

MINUTES OF THE REGULAR MEETING OF THE NAPLES CITY COUNCIL HELD IN THE COUNCIL CHAMBERS,
NAPLES, FLORIDA, ON WEDNESDAY, AUGUST 6, 1980, AT 9:17 A.M.

Present: R. B. Anderson (arrived at 9:24 a.m.)
Mayor

C. C. Holland
Harry Rothchild
Wade H. Schroeder
Edward A. Twerdahl
Kenneth A. Wood
Councilmen

Absent: Randolph I. Thornton
Councilman

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

Harold Yegge
Charles Andrews
Fred Allen
Jan Conner
Mr. & Mrs. John Popovic
W. Gilman
Robert Jackson
Sam Aronoff
Roy Cawley
G. Holdt Garver
Lodge McKee
Robert Russell
Danny Schryver
Nancy Kraus
Sergio Montes
Egon Hill
Stephen Maxwell
William Shearston

News Media: Ed Warner, TV-9
James Moses, Naples Daily News
Brian Blanchard, Miami Herald
Susan Gardner, TV-9
Frank Rinella, Fort Myers News Press
Rick O'Reilly, WRGI
Madeline Child, TV-26
Tom Lowe, WBBH-TV

Other interested citizens and visitors

AGENDA ITEM 5. Community Development Department/Naples Planning Advisory Board:

PUBLIC HEARING and second reading of ordinance. Change in text to Appendix "A" the Zoning Ordinance of the Code of Ordinances of the City of Naples, Florida. Petitioner: City of Naples.

An ordinance amending Appendix "A", Zoning, of the Code of Ordinances of the City of Naples, by amending Section 5.11(G) relating to Minimum Floor Area in "C1-A", Retail Shopping District; by adding a new Special Exception provision to Section 5.14, "C3", Heavy Business District; by amending Section 5.16(F)(3), relating to Minimum Yards required in "I", Industrial District; by adding Minimum Rear Yard requirements to Section 5.17, "M", Medical District; by amending Section 6(15)(I)(10), relating to Off-Street Parking and Loading requirements for multi-family dwelling units; by amending Section 6(26)(B), relating to Temporary Use Permits for Real Estate Development Projects; by amending Section 6(34)(C), relating to Maximum Lot Coverage; and by adding to Section 14 thereof a new definition for the term "Staged Entertainment"; and providing an effective date. Purpose: To amend and clarify certain provisions of the Zoning Code.

City Attorney Rynders read the above captioned ordinance by title for consideration by Council on Second Reading; whereupon Mayor Anderson opened the Public Hearing at 10:09 a.m. Attorney Holdt Garver, representing Mrs. Teresa Matteo, addressed Council objecting to the part amending Section 6(34) Maximum Lot Coverage. Roger Barry, Community Development Director, spoke in support of the proposed ordinance. Lodge McKee, President of the Olde Naples Association, also against the same section. There being no one else to speak for or against, the Mayor closed the Public Hearing at 10:24 a.m.; whereupon Mr. Schroeder moved adoption of Ordinance 3588, seconded by Mr. Wood and carried on roll call vote, 6-0.

AGENDA ITEM 6. Request extension of Temporary Use Permit for the Moorings Park Retirement Center Sales Office. Location: 801 Harbour Drive. Requested by: The Moorings, Inc., Fred Allen, Executive Vice-President.

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

A RESOLUTION GRANTING AN EXTENSION OF THE TEMPORARY USE PERMIT FOR THE MOORINGS, INC. TO CONTINUE TO USE A TEMPORARY STRUCTURE AT THE NORTHEAST CORNER OF HARBOUR DRIVE AND RIVIERA DRIVE FOR CONSULTATION PURPOSES RELATIVE TO CONSTRUCTION OF A RETIREMENT CENTER UNTIL SEPTEMBER 19, 1981; AND PROVIDING AN EFFECTIVE DATE.

Fred Allen, representing the Moorings Park Retirement Center, spoke in support of the requested extension. After discussion by Council with Mr. Allen, it was the consensus of Council to extend the Temporary Use Permit to January 1, 1982 rather than the date originally requested. Mr. Schroeder moved adoption of Resolution 3589 as amended, seconded by Mr. Holland and carried on roll call vote, 6-0.

AGENDA ITEM 7. PUBLIC HEARING and second reading of ordinances.

AGENDA ITEM 7-a. An ordinance amending Chapter 8 of the Code of Ordinances of the City of Naples, relating to the City's Building, Electrical, Plumbing, Housing and Mechanical Codes; and providing an effective date. Purpose: To adopt the 1980 revisions to the 1979 editions of the Standard Building Code, Plumbing Code and Mechanical Code relating to guardrails.

Mayor Anderson opened the Public Hearing at 10:41 a.m.; whereupon City Attorney Rynders read the above titled ordinance by title for consideration by Council on Second Reading. There being no one to speak for or against, the Mayor closed the Public Hearing at 10:42 a.m.; whereupon Mr. Schroeder moved adoption of Ordinance 3590 on Second Reading, seconded by Mr. Rothchild and carried on roll call vote, 6-0.

AGENDA ITEM 7-b. An ordinance amending Article 11 of the Charter of the City of Naples, relating to local improvements and the financing thereof; and providing an effective date. Purpose: To add to Section 11.3 a new paragraph, providing for the construction of water improvements and the financing thereof by special assessments; and to redefine the term "Local Improvement" as contained in Section 11.2.

Mayor Anderson opened the Public Hearing at 10:43 a.m.; whereupon City Attorney Rynder read the above captioned 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 10:44 a.m.; whereupon Mr. Schroeder moved adoption of Ordinance 3591 on Second Reading, seconded by Mr. Wood and carried on roll call vote, 6-0.

AGENDA ITEM 7-c. 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 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 the payment thereof to be secured by the proceeds from special assessments.

Mayor Anderson opened the Public Hearing at 10:45 a.m.; whereupon City Attorney Rynders read the above referenced ordinance by title for consideration by Council on Second Reading. The City Attorney noted a reference in Article I that had been added and he stated that the motion would have to indicate the amendment. There being no one to speak for or against, the Mayor closed the Public Hearing at 10:46 a.m.; whereupon Mr. Wood moved adoption of Ordinance 3592 on Second Reading as amended, seconded by Mr. Schroeder and carried on roll call vote, 6-0.

AGENDA ITEM 8. First reading of ordinances.

AGENDA ITEM 8-a. An ordinance amending Section 8-3, relating to the schedule of building permit fees; Section 8-28, relating to the schedule of electrical fees and Section 8-44, relating to competency card fees, of the Code of Ordinances of the City of Naples; and providing an effective date. Purpose: To provide for an increase in certain building and electrical permit fees and competency card fees. Requested by Community Development Director.

City Attorney Rynders read the above titled ordinance by title for Council's consideration on First Reading. Roger Barry, Community Development Director, noted that these fees were mainly to cover the cost of processing these permits and fees. Council held a brief discussion of the comparison of the City's fees and the County's fees. Mr. Rothchild moved approval of this ordinance on First Reading, seconded by Mr. Schroeder and carried on roll call vote, 6-0.

AGENDA ITEM 8-b. An ordinance amending Section 1A-150(3) of the Code of Ordinances of the City of Naples, relating to the filing of appeals to the Board of Appeals; and providing an effective date. Purpose: To provide an increase in the fee for filing appeals to the Board of Appeals. Requested by Community Development Director.

City Attorney Rynders read the above captioned ordinance by title for Council's consideration on First Reading. Mr. Rothchild moved approval of this ordinance on First Reading, seconded by Mr. Twerdahl and carried on roll call vote, 6-0.

AGENDA ITEM 8-c. An ordinance prohibiting glass containers on the beaches and in the public parks of the City; prohibiting animals on the beaches and in the public parks of the City; defining certain terms used herein; and providing an effective date. Purpose: To prevent broken glass litter and animal waste from accumulating on the beaches and in the public parks. Pursuant to July 15, 1980 Council Conference.

City Attorney Rynders read the above referenced ordinance by title for consideration by Council on First Reading. It was noted that the County was contemplating a similar ordinance and Council members wished to keep track of the content of that ordinance if and when it came into effect. The City Attorney suggested that Council may wish to have this ordinance circulated to the civic and property owners' associations. Mr. Twerdahl moved approval of this ordinance on First Reading, seconded by Mr. Schroeder. Egon Hill, citizen, spoke in favor of this ordinance. Motion carried on roll call vote, 6-0.

AGENDA ITEM 8-d. An ordinance amending Section 8-15 of the Code of Ordinances of the City of Naples, relating to requirements for numbering houses, stores and other improved property; providing a penalty for violation thereof; and providing an effective date. Purpose: To provide specifications as to the size and location of numerals herein required to be placed on all improved properties, and to further require owners of waterfront property to place numerals on docks, seawalls or posts adjacent to the waterway. Pursuant to Council Conference of July 15, 1980.

City Attorney Rynders read the above titled ordinance by title for Council's consideration on First Reading. Roger Barry, Community Development Director, responded to a question concerning an effective date by stating that the Department would like to have flexibility in this area because of the many property owners who are out of town. Mr. Wood moved to approve this ordinance on First Reading, seconded by Mr. Schroeder and carried on roll call vote, 6-0.

AGENDA ITEM 9. A resolution authorizing the Mayor and City Clerk to execute an addendum to that certain lease dated December 19, 1979, between Code 3 Electronics, Inc., and the City of Naples, providing for an amendment to Paragraph 4 thereof relating to indemnity insurance; and providing an effective date. Requested by City Attorney.

City Attorney Rynders read the above captioned resolution by title for consideration by Council. He noted that correspondence attached to the resolution explained the need for this addendum (Attachments #2 and #3). Mr. Wood moved adoption of Resolution 3593, seconded by Mr. Schroeder and carried on roll call vote, 6-0.

AGENDA ITEM 10. A resolution authorizing the Mayor and City Clerk to execute a subordination of encumbrance to the property rights of Collier County for the purpose of constructing and maintaining a portion of County Road 886; and providing an effective date. Requested by City Engineer.

City Attorney Rynders read the above referenced resolution by title for Council's consideration. Mr. Wood noted his continued opposition to Coastland Boulevard to which this construction is related. After a brief discussion, Mr. Holland moved adoption of Resolution 3594, seconded by Mr. Rothchild and carried on roll call vote, 5-1 with Mr. Wood voting no.

AGENDA ITEM 11. Request to accept proposal from Hole, Montes & Associates and issue a purchase order for professional services regarding accelerated beach end improvement program at 9th, 15th, and 17th Avenue South. Requested by City Engineer.

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

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT THE PROPOSAL OF HOLE, MONTES & ASSOCIATES FOR PROFESSIONAL ENGINEERING SERVICES RELATING TO BEACH END IMPROVEMENTS AND TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Council discussed the proposal of the "not to exceed" figure as outlined in City Manager Patterson's memo dated July 25, 1980 (Attachment #4). The City Manager answered a question from Mayor Anderson that it was not necessary to go through a consultant selection process in this instance. Sergio Montes, representing Hole-Montes, responded to Council's inquiries regarding the proposal. Mr. Rothchild moved adoption of Resolution 3595, seconded by Mr. Wood and carried on roll call vote, 6-0.

AGENDA ITEM 12. A resolution approving application for funding through the Florida Bureau of Beaches and Shores for beach-related Public Works projects. Requested by City Manager.

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

A RESOLUTION REQUESTING APPROPRIATION OF STATE FUNDS FROM THE EROSION CONTROL TRUST FUND FOR THE FISCAL YEARS 1981-82 AND 1982-83 FOR BEACH-RELATED PUBLIC WORKS PROJECTS; AND PROVIDING AN EFFECTIVE DATE.

City Manager Patterson reviewed the information in his memo to Council dated August 1, 1980 (Attachment #5). Mr. Twerdahl moved adoption of Resolution 3596, seconded by Mr. Schroeder and carried on roll call vote 5-1 with Mr. Wood voting no.

AGENDA ITEM 13. Recommendation by City staff regarding Southwest Florida Areawide Housing Plan. Pursuant to Council discussion at Regular meeting of July 16, 1980.

Mayor Anderson called Council's attention to the information presented by the staff in a memo from Roger Barry, Community Development Director (Attachment #6). Mr. Schroeder moved to support the findings as noted on the second page of the memo and to notify the Southwest Florida Regional Planning Council, seconded by Mr. Twerdahl and carried on roll call vote, 6-0.

AGENDA ITEM 14. Purchasing:

AGENDA ITEM 14-a. Bid award - Water treatment chemicals - Public Works

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

A RESOLUTION AWARDED BIDS FOR THE CITY'S ANNUAL REQUIREMENTS OF WATER TREATMENT CHEMICALS; AUTHORIZING THE CITY MANAGER TO ISSUE PURCHASE ORDERS THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Mr. Wood moved adoption of Resolution 3597, seconded by Mr. Twerdahl and carried on roll call vote, 6-0.

AGENDA ITEM 14-b. Bid award - 9 front loader containers - Public Works

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

A RESOLUTION AWARDED BID FOR NINE (9) FRONT LOADER CONTAINERS; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Mr. Rothchild moved adoption of Resolution 3598, seconded by Mr. Wood and carried on roll call vote, 6-0.

gilman interests

2400 TAMiami TRAIL N.

NAPLES, FLORIDA 33940

PHONE:

813 / 262-6823

February 25, 1980

Mr. Nat Hooper
City Engineering Department
735 8th Street South
Naples, FL 33940

Dear Mr. Hooper:

I have been advised that the City has awarded the contract to run water to the Avion Park sub-division. As you recall during the recent Council meeting which I attended, I had agreed to pay for the running of an 8" line rather than a 6" line. I did this as we are planning a Planned Unit Development immediately south of the Avion area and with an 8" line, I felt quite confident we would be able to take care of any of our water needs.

I have been advised since this time, however, that the line to the Naples Airlines facility is only a 6" line from Horseshoe Drive. Obviously to get the additional water into the 8" line from the Naples Airline facility, the original section would have to be changed to an 8" line. At the present time I need some immediate answers which I have not been able to get from Ted Smallwood's organization. My questions are:

- 1) What is the cost of running the 8" vs. the 6" line from the Naples hangar to our site?
- 2) What is the cost for converting the line from Horseshoe Drive to the Naples hangar to an 8" line?
- 3) Can I serve an additional 100 units in our PUD on the end of the line next to Avion Park?


We are ready, willing and able to pay for the answers to these engineering questions as well as the installation of the 8" line. I must know, however, some approximate amount of the dollars we are talking about. During the past 3½ weeks you have been most cooperative, and I am very appreciative for this help. I have been unable to get any answers from Mr. Smallwood's organization other than the fact that they originally recommended running an 8" line to the Naples hangar. If you could arrange a meeting between Mr. Smallwood and myself, I could certainly be greatly appreciative of this help.

Sincerely,

W. W. Gilman, President

cc: Mayor and Council

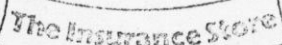
ATTACHMENT #2

Franked

 King

INSURANCE AGENCY, INC.

680 FIFTH AVENUE, SOUTH NAPLES, FLORIDA 33940

TELEPHONE 262-5143



ALL FORMS OF
 GENERAL INSURANCE,
 LIFE, ACCIDENT,
 HEALTH, HOSPITALIZATION

July 10, 1980

Mr. George Patterson, Manager
 City of Naples
 735 Eighth Street, South
 Naples, Florida 33940

RE: CODE 3 ELECTRONICS, INC.
 City of Naples Lease/Purchase Agreement

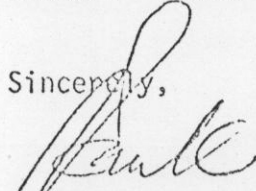
Dear Mr. Patterson:

I wish to thank you and Mr. Frank Jones for meeting with Mr. Faerber and I in your office this morning to discuss the Hold-Harmless Agreement contained in the Lease/Purchase Agreement.

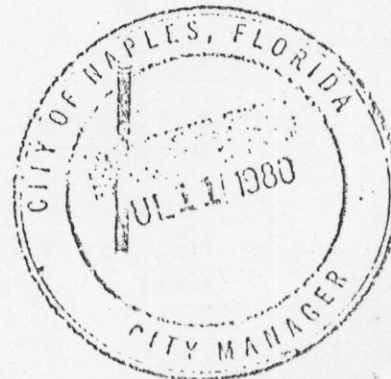
Upon my return to my office, I received a telephone call from Mrs. Arlene Walls of Siver and Associates, your Insurance Consultants, relative to amending the clause to benefit all parties concerned. She and I got into a discussion concerning the language contained therein, and she agreed that it should be changed to hold the City harmless in the event that a loss occurs and a law suit is filed due to negligence by the employees of Code 3 Electronics, Inc., or its products. Of course, we both agreed that the language should be put into writing by the City Attorney. She informed me that she would call Mr. Jones and explain the situation we discussed.

Please keep me informed as to any future developments concerning this matter. Thanks again; with best regards, I remain,

Sincerely,


 Henry L. Caballero
 President

HLC/ka



cc: Mr. Nelson A. Faerber, Sr., President
 CODE 3 ELECTRONICS, INC.
 900 Sixth Avenue, South
 Suite #101
 Naples, Florida 33940



E. W. SIVER & ASSOCIATES, INC. P.O. BOX 12829 ST. PETERSBURG, FLORIDA 33733 PHONE 813-822-9335
CONSULTANTS, RISK & INSURANCE MANAGEMENT

July 10, 1980

Mr. Henry L. Caballero
King Insurance Agency Inc.
680 Fifth Avenue South
Naples, FL 33940

Reference: Agreement - City of Naples and
Code 3 Electronics Inc.

Dear Mr. Caballero:

This will confirm our telephone conversation today.

Inasmuch as you are having a problem in obtaining insurance coverage for your client, Code 3 Electronics Inc., to cover the Hold Harmless Agreement in their contract with the City of Naples, in our opinion it would be acceptable to modify the Agreement as suggested by your underwriter. The suggestion is to use language similar to the following: "Code 3 Electronics Inc. agrees to assume all liability and hold the City of Naples harmless for the negligence of Code 3 Electronics Inc., its employees, and its products arising out of this agreement". However, we should also like the costs of defense to remain in the contract and, of course, the provision that contractual liability insurance will be procured to cover this Agreement.

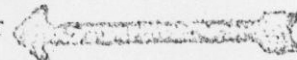
Please do not hesitate to call if you should wish to discuss further.

Very truly yours,

Eileen M. Walsh
Vice President

js

cc: Mr. Franklin Jones, Finance Director
City of Naples





City of Naples

735 EIGHTH STREET, SOUTH - STATE OF FLORIDA 33940

OFFICE OF THE ENGINEERING DEPARTMENT

Engineering Memo #80-92

TO: George Patterson

FROM: John McCord *JRM*

DATE: July 25, 1980

REFER: Accelerated Beach End Improvement Program
at 9th, 15th and 17th Avenue, South

SUBJ: Request for City Council Agenda Item
Pertaining to Issuance of a Purchase
Order for Professional Services

In accordance with our Council's desires, please find attached a not to exceed, cost plus a fixed fee proposal for Professional Services which will be associated with the modifications to the above Beach Ends. In submitting the proposal of Hole, Montes & Associates, I am likewise recommending that they perform the required services on the basis of professional ability, current work load and past performance in serving our City's needs.

In conclusion, it should be pointed out that our purchase order will accept the Hole, Montes & Associates proposal and refer to it as its basis with payments due them on the basis of the actual hours expended in each category for design, etc., with the not to exceed for all services set at \$16,593.80. We will also reserve the right to audit their payroll system at the end of the project as well as maintain full ownership of all documents from their work.

Finally, I have reviewed the manhours estimated for the work involved per the proposal and find it to be a good approximation. This is based on this Department's experience on like projects at 4th Avenue, South and 33rd Avenue, South.

JRM:sdm

Attachment (1)

xc: Hole, Montes & Assoc.

AGENDA ITEM #12
8/6/80



City of Naples

735 EIGHTH STREET, SOUTH - STATE OF 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: GRANT APPLICATION
BEACH-RELATED PUBLIC WORKS PROJECTS

DATE: AUGUST 1, 1980

As you know, we are currently underway with a "beach erosion study". The state of the art as of now is apparently much more specific than it was ten years ago. The firm of Suboceanic Consultants, Inc., has not finalized the study but is far enough along with it that they have identified four projects that could be undertaken that they feel would be advantageous in maintaining our beaches.

Consequently, we are recommending that we apply to the state for funds set aside to assist with these types of projects. While it is unlikely that we would be funded for all of them, each application will stand on its own merits.

No in-depth engineering has been done on these particular projects, so, upon completion of Suboceanic's work and report to us, we could change priorities, should we desire, or even limit one of the projects without it posing any problem.

We are suggesting proceeding in this way at this time due to the fact that if we wait until our study is complete, we would then have to wait an entire year to ask for this assistance as it is handled on an annual basis only. John McCord will be present to attempt to answer any questions you may have on any of the projects.

Sincerely,

George M. Patterson
George M. Patterson
City Manager

GMP/tan



City of Naples

735 EIGHTH STREET, SOUTH - NAPLES, FLORIDA 33940



DEPARTMENT OF PLANNING

MEMORANDUM

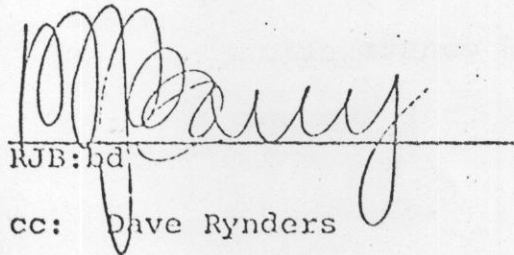
TO: City Manager George Patterson
 FROM: Roger J. Barry, Community Development Director
 SUBJECT: Areawide Housing Opportunity Plan
 DATE: July 17, 1980

We have reviewed the June 1980 draft of the Areawide Housing Opportunity Plan which the Regional Planning Council presented to the City Council at their meeting on 7/16/80, and find that the goals of the Plan are acceptable and appropriate for the City of Naples.

There is virtually no opportunity in the City, with the exception of the Carver Site, to construct any additional low or moderate income housing units. But the City's endorsement of the Plan would indicate the City's interest in solving what has been identified as an area-wide problem, affecting businesses in the City, and may place the County in a better position to secure approval of whatever housing assistance they may request from the State or Federal government.

Specific implementation activities for the City of Naples are outlined on page 112 (see attached) of the Plan; and we recommend endorsement of the Plan and the submittal of a similar letter to the model on page ii, with the deletion of the reference to the consideration of a "fair housing ordinance", substantive provisions of which are enforced by state and federal laws effective within the city.

Please advise if you need any additional information or clarification.


 RJB:hd

cc: Dave Rynders

City of Naples

The following activities are appropriate for the City of Naples to implement the AHOP:

- * The City should be represented on the Regional Advisory Committee for Housing.
- * The City should continue to use the A-95 process to review assisted housing proposals which impact the City.
- * Fair housing policies in the City's Comprehensive Plan should be expanded.
- * Carefully monitor the status of the Section 8 Existing Housing Program and, if the current program proves successful, apply for funds to assist additional tenants.
- * The City should endorse the Plan indicating its general support for the Areawide Housing Opportunity Plan and also its willingness to carry out implementation activities.
- * Real estate and finance firms within the City should be encouraged to assist low income households to obtain or rehabilitate housing units.
- * The City should develop with Collier County an interlocal agreement for assisted housing services.
- * The City should review zoning regulations and construction standards to eliminate any costly requirements that are not necessary for health and safety.