

MINUTES OF THE REGULAR MEETING OF NAPLES CITY COUNCIL HELD IN THE PARKS & RECREATION BUILDING, NAPLES, FLORIDA, WEDNESDAY, SEPTEMBER 20, 1978, AT 9:00 A.M.

Present: James F. McGrath, Vice-Mayor
Wade H. Schroeder
Randolph I. Thornton
Edward A. Twerdahl
Kenneth A. Wood
Councilmen

Absent: R. B. Anderson
Mayor

C. C. Holland
Councilman

Also Present: George M. Patterson, City Manager
David W. Rynders, City Attorney
Bradley Estes, Assistant to the City Manager
John McCord, City Engineer
Gary Lester, Traffic Engineer
Frank Jones, Finance Director
Norris Ijams, Fire Chief

Rev. James Conrad
Charles Andrews
Robert Carsello
Harry Rothchild
Robert Russell
Mr. & Mrs. Richard Grant
Sam Aronoff

News Media: John Robinson, TV-9
Allen Bartlett, Ft. Myers News Press
Frank Rinella, Naples Daily News
Bella English, Miami Herald
Ray McNally, TV-9
Mike Johnson, TV-9
Tom Lowe, WBBH-TV

Other interested citizens & visitors.

Vice-Mayor McGrath called the meeting to order; whereupon Reverend James Conrad of the Covenant Reformed Presbyterian Church gave the Invocation, followed by the Pledge of Allegiance to the Flag.

AGENDA ITEM 3. Approval of minutes.

Vice-Mayor McGrath called Council's attention to the minutes of the Regular Meeting of September 6, 1978. Mr. Wood moved approval of the minutes as presented, seconded by Mr. Schroeder and carried on roll call vote, 5-0.

AGENDA ITEM 4. First Reading of ordinances.

AGENDA ITEM 4-a. An ordinance amending Section 8-3 of the Code of Ordinances of the City of Naples, Florida, relating to amendments to the Standard Building Code, to provide for an amendment to Chapter I, Section 107.4 of the Standard Building Code,

as adopted by the City of Naples, increasing the schedule of building permit fees; repealing all ordinances or parts thereof in conflict herewith; and providing an effective date. Purpose: To provide for an increase in building permit fees. Requested by City Council.

City Attorney Rynders read the above titled ordinance by title for Council's consideration on First Reading. Mr. Robert Carsello, president of the Five County Contractors' and Builders' Association, objecting to using these increased fees towards supporting the Zoning Department. He concurred with the fees and the increases, but only to support the Building Department. Mr. Wood suggested the deletion of the reference to the Zoning Department in the proposed ordinance. Mr. Thornton moved approval of the ordinance as presented on First Reading, seconded by Mr. Schroeder and carried on roll call vote, 4-1 with Mr. Wood voting no.

AGENDA ITEM 4-b. An ordinance amending Section 8-32 of the Code of Ordinances of the City of Naples, Florida, relating to plumbing fees, by increasing the fees for plumbing installation; repealing all ordinances or parts thereof in conflict herewith to the extent of such conflict; and providing an effective date. Purpose: To provide an increase in plumbing permit fees. Requested by City Council.

City Attorney Rynders read the above captioned ordinance by title for Council's consideration on First Reading. Mr. Wood objected to the inclusion of the Zoning Department in this ordinance. Mr. Thornton moved approval of this ordinance as presented on First Reading, seconded by Mr. Schroeder and carried on roll call vote, 4-1 with Mr. Wood voting no.

AGENDA ITEM 5. PUBLIC HEARING: Second reading of ordinances.

AGENDA ITEM 5-a. An ordinance authorizing expansion of a nonconforming structure, located on the southeast corner of Third Street South and Twelfth Avenue South, more particularly described herein, to change the use thereof from a gasoline service station to retail shops; and providing an effective date. Purpose: To authorize expansion of a nonconforming structure, pursuant to Sec. 4 of the Zoning Code.

Vice-Mayor McGrath opened the Public Hearing at 9:20 a.m.; whereupon City Attorney Rynders read the above titled ordinance by title for Council's consideration on Second Reading. There being no one to speak for or against, the Vice-Mayor closed the Public Hearing at 9:21 a.m. Mr. Twerdahl moved adoption of Ordinance 3087, on Second Reading, seconded by Mr. Schroeder and carried on roll call vote, 5-0.

AGENDA ITEM 5-b. An ordinance adopting the budget for the fiscal year 1978-79, and appropriating funds for operating expenses of the City of Naples for the general operation of the several governmental departments of the City, including its utilities, and for contributing to the sinking funds of the City to pay interest on and provide for the retirement of the outstanding bonds and other fixed obligations of the City, for the utility tax funds and the City of Naples Parking Authority, for and during the fiscal year 1978-79; and providing an effective date. Purpose: To adopt the budget and appropriate funds for fiscal year 1978-79.

Vice-Mayor McGrath opened the Public Hearing at 9:22 a.m.; whereupon City Attorney Rynders read the above titled ordinance by title for Council's consideration on Second Reading. There being no one to speak for or against, the Vice-Mayor closed the Public Hearing at 9:23 a.m. Mr. Twerdahl moved adoption of Ordinance 3088, on Second Reading, seconded by Mr. Schroeder and carried on roll call vote, 5-0.

AGENDA ITEM 5-c. An ordinance determining and fixing the 1978 tax levy for the purpose of providing sufficient funds for the general fund and to levy a special tax for general obligation improvement bond indebtedness. Purpose: To fix the 1978 tax levy.

City Attorney Rynders read the above titled ordinance by title for Council's consideration on Second Reading; whereupon Vice-Mayor McGrath opened the Public Hearing at 9:24 a.m. There being no one to speak for or against, the Vice-Mayor closed the Public Hearing at 9:25 a.m. and Mr. Thornton moved adoption of Ordinance 3089 on Second Reading, seconded by Mr. Schroeder and carried on roll call vote, 5-0.

AGENDA ITEM 5-d. An ordinance amending Section 23-12 of the Code of Ordinance of the City of Naples, Florida, relating to a two-hour parking limitation on parking in free off-street parking areas, by deleting therefrom Subsection (b) which provided a penalty for violation thereof; further, amending Section 23-12.2, relating to penalties for violation of certain Sections of Article III of Chapter 23, by including therein a penalty for the violation of Section 23-12; and providing an effective date. Purpose: To provide a uniform penalty for Article III, Chapter 23.

City Attorney Rynders read the above titled ordinance by title for Council's consideration on Second Reading; whereupon Vice-Mayor McGrath opened the Public Hearing at 9:27 a.m. There being no one to speak for or against, the Vice-Mayor closed the Public Hearing at 9:28 a.m. Mr. Thornton moved adoption of Ordinance 3090, on Second Reading, seconded by Mr. Schroeder and carried on roll call vote, 4-1, with Mr. Wood voting no.

AGENDA ITEM 5-e. An ordinance amending the Code of Ordinance of the City of Naples, Florida, by adding a new section 9-13 to Chapter 9, relating to fire protection, providing regulations for the delivery and transferring of liquefied petroleum gas from railroad tank cars; renumbering the existing Section 9-13; and providing an effective date. Purpose: To prevent fires and explosions resulting from improper delivery and transferring of liquefied petroleum gas from railroad tank cars.

City Attorney Rynders read the above titled ordinance by title for Council's consideration on Second Reading; whereupon Vice-Mayor McGrath opened the Public Hearing at 9:29 a.m. There being no one to speak for or against, the Vice-Mayor closed the Public Hearing at 9:30 a.m. Mr. Thornton moved adoption of Ordinance 3091, on Second Reading, seconded by Mr. Schroeder and carried on roll call vote, 5-0.

AGENDA ITEM 5-f. An ordinance repealing Section 16-21 of the Code of Ordinances of the City of Naples, Florida, which provides a schedule of fees to be charged at all City tennis courts; and substituting a new Section 16-21 therefor, providing for the adoption of a schedule of tennis court fees by resolution of the City Council; providing for the posting of such schedule at designated locations; and providing an effective date. Purpose: To provide for the adoption of a schedule of tennis court fees by resolution of Council in lieu of requiring the passage of an ordinance each time such schedule is revised.

City Attorney Rynders read the above titled ordinance by title for Council's consideration on Second Reading; whereupon Vice-Mayor McGrath opened the Public Hearing at 9:31 a.m. There being no one to speak for or against, the Vice-Mayor closed the Public Hearing at 9:32 a.m. Mr. Schroeder moved adoption of Ordinance 3092, on Second Reading, seconded by Mr. Twerdahl and carried on roll call vote, 5-0.

AGENDA ITEM 6. A resolution adopting a schedule of fees to be charged at all City tennis courts as of October 1, 1978, pursuant to Section 16-21 of the Code of Ordinances of the City of Naples; and providing an effective date. Requested by Director of Parks and Recreation.

City Attorney Rynders read the above titled resolution by title for Council's consideration. Mr. Schroeder moved adoption of Resolution 3093, seconded by Mr. Twerdahl and motion carried on roll call vote, 5-0.

AGENDA ITEM 7. Selection of auditor for Public Works Act grant. Requested by City Manager.

City Manager Patterson reviewed his memorandum to Council dated September 15, 1978 recommending Viciana, Ligarman & Mastropa of Coral Gables to do the audit for these projects (Attachment #1). City Attorney Rynders advised that this matter could be handled by a motion; whereupon Mr. Schroeder moved to accept the recommendation of the City Manager, seconded by Mr. Twerdahl and carried on roll call vote, 5-0.

AGENDA ITEM 8. A resolution authorizing the Mayor and City Clerk to execute a Traffic Signals Maintenance Agreement between the City of Naples and the State of Florida Department of Transportation, providing for traffic signal installations on Goodlette Road, Tenth Street South, Four Corners, Third Avenue South and Central Avenue, a copy of which Agreement is attached hereto and incorporated herein; and providing an effective date. Requested by City Engineer.

City Attorney Rynders read the above titled resolution by title for Council's consideration. Mr. Wood moved adoption of Resolution 3094, seconded by Mr. Twerdahl and carried on roll call vote, 5-0.

AGENDA ITEM 9. A request by Naples Land Yacht Harbor for sewer main extension.

City Manager Patterson outlined the information on the application for this sewer main extension and noted that it would do away with some of the pollution in the bay. Mr. Thornton moved approval of this application, seconded by Mr. Twerdahl and carried on roll call vote, 5-0.

AGENDA ITEM 10. A resolution accepting dedication of water main from Arthur Ford, et al, a copy of which is attached hereto and incorporated herein; and providing an effective date. Requested by Engineering Department

City Attorney Rynders read the above titled resolution by title for consideration by Council; whereupon Mr. Twerdahl moved adoption of Resolution 3095, seconded by Mr. Schroeder and carried on roll call vote, 5-0.

AGENDA ITEM 11. A resolution authorizing the Mayor and City Clerk to execute two leases with John A. Pulling for the purpose of operating a trash disposal site on the property described therein; further, accepting a utility easement, quitclaim deed and warranty deed from John A. Pulling et ux, copies of which are attached hereto and made a part of this resolution; and providing an effective date. Requested by City Attorney.

City Attorney Rynders read the above captioned resolution by title for Council's consideration. Mr. Twerdahl moved adoption of Resolution 3096, seconded by Mr. Schroeder and carried on roll call vote, 5-0

AGENDA ITEM 12. A resolution accepting an easement from Douglas Rondeau, dated June 8, 1978; and providing an effective date. Requested by Engineering Department.

City Attorney Rynders read the above referenced resolution by title for Council's consideration. Mr. Thornton moved adoption of Resolution 3097, seconded by Mr. Schroeder and carried on roll call vote, 5-0.

AGENDA ITEM 13. A resolution opposing legalization of casino gambling in the State of Florida and urging community organizations and leaders who are in opposition thereto to publicly express their position; and providing an effective date. Requested by Councilman Thornton.

City Attorney Rynders read the above titled resolution by title for consideration by Council; whereupon Mr. Wood moved adoption of Resolution 3098, seconded by Mr. Twerdahl and carried on roll call vote, 5-0.

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Mr. Wood moved to add a resolution to the agenda as an emergency nature, seconded by Mr. Thornton and carried on roll call vote, 5-0.

City Attorney Rynders read the below titled resolution in its entirety for consideration by Council.

A RESOLUTION REQUESTING THE PERC SPECIAL MASTER TO TREAT THE REPORT ON THE CITY'S NEGOTIATIONS WITH THE POLICE BARGAINING UNIT AS A MATTER OF EXTREME URGENCY; DIRECTING THAT A COPY OF THIS RESOLUTION BE FORWARDED TO SAID SPECIAL MASTER; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schroeder moved to adopt Resolution 3099, seconded by Mr. Twerdahl and carried on roll call vote, 5-0.

CORRESPONDENCE & COMMUNICATIONS

Vice-Mayor McGrath read into the record a letter of resignation from Mrs. Ruth Brashear, effective at the October meeting. It was the consensus of Council that she receive a commendation from Council. Mr. Schroeder gave City Manager a copy of a commendation so that he could get a supply for future use.

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Mr. Schroeder pointed out that in order to submit the completed comprehensive plan to the State of Florida by July of 1979, it would have to be submitted to the Southwest Regional Planning Council by March 4, 1979.

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Discussion on distribution and cost of hurricane preparedness was held and City Manager Patterson stated that he had suggested that Chief Ijams try to get newspapers to print it as a public service.

There being no further business to come before this Regular Meeting of the Naples City Council, Vice-Mayor McGrath adjourned the meeting at 10:02 a.m.

Janet Davis Cason

James F. McGrath, Vice-Mayor

Janet Davis Cason
City Clerk

Ellen P. Marshall

Ellen P. Marshall
Deputy City Clerk

These minutes of the Naples City Council approved on 10-4-78



City of Naples

735 EIGHTH STREET, SOUTH - NAPLES, FLORIDA 33940

OFFICE OF THE CITY MANAGER

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: GEORGE M. PATTERSON, CITY MANAGER

SUBJECT: RECOMMENDATION FOR HIRING INDEPENDENT AUDIT FIRM
TO CONDUCT AUDIT OF THE PUBLIC SAFETY BUILDING
AND CITY HALL

DATE: SEPTEMBER 15, 1978

The conditions of our Local Public Works Grant for the construction of the Public Safety Building and City Hall require that we hire an independent audit firm to conduct an audit upon completion of the project. We are also required to provide for at least 10 percent minority business enterprise participation on the project. Since we have applied for a waiver of that requirement, Economic Development Administration officials have suggested that the audit be performed by a minority business enterprise.

In order to identify a qualified minority audit firm, the Finance Director, and a representative from the City's audit firm, Rogers Silva Robbins Moon & Company, reviewed a current list of all minority audit firms in Florida. Based on their recommendations, three firms were requested to submit proposals to perform the audit.

The firms contacted were: Miyar, Garcia & Company, Miami, Florida; Viciano, Ligarman & Mastropa, Coral Gables, Florida; and William H. Duhart, Jacksonville, Florida.

Two of the firms responded that they would not submit proposals. The firm of Viciano, Ligarman & Mastropa has proposed to perform the audit in accordance with the requirements of the grant, and for a fee that would not exceed the budgeted amount of \$1,500.

Based on their proposal, I recommend that the City Council appoint Viciano, Ligarman & Mastropa of Coral Gables, Florida, as auditors for the Local Public Works Grant, and authorize the City Manager to execute the required contract.

Respectfully submitted:

George M. Patterson
George M. Patterson
City Manager