

MINUTES OF THE REGULAR MEETING OF THE NAPLES CITY COUNCIL HELD IN JOINT PUBLIC HEARING WITH THE NAPLES PLANNING ADVISORY BOARD HELD IN THE PARKS & RECREATION BUILDING, NAPLES, FLORIDA, WEDNESDAY, JANUARY 3, 1979, AT 9:02 A.M.

Present: R. B. Anderson
Mayor

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

Planning Advisory Board: Clayton Bigg, Chairman
Roger Billings
Donald Boyes
Eugene Pratt

Absent: Lawson Adams

Also Present: George M. Patterson, City Manager
David W. Rynders, City Attorney
Bradley Estes, Assistant to the City Manager
Roger Barry, Planning Director
Garry Lester, Traffic Engineer
John McCord, City Engineer
Franklin Jones, Finance Director
Norris Ijams, Fire Chief
Mark Wiltsie, Purchasing

Reverend Irvin Northcutt
Chester Hahn
James Boula
John Wagner
Mr. & Mrs. Joseph Klein
Edwin J. Dobson, Jr.
Harry Boyce
Kenneth Long
Henry Watkins
Kenneth Bynum
J. W. Barr
Arndt Mueller
Dorothy Grant
Lloyd Sarty
Sam Aronoff
Herbert Cambridge
William Shearston
Egon Hill
Hal Yegge
Dennis Lynch
Harry Rothchild
Scott Foster

Ben Alexander
 Willie Anthony
 Charles Long
 Mrs. Lee Cook
 Roger Pierce

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

Other interested citizens and visitors.

Mayor Anderson called the meeting to order; whereupon the Reverend Irvin Northcutt of the First Baptist 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 the Regular Meeting of December 20, 1978. He asked that the minutes of Agenda Item 7-c. reflect that his concern was whether or not the failure to fill the position occupied by Mr. Sandquist would work. Mr. Wood moved approval of the minutes as amended, seconded by Mr. Thornton and carried unanimously by consensus.

Chairman Bigg organized the Planning Advisory Board and noted that Mr. Lawson Adams was absent.

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

Various changes in text of the Zoning Ordinance.

Mayor Anderson opened the Public Hearing at 9:07 a.m.; whereupon Roger Barry, Planning Director, noted the only public input he had received since Council had reviewed the proposed draft of the changes in the text of the Zoning Ordinance was a letter from Neapolitan Enterprises concerning the sign on U. S. 41 for Jungle Larry's Safari which will become non-conforming under the proposed changes. He also noted his summary of the changes requested by Council during the study sessions held with the Planning Advisory Board. Mr. Henry Watkins addressed Council to object to the section of the proposed ordinance that affected the conformity of the signs. City Attorney Rynders noted that the courts have up-held the principle of amortization in phasing out non-conforming signs. Mr. Charles Long of Neapolitan Enterprises spoke in support of his petition to have the Jungle Larry sign remain.

Mrs. Lee Cook questioned non-conforming signs on the East Trail and Mr. Schroeder explained that they were about to be phased out under County jurisdiction. Mayor Anderson closed the Public Hearing at 9:48 a.m. Council continued discussion of the proposed changes, particularly on the suggestion of a buffer zone of two-story structures between Single Family zones and Commerical or Multi-Family with three stories. Mr. Billings moved to recommend approval of the proposed changes to the text of the Zoning Ordinance, seconded by Mr. Pratt and carried unanimously. Mr. Twerdahl moved to accept the recommendation of the Planning Advisory Board to approve the proposed changes, seconded by Mr. Schroeder. After further discussion Mr. Twerdahl moved to accept the recommendation of the Planning Advisory Board but amended to add a section delineating a buffer zone of two-story structures, seconded by Mr. Schroeder and carried on roll call vote 5-2, with Mr. Holland and Mr. Wood voting no.

Let the record show that Mayor Anderson recessed the meeting at 10:18 a.m. and reconvened the meeting at 10:30 a.m. with Mr. Holland and Mr. Wood absent.

AGENDA ITEM 5. Recommendation by Planning Advisory Board relative to request to construct a parking lot in a portion of the Broad Avenue South right-of-way. Requested by City Council.

Mayor Anderson opened a public hearing at 10:31 a.m.; whereupon the applicant, Dennis Lynch, addressed Council outlining his reasons for the petition.

Let the record show that Mr. Holland and Mr. Wood returned to Council chambers at 10:33 a.m.

John Wagner, representing Villa Versailles Condominium Association; Joseph Klein, representing Village Green Owners Association; and Bill Reynolds, speaking for the Old Naples Association all spoke in opposition to the proposed parking lot. There being no one else to speak for or against, the Mayor closed the public Hearing at 10:50 a.m.; whereupon Petitioner Lynch voluntarily withdrew his petition in view of the over-whelming opposition.

Mayor Anderson dismissed the Planning Advisory Board at 10:52 a.m.

AGENDA ITEM 6. Recommendation by Developer Selection Committee with reference to firm to construct housing project at Carver Site and authorization to submit proposal to HUD. Requested by City Council.

Roger Barry, Planning Director, noted his memorandum to Council members dated December 26, 1978 (Attachment #1). He noted the need for Council to include in their action an agreement to enter into a lease option agreement with the National Corporation for Housing Partnerships. Mr. Roger Pierce, representing W. R. Frizzell Architects, Inc., outlined their concept proposal to be included in the package to be made by them and National Corporation for Housing Partnerships to be submitted to HUD for the Section 8 allocation. Mr. Herbert Cambridge and Mr. Willie Anthony, representing the Black Betterment Committee, expressed their interest in retaining the commercial property as part of the complex rather than having it sold and

having a commercial enterprise on it. Roger Barry reported favorably on the management capability and financial standing of National Corporation for Housing and their good record with HUD. He further stated that the Committee had examined the maintenance programs of the company and were satisfied. Mr. Twerdahl moved that the Committee be empowered to deal with W. R. Frizzell and National Corporation for Housing Partnerships to prepare a concept proposal to be submitted to HUD as per City Manager Patterson's recommendation, seconded by Mr. Schroeder. Mr. Harry Rothchild spoke in support of Mr. Cambridge's position on the commercial property. The motion was carried on roll call vote, 7-0.

AGENDA ITEM 7. PUBLIC HEARING: To consider an application for a permit to construct a vertical seawall (bulkhead), rip rap shore protection, platform area and dock area adjacent to Gordon River located in Section 3, Township 50 South, Range 25 East, Collier County, Florida. Applicant: Mira Belle Restaurant.

Mayor Anderson opened the Public Hearing at 11:43 a.m.; whereupon Mr. Bill Barton of Wilson, Miller, Barton, Soll and Peek addressed Council explaining the need to obtain their approval as per a City of Naples Ordinance. City Attorney Rynders read the below titled resolution by title for consideration by Council.

A RESOLUTION AUTHORIZING THE ISSUANCE OF A PERMIT FOR CONSTRUCTION OF A VERTICAL SEAWALL/BULKHEAD, RIP RAP SHORE PROTECTION, PLATFORM AREA AND DOCK AREA ADJACENT TO GORDON RIVER, ON PROPERTY LOCATED IN SECTION 3, TOWNSHIP 50 SOUTH, RANGE 25 EAST, NAPLES FLORIDA, SUBJECT TO THE APPROVAL OF THE TRUSTEES OF THE INTERNAL IMPROVEMENT FUND, THE BEACHES AND SHORES DIVISION OF THE FLORIDA BOARD OF CONSERVATION, IF APPLICABLE, AND THE U.S. ARMY CORPS OF ENGINEERS; AND PROVIDING AN EFFECTIVE DATE.

There being no one else to speak for or against, the Mayor closed the Public Hearing at 11:47 a.m.; whereupon Mr. Twerdahl moved to approve Resolution 3163, seconded by Mr. Schroeder and carried on a roll call vote, 7-0.

AGENDA ITEM 8. PUBLIC HEARING: Second reading of ordinances.

AGENDA ITEM 8-a. An ordinance authorizing expansion of a nonconforming structure located on the northwest corner of Sixth Avenue North and Ninth Street North, more particularly described herein, subject to the conditions enumerated herein; and providing an effective date. Purpose: To allow construction of a screened-in dining area on said property.

Mayor Anderson opened the Public Hearing at 11:48 a.m.; whereupon City Attorney Rynders read the above titled ordinance by title for Council's consideration on Second Reading. Mr. Wood moved adoption of Ordinance 3164 on Second Reading, seconded by Mr. Thornton and carried on roll call vote, 7-0.

AGENDA ITEM 8-b. An ordinance repealing Section 9-11 of the Code of Ordinances of the City of Naples, Florida, relating to charges for fire calls outside, and inside the city limits; and providing an effective date. Purpose: To repeal the provision requiring the payment of \$100.00 to the City for each call answered by the City's Fire Department outside the city limits and the payment by the City of \$100.00 per call when equipment from an adjoining fire district is requested by the City.

Mayor Anderson opened the Public Hearing at 11:50 a.m.; whereupon City Attorney Rynders read the above captioned ordinance by title for Council's consideration on Second Reading. There being no to speak for or against, the Mayor closed the Public Hearing at 11:51 a.m.; whereupon Mr. Wood moved adoption of Ordinance 3164 on Second Reading, seconded by Mr. Thornton and carried on roll call vote, 7-0.

AGENDA ITEM 8-c. An ordinance amending the Code of Ordinances of the City of Naples, Florida, by repealing therefrom Section 1A-21, relating to the Department of Building and Zoning, and Section 1A-25, relating to the Department of Planning and substituting a new Section 1A-21 therefor, establishing a Department of Community Development, describing the responsibilities and functions of said department; amending Item (5) of Section 1A-22, relating to the Department of Finance, to provide for the collection of all revenues for the public utilities systems, sanitation, Community Development Department and certain other functions; amending Section 1A-27, relating to the Department of Public Works, deleting therefrom certain responsibilities and duties; by adding a new Section 1A-27.1, establishing a Department of Engineering and describing the responsibilities and functions of said department; and by amending the graphic table of organization set forth in Section 1A-28 to reflect the changes in departmental organization provided herein; and providing an effective date. Purpose: To reorganize various departmental responsibilities under the City Manager.

Mayor Anderson opened the Public Hearing at 11:52 a.m.; whereupon City Attorney Rynders read the above reference ordinance by title for consideration on Second Reading. There being no to speak for or against, the Mayor closed the Public Hearing at 11:53 a.m.; whereupon Mr. Thornton moved adoption of Ordinance 3166 on Second Reading, seconded by Mr. McGrath. Mayor Anderson requested that the City Manager report to Council at the second meeting in July on how this change has worked out in the Community Development Department. Motion carried on roll call vote, 7-0.

AGENDA ITEM 9. Certification of firms with reference to City of Naples traffic study and negotiations with first ranked firm. Requested by City Engineer.

Mr. John McCord, City Engineer, reported that the Traffic Coordinating Committee met with the various traffic consultants on December 11, 1978, and the Committee recommended a ranking of these consultants for Council to approve. He presented the below titled resolution for consideration by Council.

A RESOLUTION CERTIFYING THE FIRMS HEREINAFTER NAMED AS BEING QUALIFIED PURSUANT TO LAW AND THE REGULATIONS OF THE CITY OF NAPLES TO CONDUCT A TRAFFIC STUDY; SELECTING SAID FIRMS IN ORDER OF PREFERENCE, PURSUANT TO THE CONSULTANTS' COMPETITIVE NEGOTIATION ACT; AND PROVIDING AN EFFECTIVE DATE.

Mr. Thornton moved to approve Resolution 3167, seconded by Mr. Schroeder and carried on roll call vote, 6-1 with Mr. Wood voting no.

Mr. John W. Barr of Barr, Dunlop & Associates noted the presence of Kenneth Bynum and they made a presentation regarding their company and the approach they would make with Phase One and Phase Two of the traffic study as proposed by the City Traffic Engineer Garry Lester and City Engineer John McCord. City Attorney Rynders read the below titled resolution in part including "Barr, Dunlop & Associates to do Phases One and Two of the Traffic Study at a cost not to exceed \$35,000" for Council's consideration.

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A CONTRACT WITH THE FIRM HEREINAFTER NAMED TO CONDUCT A TRAFFIC STUDY FOR THE CITY OF NAPLES; AND PROVIDING AN EFFECTIVE DATE.

Mr. Holland moved adoption of Resolution 3168, seconded by Mr. Thornton and carried on roll call vote, 6-1 with Mr. Wood voting no.

AGENDA ITEM 10. Action on proposed legislation to be recommended to the Collier County Legislative Delegation at public hearing on January 19, 1979. Requested by City Manager.

City Manager Patterson noted that at the Workshop meeting the Council had by consensus agreed to the proposed legislation they wanted to present to the Legislative Delegation, i.e. the memo from Frank Jones, Finance Director, dated December 29, 1978 and the memo from Garry Lester, Traffic Engineer, dated December 27, 1978 (Attachments #2 and #3). Mr. Thornton moved to remove this item from the Agenda, seconded by Mr. Schroeder and carried on a roll call vote, 7-0.

AGENDA ITEM 11. A resolution establishing salary ranges for the positions of City Engineer and Community Development Director. Requested by City Manager.

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

A RESOLUTION AMENDING THE POSITION CLASSIFICATION AND SALARY SCHEDULE FOR MANAGERIAL AND PROFESSIONAL EMPLOYEES OF THE CITY OF NAPLES, AS ADOPTED BY RESOLUTION NO. 2722 AND AMENDED BY RESOLUTION NO. 2986, TO INCLUDE A CLASSIFICATION AND SALARY RANGE FOR COMMUNITY DEVELOPMENT DIRECTOR AND TO INCREASE THE SALARY RANGE FOR CITY ENGINEER; AND PROVIDING AN EFFECTIVE DATE.

Mr. Thornton moved adoption of Resolution 3169, seconded by Mr. McGrath and carried on roll call vote, 6-1 with Mr. Wood voting no.

AGENDA ITEM 12. Ratification of contract between City of Naples and the American Federation of State, County and Municipal Employees. Requested by City Manager.

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

A RESOLUTION RATIFYING AND CONFIRMING THE CONTRACT BETWEEN THE CITY OF NAPLES AND LOCAL 2017, DISTRICT COUNCIL NO. 79 OF AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, A COPY OF WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN, SUBJECT TO POSSIBLE CHANGES IN LANGUAGE OR SENTENCE STRUCTURE FOR PURPOSES OF CLARIFICATION; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schroeder moved adoption of Resolution 3170, seconded by Mr. Twerdahl and carried on roll call vote, 7-0.

AGENDA ITEM 13. Purchasing.

AGENDA ITEM 13-a. Bid award - backhoe for Streets & Drainage Division.

AGENDA ITEM 13-b. Construction of concrete curbing.

City Manager Patterson recommended that both items under Agenda Item 13 be removed from the Agenda. Mr. McGrath moved to accept the City Manager's recommendation to remove both items under Agenda Item 13 from the Agenda, seconded by Mr. Schroeder and carried on roll call vote, 7-0.

AGENDA ITEM 14. Alternate proposal for City Hall art. Requested by Mayor Anderson.

Mayor Anderson reviewed Council's discussion of this item at the Workshop Meeting and noted that a grant would have to be applied for by January 16, 1979. Mr. Schroeder moved that the City purchase the sculpture and complete the reflecting pool. The motion died for lack of a second.

CORRESPONDENCE AND COMMUNICATION

City Manager Patterson noted that as a result of the fire insurance rating the rating went from 6 to 5 which is an improvement, affecting principally commercial buildings.

There being no further business to come before this Regular Meeting of the Naples City Council, Mayor Anderson adjourned the meeting at 1:00 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 approved on 1-17-79



City of Naples

735 EIGHTH STREET, SOUTH - NAPLES, FLORIDA 33940

DEPARTMENT OF PLANNING

MEMORANDUM

TO: City Council
 FROM: Roger J. Barry
 SUBJECT: Carver Site/Developer Selection
 DATE: December 26, 1978

A Developer Selection Committee made up of George Patterson, John McCord, Frank Jones and myself interviewed the following firms on December 18th and 19th in an effort to select the best qualified firm that would meet with HUD's approval, provide a project that would be totally acceptable to the City of Naples and that had a strong housing management capability:

1. Wayne D. Lynn
 National Corporation for Housing Partnerships
 1133 Fifteenth Street, N. W.
 Washington, D. C. 20005

 W. R. Frizzell Architects, Inc.
 200 W. Welbourne Avenue
 Suite Five
 Winter Park, Florida 32789
2. Tony Esteves
 Project Advisors Corp.
 8045 N. W. 36th Street, Suite 545
 Miami, Florida 33166

 Mendoza & Esteves Architects & Planners, Inc.
3. Richard B. Funk
 Bradley Construction Co., Inc.
 2400 Winding Creek Blvd.
 Clearwater, Florida 33515

 Edward W. Hanson, Architect Inc.
 Clearwater, Florida

4. Ann A. Miller
 Index Development Company
 665 E. Dublin/Granville Road
 Columbus, Ohio 43229

Staff Recommendation

Although all of the above firms have had experience with Section 8 projects and expressed a sincere interest in our project, we chose, and recommend that the Council approve, the National Corporation for Housing Partnerships and Frizzel Architects, Inc. as the firms that should work with the City in the construction and management of low-income units on the Carver Site.

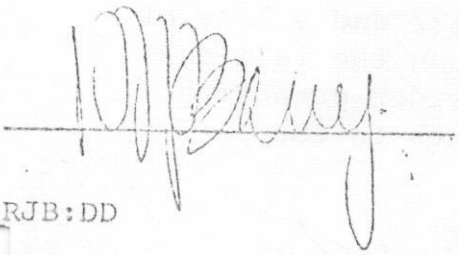
The Committee was not only impressed with the concept-proposal for the Carver Site made by representatives of each of these firms but we were also encouraged by the favorable response we received from HUD, and various individuals and organizations that we checked with to determine the past performance of these firms. We are also convinced that these firms will be able to submit, with our assistance, the best possible development proposal to HUD.

The National Corporation for Housing Partnerships is the largest owner of Section 8 housing in the country, has a well thought out on-site management program, strong financial capability and a successful participation record with HUD.

Wayne Lynn and a representative from Frizzel Architects, Inc. will be present at the Council's meeting on January 3rd to make a presentation and to answer any of the Council's questions.

HUD Submittal

As we have discussed with the Council in the past, we must submit our proposal to HUD as soon as possible and, if the Council approves our recommendation on January 3rd, we are prepared to submit our proposal to HUD on Monday, January 8, 1979.


 RJB:DD



1/2/79

ATTACHMENT #2

City of Naples

735 EIGHTH STREET, SOUTH - STATE OF FLORIDA 33940

TO: GEORGE M. PATTERSON, CITY MANAGER
FROM: FRANKLIN C. JONES, FINANCE DIRECTOR
SUBJECT: PROPOSED LEGISLATION
DATE: DECEMBER 29, 1978

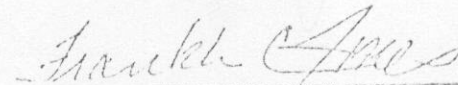


Chapter 175 of the Florida Statutes provides for the creation and maintenance of Municipal Firemen's Pension Trust Funds. These trust funds are maintained through the payment of a two per cent tax on fire insurance premiums paid in each City. This tax is collected by the state and disbursed to qualified municipalities.

The current state law limits the distribution to municipalities to one half of the tax collected or six per cent of the Fire Department payroll, whichever is greater. As a result of this limitation, the City of Naples and ninety-one other cities receive only one half of the taxes collected on insurance policies written in the cities.

For the tax year 1976, the City of Naples received \$33,467. The state retained an equal amount. If the state law were changed to remove the limitation, the City of Naples would have received \$66,934.

I have attached a copy of Section 175-122 and a list of the ninety-two cities which received less than the full tax collected, so that the City Council may consider proposing the removal of the limitation of disbursements to the Collier County Legislative Delegation.


Franklin C. Jones

FCJ/kel
Attachments



City of Naples

735 EIGHTH STREET, SOUTH - NAPLES, FLORIDA 33940

DEPARTMENT OF PUBLIC WORKS

Engineering Memo #78-189

TO: George Patterson
THRU: John McCord *JMC*
FROM: Garry Lester *G.L.*
DATE: December 27, 1978
SUBJ: Proposed Florida D.O.T. Traffic Signal
Energy and Maintenance Cost Reimbursement



The Florida Department of Transportation will be going before the Florida Legislature this session to obtain legislation to allow them to reimburse City and County government agencies for Traffic Signal Energy and Maintenance of Traffic Signals on State Roads. At the present time the entire cost of energy and maintenance of these signals is paid by City and County Government Agencies.

Attached is a copy of the proposed Criteria for Recognizing Local Agency Capability in Maintaining Traffic Signals, and the Schedule of Costs for Calculating Local and State Share of Traffic Signal, Flashing Beacon, and Flashing School Sign Maintenance and Operating Costs.

Since 60% of our signals are on State Roads, it would be to the City's benefit to support this proposal.

GRL:sdm

Attachments