

MINUTES OF THE REGULAR MEETING OF THE NAPLES CITY COUNCIL HELD IN THE PARKS & RECREATION BUILDING, NAPLES, FLORIDA, ON WEDNESDAY, OCTOBER 3, 1979, AT 9:06 A.M.

Present: James F. McGrath
Vice-Mayor

C. C. Holland (arrived 9:10 a.m.)
Wade H. Schroeder
Randolph I. Thornton
Edward A. Twerdahl
Kenneth A. Wood
Councilmen

Absent: R. B. Anderson
Mayor

Also Present: George M. Patterson, City Manager
David W. Rynders, City Attorney
Roger Barry, Community Development Director
William Savidge, Public Works Director
Edward C. Smith, Assistant to the City Manager
Mark Wiltsie, Purchasing Supervisor
John McCord, City Engineer
Reid Silverboard, Planner

Reverend Lee Dickson
Charles Andrews
Sam Aronoff
Harold Yegge
John Turner
Harry Rothchild
Dennis White
Robert Geroy
Robert Russell
Dorothy Grant
Richard Grant
Ted Smallwood
William Shearston

News Media: O. J. Byrd, TV-9
Gary Baranik, Naples Daily News
Allen Bartlett, Fort Myers News Press
Steve Fishman, Miami Herald
Al Truesdell, Naples Star
Jerry Arnold, WRGI
Tom Lowe, WBBH-TV

Other interested citizens and visitors.

In the absence of Mayor Anderson, Vice-Mayor McGrath called the meeting to order at 9:06 A.M.; whereupon Reverend Lee Dickson of the Assembly of God 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 19, 1979; whereupon Mr. Thornton moved approval of the minutes as submitted, seconded by Mr. Wood and carried by consensus of the members present.

AGENDA ITEM 4. PUBLIC HEARING and recommendation of Naples Planning Advisory Board to consider Vacation Petition 79-A3 of certain alleys, an easement, and a walkway on the city owned Carver site, 10th Street North between 3rd Avenue North and 5th Avenue North. Requested by City of Naples.

Vice-Mayor McGrath opened the Public Hearing at 9:08 a.m.; whereupon City Attorney Rynders read the below titled resolution by title for Council's consideration.

A RESOLUTION VACATING AND ABANDONING THAT CERTAIN 20 FOOT ALLEY IN BLOCK 25, TIER 11, PLAN OF NAPLES; A 20 FOOT ALLEY IN BLOCK 24, TIER 11, PLAN OF NAPLES; A 30 FOOT EASEMENT; AND A 10 FOOT WALKWAY BETWEEN LOTS 5 AND 6, BLOCK B, RIVER PARK PLAT NO. 2, ALL AS MORE FULLY DESCRIBED HEREIN, BEING SITUATED ON THAT PROPERTY COMMONLY REFERRED TO AS THE CARVER SITE; AND PROVIDING AN EFFECTIVE DATE.

There being no one to speak for or against, the Vice-Mayor closed the Public Hearing at 9:09 a.m.; whereupon Mr. Thornton moved adoption of Resolution 3354, seconded by Mr. Schroeder and carried on roll call vote, 5-0.

AGENDA ITEM 5. Consideration of request for temporary structure by St. John's Episcopal Church.

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

A RESOLUTION AUTHORIZING ST. JOHN'S EPISCOPAL CHURCH TO ERECT A TEMPORARY STRUCTURE AT 500 PARK SHORE DRIVE, NAPLES, FLORIDA, FOR CHURCH PURPOSES; AND PROVIDING AN EFFECTIVE DATE.

Let the record show that Mr. Holland arrived at 9:10 a.m.

Vice-Mayor McGrath opened the Public Hearing at 9:10 a.m. Robert Geroy, a member of the vestry of St. John's Episcopal Church, presented himself to answer any questions. There being no one to speak for or against, the Vice-Mayor closed the Public Hearing at 9:11 a.m.; whereupon Mr. Twerdahl moved adoption of Resolution 3355, seconded by Mr. Schroeder and carried on roll call vote, 6-0.

AGENDA ITEM 6. PUBLIC HEARING: Second Reading of Ordinances

AGENDA ITEM 6-a. An ordinance rezoning Fleischmann Park property from "R1-10", Single-Family Residential, to "PS", Public Service; directing that the Zoning Atlas be revised accordingly; and providing an effective date. PURPOSE: To change existing zoning of said property to conform to present zoning regulations.

Vice-Mayor McGrath opened the Public Hearing at 9:12 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 9:13 a.m.; whereupon Mr. Schroeder moved adoption of Ordinance 3356 on Second Reading, seconded by Mr. Twerdahl and carried on roll call vote, 6-0.

AGENDA ITEM 6-b. An ordinance providing for the rezoning of property located at the southeast corner of 7th Street South and 13th Avenue South (Old Elks Club site), more particularly described herein, from "C1", Retail Shopping District, to "R3-12", Multi-family District; directing that the Zoning Atlas be revised accordingly; and providing an effective date. PURPOSE: To rezone the within described property at the request of owner.

Vice-Mayor McGrath opened the Public Hearing at 9:14 a.m.; whereupon City Attorney Rynders read the above captioned ordinance by title for consideration by Council on Second Reading. Attorney Dennis White, representing the petitioner, Malcolm Milton, presented himself to answer any questions. There being no one to speak for or against, the Vice-Mayor closed the Public Hearing at 9:15 a.m.; whereupon Mr. Schroeder moved adoption of Ordinance 3357 on Second Reading, seconded by Mr. Holland and carried on roll call vote, 6-0.

City Attorney Rynders noted that Council was ahead of schedule and the consulting engineer was not yet present to discuss Agenda Items 7 and 8. He suggested that Council take up Agenda Items 9 and 10 at this time.

AGENDA ITEM 9. A resolution authorizing the Mayor and City Clerk to execute an agreement between Collier County, the City of Naples and Joseph P. D'Allesandro, State Attorney, relating to the hiring of an assistant state attorney for the purpose of prosecuting violations of county and municipal ordinances and laws, a copy of which is attached hereto and incorporated herein; and providing an effective date. Requested by City Attorney.

City Attorney Rynders read the above referenced resolution by title for consideration by Council. He further noted the information in the letter from the State Attorney's office (Attachment #1) stating that they were using about 25% of their time on City matters. In answer to questions from Council members, the City Attorney stated that under the state constitution he could not prosecute and that this program had been successful. City Manager Patterson noted that these funds have been put in the budget. Mr. Thornton moved adoption of Resolution 3358, seconded by Mr. Schroeder. Harry Rothchild noted that it seemed that this was a necessary expenditure. Motion carried on roll call vote, 6-0.

AGENDA ITEM 10. A resolution authorizing Change Order for equipment required for operation and maintenance of radio telemetry system at E. Golden Gate Well Field. 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. 1, RELATING TO THE CONTRACT WITH ENGINEER SERVICE CORPORATION FOR THE EAST GOLDEN GATE WELL FIELD PUMPS AND EQUIPMENT, PARK "B"; AND PROVIDING AN EFFECTIVE DATE.

In answer to Mr. Thornton's question about why this was not in the original contract, Consulting Engineer Ted Smallwood explained that they were quoted in the original contract, but were not a part of it. He further noted that the operating personnel of the City and the supplier had figured out what they needed to maintain the system on a day-to-day basis. Mr. Thornton moved adoption of Resolution 3359, seconded by Mr. Twerdahl and carried on roll call vote, 6-0.

RETURN TO AGENDA ITEM 7.

AGENDA ITEM 7. Presentation of 201 Plan by consulting engineer.

AGENDA ITEM 8. Action on 201 Plan

Consulting Engineer Ted Smallwood requested that City Attorney Rynders read the first resolution to be considered under Agenda Item 8 before discussion of Item 7. The City Attorney read the below captioned resolution in its entirety for Council's consideration.

A RESOLUTION ADOPTING THE COASTAL COLLIER COUNTY 201 FACILITIES PLAN, AS AMENDED, AS IT AFFECTS THE CITY OF NAPLES AND THE CITY'S SERVICE AREA ESTABLISHED PURSUANT TO CHAPTER 180, FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE.

Mr. Smallwood then recommended that Council adopt this resolution and apply for EPA funds with a program as approved by the 201 consultants, but one that can be modified at City cost later to include the spray irrigation and/or deep well injection. Harry Rothchild asked if there was any data available on how other geographically similar communities had handled this problem. Mr. Smallwood said this plant could be finished tentatively by 1983 and there would be 75% federal funding, if the grant were approved. He answered Mr. Schroeder's question about beginning design work now on the modification of the system by informing Council that any monies spent prior to a grant being approved would not be reimbursed. Mr. Twerdahl moved adoption of Resolution 3360, seconded by Mr. Schroeder and carried on roll call vote, 6-0.

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

A RESOLUTION RESCINDING RESOLUTION NO. 2929 AND AUTHORIZING THE CITY'S CONSULTING ENGINEER TO PREPARE AN APPLICATION FOR A STEP II GRANT UNDER PUBLIC LAW NO. 92-500 FOR DESIGN OF THE PROPOSED WASTE-WATER TREATMENT PLANT EXPANSION; AUTHORIZING THE CITY MANAGER TO EXECUTE SAID APPLICATION; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schroeder moved adoption of Resolution 3361, seconded by Mr. Twerdahl and carried on roll call vote, 6-0.

CORRESPONDENCE AND COMMUNICATION

Mr. Twerdahl noted the decision of the Florida Supreme Court against reviewing the Circuit Court decision in the case of Fiske vs. the City on five of the seven counts.

Mr. Twerdahl also noted the information in the letter from Mayor Anderson to the Chairman of the County Commission dated September 26, 1979 (Attachment #2) regarding County funding of Coastland Boulevard in the event the State funds the construction of Golden Gate Boulevard.

There being no further business to come before this Regular Meeting of the Naples City Council, Vice-Mayor McGrath adjourned the meeting at 10:15 a.m.

Janet Cason
Janet Cason
City Clerk

Ellen P. Marshall
Ellen P. Marshall
Deputy Clerk

James F. McGrath, Vice-Mayor

These minutes of the Naples City Council were approved on 10-17-79

Joseph P. D'Alessandro

STATE ATTORNEY
TWENTIETH JUDICIAL CIRCUIT

PRESENTING:

CHARLOTTE
COLLIER
GLADES
HENDRY
LEE

REPLY TO:

P. O. DRAWER 2007
NAPLES, FLORIDA 33939
TELEPHONE 813-774-1113

August 25, 1979

Office of the City Attorney
735 Eighth Street South
Naples, Florida 33940

Dear Mr. Rynders:

As the Assistant State Attorney currently assigned to the City/County Ordinance Division of our office, I have reviewed my work in this area completed over the past six months. I have determined that approximately 75% of the total time and work is attributable to Collier County and the remaining 25% attributable to the City of Naples. This determination is based on such factors as case intake, case evaluation and preparation, depositions, research, motions and trials.

Sincerely yours,

Kenneth B. Cuyler

Kenneth B. Cuyler,
Assistant State Attorney

KBC/dk



City of Naples

735 EIGHTH STREET, SOUTH - NAPLES, FLORIDA 33940

OFFICE OF THE MAYOR

September 26, 1979

The Honorable David C. Brown
Chairman, Collier County Commission
Collier County Courthouse Complex
East Tamiami Trail
Naples, Florida 33942

Dear Doc:

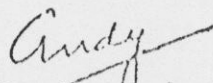
Some information has come to my attention which may well be a solution to the Golden Gate Parkway (Coastland) construction. You will recall that my letter to you dated July 19, 1979, suggested the substitution of Coastland in lieu of Golden Gate Boulevard on your priority list.

The information our traffic engineer received from the Department of Transportation regional meeting on September 14, (copy attached) indicates that the state is planning to fund the construction of Golden Gate Boulevard through the Safer Off-System Roads funding. This funding is not guaranteed but we have been advised by D.O.T. that they are optimistic about receiving it. In any event, it would appear that both the County and D.O.T. should not be planning to fund the same project.

Should State funding become a reality, a change in priorities would not be necessary as State funding of the project would free the \$800,000 you presently have budgeted which is more than sufficient to cover the construction of Coastland.

I would ask the County's serious consideration of this.

Sincerely,


R. B. Anderson
Mayor

Enc.