

MINUTES OF THE REGULAR MEETING OF THE NAPLES CITY COUNCIL HELD IN THE PARKS & RECREATION BUILDING, NAPLES, FLORIDA, WEDNESDAY, DECEMBER 20, 1978, AT 9:08 A.M.

Present: R. B. Anderson
Mayor

C. C. Holland
James F. McGrath
Wade H. Schroeder
Randolph I. Thornton
Kenneth A. Wood
Councilmen

Absent: Edward A. Twerdahl
Councilman

Also Present: George M. Patterson, City Manager
David W. Rynders, City Attorney
Bradley Estes, Assistant to the City Manager
William Savidge, Public Works Director
Randy Davis, Director of Parks & Recreation
Roger Barry, Planning Director
Norris Ijams, Fire Chief
John McCord, City Engineer

Reverend Howard Hugus
Wayne Hook
Harry Rothchild
Charles Andrews
Sam Aronoff
Roger G. Nooe
Robert E. Lee Hall
Robert Russell
Jack Miller
William Shearston
Egon Hill
Robert Carsello
Herbert Cambridge
Eugene Pratt
Richard Adams
Joseph Grimm
Cliff Schneider
R. W. Wood

News Media: Tom Lowe, WBBH-TV
Mark Johnson, WBBH-TV
Lloyd Dove, WINK-TV
John Robinson, TV-9
Ray McNally, TV-9
Jerry Pugh, TV-9
Frank Rinella, Naples Daily News
Allen Bartlett, Fort Myers News Press
Jeff Birnbaum, Miami Herald
Kent Weissinger, WRGI

Other interested citizens and visitors

Mayor Anderson called the meeting to order; whereupon the Reverend Howard Hugus of the Emmanuel Lutheran Church gave the Invocation followed by the Pledge of Allegiance to the Flag.

AGENDA ITEM 3. Approval of Minutes.

Mayor Anderson called the Council's attention to the minutes of Workshop Meeting of October 17, 1978, October 18, 1978, October 31, 1978, November 1, 1978 and November 14, 1978; Special Meetings of November 28, 1978 and December 12, 1978; and the Regular Meeting of December 6, 1978. Mr. Thornton moved to accept all the minutes as presented, seconded by Mr. Wood and carried unanimously by consensus, 6-0.

AGENDA ITEM 4. Award Presentation by American Public Works Association to Public Works Director William F. Savidge for 30 years' service to a single local public agency in an official capacity. Requested by Roger G. Nooe, Executive Secretary, Florida Chapter, American Public Works Association.

Mayor Anderson noted the presence of Roger G. Nooe who addressed Council commending William Savidge, Director of Public Works, for his 30 years of public service and commending the government officials who gave him this opportunity. He made the Samuel A. Greeley Local Government Service Award presentation to Mr. Savidge for this service.

Mayor Anderson took this opportunity to read a Proclamation lauding Mr. Anders Sandquist on his impending retirement and his service to the City of Naples (Attachment #1).

AGENDA ITEM 5. Recommendation regarding sculpture for new City Hall Complex by Art Advisory Committee.

Mr. Roger Barry, Planning Director, had chaired the Art Advisory Committee and reviewed their recommendation to Council as noted in his memorandum dated December 14, 1978 (Attachment #2) and presented a rendering of the work and a sample of the material to be used. Mr. Wayne Hook, the artist, answered questions regarding the sculpture and the reflecting pool. After much discussion Council wished to indicate approval of the artwork. Mr. Thornton moved to approve the design and artist and to move forward with the project, the sculpture only, providing it would be funded locally by public donation, seconded by Mr. McGrath. Motion failed on roll call vote, 2-4 with Councilmen Holland, Schroeder, Wood and Mayor Anderson voting no.

Mr. Schroeder moved that the City acquire the sculpture, complete the reflecting pool, apply for funds from the Federal government and in any event acquire it and pay for it. Motion died for lack of a second. Mr. Holland moved to acquire this if any group so chooses to take fund raising in hand for the piece of art and fountain, seconded by Mr. Thornton. Mr. Harry Rothchild noted that a unanimous decision by Council would be desirable. Motion carried on roll call vote, 4-2, with Councilman Wood and Mayor Anderson voting no.

AGENDA ITEM 6. PUBLIC HEARING: Second Reading of ordinances.

AGENDA ITEM 6-a. An ordinance amending Chapter 8 of the Code of Ordinances of the City of Naples, Florida, by amending Section 8-3 thereof, relating to amendments to the Standard Building Code, by adding a new Paragraph (c) to Section 105.2 of the Standard Building Code, 1976 edition, requesting a time schedule prior to the issuance of a building permit for construction which will exceed eighteen months; further, by amending Section 8.5 thereof, providing a time limitation on building permits; and providing an effective date. Purpose: To require a time schedule prior to the issuance of a building permit for construction which will exceed eighteen months and to provide a time limitation on building permits.

City Attorney Rynders read the above titled ordinance by title for Council's consideration on Second Reading; whereupon Mayor Anderson opened the Public Hearing at 9:48 a.m. Harry Rothchild asked for a clarification of the penalties involved for a developer who did not comply with the amendment and Attorney Rynders pointed out the penalty of obtaining a new building permit and another City ordinance allowing the City to demolish a dangerous structure and bill the owner. There being no one else to speak for or against, the Mayor closed the Public Hearing at 9:55 a.m.; whereupon Mr. Schroeder moved adoption of Ordinance 3151 on Second Reading, seconded by Mr. McGrath and carried on roll call vote, 6-0.

AGENDA ITEM 6-b. An ordinance repealing Ordinance No. 2876, which amended Section 4 (o) of Chapter 69-1326, Special Acts of Florida, relating to airport zoning regulations and powers, and which adopted said Chapter 69-1326 as an ordinance of the City of Naples; and providing an effective date. Purpose: To repeal the ordinance which adopted the Airport Authority Act as an ordinance of the City.

City Attorney Rynders read the above titled ordinance by title for consideration by Council on Second Reading. Mayor Anderson opened the Public Hearing at 9:56 a.m. There being no one else to speak for or against, the Mayor closed the Public Hearing at 9:57 a.m.; whereupon Mr. Thornton moved adoption of Ordinance 3152 on Second Reading, seconded by Mr. Schroeder and carried on roll call vote, 6-0. Mr. Jack Miller, Chairman of the Airport Authority, commended the work on this matter done by Attorney Rynders. Mr. Robert E. Lee Hall, member of the Airport Authority, affirmed this.

AGENDA ITEM 6-c. An ordinance amending the Code of Ordinances of the City of Naples, Florida, by repealing therefrom Paragraph (b) of Section 3-3, which authorized the sale of alcoholic beverages on Sunday, December 31, 1967, and substituting the within ordinance therefor, authorizing the sale of alcoholic beverages on Sunday, December 31, 1978, during designated hours; providing for the automatic repeal of this ordinance and providing an effective date. Purpose: To permit the sale of alcoholic beverages on New Year's Eve which falls on Sunday, December 31, 1978.

City Attorney Rynders read the above captioned ordinance by title for Council's consideration on Second Reading; whereupon Mayor Anderson opened the Public Hearing at 9:58 a.m. There being no one to speak for or against, the Mayor closed the Public Hearing at 9:59 a.m.; whereupon Mr. Thornton moved adoption of Ordinance 3153 on Second Reading, seconded by Mr. McGrath and carried on roll call vote, 6-0.

AGENDA ITEM 6-d. An ordinance amending Section 16-20 of the Code of Ordinances of the City of Naples, relating to the City Fishing Pier, by amending Item (f) of Subsection (1) to prohibit the use of the railing or benches on the Pier for cleaning or cutting bait or fish; and providing an effective date. Purpose: To prohibit the use of the railing or benches on the Pier for cleaning or cutting fish in addition to prohibiting the use thereof for cutting bait.

City Attorney Rynders read the above referenced ordinance by title for consideration by Council on Second Reading; whereupon Mayor Anderson opened the Public Hearing at 10:00 a.m. Mr. Harry Rothchild suggested a change in the wording for clarification. Attorney Rynders noted that this wording had been requested by the State Attorney's office for purposes of enforcement. Mayor Anderson closed the Public Hearing at 10:03 a.m.; whereupon Mr. Thornton moved adoption of Ordinance 3154 on Second Reading, seconded by Mr. McGrath and carried on roll call vote, 6-0.

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AGENDA ITEM 8. Request for special permit pursuant to Section 7.30 of the Code of Ordinances (Lakes, filling, erecting buildings over, prohibited.) for work to be performed on Lot 10, Block C, The Moorings, Unit 6, by Design Concepts & Development.

Mayor Anderson noted the presence of Mr. Richard M. Adams of Design Concepts and Development who addressed Council concerning the desired permit as outlined in memo to City Manager Patterson from John McCord, City Engineer, dated December 14, 1978 (Attachment #3)

Let the record show that Mr. Holland returned to Council chambers at 10:30 a.m.

Mr. Joseph Grimm, architect for Design Concepts and Development on the project The Somerset, explained to Council reason for the request for the permit to retrieve land that had been lost to Lake Suzanne. Mr. Thornton moved to approve this request for permit contingent upon the conditions as set forth in Mr. McCord's memo, seconded by Mr. Holland and carried on roll call vote, 5-1 with Mr. Wood voting no.

AGENDA ITEM 9. A resolution of the City Council endorsing the principle of fair housing and of adherence to the Federal Fair Housing Law and authorizing the Mayor to send letters to those in the business of selling, renting or financing housing advising them thereof. Requested by Planning Department.

Mr. Schroeder moved to approve Resolution 3155 after its reading. Mr. Herbert Cambridge, representing the Black Betterment Committee, requested permission to address Council concerning the resolution. He noted his agreement with the principles in the resolution and asked that Council include a statement that would be a little stronger in actual practice. City Attorney Rynders read the above titled resolution in its entirety for consideration by Council. Mr. Schroeder's motion to approve was seconded by Mr. Wood and carried on roll call vote, 4-2 with Mr. Holland and Mr. Thornton voting no.

AGENDA ITEM 10. Authorization to execute Change Order No. 2 with reference to construction of Part III of the 16" potable water transmission main along Kelly Road and Thomasson Drive and along Pineland Street and Francis Avenue. Requested by Public Works Director.

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

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE CHANGE ORDER NO. 2 TO THE CONTRACT BETWEEN THE CITY OF NAPLES AND CADENHEAD AND SON CONSTRUCTION CO., INC. FOR CONSTRUCTION OF PART III OF THE POTABLE WATER TRANSMISSION MAIN ALONG KELLY ROAD AND THOMASSON DRIVE AND ALONG PINELAND STREET AND FRANCIS AVENUE; AND PROVIDING AN EFFECTIVE DATE.

Mr. Thornton moved approval of Resolution 3156, seconded by Mr. McGrath and carried on roll call vote, 6-0.

AGENDA ITEM 11. Authorization to execute Change Order No. 1 and No. 2 with reference to the Harbour Drive/10th Avenue South reconstruction projects and authorization to redistribute capital improvement program funds to cover additional projects costs. Requested by City Engineer.

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

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE CHANGE ORDERS NO. 1 AND NO. 2 TO THE CONTRACT BETWEEN THE CITY OF NAPLES AND BRISSON, INC., FOR THE HARBOUR DRIVE/10TH AVENUE SOUTH RECONSTRUCTION PROJECTS; AND PROVIDING AN EFFECTIVE DATE.

Mr. McGrath moved adoption of Resolution 3157, seconded by Mr. Thornton and carried on roll call vote, 6-0.

AGENDA ITEM 12. Authorization to purchase additional insurance pursuant to recommendation of insurance consultants. Requested by City Manager.

City Manager Patterson stated that Council had expressed a desire for further information on this matter during the workshop presentation by the consultants, E. W. Siver & Associates, Inc. Mr. Thornton moved to remove this item from the Agenda, seconded by Mr. McGrath and carried on roll call vote, 5-1.

AGENDA ITEM 13. Authorization to waive bidding procedure with reference to relocation of City Hall equipment and furnishings. Requested by City Manager.

City Attorney Rynders read the below referenced resolution by title for consideration by Council.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENGAGE THE SERVICES OF ROBERT FLINN MOVING AND STORAGE TO MOVE THE CITY HALL FURNISHINGS INTO THE NEW CITY HALL BUILDING, WAIVING THE REQUIREMENT FOR COMPETITIVE BIDDING; AND PROVIDING AN EFFECTIVE DATE.

Mr. Holland moved adoption of Resolution 3158, seconded by Mr. Schroeder and carried on roll call vote, 6-0.

AGENDA ITEM 14. Purchasing;

AGENDA ITEM 14-a. Action on bids for tennis court construction and lighting.

City Attorney Rynders read the below captioned resolution by title for consideration by Council.

A RESOLUTION AWARDED BID FOR CONSTRUCTION OF THREE TENNIS COURTS, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A CONTRACT THEREFOR; REJECTING ALL BIDS RECEIVED FOR TENNIS COURT LIGHTING; AND PROVIDING AN EFFECTIVE DATE.

Mr. McGrath moved adoption of Resolution 3159, seconded by Mr. Schroeder and carried on roll call vote, 5-1 with Mr. Holland voting no.

AGENDA ITEM 14-b. Action on bids for mowing equipment and request for removal of bidder from bid list.

City Attorney Rynders read the below captioned resolution in its entirety for Council's consideration.

A RESOLUTION RESCINDING RESOLUTION NO. 3064 WHICH AWARDED BID TO HOMESTEAD MOWER CENTER, INC., FOR THE FURNISHING OF TWO RIDING TURF MOWERS; DIRECTING THE CITY MANAGER TO REMOVE SAID FIRM FROM THE CITY'S BID LIST; AND PROVIDING AN EFFECTIVE DATE.

Mr. Holland moved adoption of Resolution 3160, seconded by Mr. McGrath and carried on roll call vote, 6-0.

Let the record show that Mr. Thornton moved to add to the Agenda on an emergency basis the following resolution concerning ratification of Fraternal Order of Police employment contract, seconded by Mr. McGrath and carried on roll call vote, 5-1 with Mr. Holland voting no.

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

A RESOLUTION RATIFYING AND CONFIRMING THE CONTRACT BETWEEN THE CITY OF NAPLES AND THE FRATERNAL ORDER OF POLICE, LOCAL NO. 38, A COPY OF WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN, DECLARING THE SAME TO BE OF AN EMERGENCY NATURE; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schroder moved to adopt Resolution 3161, seconded by Mr. Wood and carried on roll call vote, 5-1 with Mr. Holland voting no.

Let the record show that Mr. Patterson reported that the AFSME contract for the general employees' union was ratified by the general employees on December 19, 1978 by a 61-4 vote.

Let the record show that Mr. Thornton moved to add to the Agenda on an emergency basis the acceptance of the Watkins deed, seconded by Mr. Schroeder and carried on roll call vote, 6-0.

City Attorney Rynders read the below referenced resolution in its entirety for Council's consideration.

A RESOLUTION ACCEPTING A DEED FROM HENRY B. WATKINS, JR., ET AL, CONVEYING TO THE CITY OF NAPLES A TRACT OF LAND IN BLOCK V, RIVER PARK EAST SUB-DIVISION, BEING ADJACENT TO ANTHONY PARK; AND PROVIDING AN EFFECTIVE DATE.

Mr. Harry Rothchild noted that the acceptance of this property would remove it from the City's tax rolls. Mr. Thornton moved adoption of Resolution 3162, seconded by Mr. Schroeder and carried on roll call vote, 6-0.

CORRESPONDENCE & COMMUNICATIONS

City Manager Patterson reviewed his memorandum to Council dated December 14, 1978 (Attachment #4) regarding an I.P.A. grant and the repairs to Mooring Line Drive.

Consensus of Council was to respond to the County Commissioners' office inquiry that all they would need would be an Agenda and a Manager's report for County Commissioners' meetings as opposed to a package with complete back-up material.

There being no further business to come before this Regular Meeting of the Naples City Council, Mayor Anderson adjourned the meeting at 11:44 a.m.

Janet Davis Cason

Janet Davis Cason
City Clerk

Ellen P. Marshall

Ellen P. Marshall
Deputy City Clerk

R. B. Anderson

R. B. Anderson, Mayor

These minutes of the Naples City Council approved on

1-3-79

ATTACHMENT #1



City of Naples

225 SOUTH STREET, SOUTH NA, FLORIDA 34103

OFFICE OF THE MAYOR

P R O C L A M A T I O N

WHEREAS, on November 14, 1968, Anders B. Sandquist was employed as Building and Zoning Administrator for the City of Naples; and

WHEREAS, Mr. Sandquist is retiring as of December 31, 1978; and

WHEREAS, during his employment with the City of Naples, Mr. Sandquist demonstrated dedication and an awareness of the need of the public servant to serve the public rather than to be served; and

WHEREAS, this Council is appreciative of the dedicated manner in which Mr. Sandquist performed his duties and his retirement will result in a great loss to the City;

NOW, THEREFORE, I, R. B. ANDERSON, by virtue of the authority vested in me as Mayor of the City of Naples, do hereby commend Mr. Anders B. Sandquist for his diligent and conscientious service as Building and Zoning Administrator for the City of Naples and the City Council of the City of Naples wishes him well in his retirement.

IN WITNESS WHEREOF, I have set my hand this 20th day of December, 1978.

R. B. Anderson
R. B. Anderson, Mayor



COUNCIL AGENDA ITEM #5
12/20/78
ATTACHMENT #2--page 1

DEPARTMENT OF PLANNING

735 LIGHT STREET, SOUTH NAPLES, FLORIDA 33960

Office of Planning

MEMORANDUM

TO: George H. Patterson, City Manager
FROM: Roger J. Barry, Planning Director
SUBJECT: Art Advisory Committee Recommendation
DATE: December 24, 1978

The Council appointed Art Advisory Committee, after a careful review of a wide variety of expressions of interest by various artists and, after inviting and reviewing two specific proposals by Mr. Tom Carter and Mr. Wayne Hook, has chosen and recommends that the City Council approve the selection of Mr. Wayne Hook's proposed sculpture, "Homage to the Sun," for the new City Hall "Mountain Area." The attached information includes plans and a description of the proposed sculpture and the artist's resume. A model and rendering of the proposal will be available at the Council meeting on December 20, 1978.

The cost of the proposed sculpture is \$9500.00. It is proposed to be located in a reflecting pool with a base and appropriate lighting to be furnished by the City.

Council Action:

There are several specific decisions the Council should make on December 20th relative to:

1. Approval of the recommended sculpture.
2. Preparation and submittal of the final grant request to the Endowment for the Arts by January 15, 1979. Assuming the grant request is approved, the Endowment would pay \$4250.00 and the City would be obligated to pay \$4250.00.

3. The reflecting pool improvement: The Endowment will not fund these improvements, and the sculpture installation is dependent upon the City providing a reflecting pool, pump and circulation system, lighting, seating and the like. These improvements would probably cost about \$5000.00.

Roger J. Barry
Roger J. Barry
Planning Director

Attachments
RJB:DD

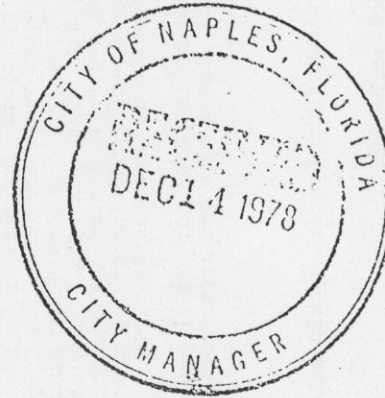


City of Naples

735 EIGHTH STREET, SOUTH - NAPLES, FLORIDA 33940

DEPARTMENT OF PUBLIC WORKS

Engineering Memo #78-180



TO: George Patterson
FROM: John McCord *JMcC*
DATE: December 14, 1978
RE: Somerset Condominium Site Fill
Into Existing Waterline of
Lake Suzanne Problem
SUBJ: Recommendation on Permitting

Background

Early this week we received a citizen complaint concerning a contractor filling the lake. Upon investigation it was determined that no permit, as required under Section 7-30 of the Code, had been obtained. At that point in time the work to the south of the City's storm water outfall had been completed except for the installation of rip rap shore protection. In discussing the situation with the contractor, as well as the project architect, there appears to be no intent to avoid the permitting by City Council requirements of the Ordinance.

Recommendation

It is recommended that this aspect of the project be permitted with the following provisions:

- a. The immediate placement of turbidity screens adjacent to the work area until the shore work is completed. This will aid in limiting sediment dispersion into the Lake. At this time with the unprotected fill in place washing in could occur.
- b. Filter fabric must be placed under the rip rap yet to be placed.

George Patterson
December 14, 1978
Page Two

- c. It is my understanding the City Attorney is considering requiring a "hold harmless" agreement relating to possible damage already done to the lake's environmental balance. We agree with this requirement.

Finally, with regard to the dock pavilion structure to be built out over Lake Suzanne, the use of turbidity screens should be required throughout the construction phase. If this is agreed to, from a purely engineering point of view, permitting should be allowed with an appropriate agreement that replacement requirements be the responsibility of the owners should any operations in the public interest be required in the Lake.

In conclusion, our permit should be contingent upon any review deemed appropriate by the South Florida Water Management District offices located here in Naples.

JRM:sdm

xc: Dave Rynders



City of Naples

735 EIGHTH STREET, SOUTH - NAPLES, FLORIDA 33940

OFFICE OF THE CITY MANAGER

M E M O

TO: HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL
FROM: CITY MANAGER GEORGE M. PATTERSON
SUBJECT: MISCELLANEOUS ITEMS
DATE: DECEMBER 14, 1978

1. Mooring Line Drive Repairs: The County has agreed to proceed forthwith with the grouting and paving to correct the problem which has existed on Mooring Line Drive. They have also agreed to wait for 30 days to allow our engineering staff an opportunity to determine if the grouting has solved the problem. Following that, they would then propose to turn the road over to the City.
2. I.P.A. Grant: I wanted to advise that we have been awarded a \$5,000 I.P.A. grant for a complete review of our job descriptions/classification plan. The grant process was very competitive as there were requests totalling \$1,700,000 and only \$600,000 in available funding. We will get started on this in January.

Sincerely,

George M. Patterson
George M. Patterson
City Manager

GMP/tan