial building. Petitioners: Louis, Dexter, Louis & Smith.

Mayor Anderson opened the Public Hearing at 9:05 a.m.

Mr. Richard Dexter, the petitioner, came forward to request the change from commercial to allow for two apartments over the shop. He noted that the architect had made the recommended change from a 5' sidewalk to an 8' sidewalk and they met the requirements for parking.

Mr. Barry noted petitioner's compliance with the Planning Advisory Board's recommendations and stated that this residential use is appropriate in this case and recommended that this special exception petition be approved.

Mr. Schroeder established that there were two apartments and two proposed shops; however, petitioner stated that there may be one large shop and two or three smaller shops but there would be only two apartment

Mr. Harry Boyes of Village Green stated that the only consideration they had was the parking that might result on 7th Street if there is an overflow. He also added that they were concerned about heavy construction equipment or trucks on 7th Street during construction.

Mayor Anderson asked if there was anyone else present wishing to speak either for or against this item. There being no one else, he closed the Public Hearing at 9:09 a.m.

Mr. Adams moved that special exception Petition No. 78-S1 be recommended to Council for approval, seconded by Mr. Billings and unanimously carried by the Planning Advisory Board.

Mr. Thornton made a motion that Council accept the recommendation of the Planning Advisory Board with regard to special exception Petition No. 78-S1, seconded by Mr. Twerdahl.

Motion Carried 6-0 on Roll Call Vote with Mr. McGrath absent and not voting.

AGENDA ITEM 4-b. Alley Vacation. East-West alley in Block 10, Tier 1 Naples Landing.

Mayor Anderson opened the Public Hearing at 9:10 a.m.

Mr. Bigg stated that he was not in favor of vacating this alley at this time because of the possibility of its being a viable adjunct to the development of Naples Landing.

Mr. Barry concurred with Mr. Bigg's comments and noted a letter from the adjacent property owner, Mr. Ingram, also indicating his desire that the alley not be vacated.

There being no one present wishing to speak for or against, Mayor Anderson asked for a recommendation from the Planning Advisory Board.

Mr. Adams moved that the application for Alley Vacation east-west alley in Block 10, Tier 10, Naples Landing be denied by Council on the recommendation of the Planning Advisory Board, seconded by Mr. Boyes, unanimously carried on voice vote.

Mayor Anderson closed the Public Hearing at 9:16 a.m.

Mr. Thornton moved that the recommendation of the Planning Advisory Board denying the vacation of this alley be accepted, seconded by Mr. Holland.

Motion Carried 6-0 on Roll Call Vote with Mr. McGrath absent and not voting.

AGENDA ITEM 4-c. Alley Vacation. Northeast of 8th Street South and 3rd Avenue South; requested by Dr. & Mrs. Eugene Carr.

Mayor Anderson opened the Public Hearing at 9:17 a.m.

Mr. Bigg stated that his findings in examining the data submitted indicate a valid reason for denying this petition; but before going into detail, he suggested hearing from the petitioner.

Mrs. Marjorie Carr stated that they had applied for the vacation of this alley to landscape it when they remodel the present building; however since it has been shleved so long, they are not as concerned and are going to move the building further back. They would still like it vacated; but if not, they would like it maintained by the City so it would not look as bad as it does.

Mr. Barry explained that vacating this portion of the north-south alley would take away access to the other single family house which is zoned professional office use and also to the motel's carports. It would leave a public east-west alley with no public access. However, he did agree with Mrs. Carr that it might be appropriate to improve it, presumably by paving it, and suggested that it be referred to Public Works.

Mr. Holland noted that the east-west alley starts nowhere and goes nowhere and appears to just serve as access to the motel. He felt there was no necessity of keeping it off the tax rolls, since the motel had access from the front and the rear on their own property.

Mr. Barry referred to sub-section (e) in Ordinance 2861 stating that the north-south alley might one day be access for a building that may be built on what is now a parking lot and also serves as access to the motel.

Mr. George Esselburn, manager of the adjacent motel, addressed Council and stated that he would like to see the alley closed and that the motel did not need it because they had access from 9th Street. He cited the 2-3 a.m. noise from patrons of the Anchor Bar as a cause of a loss of \$8,000 to \$10,000 a year to the motel.

Mr. Barry pointed out that if this north-south portion of the alley were to be vacated, one half would revert to the Carr property and one half to the Freschel property and that would leave the east-west portion of public alley with no public access. If that east-west portion were to be vacated, one half would revert to the Freschel property and one half to the motel and he felt that would not leave the motel enough access to the carports of the units adjacent to the area.

Mr. Esselburn responded that this portion of the east-west alley had been closed years ago and was an easement to protect the motel so it will have access; to which Mr. Barry stated that the City Clerk's records do not show that and he felt some more checking needed to be done before any action was taken.

Mr. Adams moved that the petition for alley vacation requested by Dr. & Mrs. Carr be continued until April 5, seconded by Mr. Billings; and carried by unanimous voice vote.

Mayor Anderson closed the Public Hearing at 9:36 a.m.

The Planning Advisory Board was excused at 9:37 a.m.

AGENDA ITEM 5. Variance Petition No. 78-VI, requesting a minimum rear yard of 18 feet rather than the required 20 feet setback. Requested by the Planning Advisory Board.

Mr. Bigg stated that Planning Advisory Board had made its recommendation in writing. (Attachment #1).

Mr. Barry concurred with the Board's finding.

A RESOLUTION GRANTING A VARIANCE FROM THE PROVISIONS OF SECTION 5.4 (F) OF APPENDIX "A" - ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, REDUCING THE REQUIRED REAR YARD SETBACK FOR A GARAGE TO BE CONSTRUCTED ON LOT 6, BLOCK 23, TIER 6, PLAN OF NAPLES, FROM 20 FEET TO 18 FEET; AND PROVIDING AN EFFECTIVE DATE.

City Manager Patterson read the above captioned resolution for Council's consideration.

Mr. Holland moved that Resolution 2904 be approved, seconded by Mr. Schroeder.

Roll Call Vote:

Mr. Holland	Yes
Mr. McGrath	Absent
Mr. Schroeder	Yes
Mr. Thornton	Yes
Mr. Twerdahl	Yes
Mr. Wood	Yes
Mayor Anderson	Yes

Motion Carried 6-0, with Councilman McGrath being absent and not voting.

AGENDA ITEM 6. PUBLIC HEARINGS: Second readings of ordinances.

AGENDA ITEM 6-a. An ordinance amending the Charter of the City of Naples, Florida, by repealing Paragraph (5) from Subsection (a) of Section 15.4, Article 15, relating to contributions and participation of persons holding appointive city and county elections; and providing and effective date. (Second Reading)

Mayor Anderson opened the Public Hearing at 9:45 a.m.

City Manager Patterson read the above captioned ordinance by title for Council's consideration on Second Reading.

Mr. Harry Rothchild asked why this ordinance change was required. The City Manager explained that it came up during the election and he wondered if it would be up-held in court and he agreed with John Fletcher's opinion that it might not be.

Mr. Rothchild pointed out that a reference to this paragraph (5) appears in the section "penalties" following paragraph (5) and that this reference should also be taken out of the Charter if paragraph (5) is repealed.

There being no one else present wishing to speak either for or against, Mayor Anderson closed the Public Hearing at 9:48 a.m.

Mr. Thornton made a motion that Ordinance 2905 be adopted on Second Reading, seconded by Mr. Schroeder.

Roll Call Vote:	Mr. Holland	Yes
	Mr. McGrath	Absent
	Mr. Schroeder	Yes
	Mr. Thornton	Yes
	Mr. Twerdahl	Yes
	Mr. Wood	Yes
	Mayor Anderson	Yes

Motion Carried 6-0, with Councilman McGrath absent and not voting.

Mayor Anderson asked that City Attorney Fletcher take care of removing the reference to this repealed paragraph.

AGENDA ITEM 6-b. An ordinance repealing Ordinance No. 1449 which established a pension and retirement system for firemen of the City of Naples, and substituting the within ordinance therefor, establishing a pension and retirement system for firemen of the City of Naples, to be known as the "City of Naples Firemen's Retirement Trust Fund", providing definitions for the words and phrases used herein; creating a Board of Trustees for the operation of said pension and retirement system, setting forth the powers and duties of said Board; providing for the maintenance of said Fund; providing for the keeping of records, accounts, disbursements, deposits, contributions and actions of said Board of Trustees; providing for normal retirement, early retirement and optional forms of retirement; providing death benefits, disability benefits and providing for benefits or refund of contributions in event of separation from municipal service; repealing all ordinances or parts thereof in conflict herewith to the extent of such conflict; providing a savings clause and an effective date. (Second Reading)

Mr. Thornton moved that this item be removed from the agenda, seconded by Mr. Twerdahl.

Mr. Patterson explained that there was a misunderstanding when this ordinance was written.

Mr. Rothchild made the comment that he felt that more research should be done prior to putting an ordinance on the agenda so that it will not need to be withdrawn or amended while before Council.

Roll Call Vote:	Mr. Holland	Yes
	Mr. McGrath	Absent
	Mr. Schroeder	Yes
	Mr. Thornton	Yes
	Mr. Twerdahl	Yes
	Mr. Wood	Yes
	Mayor Anderson	Yes

Motion Carried 6-0, with Councilman McGrath being absent and not voting.

It is noted for the record that Mayor Anderson called a five minute recess.

AGENDA ITEM 6-c. An ordinance repealing Ordinance No. 1523 which vacated and abandoned a drainage easement over Lot 21, Oyster Bay, Unit No. 5 and a cul-de-sac on Lot 19, Oyster Bay, Unit No. 2; and providing an effective date. (Second Reading) Continued from Regular Meeting of February 15, 1978.

Mr. Patterson recommended that this item be removed from the agenda because the problem that prompted this action has been resolved. He noted that at the next meeting Council will have to ratify by resolution the agreement that resolved the problem.

Mr. Thornton moved that this item be removed from the agenda, seconded by Mr. Twerdahl.

Roll Call Vote:	Mr. Holland	Yes
	Mr. McGrath	Absent
	Mr. Schroeder	Yes
	Mr. Thornton	Yes
	Mr. Twerdahl	Yes
	Mr. Wood	Yes
	Mayor Anderson	Yes

Motion Carried 6-0, with Councilman McGrath being absent and not voting.

Noting the presence of Mr. Wimer and Mr. Berzon, Mr. Thornton moved that Council take up Agenda Item #14, seconded by Mr. Schroeder and carried unanimously by voice vote.

AGENDA ITEM 14. A resolution adding a depreciation factor to the bulk rate water sales to Collier County. Requested by City Manager.

City Manager Patterson read the below titled resolution for Council's consideration.

A RESOLUTION AMENDING RESOLUTION NO. 2893, RELATING TO RATES TO BE CHARGED BY THE CITY TO THE COUNTY FOR BULK RATE WATER SERVICE, BY ADDING A NEW PARAGRAPH "C" TO SECTION 1 THEREOF, PROVIDING FOR AN ADDITIONAL CHARGE TO THE COUNTY TO COVER ESTIMATED DEPRECIATION OF THE CITY'S WATER SYSTEM FOR THE BALANCE OF THE FISCAL YEAR 1977-78; PROVIDING FURTHER, THAT AN EXACT DEPRECIATION FACTOR SHALL BE DETERMINED AT THE END OF SAID FISCAL YEAR; AND PROVIDING AN EFFECTIVE DATE.

Mr. Patterson outlined the manner in which the estimated depreciation factor was derived as explained in Mr. Frank Jones' memo. (Attachment # 2).

Mayor Anderson pointed out that this resolution was to amend Resolution 2893 in which no depreciation factor had been included in the charges for the first year of the water service to the County. He went on to state that the County had been notified of the City's intention to include this depreciation factor and had been asked to comment on it. He noted that the City has received a letter saying, (Attachment #3) in substance, that the County thinks it is an excellent idea, but that the City should make the same charge to other water customers of the City. He noted that there is a 5% charge built into the City rate, but this factor is not.

Mr. Schroeder pointed out that the original rate that was developed for the County is the rate, including the 5%, charged to all customers less an adjustment for the cost of billing, meter reading and maintenance.

Mr. Patterson reiterated that the rate was established so that the City would receive the same revenue from that area to be served by the County less the cost for maintenance, utility billing and meter reading.

Mayor Anderson again mentioned the 5% charge and that it was also included in the rate set for the County, but that it was less than actual depreciation and not adequate to build a sinking fund for depreciation purposes.

Mr. Schroeder and Mayor Anderson agreed that the depreciation factor should be added to the City customers and the County.

Mr. Holland raised the question of a problem for the County if they have already set their rates at which point Mr. Russ Wimer came forward to address Council.

Mr. Wimer stated that it had taken many months to set up a billing system, but that was not their major concern regarding this added charge. He went on to say that the only thing the County asks is that they be charged with this depreciation factor at the same time that other customers are.

Mr. Irving Berzon stated that the County's experience with the billing and the total operational costs may be such that they could absorb this charge, and at the end of the year the County will have a different picture of things.

Mayor Anderson asked the County representatives to confirm his summation of their objections which was: 1) that they had no objection to this charge if all other customers were also charged and 2) that it interfered with their planning to institute the service to their customers at this time.

Mr. Wimer concurred and Mr. Berzon added that they had a Public Hearing for their rates as now set advertised for March 21.

Mayor Anderson noted that the only alternative would be to leave it the way it is.

There was some discussion regarding the fiscal year and Mr. Patterson explained that it would be January 1, 1977 to October 1977 and then October to October thereafter.

Mr. Thornton moved that the resolution be removed from the Agenda, seconded by Mr. Schroeder.

Roll Call Vote:	Mr. Holland	Yes
	Mr. McGrath	Absent
	Mr. Schroeder	Yes
	Mr. Thornton	Yes
	Mr. Twerdahl	Yes
	Mr. Wood	Yes
	Mayor Anderson	Yes

Motion Carried 6-0, with Councilman McGrath being absent and not voting.

Mr. Schroeder made the suggestion that matters of adjusting rates for water be referred to the City Manager's office for a review and discussion to come up with a new schedule in order to incorporate all costs of depreciation.

Mr. Holland questioned how the water department could be operating in the black if the 5% charge now included was not adequate.

Mr. Patterson explained that before very long Council is going to have to amend the budget to include the expenditures that will be a result of the bond issue. He went on to say at the time of the adoption of the budget, the rate increase anticipating the bond issue was passed, but the bonds had not yet been sold, consequently the expenditures for bond interest and redemption were not included in the budget. As one example, he pointed out that the City will now have an additional \$700,000 a year in debt return.

Mayor Anderson suggested a return to the regular Agenda at this time.

AGENDA ITEM 7. An ordinance rezoning the north one-half of section 2, township 50 south, range 25 east and the south one-half of section 35, township 49 south, range 25 east, less right-of-way, from "R1-7.5" ("E"), Single Family, to "C4", Airport Commercial, and approving the airport layout plan, a copy of which is attached hereto and made a part hereof, as the overall master development plan; and providing an effective date. (First Reading)

City Manager Patterson read the above titled ordinance in its entirety for Council's consideration on First Reading.

Mr. Thornton moved that this Ordinance be approved on First Reading, seconded by Mr. Twerdahl ..

Roll Call Vote:	Mr. Holland	Yes
	Mr. McGrath	Absent
	Mr. Schroeder	Yes
	Mr. Thornton	Yes
	Mr. Twerdahl	Yes
	Mr. Wood	Yes
	Mayor Anderson	Yes

Motion Carried 6-0, with Councilman McGrath being absent and not voting

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AGENDA ITEM 8. Action on conditional purchase agreement with Collier County School Board for the purchase of the Carver School property. Requested by City Manager.

Mr. Patterson opened the discussion with a summary statement referring to his memo to Council (Attachment #4). He mentioned the two appraisals of the Carver property, one by the School Board for \$484,000 and one by the City for \$400,000. He again attempted to clarify the status of three different pieces of property on the Carver site that have been vacated by the City. Two of these became a part of the total Carver site but only one (8,000 square feet) had a reverter clause that reverted the property back to the City as such time as the property is no longer used for school purposes. He further pointed out that none of these pieces of property were the property that was zoned commercial. Fun Time Nursery is located on the two commercial lots (estimated value of \$100,000) and these lots would be included in the purchase of the Carver site at which time the City could sell them or keep them.

Mr. Twerdahl suggested buying only the portion of the Carver site that is zone multi-family and leaving the commercial lots for the School Board to sell; however, Mr. Patterson replied that the School Board previously was not willing to sell it on that basis.

Mayor Anderson added that he had heard some discussion that the multi-family portion of the Carver site might not be large enough for the proposed housing. He went on to state that the HUD representative gave no indication of objections to including the whole piece of property.

Mr. Schroeder observed that the commercial property would be enticing bait towards interesting a private developer coming in to do the buildings and having a place for stores for the convenience of people who don't have transportation.

Mr. Thornton moved for adoption of this resolution with the deletion of Section (a), seconded by Mr. Holland.

Mr. Holland stated that he was not opposed to the purchase of the property, but he felt there were other directions in which to negotiate and he objected to having to get numerous approvals and then proceeding with a private developer.

Mayor Anderson replied that this was a method of utilizing the first \$150,000 grant and, subject to HUD approval, getting additional money now, not later. He emphasized that if this were approved by HUD, it would allow the City to move into the development phase, whatever method that would be decided upon, maybe up to a year sooner. He inquired whether Mr. Holland was objecting to the method of payment.

Mr. Holland replied that he was having difficulty with this procedure and he felt there would be problems in getting HUD approval and then School Board approval. He stated that he would rather see the City buy the property, possibly with the \$250,000 in capital improvement fund that was for the gymnasium at Fleischmann Park, and then be in a position to sell the commercial land. He continued that according to the City's density regulations there would be more than enough room for the development in the portion zoned multi-family.

He added that he lived two blocks from the site and had observed that the existing apartments are built right on Tenth Street and he felt that presented a real traffic hazard, especially with the number of children who would be living there. His concern was that the City would not be in a position to tell a developer how many feet the set back should be or to have some kind of screening or protection for the children not to come out on Tenth Street. In answer to Mayor Anderson's question as to whether he was questioning the site itself, Mr. Holland replied that he was questioning the location of the housing on the site and he felt the planning would be more difficult if HUD were involved with it.

Mayor Anderson again asked Mr. Holland's alternative to obtaining funds through HUD to which Mr. Holland again responded suggesting the use of funds in the capital improvement fund, maybe temporarily.

Mayor Anderson and Mr. Schroeder pointed out that if City funds were used, HUD would not reimburse the City because they will not give grants for reimbursement of committed funds. Mayor Anderson went on to state that if HUD did impose any conditions that the City did not like, the grant could be rejected and he still interpreted Mr. Holland's objections as not wanting to use federal money to buy the property.

Mr. Thornton stated that he felt that by using federal funds, Council would be missing another opportunity to get the people of Naples behind them in this project. He felt it was Council's fault for not mobilizing the resources of the City for this purpose.

Mr. Schroeder stated his opinion that the next step should be acquisition of the property, but he also wondered whether or not HUD will allocate funds without putting too many restrictive clauses in the grant. His feeling was to try for the HUD money, but to reserve the right to have a second look before it was accepted. He concurred that the method of development was a legitimate worry.

Mr. Holland cited urban development in Miami and that the developer didn't have anything to say about how they were built.

Mr. Twerdahl questioned if there were any restrictions put on the construction of City Hall to which Mr. Thornton answered by pointing out the percentage of construction to be allocated to minority contractors which, in his estimation, raised the cost considerably. He also pointed out that construction of the City Hall was an Economic Development Administration project, not HUD.

Mayor Anderson did not agree that this restriction necessarily increased the cost.

Mr. Twerdahl made the observation that this was a new concept as it had been his understanding that every Council member had accepted the plan of the City Manager as it was presented at the Workshop session. He went on to observe that he understood that there would not be a need for 80 units, but closer to 60, maybe even 40, to provide for the permanent people that stay in Naples, citing no need to provide for the transients.

Mr. Holland stated that the need was to provide for the people that are living in McDonald's quarters at the time of demolition.

Mr. Patterson commented that it was possible that HUD could come back and impose something on the City that he wasn't aware of at this time; however he pointed out that there was a substantial difference between site acquisition and a grant from them as it would pertain to the building of the structures. As long as all the City building and zoning codes were met, he didn't believe there would be any restrictions. His estimate regarding the number of units needed was possibly 60-70, but he noted that the multi-family portion of the property would provide for 85 units which would fall within the present zoning. Answering Mayor Anderson's questions, Mr. Patterson felt that even with 85 units it would allow for play and park areas. He outlined that this would be covered by a design based on cost versus open space and could be decided when a proposal or proposals came from developers who would be interested in coming in. He further suggested a thorough survey of McDonald's Quarters, after the acquisition of the site, to determine the size units required as guidelines for these proposals.

Mr. Thornton inquired how it would be possible to reasonably exclude people who did not live in McDonald's Quarters area.

Mr. Patterson suggested the exercise of the final payment on the contract with the McDonald family be coordinated with the development of the replacement housing units. He felt the developer could control that from a standpoint that the whole purpose of the replacement housing was to provide first for those in McDonald's Quarters.

Mr. Holland and Mr. Thornton were of the opinion that this could not be done because Urban Development says that there can be no discrimination and these people have to meet certain qualifications.

Mr. Patterson pointed out that the qualifications were usually from an income standpoint.

Mr. Holland still anticipated the fact that there might still be people in McDonald's Quarters that can't qualify for these rentals.

Mr. Twerdahl pointed out that what would be involved in the new housing would be qualification for a rental subsidy, not discrimination. He went on to state that the City would not be opening this up for people from out of town, to which Mr. Holland responded that is how it would work out.

Mr. Schroeder and Mr. Twerdahl felt that the people from McDonald's Quarters would have first choice until they were all relocated, but Mr. Holland did not agree that this could be done under Urban Development.

Mr. Schroeder pointed out that this was not Urban Development and Mr. Patterson explained that as opposed to a housing authority, this was going to be built and developed by a private developer.

Mr. Holland again stated that he felt the City should buy the property and sell the commercial part. He asked Mr. Patterson to clarify if these people do not have to qualify in order to move into this housing and if the City has a choice, according to HUD's guidelines, who moves in as long as they put in an application and qualify.

Mr. Patterson explained that people don't have to meet any qualifications unless there is a Section 8 New Construction Grant or rent subsidy. He added that a private developer can let the people in he wants to let in.

Mr. Holland asked Mr. Patterson if he believed that a developer would build the housing without a guaranteed rental subsidy; to which he replied in the affirmative. Mayor Anderson added that a private developer would apply for the rent subsidy, not the City. Mr. Patterson went on to explain that for Section 8 rental subsidy, they usually required that no less than 25% of the families that qualify have to be at the poverty level.

Mr. Wood made the observation that in accord with the prediction of attrition that the City Manager made there might be a reduction in the population of McDonald's Quarters down to 40 families and since Council was contemplating approximately 70 units, he had to go along with Mr. Holland's suggestion that there would be people from out of town applying for housing in this project.

Mayor Anderson recognized Mrs. Mueller from the audience who spoke against using federal funds because of the possible strings that might be attached to such a grant.

Mr. Rothchild also addressed Council saying that he did not feel there was a plan which had been presented and adopted and he noted a tremendous diversion of opinion on Council. He felt there had been no one to say positively that there would be subsidies for the people being dispossessed and he suggested the possibility of having this housing located in Collier County as opposed to the City of Naples.

Mayor Anderson again noted that acquisition of the site was the first step and asked for a vote on the motion on the floor. There was further discussion on the application for the grant contained in the motion and a similar proposal from HUD some time ago which did not materialize.

Mr. Schroeder commented that he wanted first to go through HUD, but if turned down, he would propose that the City immediately purchase with City funds, the Carver site and fund it by an 8/10's mill levy.

Mayor Anderson again called for a vote on the motion on the floor.

Roll Call Vote:

Mr. Holland	Yes
Mr. McGrath	Absent
Mr. Schroeder	No
Mr. Thornton	Yes
Mr. Twerdahl	No
Mr. Wood	Yes
Mayor Anderson	No

Motion Failed 3-3, with Councilman McGrath being absent and not voting.

Mr. Schroeder made a motion to adopt the resolution as submitted, seconded by Mr. Twerdahl.

Roll Call Vote:

Mr. Holland	No
Mr. McGrath	Absent
Mr. Schroeder	Yes
Mr. Thornton	No
Mr. Twerdahl	Yes
Mr. Wood	No
Mayor Anderson	Yes

Motion Failed 3-3, with Councilman McGrath being absent and not voting.

AGENDA ITEM 9. A resolution authorizing the Mayor and members of City Council to participate in the City of Naples Group Life and/or Health Insurance Programs if they so elect; and providing that one-half of the premium therefor shall be paid by the City and one-half by the Council member desiring to participate therein; and providing an effective date. Requested by City Attorney.

City Manager Patterson read the above captioned resolution for Council's consideration.

Mr. Holland moved that Resolution 2906 be approved, seconded by Mr. Wood.

Roll Call Vote:	Mr. Holland	Yes
	Mr. McGrath	Absent
	Mr. Schroeder	Yes
	Mr. Thornton	No
	Mr. Twerdahl	Yes
	Mr. Wood	Yes
	Mayor Anderson	Yes

Motion Carried 5-1, with Councilman McGrath absent and not voting.

AGENDA ITEM 10. A resolution authorizing the Mayor and City Clerk to execute an agreement between the City of Naples and the State of Florida Department of Transportation relating to the adjustment, relocation and/or installation of a certain lighting system within the right-of-way limits of State Road 45, Solana Road to Granada Boulevard, a copy of which is attached hereto and made a part hereof; and providing an effective date. Requested by City Engineer.

City Manager Patterson read the above captioned resolution for Council's consideration.

Mr. Thornton moved that Resolution 2907 be approved, seconded by Mr. Holland.

Roll Call Vote:	Mr. Holland	Yes
	Mr. McGrath	Absent
	Mr. Schroeder	Yes
	Mr. Thornton	Yes
	Mr. Twerdahl	Yes
	Mr. Wood	Yes
	Mayor Anderson	Yes

Motion Carried 6-0, with Councilman McGrath absent and not voting.

AGENDA ITEM 11. A resolution requesting the Florida Department of Transportation to fund and install a traffic signal at Harbour Drive and U.S. 41 and to conduct a study to determine the need for an emergency signal at 26th Avenue North and U.S. 41 to assist fire and rescue responses; and providing an effective date. Requested by Public Works Director.

City Manager Patterson read the above captioned resolution for Council's consideration.

Mr. Holland moved that Resolution 2908 be approved, seconded by Mr. Wood.

Roll Call Vote:	Mr. Holland	Yes
	Mr. McGrath	Absent
	Mr. Schroeder	Yes
	Mr. Thornton	Yes
	Mr. Twerdahl	Yes
	Mr. Wood	Yes
	Mayor Anderson	Yes

Motion Carried 6-0, with Councilman McGrath absent and not voting.

AGENDA ITEM 12. A resolution authorizing the City Manager to issue change orders concerning increased costs for construction of the City Hall Complex and Public Safety Building, not to exceed the amounts set forth herein; and providing an effective date. Requested by City Manager.

City Manager Patterson read the above captioned resolution for Council's consideration.

Mr. Patterson cited the fact that this had been requested by Council so they would not have to deal with minor changes and change orders of less than \$1,000 could be made immediately without holding up construction. He mentioned the 4% contingency that was included in the total funding of the projects that would cover any cost-incurring changes.

Mayor Anderson requested that Mr. Patterson report to Council at least once a month on the number of and the reason for any changes he had authorized.

In response to an inquiry as to the architect's authority in these matters, Mr. Patterson referred to the specs in the contract that says, "The architect has the authority to order minor changes in the work not involving an adjustment in the contract sum or an extension of the contract time and not inconsistent with the intent of the contract documents. In regard to changes which would adjust the contract amount or contract time, the owner may order changes

in the work within the general scope of the contract." "The cost or credit to the owner resulting from the change order shall be determined in one or more of the following ways: 1) by mutual acceptance of a lump sum, properly itemized and supported by sufficient substantiating data to permit evaluation. 2) by unit prices stated in the contract documents or subsequently agreed upon. 3) by cost to be determined in a manner agreed upon by the parties and a mutually acceptably fixed or percentage fee. 4) by the architect on the basis of the reasonable expenditures and savings of those performing the work and a reasonable allowance for (inaudible) profit in the case of an addition."

In answer to Mr. Thornton's question of whether \$1,000 per change order would enable him to operate, Mr. Patterson replied that that was the figure Council had discussed and if there were any problems that were holding up construction, he would then suggest an amendment.

Mr. Thornton moved that Resolution 2909 be approved, seconded by Mr. Schroeder.

Roll Call Vote:	Mr. Holland	Yes
	Mr. McGrath	Absent
	Mr. Schroeder	Yes
	Mr. Thornton	Yes
	Mr. Twerdahl	Yes
	Mr. Wood	Yes
	Mayor Anderson	Yes

Motion Carried 6-0, with Councilman McGrath absent and not voting.

AGENDA ITEM 13. A resolution authorizing execution of an agreement for the purchase of property described therein for use as a parking lot, a copy of which is attached hereto and made a part of this resolution. Requested by City Manager.

City Manager Patterson read the above captioned resolution for Council's consideration.

Mr. Schroeder moved that Resolution 2910 be approved, seconded by Mr. Holland.

Roll Call Vote:	Mr. Holland	Yes
	Mr. McGrath	Absent
	Mr. Schroeder	Yes
	Mr. Thornton	Yes
	Mr. Twerdahl	Yes
	Mr. Wood	Yes
	Mayor Anderson	Yes

Motion Carried 6-0, with Councilman McGrath absent and not voting.

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AGENDA ITEM 15. Bid award - police/fire boat.

City Manager Patterson read the below captioned resolution for Council's consideration.

A RESOLUTION AWARDING BIDS FOR ONE POLICE PATROL BOAT AND TWO FLOTO-PUMPS AND AUTHORIZING THE CITY MANAGER TO ISSUE PURCHASE ORDERS THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schroeder suggest that this could be the first step in the resolution of double taxation by not buying this boat and suggesting that the County Sheriff's department add this patrolling to that which is already being done by them.

Mr. Thornton, Mr. Twerdahl and Mr. Holland pointed out many reasons opposing this suggestion such as the desire of the people of Naples to have this service and the coordination between this boat and the local police and the use of this boat for dock fires and shoreline fires.

Mr. Thornton moved for adoption of resolution 2911, seconded by Mr. Holland.

Roll Call Vote:	Mr. Holland	Yes
	Mr. McGrath	Absent
	Mr. Schroeder	No
	Mr. Thornton	Yes
	Mr. Twerdahl	Yes
	Mr. Wood	Yes
	Mayor Anderson	Yes

Motion Carried 5-1, with Councilman McGrath absent and not voting.

AGENDA ITEM 16. Recommendation for rejection of annual bids on sod.

A RESOLUTION REJECTING ALL BIDS RECEIVED FOR FURNISHING THE CITY'S ANNUAL REQUIREMENTS FOR SOD; AND PROVIDING AN EFFECTIVE DATE.

City Manager Patterson read the above captioned resolution for Council's consideration.

Mr. Thornton moved that Resolution 2912 be approved, seconded by Mr. Schroeder.

Roll Call Vote:	Mr. Holland	No
	Mr. McGrath	Absent
	Mr. Schroeder	Yes
	Mr. Thornton	Yes
	Mr. Twerdahl	Yes
	Mr. Wood	Yes
	Mayor Anderson	Yes

Motion Carried 5-1, with Councilman McGrath absent and not voting.

CORRESPONDENCE AND COMMUNICATIONS

Mr. Patterson brought to Council's attention a suggestion from Mr. Fletcher that Council consider allowing Pevely Dairy, at a Public Hearing to be scheduled for April 5, to provide additional information to Council on his application for a variance.

Mayor Anderson noted that he had discussed this with Mr. Fletcher and since Council records indicate that the variance had not been granted due to insufficient information on the application, Mr. Fletcher suggested that the petitioner had not exhausted all the administrative remedies prior to taking this matter to court.

Mr. Holland noted that the then City Manager and the then City Attorney both recommended that Council approve the application and he would be in favor of allowing them to come back with additional information.

Mr. Twerdahl suggested that the matter go through the complete process by going before the Planning Advisory Board before coming back before Council, even though the Planning Advisory Board recommended it before.

Mr. Patterson responded he would check to see if time would allow for that because he understood that this suggestion had been made in order to have the hearing prior to a decision by the judge on this matter.

Consensus of Council was that Mr. Patterson should check with Mr. Fletcher on following his suggestions.

Mr. Schroeder asked that any information on conferences for Planning and Zoning Associations also be circulated.

Mr. Thornton brought up his suggestion of having a general schedule or listing of when respective members of Council may be on vacation. Mayor Anderson endorsed this idea and asked Mr. Patterson to implement it. He also asked that if a Council member was going to be absent that he inform the Mayor in advance, if possible.

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Mr. Patterson referred to the risk management audit that had recently been completed. He said that they had gone through every piece of insurance the City carries and would be coming before Council with recommendations after determining the cost-effectiveness.

There being no further business to come before this Regular Meeting of the Naples City Council, Mayor Anderson declared the meeting adjourned at 12:20 p.m.

R. B. Anderson

R. B. Anderson, Mayor

Ellen P. Marshall

Ellen P. Marshall
Deputy City Clerk

Janet L. Davis

Janet L. Davis
City Clerk

These minutes of Naples City Council approved on 3-15-78



City of Naples

735 EIGHTH STREET, SOUTH - STATE OF FLORIDA 33940

PLANNING DEPARTMENT

MEMORANDUM

TO: City Council

FROM: Clayton E. Bigg, Chairman
Planning Advisory Board

SUBJECT: Variance Petition #78-V1/Property at 550 Third Avenue North

DATE: February 10, 1978

The Planning Advisory Board held a public hearing on the above matter, a request to reduce the required rear yard setback for a garage from 20 feet to 18 feet in order to enable the applicant to retain a mature pine tree on the property, at their meeting of February 9, 1978.

At that meeting, the PAB considered the information contained in the attached staff report, slides of the property and the testimony of the applicant before reaching the conclusion that the variance request meets the criteria established by ordinance, is reasonable and should, in the opinion of the PAB, be approved by the Council.

Mr. Billings made a motion to recommend approval of this variance request to the City Council, it was seconded by Mr. Boyes and passed unanimously.

Clayton E. Bigg
 Clayton E. Bigg, Chairman
 Planning Advisory Board

CEB:DD

Workshop Item # 4
AGENDA ITEM #14



City of Naples

735 EIGHTH STREET, SOUTH, STATE OF FLORIDA 33940



TO: GEORGE PATTERSON, CITY MANAGER
FROM: FRANKLIN JONES, FINANCE DIRECTOR
DATE: FEBRUARY 22, 1978
SUBJECT: DEPRECIATION FOR WATER RATES TO THE COUNTY

As a result of questions raised by the Council concerning inclusion of depreciation provisions in the billing rate to the County for customers being transferred, I have discussed this matter with Ron Wood, our auditor from Rogers, Silva, Robbins, Moon & Company and with Ted Smallwood, our consulting engineer from Black, Crow & Eidsness.

The following report explains a method which could be used to arrive at a factor to account for depreciation in the rates. The attached schedules show computations based on the assets now recorded for the water system. Since the fixed assets records as they are presently established do not provide for depreciation it is necessary to make an estimate of fixed asset values and life.

One method that could be used to arrive at a reasonable rate to be charged would be to compute the amount of assets added to the system in the last ten years, assign a depreciation period to the various classes of assets and then calculate a depreciation rate. That depreciation rate could be used for the remainder of the fiscal year.

I have computed the dollar amounts of assets that had been added to the water system since 1968 for buildings, water mains, water storage, well fields, plant equipment, water meters, automotive equipment and office equipment. The value of these assets were then grouped into three categories.

- a) Buildings and Mains
- b) Meters and Heavy Equipment
- c) Automotive and Office Equipment

Page 2
Subject: Depreciation for water rates to the County

The useful life of 40, 20 and 5 years respectively was assumed for these classes of assets. We then computed the total depreciation for one year. The result of this was a depreciation cost of \$359,852.00 for the year. This was then divided by the total number of thousands of gallons to be sold by the system. The resulting rate was \$.097 per thousand gallons. This cost per thousand was then reduced by the established rate for renewal and replacement which is already contained in the water rate. The renewal and replacement rate is based on provisions contained in the bond ordinance which require a deposit of 5% of the prior fiscal year gross revenues of the system. Based on revenue of \$3,186,225.00 for the fiscal year ended September 30, 1977, the rate would be \$159,311.00 or 4.3¢ per thousand gallons.

The result of these computations would provide for an increase in the proposed rate to the County for the balance of the fiscal year of 5.4¢ per thousand gallons.

If you have any questions concerning the rate or the computations, please contact me.

Franklin Jones

Attachments:

- A. Schedule of Fixed Assets
- B. Computations of Depreciation Rate
- C. Schedule of Renewal and Replacement Rate
- D. Computation of Adjustment of Proposed Rates

CITY OF NAPLES
WATER-SEWER FIXED ASSETS

Fixed Assets	1968	1969	1970	1971	1972	1973	1974	1975	1976	1977	Value Added 1968/77
Land	40,998	66,023	66,023	66,023	66,023	66,023	66,023	66,023	66,023	66,024	\$ N/A
Buildings	902,785	905,562	905,562	905,562	905,562	905,562	905,562	1,991,881	1,932,631	1,938,923	1,035,132
Water Mains	2,137,826	2,203,860	3,077,299	3,146,370	3,330,062	3,443,597	3,469,033	6,064,879	6,107,346	6,203,544	4,055,712
Water Storage	155,061	155,061	155,061	155,061	155,061	498,610	498,610	498,610	498,610	498,610	343,549
Well Fields	330,625	330,745	449,989	449,989	449,989	449,989	482,815	1,289,604	1,923,932	2,142,191	1,811,565
Plant Equip.:	325,625	337,174	931,579	1,035,701	1,151,896	1,227,086	1,237,906	1,240,037	1,263,624	1,259,776	934,151
Water Meters	543,750	704,601	847,338	990,962	1,257,670	1,499,635	1,699,357	1,797,556	1,950,124	2,139,557	1,595,207
Trucks & Autos	74,632	74,632	80,910	80,910	88,906	108,058	123,465	135,766	147,723	147,729	73,097
Office Equip.	10,652	10,652	10,652	10,652	11,856	16,551	29,436	36,768	110,457	190,959	180,327
											<u>\$10,099,333</u>

BBC637

SCHEDULE A

CITY OF NAPLES
WATER-SEWER FIXED ASSETS
DEPRECIATION

Total Water Sales	3,675,708,320 Gallons
Per 1,000 Gallons Total System	\$.097
Building and Maintenance	\$7,306,971 (40 Year Life) \$182,574
Meter and Equipment	2,529,958 (20 Year Life) 126,498
Auto and Equipment	253,404 (5 Year Life) 50,680
	<u>\$359,852</u>

SCHEDULE B

RENEWAL AND REPLACEMENT RATE

SCHEDULE C

Revenue for year ended 9-30-77	\$3,186,225
5% provided in Bond Ordinance	159,311
Total Gallons=	3,675,708,320
Rate Per 1,000 Gallons	\$.043

SCHEDULE D

COMPUTATION OF ADJUSTMENT TO PURPOSED BILLING RATE

System Depreciation Rate Provided in Current Rate	\$1.097	Per 1,000 Gallons
	<u>.043</u>	Per 1,000 Gallons
Difference	\$1.054	Per 1,000 Gallons



Board of County Commissioners

COLLIER COUNTY COURTHOUSE
NAPLES, FLORIDA 33942

THOMAS P. ARCHER
COMMISSIONER

DAVID C. BROWN
COMMISSIONER

JOHN A. PISTOR
COMMISSIONER

CLIFFORD WENZEL
COMMISSIONER

C. R. "RUSS" WIMER
COMMISSIONER

WILLIAM J. REAGAN
CLERK

February 18, 1978

The Honorable R. B. Anderson, Mayor
Naples City Hall
Naples, Florida 33940

Re: City/County Water Agreement

Dear Mayor Anderson:

In a letter dated February 23, 1978, City Manager George Paterson advised the County Commission that the Naples City Council was planning to adopt a resolution providing for the addition of a depreciation factor of 5.4 cents per 1,000 gallons of water to the bulk rate to be charged by the City for water provided to the County.

The Board does not question the wisdom of the City adopting a depreciation factor for the entire water system. We feel this is a proper step in the direction of good financial management of the city's utility system. However, the County Commission does question the advisability and propriety of imposing this depreciation charge only on the water being provided to County users. We feel that this charge should not be imposed until it is applied uniformly to all the users of the system.

I hope you and the City Council will consider this matter in the same light that the Board of County Commissioners view it and that your actions will be guided by our concern.

Most respectfully,

BOARD OF COUNTY COMMISSIONERS

Russ Wimer
C. R. "Russ" Wimer
Chairman

CRW/rm

AGENDA ITEM #8



City of Naples

OFFICE OF THE CITY MANAGER
735 NICHOLS STREET, SOUTH, NAPLES, FLORIDA 33940

M E M O

TO: HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL
FROM: CITY MANAGER GEORGE M. PATTERSON
SUBJECT: CARVER SITE
DATE: FEBRUARY 24, 1978

At the meeting of February 15, the Council authorized me to negotiate with the School Board an acquisition price for the Carver Site. To that end, I met with Mr. Quibby, the Superintendent of Schools, to attempt to negotiate a fair acquisition price which would be subject to the approval of both the City Council and Collier County School Board.

In the way of some background information, the two different appraisals that have been made on the site recently were in the amounts of \$484,000 and \$400,000. In addition, we have also asked the Board's consideration as it pertains to three individual strips of property through the Carver Site that had been previously vacated to the school. Only one of these, a piece approximately 8,000 square feet in size, has a reverter clause in it which would cause the property to revert back to the City should it be used for other than school purposes.

If the City acquires the property from the School Board, the Board will have to construct a warehouse building, as one of the existing buildings on the site presently serves that purpose for the school system. Some temporary accommodation in that building should be allowed to provide the School Board with a reasonable time in which to construct a replacement facility.

I would recommend that the Council make an offer to the School Board for the Carver Site in the amount of \$390,000, which is a figure below that of either of the appraisals. This offer would

Mayor and Council
(Carver Site)
February 24, 1978
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be subject to two conditions, the first being the approval of the agreement and financing by HUD. The second condition would be to allow the School Board the continued use of the building used as a warehouse for up to six months from the date of finalizing the purchase.

Respectfully submitted,
George M. Patterson
George M. Patterson
City Manager
GMP/ean