MINUTES OF THE REGULAR MEETING OF THE NAPLES CITY COUNCIL HELD IN THE COUNCIL CHAMBERS, NAPLES, FLORIDA, ON WEDNESDAY, JULY 2, 1980, AT 9:07 A.M.

Present: R. B. Anderson Mayor

C. C. Holland
Harry Rothchild
Wade H. Schroeder
Randolph I. Thornton (arrived 9:12 a.m.)
Edward A. Twerdahl
Kenneth A. Wood
Councilmen

Also present:

George M. Patterson, City Manager
David W. Rynders, City Attorney
Roger Barry, Community Development Director
Reid Silverboard, Chief Planner
Edward Smith, Assistant to the City Manager
John McCord, City Engineer
Nat Hooper, Senior Engineering Technician
Franklin Jones, Finance Director

Jack Conroy Mark Rose Clayton Bigg Harold Yegge William Blackwell Richard Look Stephen Fowler J. J. Topinka Arnold Lamm Sam Aronoff Ethel Steinman Ruth Brashear William Hendry Richard Grant Robert Tiffany Monica Cameron Scott Cameron Lyle Richardson

News Media: Ed Warner, TV-9

James Moses, Naples Daily News Allen Bartlett, Fort Myers News Press

Rick O'Reilly, WRGI Paul Stanford, TV-9 Madeline Childs, TV-26 Phil Lengyel, TV-26 Mayor Anderson called the meeting to order at 9:07 a.m.; whereupon Councilman Kenneth Wood delivered 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 Agenda Item 4-b from the June 4, 1980 meeting which had been omitted from the minutes approved by Council on June 18, 1980 and also to the minutes of the Regular Meeting of June 18, 1980. Mr. Twerdahl moved approval of both sets of minutes as presented, seconded by Mr. Rothchild and carried by consensus of the members of Council present, Mr. Thornton being absent at this time.

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Let the record show that Councilman Thornton arrived at the Council Chambers at 9:12 a.m.
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AGENDA ITEM 4. Community Development Department/Naples Planning Advisory Board

AGENDA ITEM 4-a. Rezone Petition No. 80-R10. Petitioner: National Capital Investments, Inc. Location: NW corner of Route 41 and Goodlette Road. Recommendation of Naples Planning Advisory Board to approve above petition.

An ordinance rezoning a portion of the unplatted lands in Section 3, Township 50 south, Range 25 east, lying between Goodlette Road on the east, Fifth Avenue South on the south, Tenth Street South on the west and the projected line of Second Avenue South on the north, from "I" Industrial, "C2" General Commercial and "C3" Heavy Business to "PD" Planned Development; directing that the Zoning Atlas be revised to reflect said rezoning; and providing an effective date. Purpose: To rezone the property described herein at owner's request to permit construction of a shopping center. (First reading of ordinance.)

City Attorney Rynders read the above titled ordinance by title for Council's consideration on First Reading. Mayor Anderson asked Roger Barry, Community Development Director, to review the packet material and background of this item, which he did. Attorney William Blackwell, representing the petitioner; Mark Rose, representing Barr-Dunlap for the traffic study; and Stephen Fowler, representing the architect, Mudano Associates, spoke in support of the petition. Councilman Rothchild presented copies of comments from Danny Crew, County Communcity Development Director, copies of which are on file in the City Clerk's office, in an effort to deny this petition. Citizen Arnold Lamm spoke against the petition.

Mr. Schroeder moved approval of this ordinance on First Reading, seconded by Mr. Twerdahl.

At 11:05 a.m. Mr. Rothchild requested a recess. Upon a negative reply from Mayor Anderson, Mr. Rothchild then distributed copies of a portion of the Zoning Ordinance, copies of this portion being on file in the Meeting Packet of this date in the City Clerk's office.

Let the record show that Mr. Schroeder and Mr. Wood left the Council table at 11:06 a.m.

Let the record show that Mr. Rothchild left the Council table at 11:07 a.m.

Let the record show that Mayor Anderson called all Council members back to the Council table at 11:12 a.m.

Mr. Rothchild read from the portions of the Zoning Ordinance that he had distributed earlier and indicated his opinion that these were the basis for a denial of the petition. Mr. Thornton called the question for the motion on the floor. Mr. Rothchild requested time for a legal opinion from City Attorney Rynders; however, Mayor Anderson, at the recommendation of the City Attorney, called for a roll call to support the call for the question. Roll call in favor of calling the question 6-1 with Mr. Rothchild voting no. Motion then carried on roll call vote, 6-1 with Mr. Rothchild voting no.

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Let the record show that Mayor Anderson recessed the meeting at 11:16 a.m. and econvened it at 11:34 a.m. with all members of Council present.

Mayor Anderson noted the presence of Mr. and Mrs. Cameron who wished to present a petition to Council. Mr. Thornton moved to add this item to the Agenda on an emergency basis, seconded by Mr. Schroeder and carried on roll call vote, 7-0.

Monica Cameron presented a petition to Council (Attachment #1) and explained the feelings of her neighbors. Scott Cameron supported the petition. Mayor Anderson noted that the trimming had been stopped for the moment. Mr. Schroeder moved that the City Attorney and the City Manager be directed to negotiate with Florida Power and Light with respect to perserving the mahogany trees as much as possible, seconded by Mr. Rothchild

#### RETURN TO REGULAR AGENDA

and carried on roll call vote, 7-0.

AGENDA ITEM 4-b. PUBLIC HEARING and Second Reading of Ordinance:

Rezone Petition No. 80-R5. Petitioner: City of Naples. Location: East side of Sandpiper Street, south of Route 41 (Chlumsky property)

An ordinance rezoning Lots 107-108, Golden Shores, from "C2-A", Waterfront Commercial, to "R3-12", Multi-family Residential; directing that the Zoning Atlas be revised to reflect rezoning; and providing an effective date. Purpose: To rezone the property described herein in conformance with the City's comprehensive plan.

City Attorney Rynders read the above captioned ordinance for Council's consideration n Second Reading; whereupon Mayor Anderson opened the Public Hearing at 11:47 a.m. and oted Mr. Chlumsky's illness and his request to be heard. Mr. Schroeder moved to continue the Public Hearing until August 20, 1980, seconded by Mr. Holland and carried on roll call vote, 7-0.

AGENDA ITEM 5. PUBLIC HEARING: Second Reading of ordinance.

An ordinance authorizing the borrowing of \$80,000.00 from the First National Bank and Trust Company of Naples, to be used for the purpose of constructing a water main and extension of the city water system to provide water service to Water System Improvement Assessment District No. 1, within the city limits of the City of Naples (commonly known as the Avion Park Subdivision), in accordance with the provisions of the Charter of the City of Naples, and to be secured by the proceeds from special assessments made against property owners in said district; providing for the security and rights of said bank, its successors or assigns; authorizing the execution of a note as provided herein; and providing an effective date. Purpose: To authorize the borrowing of \$80,000.00 for construction of water improvements in the Avion Park Subdivision and to provide for payment thereof to be secured by the proceeds from special assessments. Requested by Finance Officer.

City Attorney Rynders read the above referenced ordinance by title for consideration by Council on Second Reading and further requested that it be removed from the Agenda. Inasmuch as it had been advertised for a Public Hearing for this date, Mayor Anderson opened the Public Hearing at 11:50 a.m. There being no one to speak for or against, the Mayor closed the Public Hearing at 11:51 a.m.; whereupon Mr. Thornton moved that the tem be removed from the Agenda and be readvertised when the City Attorney indicates that it is in order, seconded by Mr. Schroeder and carried on roll call vote, 7-0.

AGENDA ITEM 6. A resolution ordering construction of a water main and extension of the City water system to provide water service to the Avion Park subdivision within the City limits of the City of Naples, designated as "Water System Improvement Assessment District No. 1"; providing for the payment of all costs relating thereto by levying and collecting special assessments on the abutting, adjoining, contiguous or other specially benefitted property, pursuant to Chapter 170, Florida Statutes; designating the lands upon which the special assessments shall be levied and describing the boundaries thereof; and providing an effective date. Requested by City Attorney.

City Attorney Rynders read the above titled resolution by title for consideration by Council. Mr. Twerdahl moved adoption of Resolution 3560, seconded by Mr. Holland and carried on roll call vote, 7-0.

AGENDA ITEM 7. Authorization to execute easement to Florida Power and Light Company on airport property. Requested by City Attorney.

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

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN EASEMENT TO FLORIDA POWER AND LIGHT COMPANY FOR CONSTRUCTION, OPERATION AND MAINTENANCE OF ELECTRIC UTILITY FACILITIES ON PROPERTY LOCATED AT THE NAPLES AIRPORT AUTHORITY; AND PROVIDING AN EFFECTIVE DATE.

Mr. Holland moved adoption of Resolution 3561, seconded by Mr. Rothchild and carried on roll call vote, 7-0.

AGENDA ITEM 8. Resolution accepting the dedication of water mains along Gail Boulevard. Requested by Engineering Department.

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

A RESOLUTION ACCEPTING A BILL OF SALE FROM ROBERT I. BECKLER FOR A WATER MAIN CONSTRUCTED ALONG GAIL BOULEVARD; AND PROVIDING AN EFFECTIVE DATE.

Mr. Holland moved adoption of Resolution 3562, seconded by Mr. Twerdahl and carried on roll call vote, 7-0.

AGENDA ITEM 9. Resolution accepting the dedication of a potable water transmission system - Lakewood Unit 6. Requested by Engineering Department

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

A RESOLUTION ACCEPTING A BILL OF SALE FROM U. S. HOME CORPORATION FOR A POTABLE WATER TRANSMISSION SYSTEM LYING WITHIN LAKEWOOD, UNIT NO. 6; AND PROVIDING AN EFFECTIVE DATE.

Mr. Wood moved adoption of Resolution 3563, seconded by Mr. Holland and carried on roll call vote, 7-0.

AGENDA ITEM 10. Authorization to execute water permit agreement with Edith Collier Sproul Trust regarding Geitz Pit. Requested by City Manager.

City Attorney Rynders read the below captioned resolution by title for Council's onsideration.

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A WATER PERMIT AGREEMENT BETWEEN THE CITY OF NAPLES AND TRUSTEES OF THE EDITH COLLIER SPROUL TRUST, PROVIDING FOR EXTENSION OF THE AGREEMENT DATED JUNE 5, 1974, TO PERMIT THE CITY TO PUMP WATER FROM THE GEITZ PIT THROUGH DECEMBER 31, 1982; AND PROVIDING AN EFFECTIVE DATE.

Mr. Thornton moved adoption of Resolution 3564, seconded by Mr. Twerdahl and carried on roll call vote, 7-0.

AGENDA ITEM 11. Resolution authorizing the City Manager to transfer funds from the contingency Fund to various departments as outlined on the attached summary; and providing an effective date. Requested by City Manager.

City Attorney Rynders read the above referenced resolution by title for Council's consideration. City Manager Patterson reviewed his memorandum to Council date June 27, 1980 (Attachment #2) and noted that salary increases would probably not need to be transferred next year because the contracts negotiated this year were for a two year period. Mr. Holland moved adoption of Resolution 3565, seconded by Mr. Schroeder. It was the consensus of Council that an "Amended Budget" column be added rather than to change the "Budget" column of any department because of these transfers. Motion carried on roll call vote, 7-0.

### ORRESPONDENCE AND COMMUNICATIONS

Mr. Rothchild noted the two hour discussion on Agenda Item 4-a and that most of it centered around traffic problems. He requested that some action be initiated concerning another bridge crossing the Gordon River. Mayor Anderson requested City Manager Patterson to explore this matter and report to Council the steps necessary to bring this project to fruition.

There being no further business to come before this Regular Meeting of the Naples City Council, Mayor Anderson adjourned the meeting at 12:16 p.m.

R. B. Anderson, Mayor

Janet Casor

City Clerk

Ellin O. Marshall

Ellen P. Marshall Deputy Clerk

We, the people of First Avenue North, protest the wanton overcutting of the beautiful mahogany trees along our street by the Florida Power and Light Company, thus ruining the appearance of our street. We conceed that it is legal to do necessary trimming, but in view of the fact that there have been only two outages in the past three years, only a minimum of trimming is needed. We maintain that the desires and wishes of the residents should be respected.

Monica Cameron 456 last aux North Scott Camero 456 let au No. George Sifes 271 1st DUE No. Horence Sinka 271 Ist ave. T. Co Ludwig 131-32 PSUN Cor 1stan Jeray Roberson 250 15t 40E N A. Huckstef. 211 157 AVE NO. Joe Brewwood 240 - 1st are n. I December 240 - 15 Acc N. Janes & Likly 157-15T. ave. V. Florence Rom. Gell 137 1st Are no. Mildred geidner 130 First ave. north Mithouraly 255 12 Mark 255 Forst Are. North K. Thornas same te. Green 150 FIRST AVE. N.





City of Naples

735 EIGHTH STREET, SOUTH . STATE OF FLORIDA 33940

OFFICE OF THE CITY MANAGER

### MEMO

TO: HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: CITY MANAGER GEORGE M. PATTERSON

SUBJECT: CONTINGENCY FUND TRANSFERS

DATE: JUNE 27, 1980

Attached to the proposed resolution on this agenda item is a list of the contingency fund transfers necessary. These are the figures contained in the column "Over Budget".

There are two principal reasons for the transfers; namely, the salary increases approved and higher than anticipated expenses in our Equipment Management Department, principally for fuel. The cost of the salary increases were substantially more than the contingency transfer but, due to savings within the various departments, only the amount listed is required.

The amounts in the "Over Budget" column are what we estimate would be over-spent by the end of the fiscal year without transferring. In most instances, they are not over budget in the salary accounts except for the adjustments that have been made due to the Cody & Associates study and the negotiated salary increases which are now included in the contract. That, of course, is one of the reasons for having a contingency account in order to cover those expenses which cannot be accurately anticipated at the beginning of each fiscal year.

Sincerely,

George M. Patterson

City Manager

GMP/tan

# COST TO COMPLETE SUMMARY FY 1979-80

DEPARTMENT	BUDGETED	COST TO COMPLETE	OVER BUDGET	UNDER BUDGET
Mayor & City Council City Attorney City Clerk City Manager Community Development Engineering Finance Fire Parks & Recreation Personnel Police Public Works Non Departmental Debt Service Contingency: Art Exhibit	\$ 62,312 85,549 53,496 105,371 221,644 549,980 277,576 544,949 754,620 60,728 1,229,716 1,532,508 185,802 122,382 346,624	\$ 62,835 99,977 50,753 113,275 232,463 547,048 298,114 542,294 755,028 63,141 1,269,264 1,560,956 185,802 122,382 -0- 6,300	\$ 523 14,428 7,904 10,819 20,538 408 2,413 39,548 28,448 -0- -0-	\$ 2,743 2,932 2,655
TOTAL	\$6,133,257	\$5,909,632	\$ 131,329	\$ 354,954