

MINUTES OF THE REGULAR MEETING OF THE NAPLES CITY COUNCIL HELD IN THE COUNCIL CHAMBERS,
NAPLES, FLORIDA, ON WEDNESDAY, NOVEMBER 5, 1980, AT 9:05 A.M.

Present: R. B. Anderson
Mayor

C. C. Holland
Harry Rothchild
Wade H. Schroeder
Randolph I. Thornton
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 C. Smith, Assistant to the City Manager
Mark Wiltsie, Purchasing Agent
J. D. Spohn, Police Department
Reverend Harold B. Brown, Jr.
Mr. & Mrs. Newton Wollter
Gilbert Weil
Gilbert Blanquart
Edward Ranney
Sam Aronoff
Harold Yegge
Clayton Bigg
Russ Davis
Jack Vogel
Daniel Schryver
M. W. Schryver
R. J. Bonini
James Krause
Mr. & Mrs. Joseph Raddill
Jean Topinka
Dr. Paul Mattis
Tom Morgan
Ben Anderson
Robert Russell
Charles Andrews
Mary Brandt
Lyle Richardson
William Brandt
James McGrath

News Media: Ed Warner, TV-9
Brian Blanchard, Miami Herald
James Moses, Naples Daily News
Paul Stanford, TV-9
Allen Bartlett, Ft. Myers News Press

Other interested citizens and visitors.

Mayor Anderson called the meeting to order at 9:05 a.m.; whereupon Reverend Harold B. Brown of the East Naples United Methodist Church 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 the Workshop Meeting held October 14, 1980 and the Regular Meeting held October 15, 1980; whereupon Mr. Twerdahl moved approval of the minutes of both meetings as presented, seconded by Mr. Schroeder and carried by consensus.

AGENDA ITEM 4. Community Development Department/Naples Planning Advisory Board: PUBLIC HEARING and second reading of ordinance, Amendment to a previously approved development plan No. 80-R13. Petitioner: M. W. Schryver, Trustee. Location: West side of U.S. 41, adjacent to north and west side of Park Shore Plaza, and south of Neapolitan Way. An ordinance amending the development plan previously approved for the Park Shore subdivision to provide for the development of the Park Shore Resort Club and Office Complex in accordance with the development plan described herein, subject to the conditions set forth herein; and providing an effective date. Purpose: To permit significant changes in an approved development plan, pursuant to Section 5.19(G) of Appendix "A" - Zoning of the Code of Ordinances of the City of Naples.

Mayor Anderson opened a Public Hearing at 9:07 a.m.; whereupon City Attorney Rynders read the above titled ordinance by title for Council's consideration on Second Reading. Roger Barry, Community Development Director, asked that the conditions for use of the pavilion area described in a letter from the developer dated September 20, 1980 (Attachment #1) be made a part of the ordinance under discussion by reference. Mr. M. W. Schryver confirmed compliance with his letter as accepted by the Planning Advisory Board; but he noted that they did not intend to carry out development of the project if the density were limited to 12 units per acre and spoke in support of at least a density of 13.85 units per acre. If the permitted density was not going to be higher than 12 units per acre, Mr. Schryver asked if the bank and office complex portion of the project could be separated from the project as a whole and approved so they could go ahead with that part of the project. Mr. Rothchild repeated his emphasis on the traffic impact of even that part of the development and cited a letter from the Park Shore Association, Inc., dated October 27, 1980. Mr. Schroeder suggested incorporating some limitation on the height of the buildings. Discussion continued on the density and Mr. Schryver asked Council for the reasons used to arrive at 12 units per acre which would be 24 units less than at a density of 13.85. Harold Yegge, who was chairman of the Planning Advisory Board during their discussions of this project, noted that the 12 units per acre was an arbitrary figure that the Planning Advisory Board felt would be in keeping with the rental apartment aspect of the development. Clayton Bigg, member of the Planning Advisory Board, reaffirmed his conviction that 12 units per acre would be more compatible with the surrounding neighborhood. Gilbert Weil, Gilbert Blanquart, Mary and William Brandt, citizens, spoke in opposition to the planned development because of the higher density and the traffic impact. Dr. Paul Mattis, president of the Park Shore Association, Inc., spoke in reference to the Association's letter and the meeting held at which the members noted their opposition to the project if it were more than 12 units per acre. There being no one else to speak for or against, the Mayor closed the Public Hearing at 10:30 a.m. Mr. Schroeder moved to approve the ordinance on Second Reading with the 12 unit per acre limitation, seconded by Mr. Thornton. City Attorney Rynders pointed out a procedural problem in that if it were passed and the petitioner withdrew his petition as he had said he would, Council would have to pass another ordinance to correct the situation. After discussion of the procedures in this matter, Mr. Schroeder withdrew his motion and the motion died. Mr. Schroeder moved to limit the density on this property to 12 units per acre, seconded by Mr. Twerdahl. During discussion, Mr. Rothchild moved to call the question, seconded by Mr. Twerdahl and carried on roll call vote, 7-0. Roll call on the motion passed the motion 5-2, with Councilman Holland and Mayor Anderson voting no. Because of the limit in density, the petitioner withdrew his petition and without further action by Council, the proposed ordinance was not passed.

Let the record show that Mayor Anderson recessed the meeting at 10:45 a.m and reconvened it at 10:55 a.m. with the same members of Council present.

AGENDA ITEM 5. An ordinance amending Chapter 5 of the Code of Ordinances of the City of Naples, relating to public auctions within the City of Naples; requiring a license or permit therefor; providing exceptions thereto; providing regulations governing the conduct of such auctions; amending Section 12-45 of the Code of Ordinances to provide a revised schedule of occupational license fees for auction sales; and providing an effective date. Purpose: To provide different regulations and fees for auctions conducted at locations which are permanently and exclusively used for the auction sale business and occasional auctions held at a non-permanently established location. (Second reading continued from Regular Meeting of October 15, 1980.)

City Attorney Rynders referred to his memorandum dated October 30, 1980 (Attachment #2). Mr. Twerdahl moved that this item be taken off the Agenda, seconded by Mr. Thornton. Mr. Rothchild objected to removing it without giving anyone who may be in the audience waiting to speak a chance to do so. Mayor Anderson opened the Public Hearing at 10:56 a.m. There being no one to speak for or against, the Mayor closed the Public Hearing at 10:57 a.m. Mr. Schroeder suggested that the Mayor reopen the Public Hearing and have it continued to which the Mayor agreed (10:58 a.m.) Mr. Twerdahl withdrew his motion to have this item taken off the Agenda and motion died. Mr. Twerdahl then moved to remove the item from the Agenda until the next Regular Meeting and to continue the Public Hearing until that time, seconded by Mr. Schroeder. After a short discussion, Mr. Schroeder moved to call the question, seconded by Mr. Wood and carried on roll call vote, 6-1 with Mr. Rothchild voting no. Roll call on motion on the table, motion carried, 6-1 with Mr. Rothchild voting no.

AGENDA ITEM 6. First reading of ordinances.

AGENDA ITEM 6-a. An ordinance amending Section 26.17.1 of the Code of Ordinances of the City of Naples, Florida, as amended, by repealing paragraph (f) therefrom and substituting a new paragraph (f) therefor, and by adding a new paragraph (i) thereto; finding that prior water system development charges have been levied in a just and equitable manner and those paying such charges were not charged in excess of their prorata share of reasonably anticipated costs of expenditure of the water system and were only charged to the extent new use required new facilities; requiring that all past and future monies collected as water system development charges be deposited in a water capital reserve fund and be used solely for capital improvements for raw water supply facilities, transmission mains, ground storage facilities, new pumping facilities, new treatment facilities and constructing new additions to the City's water distribution system required to provide service to new connections to the water system by new users; prohibiting any use of water system development charges for improving, updating or bringing the present system into compliance with any change in laws brought about by reason of action of any governmental authority; providing for all previously collected system development charges to be administered pursuant to Section 26-17.1(f), as amended; and providing an effective date. Purpose: To clarify the manner in which the City's system development charge is imposed for obtaining funds for necessary capital improvements to the water system and to make certain findings with regard to system development charges previously assessed and collected. Requested by City Attorney.

City Attorney Rynders read the above referenced ordinance by title for consideration by Council on First Reading and referred to his memorandum dated October 30, 1980 (Attachment #3). After discussion of the desirability of this language change, Mr. Twerdahl moved approval of this ordinance on First Reading, seconded by Mr. Schroeder and carried on roll call vote, 7-0.

AGENDA ITEM 6-b. An ordinance amending Section 11-3.1(c) of the Code of Ordinances of the City of Naples, Florida, as amended, by repealing paragraph (5) therefrom and substituting a new paragraph (5) therefor, and by adding a new paragraph (7) thereto; finding that prior sewer system development charges have been levied in a just and equitable manner and those paying such charges were not charged in excess of their prorata share of reasonably anticipated costs of expenditure of the sewer system and have been charged to the extent new use required new facilities; requiring that all past and future money collected as sewer system development charges be deposited in a sewer capital reserve fund and used solely for capital improvements for master pumping stations, master force mains, treatment and effluent disposal facilities, and constructing new additions to the City's sewer collection system; prohibiting any use of the sewer system development charges for improving, updating, or bringing the present system into compliance with any change in law brought about by reason of action of any governmental authority; providing for all previously collected system development charges to be administered pursuant to Section 11-3.1(c)(5), as amended; and providing an effective date. Purpose: To clarify the manner in which the City's system development charge is imposed for obtaining funds for necessary capital improvements to the sewer system and to make certain findings with regard to system development charges previously assessed and collected. Requested by City Attorney.

City Attorney Rynders read the above titled ordinance by title for Council's consideration on First Reading. He again referred to his memorandum dated October 3, 1980 (Attachment #3). Mr. Twerdahl moved approval of this ordinance on First Reading, seconded by Mr. Schroeder and carried on roll call vote 7-0.

AGENDA ITEM 6-c. An ordinance relating to collective bargaining by public employees, amending Section 1A-167(a) and Section 1A-176(c) and (d), Article X, Chapter 1A of the Code of Ordinances of the City of Naples Public Employees Relations Commission; providing clarification of procedures for impasse resolution; and providing an effective date. Purpose: To amend the provisions of the City's Public Employees Relations Ordinance to conform to recent amendments to Chapter 447, Florida Statutes, pursuant to the order of the Florida Public Relations Commission. Requested by City Attorney.

City Attorney Rynders read the above titled ordinance by title for Council's consideration on First Reading and referred to his memorandum dated October 30, 1980 (Attachment #4). Mr. Twerdahl moved approval of this ordinance on First Reading, seconded by Mr. Thornton and carried on roll call vote, 7-0.

AGENDA ITEM 7. Request by Florida Power and Light Company for easement for installation of underground electric distribution facilities at Naples Water Plant.

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

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN EASEMENT TO FLORIDA POWER & LIGHT COMPANY; AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT RELATING TO INSTALLATION OF UNDERGROUND ELECTRIC DISTRIBUTION FACILITIES AT THE NAPLES WATER PLANT; AND PROVIDING AN EFFECTIVE DATE.

Mr. Wood moved adoption of Resolution 3647, seconded by Mr. Schroeder and carried on roll call vote, 7-0.

AGENDA ITEM 8. Authorization to execute franchise agreement between City of Naples and Naples Transit Company, Inc. regarding operation of trolley. Requested by City Attorney.

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

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A FRANCHISE AGREEMENT BETWEEN THE CITY OF NAPLES AND THE NAPLES TRANSIT COMPANY, INC., RELATIVE TO THE OPERATION OF A PASSENGER TROLLEY IN THE CITY.

Mr. Rothchild confirmed with the City Attorney the insurance coverage involved in this agreement and obtained a correction on the spelling of "reflected" in the agreement on page 2, item 6. Mr. Thornton moved adoption of Resolution 3648 as corrected, seconded by Mr. Twerdahl and carried on roll call vote, 7-0.

AGENDA ITEM 9. A resolution appointing a member of the City Council to the General Retirement System Board of Trustees. Requested by City Manager.

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

A RESOLUTION APPOINTING A MEMBER OF COUNCIL TO SERVE ON THE BOARD OF TRUSTEES OF THE CITY OF NAPLES RETIREMENT SYSTEM; AND PROVIDING AN EFFECTIVE DATE.

Mayor Anderson asked Mr. Twerdahl if he would be willing to continue to serve on this board. Upon receiving an affirmative reply, Mr. Thornton moved to adopt Resolution 3649 appointing Mr. Twerdahl to the General Retirement System, seconded by Mr. Schroeder and carried on roll call vote, 7-0. Mr. Schroeder asked that the appointment to the Firemen's Pension Trust Fund be placed on the next Agenda. Mr. Rothchild asked for a review of all boards for vacancies to which Mayor Anderson responded that the City Clerk did that periodically.

AGENDA ITEM 10. Purchasing:

AGENDA ITEM 10-a. Bid Award - Assorted landscape plants for Public Works - Parkways and Service.

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

A RESOLUTION AWARDED BIDS FOR VARIOUS LANDSCAPE PLANTS; AUTHORIZING THE CITY MANAGER TO ISSUE PURCHASE ORDERS THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Mr. Rothchild asked for an interpretation of the asterisks indicating "Took Exception" to which Mark Wiltsie, Purchasing Agent, responded that the vendor did not wish to meet the specifications. Mr. Rothchild questioned awarding Item 27 to a vendor other than the low bidder. Mr. Twerdahl moved adoption of Resolution 3650 after review of Item 27, seconded by Mr. Rothchild and carried on roll call vote, 7-0.

AGENDA ITEM 10-b. Bid Award - 60,000 GVWR Diesel Truck for Public Works - Water Production Division.

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

A RESOLUTION AWARDING BID FOR A 60,000 GVWR DIESEL POWERED TRUCK; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schroeder moved adoption of Resolution 3651, seconded by Mr. Twerdahl and carried on roll call vote, 7-0.

Mayor Anderson noted the vacancy on the Planning Advisory Board created by the resignation of Harold Yegge, effective October 16, 1980. He asked Council members to forward to him any suggestions they may have for this appointment along with appropriate resumes. Mr. Holland requested that applications and resumes be forwarded to Council members by the Mayor as they are received rather than just prior to the Workshop Meeting at which the interviews are scheduled.

Mr. Holland asked that the City Attorney draft an ordinance governing the use of the Naples Bay and other inland waterways for water skiing.

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Mr. Rothchild stated his objection to the Special Meeting that was called for 5:01 p.m. for review of the City's proposed budget because he felt it was too early. It was noted that this meeting had been advertised on the residents' tax bills and Council would have an opportunity at this meeting to set the time and date for the Special Meeting to approve the proposed budget.

Mr. Schroeder asked City Manager Patterson to check on the status of the East Naples Sewer project, especially with reference to the progress made by Mr. Smallwood and CH2M Hill on the plans.

Mr. Rothchild asked for a report from the City Manager regarding the progress made in implementing the suggestions contained in the Barr-Dunlop Traffic Study, especially the suggested trip to Fort Lauderdale regarding a proposed bridge. City Manager Patterson responded that he was to be in touch with the County this month about such a trip.

There being no further business to come before this Regular Meeting of the Naples City Council, Mayor Anderson adjourned the meeting at 11:43 a.m.

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

Janet Cason
Janet Cason
City Clerk
Ellen P. Marshall
Ellen P. Marshall
Deputy Clerk

Schryver & Partners, INC.
REALTOR

September 30, 1980

Mr. Roger Barry, City Planner
City of Naples
Naples, Florida 33940

Re: Park Shore Resort

Dear Roger,

Paragraph E-7 of your staff report to the Planning Advisory Board requests the following:

"Specify the uses anticipated for the 3,000' Pavilion at the P.A.B. meeting and submit a written statement regarding this matter prior to City Council consideration of this petition."

The uses anticipated for this pavilion would be:

1. food service
2. beverage service
3. owner's meetings

While there are many restaurants in the immediate area, informal, light service can be provided from the Pavilion.

I have requested the Pavilion design include light breakfast and deli-lunch capability.

Additionally, the design criteria requested approximate the following:

1. 25% of floor area to be kitchen related.
2. 25% of floor area to be food service seating.
3. 50% of floor area to be meeting space.

Please let me know if any additional information is required.

Sincerely,

Kennedy Schryver

KS/lh

1179 Eighth Street South • Naples, Florida 33940 • (813) 262-5700

*City of Naples*

735 EIGHTH STREET, SOUTH - NAPLES, FLORIDA 33940

OFFICE OF THE CITY ATTORNEY

October 30, 1980

M E M O

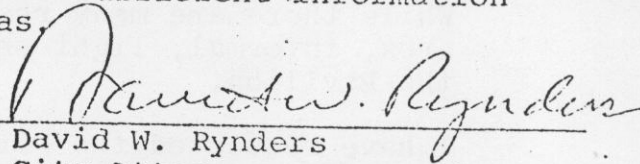
TO: Honorable Mayor and Members of Council

FROM: David W. Rynders, City Attorney

RE: Auctions

The attorney for Thalheimer's has been extremely busy. We have therefore not been able to devote the necessary time to reviewing auction regulatory requirements in order to provide a draft at this late date.

I respectfully request that the Council continue this matter until the next regular meeting when it is believed that everyone will have sufficient information and time to develop their ideas.



David W. Rynders
City Attorney

DWR:bh



City of Naples

735 EIGHTH STREET, SOUTH - NAPLES, FLORIDA 33940

OFFICE OF THE CITY ATTORNEY

October 30, 1980

M E M O

TO: Hon. Mayor and Members of Council

FROM: David W. Rynders, City Attorney

RE: Water and Sewer Impact Fees

Approximately a year ago the City received from Park Shore, Inc. a voluntary dismissal with prejudice of their suit contesting the City's impact fee ordinance. In discussing the dismissal of their suit against the City, it was agreed between the attorney for Park Shore and myself that we would continue discussion of improvements to the City's ordinance so as to enable us to survive any challenges raised in the future.

The attorney for Park Shore was an individual with whom I had previously worked in St. Petersburg. He has had considerable experience in this area. During the past year we have exchanged correspondence several times; and the attached ordinances are the results of his best thought on the matter.

These ordinances make minor but, it is believed, important changes in the present language of the City's ordinances levying water and sewer impact fees. The intention is to clarify the limitations on the use of impact fees.

I therefore recommend that the City Council approve these ordinances.

David W. Rynders

David W. Rynders
City Attorney

DWR:bh
Enc.

*City of Naples*

735 EIGHTH STREET, SOUTH - NAPLES, FLORIDA 33940

OFFICE OF THE CITY ATTORNEY

October 30, 1980

M E M O

TO: Hon. Mayor and Members of Council
FROM: David W. Rynders, City Attorney
RE: Mini-Perc Ordinance

The attached ordinance will make certain changes in the City's Mini-Perc ordinance required by the 1980 amendments to the Florida Statutes dealing with the establishment of Mini-Percs.

A copy of the ordinance has been sent to our labor attorney in Miami, who is forwarding it to the Florida Public Employees Relations Commission staff for their approval. Our labor attorney has advised us to pass this on first reading. We expect to know if Perc has any questions or problems with the language prior to our second reading, at which time we can make any changes required by Perc. The changes required by the statutes this year were rather simple and straightforward. It is, therefore, not expected that Perc will have any problems.

I recommend that you approve this ordinance at first reading.

David W. Rynders

David W. Rynders
City Attorney

DWR:bh