

MINUTES OF THE REGULAR MEETING OF THE NAPLES CITY COUNCIL HELD IN THE COUNCIL CHAMBERS,  
NAPLES, FLORIDA, ON WEDNESDAY, NOVEMBER 18, 1981, 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: Franklin Jones, Acting City Manager  
David Rynders, City Attorney  
Roger Barry, Community Development  
Director  
John McCord, City Engineer  
Reid Silverboard, Chief Planner  
Mark Wiltsie, Assistant to the City  
Manager  
Stewart Unangst, Purchasing Agent  
Norris Ijams, Fire Chief  
Tom Smith, Assistant Fire Chief

Lt. Steve Gilmore  
Charles Andrews  
Herb Smith  
Ron Witcher  
Nikki Anderson  
John McGregor  
Mr. & Mrs. Craig Kiser  
John Nagel  
Michael A. Baviello, Jr.  
Charles Fisher  
Tracey Bolesky  
Tom Marshall  
Frank Stevenson  
Sam Aronoff  
Michael Volpe  
Stewart Schram  
Robert Russell  
Arndt Mueller  
Jack Drodge  
Mr. & Mrs. Arnold Lamm  
Mr. & Mrs. Morten Byrd  
Jim Owens

Russell Ayres  
Mark Weakley  
Stan Billick  
Jim Ingham  
Ben Anderson  
Dennis Lynch  
M. W. Schryver  
William Shearston  
Dorothy Grant  
Ken Maestrodomenico  
Gilbert Weil  
Alice Bowling  
Bernie Yokel  
Phillip Sowersby  
Mr. & Mrs. Ray Singer  
Charles Zwemer  
Lloyd Sarty  
Tom Maloney  
David Tackney  
Ed Ranney  
Tom Dreschel  
Robert Tiffany  
Edwin Putzell  
Mrs. Alvin C. Ziegler  
William Higgs  
Mr. & Mrs. Glenn MacKay  
Mr. & Mrs. Joseph Kingsley  
Michael Stephen  
Scott Foster  
Dr. David Jackson  
Charles Shumway  
Henry Watkins  
Fr. Thomas Goggin  
Elaine Finklestein

News Media: Ned Warner, TV-9  
Lynn Levine, TV-9  
Susan Ornstein, News Press  
Tom Lowe, WEVU-TV

James Moses, Naples Daily News  
Dory Owen, Miami Herald  
Kathy McClintock, WINK-TV  
Brad Rittner, WBBH-TV

Other interested citizens and visitors

Mayor Anderson called the meeting to order at 9:05 a.m.; whereupon Lt. Steve Gilmore of the Salvation Army delivered the Invocation followed by the Pledge of Allegiance to the Flag.

AGENDA ITEM 3. APPROVAL OF MINUTES

Mayor Anderson noted the minutes of the Regular Meeting of November 4, 1981; whereupon Mr. Thornton moved approval of the minutes as presented, seconded by Mr. Twerdahl and carried by consensus of Council.

AGENDA ITEM 4. Community Development Department/Naples Planning Advisory Board:

AGENDA ITEM 4-a. Naples Planning Advisory Board recommendation to deny: Special Exception Petition No. 81-S13 Petitioner: Lee Light, M.D. Location: 850 Central Avenue  
Request to approve 6 off-site parking spaces to be located at the Mobile Oil Service Station at the northwest corner of Central Avenue and 9th Street North; in order to meet the parking required for 850 Central Avenue Building.

Mayor Anderson noted receipt of a letter from the petitioner's attorney (Attachment #1) asking to have this item continued for a month. Mr. Rothchild asked if the remedy referred to in the letter would address the objections of the Planning Advisory Board to which Roger Barry, Community Development Director, responded that he did not know if it would satisfy the situation. Attorney Michael Volpe, representing the petitioner and author of the letter, addressed Council, outlining the steps he was taking to correct the apparent objections of the Planning Advisory Board. In answer to the same question from Mr. Rothchild, Mayor Anderson stated that he could not make any assurances about what the Council might do. Mr. Schroeder moved that the item be continued to December 16, 1981, seconded by Mr. Twerdahl and carried by consensus of the Council.

AGENDA ITEM 4-b. PUBLIC HEARING and Naples Planning Advisory Board recommendation to deny: Alley Vacation Petition No. 81-A3 Petitioner: Emcon, Inc./Weakley and Shurtz/ AKA Trails End Motel Location: 390 Ninth Street South  
Request to vacate the north 150 feet of the easterly 15 foot wide alley located in Block 17, Tier 10, Plan of Naples; in order to accommodate a proposed expansion of the Trails End Motel.

Mayor Anderson noted petitioner's request to have the Public Hearing continued until December 16, 1981. The Mayor then opened the Public Hearing at 9:16 a.m. There being no one to speak for or against, the Mayor continued the Public Hearing until December 16, 1981 with approval by consensus of the Council.

AGENDA ITEM 4-c. Recommendation of the Naples Planning Advisory Board to approve: Variance Petition No. 81-V15 Petitioner: Arthur L. Allen, Jr. Location: 1680 Gulf Shore Boulevard South  
Appeal from Section 6.35(A)(1) of the Zoning Ordinance which prohibits screen-enclosed swimming pools in the required front yard set-back area; in order to construct a screen enclosure and additional deck area around an existing non-conforming swimming pool.

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

A RESOLUTION GRANTING A VARIANCE FROM THE PROVISIONS OF SECTION 6.35(A)(1) OF APPENDIX "A" ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, TO PERMIT CONSTRUCTION OF A SCREEN ENCLOSURE AND ADDITIONAL DECK AREA AROUND AN EXISTING NONCONFORMING SWIMMING POOL AT 1680 GULF SHORE BOULEVARD SOUTH; AND PROVIDING AN EFFECTIVE DATE.

Attorney Tracey Bolesky, representing the petitioner, noted his presence to answer any questions. Mr. Thornton moved to accept the recommendation of the Planning Advisory Board and to adopt Resolution 3880, seconded by Mr. Twerdahl and carried on roll call vote, 6-1; Mr. Holland, yes; Mr. Rothchild, yes; Mr. Schroeder, no; Mr. Thornton, yes; Mr. Twerdahl, yes; Mr. Wood, yes; Mayor Anderson, yes.

AGENDA ITEM 4-d. Recommendation of the Naples Planning Advisory Board to approve: Variance Petition No. 81-V16 Petitioner: Frank B. Stevenson Location: 789 Wedge Drive Appeal from Section 6.35(A) of the Zoning Ordinance which requires a minimum of 15 foot rear yard setback for screen-enclosed swimming pool; in order to construct a screen-enclosed swimming pool which will encroach to within 10 feet of the rear property line.

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

A RESOLUTION GRANTING A VARIANCE FROM THE PROVISIONS OF SECTION 6.35(A) (1) OF APPENDIX "A" ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, TO PERMIT ENCROACHMENT OF A SCREEN-ENCLOSED SWIMMING POOL TO WITHIN 10 FEET OF THE REAR YARD PROPERTY LINE AT 789 WEDGE DRIVE; AND PROVIDING AN EFFECTIVE DATE.

Mr. Thornton moved to accept the recommendation of the Planning Advisory Board and to adopt Resolution 3881, seconded by Mr. Twerdahl and carried on roll call vote, 7-0; Mr. Holland, yes; Mr. Rothchild, yes; Mr. Schroeder, yes; Mr. Thornton, yes; Mr. Twerdahl, yes; Mr. Wood, yes; Mayor Anderson, yes.

AGENDA ITEM 4-e. PUBLIC HEARING and Naples Planning Advisory Board recommendation to deny Alley Vacation Petition No. 81-A7 Petitioner: Phoenix Development Corporation Location: West side of 11th Street South, north of 8th Avenue South, south of vacated 7th Avenue South.

Request to vacate the easterly unimproved 98.33 feet of a 20 foot wide east/west alley in Block 13, Tier 11, Plan of Naples; in order to facilitate the construction of a two-building office facility.

Mayor Anderson opened the Public Hearing at 9:20 a.m.; whereupon City Attorney Rynders read the below referenced resolution by title for Council's consideration.

A RESOLUTION VACATING AND ABANDONING A PORTION OF A 20 FEET WIDE EAST/WEST ALLEY IN BLOCK 13, TIER 11, PLAN OF NAPLES, LOCATED ON THE WEST SIDE OF 11TH STREET SOUTH, NORTH OF 8TH AVENUE SOUTH AND SOUTH OF VACATED 7TH AVENUE SOUTH, RESERVING THEREIN A 20 FOOT WIDE UTILITY EASEMENT; AND PROVIDING AN EFFECTIVE DATE.

The City Attorney noted that the petitioner had written a letter requesting that this item be continued to December 2, 1981. In answer to questions from Council members about referring the matter back to the Planning Advisory Board at this time, Roger Barry, Community Development Director, noted that the petitioner was not changing plans or requests, but merely wanted to show in a drawing what they would have to build without the vacation in hopes of obtaining an approval of the vacation. Mayor Anderson suggested that Council could refer it back to the Planning Advisory Board after reviewing the material being prepared, if they chose to at that time. The Mayor then stated that the matter would be continued to December 2, 1981, if there were no objections from Council. It was the consensus of Council to continue the item.

AGENDA ITEM 4-f. First reading of an Ordinance and Naples Planning Advisory Board recommendation to approve: Comprehensive Plan Amendment No. 81-CP3 Petitioner: National Trust Company Location: A portion of the former Seaboard Coast Line Railroad Right-of-way immediately north of 5th Avenue North and south of 6th Avenue North extended. An amendment to the Future Land Use Plan Element of the City of Naples Comprehensive Plan, relative to a portion of the former Seaboard Coast Line Railroad Right-of-way lying between Fifth Avenue North and Sixth Avenue North. (Related petitions to be scheduled for Council consideration at a later date).

An ordinance amending the Future Land Use Element of the City's Comprehensive Plan to accommodate a proposed office and multi-family development on a portion of the former Seaboard Coast Line Railroad Right-of-way lying north of 5th Avenue North and south of 6th Avenue North; and providing an effective date. Purpose: To amend the Future Land Use Element and Future Land Use Plan Map of the Comprehensive Plan to permit a proposed general office and multi-family development on the above described property.

City Attorney Rynders read the above titled ordinance by title for consideration by Council on First Reading. Roger Barry, Community Development Director, noted that this was an involved matter consisting of many parts. He recommended that Council direct the City Clerk to notify the affected property owners at least 30 days prior to the date set for City Council Public Hearing, January 6, 1982. After further discussion about the complexity of the matter, City Attorney Rynders noted the function of a First Reading was to bring out the areas where there may be questions so these questions may be responded to at the Public Hearing during the Second Reading. After further discussion, Mr. Thornton moved to approve this ordinance on First Reading, seconded by Mr. Schroeder and carried on roll call vote, 7-0; Mr. Holland, yes; Mr. Rothchild, yes; Mr. Schroeder, yes; Mr. Thornton, yes; Mr. Twerdahl, yes; Mr. Wood, yes; Mayor Anderson, yes.

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Mayor Anderson noted that Council was ahead of time with regard to the Agenda and after noting that the principles for several upcoming Agenda items were not yet present, the Mayor recessed the meeting at 9:44 a.m. and reconvened it at 10:00 a.m. with the same members of Council present.

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AGENDA ITEM 5. Reading and consideration of biological report concerning proposed dredging activities, Lots 1-7, Beaumaris Subdivision. Deferred from Regular Meeting of November 4, 1981.

Mayor Anderson noted that this item had been deferred from the Regular Council Meeting of November 4, 1981 and that Council had requested more information on the biological aspects of this project. Thomas Maloney, attorney for the petitioner, spoke in support of reading the biological report into the record and re-affirming Resolution 3839 passed September 16, 1981. David Tackney, engineer for the petitioner, read the biological report into the record (Attachment #2). Dr. Bernie Yokel, representing the Collier County Conservancy, addressed Council and reiterated his objections to dredging to 5 feet rather than the 4 feet he had recommended. David Tackney and Tom Dreschel, Applied Environmental Services, addressed Council and noted their opinion that dredging to 5 feet would not be as detrimental as indicated by Dr. Yokel. William Higgs, representing the developer, spoke in support of the dredging. City Attorney Rynders suggested to Council that they could approve dredging to various depths in different areas of the location involved rather than approve or disapprove the petition as presented. Mayor Anderson suggested that Mr. Dreschel complete some of the studies he had begun and that Mr. Higgs reassess his actual need regarding the depth required and that the matter be continued until December 2, 1981, to which Mr. Higgs agreed. It was the consensus of Council to do this.

AGENDA ITEM 6. PUBLIC HEARING to consider Dredging Permit No, 81-6 - Proposed Dredging Activities to East Side of Naples Bay. Petitioner: Whispering Pines, Inc., Lloyd Sheehan, President. Agent: Michael F. Stephen, Ph.D., Coastal Engineering Consultants, Inc. Location of the property is east side of Naples Bay between Haldeman Creek and Danford Street, across from Galleon Drive, Port Royal. Within Sections 15 & 22, Township 50S, Range 25E. Requested by Engineering Department.

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

A RESOLUTION AUTHORIZING DREDGING ACTIVITIES ON THE EAST SIDE OF NAPLES BAY, BETWEEN HALDEMAN CREEK AND DANFORD STREET; AND PROVIDING AN EFFECTIVE DATE.

Mayor Anderson opened the Public Hearing at 11:35 a.m.; whereupon Michael Stephen, engineer for the project, addressed Council reviewing the petition. Arnold Lamm, citizen, spoke in opposition to the proposed project and questioned the reputation of the developer. Arndt Mueller, president of the Collier County Audubon Society read a letter of objection from the Society into the record (Attachment #3). Dr. Daniel Jackson, Conservation Director for the Collier County Audubon Society, spoke in opposition. Dr. Bernie Yokel of the Collier County Conservancy, spoke in support of this project. John McGregor, citizen, spoke in opposition to passage of this resolution without more knowledge of the whole project. Roger Barry, Community Development Director, noted that this resolution dealt only with the part of this development that was in the City limits and that no further development was planned for this part of the property. Charles Shumway, project director, spoke in support of the petition and in support of the integrity of the developer. Mr. Stephen, Dr. Jackson, and Bernie Yokel continued to discuss their reasons for supporting or opposing the project and answered further questions from Council. There being no one else to speak for or against, the Mayor closed the Public Hearing at 12:45 p.m. Mr. Holland moved to refer the matter back to the staff for further review, seconded by Mr. Rothchild and failed on roll call vote, 3-4; Mr. Holland, yes; Mr. Rothchild, yes; Mr. Schroeder, no; Mr. Thornton, no; Mr. Twerdahl, yes; Mr. Wood, no; Mayor Anderson, no. Mr. Schroeder moved to adopt Resolution 3882, seconded by Mr. Twerdahl. City Attorney Rynders read the above referenced resolution in its entirety. Motion carried on roll call vote, 5-2; Mr. Holland, no; Mr. Rothchild, no; Mr. Schroeder, yes; Mr. Thornton, yes; Mr. Twerdahl, yes; Mr. Wood, yes; Mayor Anderson, yes.

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Let the record show that Mayor Anderson recessed the meeting for a lunch break at 1:00 p.m. and reconvened it at 2:15 p.m. with all Council members present.

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Mayor Anderson noted the presence of principles for Agenda Items 9 and 10 and suggested taking those items up next. It was the consensus of Council to do so.

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AGENDA ITEM 9. Candidate interview and appointment of members to fill vacancies on the City of Naples Airport Authority. Requested by Mayor Anderson.

Council interviewed Mrs. Alvin Ziegler who had made application to serve on the Airport Authority. It was noted that the two incumbents had indicated their desire to continue serving on the Authority. Mr. Thornton moved adoption of Resolution 3883, reappointing Edwin Putzell and Robert Tiffany, seconded by Mr. Wood. City Attorney Rynders then read the below titled resolution by title for Council's consideration.

A RESOLUTION APPOINTING TWO MEMBERS TO THE NAPLES AIRPORT AUTHORITY; AND PROVIDING AN EFFECTIVE DATE.

Motion carried on roll call vote, 7-0; Mr. Holland, yes; Mr. Rothchild, yes; Mr. Schroeder, yes; Mr. Thornton, yes; Mr. Twerdahl, yes; Mr. Wood, yes; Mayor Anderson, yes.

AGENDA ITEM 10. Appointment of member to fill vacancy on the Board of Directors of Carver Finance, Incorporated. Requested by Mayor Anderson.

Mayor Anderson noted Agenda Item 10; whereupon Mr. Twerdal moved adoption of Resolution 3884, seconded by Mr. Holland. City Attorney Rynders read the below captioned resolution by title for consideration by Council.

A RESOLUTION REAPPOINTING J. FREDERICK BECHTEL AS A MEMBER OF THE BOARD OF DIRECTORS OF CARVER FINANCE, INCORPORATED; AND PROVIDING AN EFFECTIVE DATE.

Motion carried on roll call vote, 7-0; Mr. Holland, yes; Mr. Rothchild, yes; Mr. Schroeder, yes; Mr. Thornton, yes; Mr. Twerdahl, yes; Mr. Wood, yes; Mayor Anderson, yes.

RETURN TO REGULAR AGENDA

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

An ordinance relating to the sale of alcoholic beverages; repealing Section 3-2, 3-3, and 3-4 of the Code of Ordinances of the City of Naples and substituting a new Section 3-2 therefor; and providing an effective date. Purpose: to prohibit the sale and consumption of alcoholic beverages during certain hours; and to permit the sale of alcoholic beverages by bona fide restaurants as described herein, for consumption on the premises only, between the hours of 12:00 Noon and 12:00 Midnight on Sundays. (Continued from Regular Meeting of November 4, 1981.)

City Attorney Rynders read the above referenced ordinance by title for Council's consideration on Second Reading; whereupon Mayor Anderson opened the Public Hearing at 2:32 p.m. Attorney M. W. Schryver presented himself to Council in the event anyone had any questions. Craig Kiser, citizen, made a statement in support of amending the ordinance to include bars as well as restaurants. There being no one else to speak for or against, the Mayor closed the Public Hearing at 2:39 p.m.; whereupon Mr. Thornton moved for adoption of Ordinance 3885 on Second Reading, seconded by Mr. Wood. Mr. Schroeder made a motion to amend the ordinance to make Sunday closing time 10:30 p.m. rather than 12 midnight. Motion died for lack of a second. Mr. Rothchild made a statement in opposition to passage of the ordinance. City Attorney Rynders noted a minor change in the language in paragraph (b) of Sec. 3.2 that he had made to clarify it; whereupon Mr. Thornton moved adoption of Ordinance 3885 as amended on Second Reading, seconded again by Mr. Wood and carried on roll call vote, 6-1; Mr. Holland, yes; Mr. Rothchild, no; Mr. Schroeder, yes; Mr. Thornton, yes; Mr. Twerdahl, yes; Mr. Wood, yes; Mayor Anderson, yes.

AGENDA ITEM 8. First Reading of an ordinance.

An ordinance amending Section 25-3.1 of the Code of Ordinances of the City of Naples, relating to taxicab rates; and providing an effective date. Purpose: To provide for an increase in the Schedule of Rates for taxicabs operating in the City of Naples. Pursuant to Regular Council Meeting of October 6, 1981.

Alternate: An Ordinance repealing Sections 25-3.1 and 25.4, of the Code of Ordinances of the City of Naples, relating to taxicab rates; and providing an effective date. Purpose: To provide for the deregulation of taxicab rates by the City.

City Attorney Rynders read both of the above titled ordinances by title for Council's consideration on First Reading. Ken Maestrodomenico, co-owner of Economy Cab Company, addressed Council in support of regulation of taxicab rates, but he noted that his company did not intend to raise their rates at this time. Mayor Anderson suggested adding the word "maximum" to paragraphs (a) and (c) in front of the word rates. Mr. Rothchild moved approval of the ordinance regulating fares on First Reading as amended, seconded by Mr. Twerdahl. Mr. Maestrodomenico also noted inconsistencies in rates being charged people being transported from Naples Airport into the City and from Naples Airport to destinations in the County, noting that higher rates were charged for a destination

in the County even though the mileage was approximately the same. He suggested the City consider attempting to regular rates on all trips made by taxicabs out of the Airport. After further discussion, City Attorney Rynders offered his opinion that there may be a way the City government could regulate rates on all trips originating at the Airport inasmuch as it is City property, but it would have to be done at another meeting and not in connection with the proposed ordinance. Motion carried on roll call vote, 7-0; Mr. Holland, yes; Mr. Rothchild, yes; Mr. Schroeder, yes; Mr. Thornton, yes; Mr. Twerdahl, yes; Mr. Wood, yes; Mayor Anderson, yes.

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Let the record show that Council directed the City Clerk to notify the affected property owners with regard to the action taken in Agenda Item 4-f and that the Public Hearing would be scheduled for January 6, 1982.

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AGENDA ITEM 11. Amendment to Florida Power & Light Company agreement to provide for installation of energy conserving lights. Requested by the Engineering Department.

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

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF NAPLES AND FLORIDA POWER & LIGHT COMPANY RELATING TO THE INSTALLATION OF A MORE ENERGY EFFICIENT STREET LIGHTING SYSTEM IN THE CITY; AND PROVIDING AN EFFECTIVE DATE.

Mr. Holland moved adoption of Resolution 3886, seconded by Mr. Rothchild and carried on roll call vote, 7-0; Mr. Holland, yes; Mr. Rothchild, yes; Mr. Schroeder, yes; Mr. Thornton, yes; Mr. Twerdahl, yes; Mr. Wood, yes; Mayor Anderson, yes.

AGENDA ITEM 12. Acceptance of water main and sewer lateral - River Park East. Requested by the Engineering Department.

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

A RESOLUTION ACCEPTING AN EASEMENT AND BILLS OF SALE FROM RICHARD W. WOLFE ET UX FOR THE PURPOSE OF PROVIDING WATER AND SEWER SERVICE TO PROPERTY AT THE CORNER OF GOODLETTE ROAD AND 5TH AVENUE NORTH; AND PROVIDING AN EFFECTIVE DATE.

Mr. Twerdahl moved adoption of Resolution 3887, seconded by Mr. Holland and carried on roll call vote, 7-0; Mr. Holland, yes; Mr. Rothchild, yes; Mr. Schroeder, yes; Mr. Thornton, yes; Mr. Twerdahl, yes; Mr. Wood, yes; Mayor Anderson, yes.

AGENDA ITEM 13. Acceptance of Utility Easement - R. Dilbone. Requested by Engineering Department.

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

A RESOLUTION ACCEPTING AN EASEMENT FOR THE PURPOSE OF EXTENDING WATER SERVICE TO PROPERTY ON AIRPORT ROAD; AND PROVIDING AN EFFECTIVE DATE.

Mr. Twerdahl moved adoption of Resolution 3888, seconded by Mr. Holland and carried on roll call vote, 7-0; Mr. Holland, yes; Mr. Rothchild, yes; Mr. Schroeder, yes; Mr. Thornton, yes; Mr. Twerdahl, yes; Mr. Wood, yes; Mayor Anderson, yes.

AGENDA ITEM 14. Discussion/action regarding adoption of Barr, Dunlop, & Associates, Inc., report entitled, "Traffic Impact of Pelican Bay on North Parts of Naples with Connection to Seagate Drive", and installation of stop signing on Crayton Road. Requested by City Manager.

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

A RESOLUTION ADOPTING THE BARR, DUNLOP & ASSOCIATES, INC. REPORT AND RECOMMENDATIONS OF OCTOBER, 1981, RELATING TO TRAFFIC IMPACT OF PELICAN BAY ON THE NORTH PARTS OF NAPLES WITH CONNECTIONS TO SEAGATE DRIVE; DIRECTING THAT A COPY THEREOF, TOGETHER WITH THE RECOMMENDATIONS OF THE CITY'S TRAFFIC COORDINATING COMMITTEE, BE FORWARDED TO COLLIER COUNTY AS THE CITY'S POLICY POSITION IN THIS MATTER; AND PROVIDING AN EFFECTIVE DATE.

In response to a comment from Mr. Thornton, Mayor Anderson stated that he would write a letter to be sent to the County along with the copy of the Report and recommendations and request a response from them. Mr. Rothchild noted a memorandum from Acting City Manager Jones dated November 13, 1981 (Attachment #4) and the last sentence "proceed with the installation of the signs". The Acting City Manager responded that he intended to get to that after this resolution was adopted. Mr. Holland moved to adopt Resolution 3889, seconded by Mr. Twerdahl and carried on roll call vote, 7-0; Mr. Holland, yes; Mr. Rothchild, yes; Mr. Schroeder, yes; Mr. Thornton, yes; Mr. Twerdahl, yes; Mr. Wood, yes; Mayor Anderson, yes. Mayor Anderson suggested Council follow the recommendation in the memorandum that three four-way signs be installed. It was the consensus of Council to approve that recommendation. In response to a request by Council to get it done sooner than three weeks, John McCord, City Engineer, stated that they would do the best they could.

AGENDA ITEM 15. Discussion/action - City Manager appointment. Requested by Mayor Anderson.

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

A RESOLUTION APPOINTING A CITY MANAGER; AND PROVIDING AN EFFECTIVE DATE.

Mr. Wood moved that Franklin C. Jones be appointed City Manager, seconded by Mr. Twerdahl. In response to a question from Mr. Holland about the salary to be included in the resolution, Mr. Wood added "an an annual salary of \$42,500" to his motion, also seconded by Mr. Twerdahl. Mr. Thornton made a statement regarding his opinion that a proper nationwide search can only be done by a professional search firm. Mr. Rothchild made a statement agreeing with Mr. Thornton's opinion regarding recruitment and noting other larger cities who pay their city managers a lower salary. Motion carried on roll call vote 6-1; Mr. Holland, yes; Mr. Rothchild, no; Mr. Schroeder, yes; Mr. Thornton, yes; Mr. Twerdahl, yes; Mr. Wood, yes; Mayor Anderson, yes. At the request of Mayor Anderson, Mr. Rothchild changed his vote to "yes" to make it unanimous, but he asked that his statements still stand. Mr. Schroeder suggested making the salary retroactive to when Mr. Jones took over; however, City Attorney Rynders stated that it could be done, but not on this Agenda.



AGENDA ITEM 16. Purchasing: Thermoplastic applicator/stripper - bid award - Engineering Department.

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

A RESOLUTION AWARDING THE BID FOR A THERMOPLASTIC APPLICATOR/STRIPER;  
AUTHORIZING THE ACTING CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR;  
AND PROVIDING AN EFFECTIVE DATE.

In response to a question from Mayor Anderson, Stewart Unangst, Purchasing Agent, noted that the two pieces of equipment were basically the same, but it was his opinion that the one from Prismo was the better of the two. Mr. Holland questioned City Engineer McCord extensively on the merit of this machine as opposed to striping the streets with paint. Mr. McCord and City Manager Jones both expressed their opinion that the use of this machine would be more economical. The City Manager also noted that this purchase had been discussed at the time that the budget had been formulated. Mr. Twerdahl moved adoption of Resolution 3891, seconded by Mr. Schroeder and carried on roll call vote, 6-1; Mr. Holland, no; Mr. Rothchild, yes; Mr. Schroeder, yes; Mr. Thornton, yes; Mr. Twerdahl, yes; Mr. Wood, yes; Mayor Anderson, yes.

CORRESPONDENCE AND COMMUNICATIONS

City Manager Jones distributed a memorandum dated November 18, 1981, regarding consulting engineer services (Attachment #5). He suggested that Council study the memorandum and possibly discuss the recommendations at the next Workshop Meeting and proceed with resolutions to implement any changes they may desire.

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Mr. Twerdahl asked that a presentation be made to Council about deep well injection that could be used in conjunction with the City's present facilities. Mr. Rothchild noted that there were reputable engineers who had a different opinion about deep well injection. City Manager Jones noted that Council could hear from them at the next Workshop also and asked Mr. Rothchild to have them contact him. Mr. Schroeder suggested also inviting Irving Berzon of Collier County to the meeting.

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Mayor Anderson noted his correspondence with Governor Graham's office regarding the composition of the Metropolitan Planning Organization.

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There being no further business to come before this Regular Meeting of the Naples City Council, Mayor Anderson adjourned the meeting at 4:00 p.m.

*R. B. Anderson*

R. B. Anderson, Mayor

*Janet Cason*  
Janet Cason  
City Clerk

*Ellen P. Marshall*  
Ellen P. Marshall  
Deputy Clerk

These minutes of the Naples City Council were approved on 12-02-81

LAW OFFICES  
MONACO, CARDILLO & KEITH

DANIEL R. MONACO  
JOHN P. CARDILLO  
WILLIAM D. KEITH



AGENDA ITEM 4-a  
11/18/81

3550 SOUTH TAMiami TRAIL  
NAPLES, FLORIDA 33942  
TELEPHONE (813) 774-2229

November 17, 1981

City of Naples  
City Hall  
City Council  
735 8th Street South  
Naples, Florida 33940

Re: Special Exception Petition  
No. 81-513; Lee Light, M.D.

Gentlemen:

On behalf of the petitioner, Lee Light, M.D., we respectfully request that the City Council continue the hearing on petitioner's application for a special exception for the use of six off-site parking spaces in connection with his building located at 850 Central Avenue, for the period of month.

Following the hearing before the Planning Advisory Board, we were advised that the proposed lease of the six off-site parking spaces to be located at the Mobile Oil Service Station at the northwest corner of Central Avenue and 9th Street North was unacceptable since it was a sublease and the Lessor, Mobile Oil Company, had not approved and/or consented to the sublease. In an attempt to cure this deficiency, we have contacted John Moreland who is Resale District Manager of Mobile Oil Company and whose office is located in Fort Lauderdale, Florida, to determine what documentation his company would require in connection with the sublease of the subject parking spaces. We are now in the process of assembling this documentation that Mobile Oil has requested and it should be submitted to the company within a couple of weeks. Thereafter, we are advised that it will take approximately three (3) weeks for the company to review and advise us of its decision with respect to the sublease.

The City Council's cooperation in providing the petitioner with the additional time necessary to comply with the requests of Mobile Oil Company will be greatly appreciated.

If any member of the Council has a question concerning this matter, I shall make myself available to answer their questions.

Very truly yours,

MONACO, CARDILLO, KEITH & VOLPE, P.A.

*Michael J. Volpe*

Michael J. Volpe

MJV/ks

cc: Lee Light, M.D.

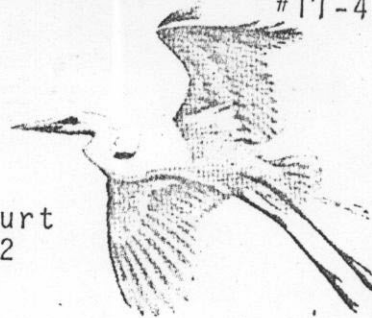
HAND DELIVERY

- A) Applicant proposes to dredge a total of 5,400 cubic yards of material from submerged bottoms in the Gordon River and within a contiguous boat basin. The dredging in the river is to establish an access channel at -5' MLW over 23,050 feet<sup>2</sup> of river bottom and to provide boat access near a seawall to -3' MLW over 5,000 feet<sup>2</sup> of river bottom. No dredging will be done within 5' of the seawall fronting on the Gordon River. The remaining dredging would take place in an existing boat basin to bring it to -5' MLW over 54,000 feet<sup>2</sup> of submerged bottom. Applicant also proposes to construct a 4' vertical concrete return wall at one end of an existing seawall angled to a proposed 180' continuation of the wall (2' landward of the existing bulkhead). Turbidity screens would be used and dredging would be done by dragline with an upland disposal site. All but 6 mangrove trees would be preserved, and these would be replaced with 12 mangrove trees 2' high or more, waterward of the new seawall. All other mangroves would be pruned to not less than 7 feet or not more than 75% of canopy removed. The purpose of this project is to provide deep water access to an existing boat basin and provide mooring for additional boats along an existing seawall.
- B) General biophysical features of the area include the Gordon River (Class III waters) and Naples Bay (Class II waters). The Gordon River is the dominant supplier of freshwater to the Naples Bay system. This system has been adversely affected by dredge and fill activities, the construction of vertical seawalls and the diversion of untreated stormwater into the river. Little of the natural wetland landscape of Naples Bay remains and pollutants from development upstream on the Gordon River and beyond continue to worsen the bay's water quality and biological integrity. Despite this, some marine organisms, especially juveniles and estuarine species, continue to survive at the confluence of the bay and river, especially during times of low river flows. Efforts are underway to head off the complete destruction of Naples Bay as a viable aquatic system. Development in this area consists mainly of commercial marinas near the highway and residential lots and canals further south.
- C) Specific site features include, from north to south; an existing vertical concrete seawall for 200', fronted by a shallow intertidal zone dominated by oyster colonies over a fine sand/silt bottom and vegetated by algal colonies. Next, an existing 200' x 300' boat basin projects to the west. Here the bottom is a soft dark silt with encrusting assemblages along the seawall and on scattered rocks in the basin. Another riverfront section of seawall 113' long borders the south side of the basin and ends at a 180' section of nonbulkheaded mangrove fringe with a rock/shell substrate over fine sand. This mangrove fringe consists mainly of red mangroves (Rhizophora mangle), white mangroves (Laguncularia racemosa), black mangroves (Avicennia germinans), and sea purslane (Sesuvium portulacastrum). Behind the mangrove fringe (about 8 feet landward of the seawall line) the bank exhibits a sharp dropoff of about 2' at the base of exotic vegetation (mainly Australian pines). South of the mangrove fringe a concrete seawall once again is in existence. Observation and dip net sampling along the existing seawall sections revealed oyster colonies (out to approximately 8' waterward of wall), encrusting assemblages, stone crabs (Menippe mercenaria), prawns (Palaeomonetes sp.), juvenile croakers (Micropogon undulatus) and xanthid crabs inhabiting the site.
- D) The proposed project should have no significant impact on State waters as long as turbidity is controlled during construction.

*Collier County*  
**AUDUBON**  
*Society*

telephone:  
813-774-6519

3323 Guilford Court  
 Naples, Fl. 33942  
 16 November 1981



Mr. Dan Garlick  
 Bureau of Permitting  
 State of Florida Dept. of Environmental Regulation  
 Tallahassee, Fl 32301

Dear Mr. Garlick:

The Collier County Audubon Society has grave concerns regarding the development of a golf course in the wetlands adjacent to Naples Bay off of Kelly Road and Thomasson Drive, in Naples, Collier County, Florida, Sections 11, 14 and 23, Township 50 South, Range 25 East. The Audubon Society respectfully requests that this permit application, #11-45104, be denied. Among our concerns are:

1. The major impact that non-point sources of pesticides, fertilizers, herbicides, fungicides, nematicides, and other pollutants will have on an already over-stressed Naples Bay. The Audubon Society wishes to be assured that adequate controls will keep the contaminated run-off from the golf course from entering Naples Bay.
2. Since the proposed golf course is located so close to Naples Bay, the Audubon Society respectfully requests information regarding the length of time it will take phosphorus and nitrogen nutrients through percolation and run-off to reach Naples Bay from the golf course. The annual estimate of each nutrient via each pathway is also requested.
3. The Audubon Society is disturbed over the possible fate of several nearby ponds which serve as habitats for various wetland species.
4. We question the immediate impact which the construction of the golf course will have on the existing littoral communities and various aquatic biocoenoses which currently are in homeostasis. What effect will construction have on primary and secondary productivity in the Bay?

The Collier County Audubon Society appreciates your consideration of these concerns and wishes to be kept informed on your review and decision regarding Permit Application #11-45104.

*Arndt L. Mueller*  
 Sincerely,  
 Arndt L. Mueller  
 Col. USA Retired  
 President

*Daniel F. Jackson*  
 Daniel F. Jackson, Ph.D.  
 Conservation Director

cc:

Mr. Bob Shakeshaft, Corps Engineers  
 Naples City Council, Collier Co. Board of Commissioners  
 Florida Audubon Society

*For the Conservation of Wild Life, Beauty, and Natural Resources*



*City of Naples*

--- MEMO ---

TO: HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL  
 FROM: FRANKLIN C. JONES, ACTING CITY MANAGER  
 SUBJECT: BARR, DUNLOP & ASSOCIATES TRAFFIC REPORT  
 PELICAN BAY/SEAGATE DRIVE  
 DATE: NOVEMBER 13, 1981

On November 10, the City's Traffic Coordinating Committee met to consider the Barr, Dunlop & Associates report, "Traffic Impact of Pelican Bay on North Parts of Naples With Connections to Seagate Drive," and to consider actions for implementation of the recommendations therein. The Committee also considered a request from the Crayton Road Association for the installation of stop signs at seven intersections along Crayton Road.

The Committee recommends that the Council adopt the Barr, Dunlop report and, further, that the report be forwarded to the County as our policy position on this matter. It was also recommended that additional study concerning the connection of Gulf Shore Boulevard, North, to Seagate Drive be the responsibility of the County.

A resolution adopting the report and recommendations and transmitting those recommendations to the County is attached for your consideration.

Concerning additional stop signing along Crayton Road, the Committee recommended that stop signs be installed at three of the seven locations requested by the Crayton Road Association (Neapolitan Way, Anchor Rode Drive and Springline Drive) in order to make Crayton a less attractive north-south route for through traffic. Other locations could be considered in the future after reviewing the effectiveness of this action. If it is the consensus of Council we will proceed with installation of the signs.

Respectfully submitted,

*Franklin C. Jones*

Franklin C. Jones  
 Acting City Manager

FCJ/tan  
 encs.



# City of Naples

## MEMO

TO: HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: FRANKLIN C. JONES, ACTING CITY MANAGER

SUBJECT: CONSULTING ENGINEERING SERVICES

DATE: NOVEMBER 18, 1981

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During the past several weeks I have met with John McCord, City Engineer, and Ted Smallwood, manager of the Naples office of CH2M Hill, in an effort to address some concerns that Mr. McCord had regarding the operation of CH2M Hill under the existing continuing consultant contract. In addition, I have reviewed some specific information provided by Mr. McCord and Mr. Smallwood and have conducted independent research into some of the areas. As a result of this effort, I have found that in each of the cases which were reviewed, there was no instance where CH2M Hill acted outside the best overall interest of the City as their client.

I did find, however, that some of the conditions described by Mr. McCord were the result of the procedures used to administer the contract between CH2M Hill and the City. While we could find no instances where there was actual harm to the City's overall position, our administration was not of the highest quality we would normally like to have under our contract. The concerns expressed by Mr. McCord seemed to be caused by his feeling that either the City's internal contract administration procedures or the provisions of the contract itself were not strong enough. Mr. McCord also indicated that it might be in the City's best interest to separate the advisory function from the design function in providing engineering services.

The City has in the past established some procedures concerning the administration of contracts. The recommended changes would serve to strengthen those procedures and provide greater detail of guidance to the City staff and contractors. I am attaching a brief summary of each of the areas raised by Mr. McCord and which should show that there was no action by CH2M Hill that was not in the best overall interest of the City. I have also included a series of recommendations that would serve to strengthen administrative procedures, provide some needed changes to our contract with CH2M Hill, and establish a City policy on contracting for engineering services.

The administrative procedures would include:

1. Designate a project manager on the City staff for each project completed under contract.
2. Establish the responsibilities of the project manager.
3. Require correspondence to document interaction between the project manager and the consultant.

Mayor and Council  
November 18, 1981  
Page 2

4. Require that the project manager determine what documents should be provided the City at the conclusion of the project.
5. Provide a procedure so that items considered to be not in compliance with the contract would be reported to the consultant and the City Manager and require a response from the consultant in a reasonable time.
6. Establish the procedure by which a department head would recommend the consultant or consultant selection process to be used for each project under the operational responsibility of that department.

The amendments I am recommending to the CH2M Hill contract would provide for:

1. The City's ownership of all documents resulting from any work accomplished under the contract.
2. Changes in the compensation provisions of the contract to provide the City with greater flexibility in payment methods for work performed under the contract.
3. The addition of an audit right clause to provide the City with specific rights of audit for work performed under the contract.

I also recommend that the City Council establish a policy concerning the type of work to be considered of a general consulting nature to be performed under the continuing contract. The policy would separate the advisory function from the actual design function. The policy would also provide that engineering services for design and construction services for projects in excess of \$100,000 would be contracted for under the provisions of the Florida Consultants Competitive Negotiations Act with CH2M Hill being given the opportunity to compete for that work.

Once these recommendations have been implemented, I think that there will be adequate opportunity for the City's staff to resolve any further situations involving outside contractors within our normal day-to-day operations. There would be no need to air misunderstandings above the administrative level. It is unfortunate that the issues discussed in the memo, which had been under consideration for some time, had to be handled in this method.

After you have had an opportunity to review this, you may want to discuss these changes either with me or as a group. It would be possible to schedule this for the next workshop session that will be held. At that time I could provide appropriate resolutions for you to consider. Prior to that, however, please feel free to contact me if you have any questions.

Respectfully submitted,

*Franklin C. Jones*

Franklin C. Jones  
Acting City Manager

1. Ownership of Documents: There seems to be no unwillingness on the part of CH2M Hill to accommodate the City's request that the contract be modified to provide for City ownership of documents. Some time ago Mr. Smallwood had suggested that, even prior to a formal amendment to the contract, the City may obtain ownership of any document by requesting the document and providing CH2M Hill with a release from liability associated with the reuse of that document. The release of liability seems to be reasonable since third parties may rely on the terms of our current contract and assume that the liability and responsibility for use of the document rests with CH2M Hill.

Recommendation

An appropriate amendment to the contract should be made to provide for City ownership of documents and agreement obtained from CH2M Hill. Pending that amendment of the contract, an administrative procedure should be established to provide for the processing of City requests for documents from CH2M Hill.

2. 201 Plan: The situation the City was in with reference to processing requests for 201 Plan approval was very unusual. The county-wide 201 Plan had never been approved by either the State or the Environmental Protection Agency and the City was involved in attempting to get our segment of the Plan amended and approved. The records indicate that CH2M Hill had received a document from the Florida Department of Environmental Regulation that indicated the State had approved and forwarded our 201 amendment to E.P.A. in Atlanta. The real problem here appears to be a lack of communication between the consultant and the City in that the City had not established a series of milestones which would require progress reports by the consultant.

Recommendation

Establish an administrative procedure so that the City's project manager would set milestones and reporting requirements so that the consultant can transmit progress reports to the City. Corrective action can be initiated when it appears to be needed.

3. Budgetary Control: All the payments reviewed were supported by either purchase orders or purchase order change notices. The City's procedures now provide for purchase order change notices when the scope of work is changed resulting in additional billings; however, there are no procedures to close out a project that would ensure that both the City and the consultant consider the project complete.

Recommendation

An administrative procedure should be established that provides for a close-out statement on each consulting or contracted project.

4. Enforcement of Specifications: CH2M Hill's records indicate that corrective action was taken in the instances we reviewed. The action taken, however, was not formally transmitted to the City. There was no procedure established for correspondence and documentation when the City's representatives identified actions that might not have been in compliance with the contract.

Recommendation

An administrative procedure should be established to require that the City's project manager notify the consultant in writing when there appears to be actions that are not in compliance with the contract. Explanation of corrective action taken by the consultant will be provided to the project manager in writing within a reasonable amount of time.

5. Engineering Data: There was correspondence between CH2M Hill and the City which seemed to explain the engineering data used in projects; however, there was no final statement by the City's representatives that they were satisfied with the explanation of the data used. There should be some method to resolve these questions at the time they occur.



Recommendation

Administrative procedures should be established to require the project manager to resolve each issue raised in conjunction with the project. If the project manager and the consultant cannot reach an agreement, the issue should be forwarded to the next higher authority in the City for a decision.

6. Innovative Methods: Mr. Smallwood has stated that discussions were held concerning the use of innovative methods at the sewage treatment plant but this matter was never resolved between the City's representative and Mr. Smallwood. Here, again, we had a situation where there was no resolution on an item of differing opinion.

Recommendation

Same as #5 above.

7. Audit Provisions: CH2M Hill has always provided audit information when requested. The results of audits conducted by the City have always been satisfactory and no discrepancies in their billings have been found; however, the contract currently does not contain an audit provision that clearly defines the City's and consultant's responsibilities concerning audit information.

Recommendation

An amendment to the current contract should be prepared that would establish audit rights and responsibilities.

8. Deep Well Recommendations: CH2M Hill's initial recommendations for two deep wells were based on requirements established by Florida D.E.R. that a second well be available for backup and testing. After initial estimates were prepared, a meeting with F.D.E.R. representatives resulted in an agreement that they might approve other methods of testing and backup. Although this situation would not have resulted in any added cost to the City, it did point out that there may be a need to separate in some way the consultant's advisory role from the actual function of design work. If this is done it would eliminate any possible criticism that the consultant might recommend a design project or method that would not be the most cost effective. The consultant would then be allowed to compete for the design work on an equal basis with other consultants.

Recommendation

A policy should be established by the City Council that would separate the advisory function from the actual design functions. This would be done through a policy that the design consultant for all major projects be selected under the provisions of the Florida Consultants Competitive Negotiation Act. The policy could also be established that general consulting work for water and sewer operations would be conducted by CH2M Hill under the 1969 continuing contract, as amended. An appropriate Council resolution will be prepared for consideration.

9. Engineering Billing Rates: We compared CH2M Hill's salary and billing rates with surveys conducted by the Florida Institute of Consulting Engineers and the National Society of Professional Engineers and found that CH2M Hill's rates were not excessive. Our current contract, however, does not provide for alternative methods of payment for engineering services. The contract provides that design and construction services are paid for only as a percentage of construction costs; all other services are paid for only as payroll costs times an overhead multiplier. It would be in the best interest of the City if there was more flexibility in establishing the payment method for each service for projects awarded CH2M Hill under the continuing contract. This would be on a lump sum basis or on a basis of the engineer's cost, not to exceed a specified amount, plus a fixed fee.

Recommendation

Amend the contract to provide for alternative methods of payment for all services provided under the contract.

10. Non-exclusive Professional Services: We did not find any instances where CH2M Hill's involvement with other clients was a disadvantage to the City. However, the current contract does not provide for any notice to the City when they are engaged by other organizations so that we could be alerted to the possibility of a conflict of interest.

Recommendation

Amend the current contract to provide for notice from the consultant when engaged to do work for some other organization with which we have dealings.

11. Responsibilities of Consultant: We have found that CH2M Hill had accepted responsibilities as set forth in the documents that directed them to do the work; however, the City's procedures were not such that specific work assignments or responsibilities were always given when a task was assigned to the consultant. If work assignments are more specific, then the responsibilities of the consultant are clearly defined.

Recommendation

Establish an administrative procedure to require the scope of work contain specific responsibilities for each engagement. The project manager and the consultant should have a clear understanding of what is required prior to the beginning of work