

MINUTES OF THE REGULAR MEETING OF THE NAPLES CITY COUNCIL HELD IN THE PARKS & RECREATION BUILDING, NAPLES, FLORIDA, WEDNESDAY, OCTOBER 18, 1978, AT 9:07 A.M.

Present: R. B. Anderson
Mayor

C. C. Holland (arrived at 9:11 a.m.)
James F. McGrath
Wade H. Schroeder
Randolph I. Thornton
Edward A. Twerdahl
Kenneth A. Wood

Also Present: Bradley Estes, Assistant to the City Manager
David W. Rynders, City Attorney
Roger Barry, Planning Director
John McCord, City Engineer
Anders Sandquist, Building & Zoning Official
William Savidge, Director of Public Works
Gary Lester, Traffic Engineer
Franklin Jones, Finance Director
Norris Ijams, Fire Chief
Gary Young, Police Chief
Mark Wiltsie, Purchasing

Rev. Floyd Long
Charles Andrews
Robert Harrington
Chris Kerckhoff
Harold Yegge
Arndt Mueller
Mr. & Mrs. J. B. Morgan
Gilbert Blanquart
C. A. Haynes
William Shearston
Sam Aronoff
Clayton Bigg
Sergio E. G-Montes
Robert Blank
Dr. J. Van de Kreeke
James Vensel
Jack Peoples
David Tackney
Robert Russell
Kathy Chlumsky
Jack Miller
Ted Smallwood
Joseph Kingsley
Robert E. Lee Hall
J. Frederick Bechtel
Jack Stanley
Robert Tiffany
Edward Chlumsky

News Media: Frank Rinella, Naples Daily News
 John Robinson, TV-9
 Allen Bartlett, Fort Myers News Press
 Bella English, Miami Herald
 Ray McNally, TV-9
 Kent Weissinger, WRGI
 Tom Lowe, WBBH-TV
 Lloyd Dove, WINK-TV
 John Runde, WEVU-TV

Other interested citizens and visitors.

Mayor Anderson called the meeting to order; whereupon Reverend Floyd Long of the Church of Christ 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 Regular Meeting of October 4, 1978. Mr. Thornton moved approval of the minutes as presented, seconded by Mr. McGrath and approved by consensus of Council with Mr. Holland being absent.

AGENDA ITEM 4. PUBLIC HEARING: To consider a petition for a variance from coastal construction setback line established by Ordinance No. 2247, as amended. Property: Lots 18-31, Beach Estates, plat book 1, page 66, public record of Collier County, Florida. Petitioner: Pevely Dairy.

Mayor Anderson opened the Public Hearing at 9:10 a.m. and made an opening statement regarding Council's concern that actions taken will allow reasonable use of the land in question.

Let the record show that Mr. Holland arrived at 9:11 a.m.

Mr. Chris Kerckhoff, representing the petitioner, stated that their attorney and shore line expert had been delayed by a late departing flight from Miami. Mayor Anderson recessed the Public Hearing at 9:12 a.m. to await the arrival of Pevely Dairy's counselors.

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

AGENDA ITEM 5-a. An ordinance granting a Special Exception to construct a 42" high masonry wall in the required front yard at 3345 Fort Charles Drive, Naples, Florida, more particularly described herein; and providing an effective date. Purpose: To permit construction of a wall in the required front yard of the property described herein, which may be permitted by Special Exception Only.

Mayor Anderson opened the Public Hearing at 9:14 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 Mayor closed the Public Hearing at 9:16 a.m. Mr. Twerdahl moved adoption of Ordinance 3111, on Second Reading seconded by Mr. Thornton and carried on roll call vote, 7-0.

AGENDA ITEM 5-b. An ordinance granting a Special Exception to rebuild an existing gasoline service station at the southwest corner of 7th Avenue North and 9th Street North, Naples, Florida, more particularly described herein; and providing an effective date. Purpose: To permit reconstruction of an existing gasoline service station on property described herein, which under current zoning classification may be permitted by Special Exception only.

Mayor Anderson opened the Public Hearing at 9:17 a.m.; whereupon City Attorney Rynders read the above titled ordinance by title for Council's consideration on Second Reading. Mr. Holland questioned the station's past use of signs that were not in accordance with City's existing ordinances. Mr. Roger Barry, Planning Director, noted that the proposed plans included a permitted sign. Mr. McGrath moved adoption of Ordinance 3112, seconded by Mr. Thornton. There being no one else to speak for or against, the Mayor closed the Public Hearing at 9:25 a.m. and motion carried on roll call vote, 7-0.

AGENDA ITEM 5-c. An ordinance granting a Special Exception for construction of three additional drive-up units at Citizens National Bank, 3055 Tamiami Trail North, Naples, Florida, more particularly described herein; and providing an effective date. Purpose: To permit a use by Special Exception, pursuant to Section 6 (24) of the Zoning Code, which would not generally be a permitted use under the existing zoning classification of said property.

Mayor Anderson opened the Public Hearing at 9:26 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 Mayor closed the Public Hearing at 9:27 a.m. Mr. Schroeder moved adoption of Ordinance 3113, on Second Reading, seconded by Mr. McGrath and carried on roll call vote, 7-0.

RETURN TO AGENDA ITEM 4.

Mayor Anderson reopened the Public Hearing at 9:28 a.m.; at which time City Attorney Rynders read into the record that notice of this Public Hearing was published in the October 3, 1978 issue of the Naples Daily News. Mr. Robert Blank, attorney for the petitioner noted the presence of Mr. James Vensel, Dr. Jacobis Van de Kreeke and Mr. Jack Peebles. Mr. Vensel presented a proposed land use plan based on petitioner's request for variance in the coastal setback line. Mr. Gilbert Blanquart asked Mr. Blank if Pevely Dairy had made application to the County for a variance from their setback line to which Mr. Blank responded in the negative. Mr. Blanquart asked Mr. Vensel if an additional retaining wall would be built landward of the rip rap to which Mr. Vensel replied in the negative. Mrs. Morgan asked Mr. Vensel to verify the dimensions of the property in question. Dr. Van de Kreeke gave a description of the impact of the proposed project on the beach, which as presented included a rubble revetment to protect both beach and property as opposed to a seawall which would protect mainly the property. Mr. Ed Chlumsky noted that seawalls had kept sand off Gordon Drive during the last hurricane. Mayor Anderson recessed the Public Hearing at 10:50 a.m. and reconvened it at 11:10 a.m. with all members of Council present.

Mr. Gilbert Blanquart addressed Council in opposition to permitting the building of houses on bare pilings. City Attorney David Rynders introduced Mr. David Tackney Vice President of Sub-Oceanic Consultants, who presented the City's proposal, which included a buried rubble revetment. Mr. Chris Kerckhoff felt the revetment in Pevely Dairy's proposal would perform the same protective function. Mr. Ed Chlumsky did not agree with the theory of the buried revetment. Mr. Tackney stated his opinion that the moving of Gordon Drive would result in the need for a request for a lesser variance

and would afford the petitioner a larger building envelope. Mayor Anderson elicited an opinion from Mr. Tackney that the variance request incorporating structure further from the water and using the buried revetment would stand a better chance of state approval than the petitioner's request with structures closer to the water. He also noted the City's discussions with the Pevely Dairy group concerning the moving of Gordon Drive to the East, which would give them a larger building envelope than was noted in their proposal presented this date. The Mayor also noted the expense for moving Gordon Drive would be approximately \$60,000 and would be borne by the petitioner.

Mr. Kerckhoff noted that this agreement could only be made contingent upon approval by the state of the variance request; however, he continued, saying he could not make any commitments himself. At 12:30 p.m. Mr. Blank suggested that he and the Pevely Dairy people would like to leave Council Chambers to discuss the matters that had been presented. Upon their return at 12:36 p.m., Mr. Blank requested that Council hold their petition in abeyance until they had had a chance to discuss the City staff's proposal with their Board of Directors. City Attorney Rynders suggested that Council take action on the variance request as proposed by the City staff; whereupon he read the below titled resolution in its entirety for Council's consideration.

A RESOLUTION GRANTING A VARIANCE FROM THE COASTAL CONSTRUCTION SETBACK LINE ESTABLISHED BY SECTION 7-41 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, FOR THE PURPOSE OF PERMITTING CONSTRUCTION OF SINGLE-FAMILY HOMES ON LOTS 18 to 31, INCLUSIVE, OF BEACH ESTATES, ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK 1, PAGE 66, PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA, SUBJECT TO THE CONDITIONS ENUMERATED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

After discussion, Council amended the resolution to add "to be constructed 1' below mean sea level and of such engineering design to be approved by the City" to the end of part 2. of Section 2. Mr. Arndt Mueller addressed Council stating that he questioned the need for a revetment, but he added he would not oppose the type of revetment suggested by Mr. Tackney. Mr. Bechtel inquired whether or not Council would send a representative to Tallahassee to assist the petitioner if they requested a variance in coastal construction setback line in accordance with the City staff's suggestions, to which Mayor Anderson answered that the City would assist in any way possible. There being no one else to speak for or against, the Mayor closed the Public Hearing at 12:47 p.m.; whereupon Mr. Twerdahl moved adoption of Resolution 3114 as amended, seconded by Mr. Schroeder and carried on roll call vote, 7-0.

Let the record show that Mayor Anderson recessed the meeting at 12:52 p.m. for a lunch break and reconvened at 2:11 p.m. with all Council members present.

RETURNED TO REGULAR ORDER OF THE AGENDA.

AGENDA ITEM 6. First Reading of ordinance. An ordinance rezoning Lot 3, Block "N", Coquina Sands, Unit No. 2, as recorded in plat book 3, pages 53 and 54, public records of Collier County, Florida, from "R1-10", Single Family Residential, to "HC, Highway Commercial; directing that the Zoning Atlas be revised to reflect said rezoning; and providing an effective date. Pursuant to Public Hearing October 4, 1978.

City Attorney Rynders read the above titled ordinance by title for Council's consideration on First Reading. Mr. Thornton moved approval on First Reading of this ordinance, seconded by Mr. McGrath and carried on roll call vote, 7-0.

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AGENDA ITEM 7. Presentation and request for support of proposed health maintenance organization by Southwest Florida Health Care, Inc., represented by M. Daniel Sasso.

Mr. Brad Estes, Assistant to the City Manager, noted that the petitioner, M. Daniel Sasso, had asked to be rescheduled because of the time element.

AGENDA ITEM 8. Ratification of contract between the City of Naples and the International Association of Fire Fighters, Local 2174. Requested by City Manager.

City Attorney Rynders read the below titled resolution by title for Council's consideration.

A RESOLUTION RATIFYING AND APPROVING THE CONTRACT BETWEEN THE CITY OF NAPLES AND INTERNATIONAL ASSOCIATION OF FIREFIGHTERS LOCAL 2174; AND PROVIDING AN EFFECTIVE DATE.

Mayor Anderson noted the agreement to hire an engineer which was in this contract but had not been discussed at Council's Executive session. Consensus of Council was that this was an acceptable addition. Mr. Twerdahl stated his opinion that this should be reviewed by Council's labor relations counsel. Mr. Thornton moved adoption of Resolution 3115, seconded by Mr. McGrath, and carried on roll call vote, 7-0.

AGENDA ITEM 9. A resolution authorizing the Mayor and City Clerk to execute the Acceptance Provisions of the Grant Agreement authorized by the Department of Housing and Urban Development under the Funding Approval for Application/Grant No. B-78-DN-12-0160 for the acquisition of the northern portion of the Carver Site; a copy of which Agreement is attached hereto and incorporated herein by reference; and providing an effective date. Requested by Planning Department.

City Attorney Rynders read the above titled resolution by title for Council's consideration. Mayor Anderson noted that most of this agreement did not apply to housing; only to land acquisition. Mr. McGrath moved adoption of Resolution 3116, seconded by Mr. Schroeder and carried on roll call vote, 6-1 with Mr. Thornton voting no.

AGENDA ITEM 10. Approval to negotiate for property for raw water re-pumping station. Requested by City Manager.

Mr. William Savidge, Director of Public Works, and Mr. Ted Smallwood, Consulting Engineer, answered Council members' questions regarding the funds for the land acquisition being included in the recent bond issue for the water improvements. Mr. Thornton moved approval of the authorization to negotiate for this property, seconded by Mr. Schroeder and carried on roll call vote, 7-0.

AGENDA ITEM 11. A resolution accepting certain easements described herein for the purpose of installing and maintaining a raw water transmission main; and providing an effective date. Requested by Consulting Engineer.

City Attorney Rynders read the above titled resolution by title for Council's consideration. Mr. Wood moved adoption of Resolution 3117, seconded by Mr. Schroeder and carried on roll call vote, 7-0.

AGENDA ITEM 12. Authorization for consulting engineer to conduct a feasibility study regarding master pumping station/force main system within the 180 Sewer Service Area, which lies north of Rock Creek and east of Goodlette Road. Requested by City Manager.

City Attorney Rynders read the below titled resolution by title for Council's consideration.

A RESOLUTION AUTHORIZING THE CITY'S ENGINEER, CH2M HILL, TO CONDUCT A FEASIBILITY STUDY RELATING TO THE MASTER PUMPING STATIONS AND FORCE MAINS WITHIN THE CITY'S SEWER SERVICE AREA ESTABLISHED PURSUANT TO CHAPTER 180, FLORIDA STATUTES, FOR THAT PORTION LYING NORTH OF ROCK CREEK AND EAST OF GOODLETTE ROAD; AND PROVIDING AN EFFECTIVE DATE.

Mr. Ted Smallwood, consulting engineer, pointed out that this was the last area in the 180 District that did not have a plan for development. Mr. Twerdahl moved adoption of Resolution 3118, seconded by Mr. Wood and carried on roll call vote, 7-0.

AGENDA ITEM 13. A resolution requesting the Board of County Commissioners of Collier County to provide funds for construction of Coastland Boulevard in order to complete construction thereof simultaneously with completion of improvements to the Golden Gate Parkway; and providing an effective date. Requested by City Manager.

City Attorney Rynders read the above titled resolution in its entirety for Council's consideration. After discussion of various suggested amendments to the above titled resolution, it was the consensus of Council not to take any action on this resolution at this time, but to approach the County Commissioners through the Mayor's office and make this request.

AGENDA ITEM 14. Recommendation by Stanley Hole & Associates, consulting engineers, for award of contract for construction of Naples Landing, pursuant to bid opening October 12, 1978.

City Attorney Rynders read the below titled resolution by title for Council's consideration.

A RESOLUTION AWARDDING BID FOR IMPROVEMENTS TO THE NAPLES LANDING SITE, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A CONTRACT THEREFOR, AND PROVIDING AN EFFECTIVE DATE.

Mayor Anderson asked if the language in the bid solicitation would permit awarding these contracts all or in part and if so, he suggested awarding only Alternate 2 to the low bidder on that alternate. Mr. David Rynders, City Attorney, stated that he would have to review the bid documents. Mr. John McCord, City Engineer, noted that there was a \$2,200 water-sewer impact fee to be paid that was not reflected in the bids, but would be part of the funds budgeted for this project. Mr. Twerdahl moved adoption of Resolution 3119 as presented, seconded by Mr. Schroeder and carried on roll call vote, 5-2, with Mr. Holland and Mr. Wood voting no.

AGENDA ITEM 15. A resolution authorizing the City of Naples Police Department to enforce the provisions of County Ordinance No. 78-16, relating to the licensing of dogs and cats and animal control, within the City of Naples; and providing an effective date. Requested by Police Chief.

City Attorney Rynders read the above titled resolution by title for Council's consideration. Gary Young, Police Chief, noted that he did not feel the County ordinance gave the City police the authority to enforce this ordinance. Mr. McGrath noted that some of the money paid to the County should cover this service. Mr. Thornton moved that this item be removed from the Agenda, seconded by Mr. Schroeder and carried on roll call vote, 7-0.

AGENDA ITEM 16. Authorization for execution of contract for improvements and maintenance of right-of-way on Broad Avenue South. Requested by City Manager.

City Attorney Rynders read the below titled resolution by title for Council's consideration.

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF NAPLES AND FIRST NATIONAL BANK AND TRUST COMPANY OF NAPLES, TRUSTEE, RELATING TO THE LANDSCAPING AND MAINTENANCE OF THE CITY'S RIGHT-OF-WAY ALONG BROAD AVENUE SOUTH; AND PROVIDING AN EFFECTIVE DATE.

Mr. Thornton moved adoption of Resolution 3120, seconded by Mr. McGrath and carried on roll call vote, 6-1 with Mr. Holland voting no.

AGENDA ITEM 17. Bid Award - Assorted foliage for landscaping of U.S. 41.

City Attorney Rynders read the below titled resolution by title for Council's consideration.

A RESOLUTION AWARDED BIDS FOR THE FURNISHING OF ASSORTED PLANTS FOR LANDSCAPING U.S. 41 ISLANDS BETWEEN FIRST AVENUE NORTH AND SEVENTH AVENUE NORTH: AND AUTHORIZING THE CITY MANAGER TO ISSUE PURCHASE ORDERS THEREFOR.

In answer to Mayor Anderson's question, Mark Wiltsie of the Purchasing Department responded that 18 local suppliers were solicited for bids. Mr. McGrath moved adoption of Resolution 3121, seconded by Mr. Thornton and carried on roll call vote, 7-0.

There being no further business to come before this Regular Meeting of the Naples City Council, Mayor Anderson adjourned the meeting at 3:25 p.m.

Janet Davis Cason

Janet Davis Cason
City Clerk

R. B. Anderson

R. B. Anderson, Mayor

Ellen P. Marshall

Ellen P. Marshall
Deputy City Clerk

These minutes of the Naples City Council were approved on 11-1-78