



City of Naples

City Council Chambers
 735 Eighth Street South
 Naples, Florida 33940

-SUBJECT-	Ord. No.	Res. No.	Page
<u>ANNOUNCEMENTS</u>			
MAYOR PUTZELL - Announced that William Reagan, former Clerk of courts, was now affiliated with Alex, Brown and Sons, financial consultants who specializes in facilities like bridges and has volunteered to give the City some initial assistance in the study the feasibility of another bridge over the Gordon River.			1
<u>APPROVAL OF MINUTES</u> - October 8, 1986, Workshop Meeting October 8, 1986, Special Meeting October 14, 1986, Workshop Meeting October 15, 1986, Regular Meeting October 22, 1986, Special Meeting			
<u>RESOLUTIONS</u>			
ADOPT a covenant and fee simple conveyance for recording, contribution toward construction of Third Avenue, North.		86-5137	2
ADOPT execution of an amendment to the agreement with the Florida Department of Natural Resources for Florida Recreation Dev. Asst.		86-5138	2
ADOPT permit request for dock construction and rebuild seawall, 1515 Dolphin Lane, Royal Harbor.		86-5145	5
TABLE variance from Coastal Construction Setback Line for six foot privacy wall and stairwell, 2050 Gordon Drive.		86-_____	5-8
ADOPT authorization for temporary ground sign to remain at Sun Bank 1135 Third Street South, two year period.		86-5146	8
ADOPT preliminary engineering report, Agnoli, Barber & Brundage to complete the Carver/River Park Improvement Project.		86-5147	9
ADOPT purchase order for Phase III of the lift station monitoring program for the wastewater treatment division, utilities dept.		86-5148	9
DENY authorizing partial reimbursement of a 12" water line installed on Goodlette Road in 1980.		86-_____	10-12
ADOPT execution of a franchise agreement between the City of Naples and MBI Tours relative to operation of a 47 passenger motorcoach within the City.		86-5149	12-13
<u>PURCHASING</u>			
BID AWARD (1) front-loading refuse compaction truck, utilities dept.		86-5139	2
BID AWARD install air conditioning and heat strips and Cambier & River Park.		86-5140	2
BID AWARD annual requirements for mulch.		86-5141	3
BID AWARD construction of a little league press box building, Cambier Park.		86-5142	3
AUTHORIZE purchase of a trencher attachment for Parks & Parkways.		86-5143	4
AUTHORIZE purchase from Florida State Contract for two riding turf tractors for Parks & Parkways.		86-5144	4
<u>ORDINANCES - First Reading</u>			
APPROVE amending Section 8-46 (B)(1) of the Code of Ordinances, relating to the Contractors' Examining Board.	86-_____		8
<u>CORRESPONDENCE AND COMMUNICATIONS</u>			
Discussion regarding two-story building with a parking garage underneath, Broad Street area.			13-14

City Council Chambers
735 Eighth Street South
Naples, Florida 33940



Time 9:00 a.m.

Date November 5, 1986

Mayor Putzell called the meeting to order and presided as Chairman:

ROLL CALL: Present: Edwin J. Putzell, Jr. ITEM 2
Mayor

- Kim Anderson-McDonald
 - William E. Barnett
 - William F. Bledsoe
 - Alden R. Crawford, Jr.
 - John T. Graver
 - Lyle S. Richardson
- Councilmen

Also Present:

- | | |
|---|--|
| Franklin C. Jones,
City Manager | Christopher L. Holley,
Community Services Dir |
| David W. Rynders,
City Attorney | Gerald L. Gronvold,
City Engineer |
| Mark W. Wiltsie,
Asst. City Manager | Dr. Jon Staiger,
Natural Resources Mgr. |
| Janet Cason,
City Clerk | Paul A. Reneau, Equipment
Management Director |
| Roger J. Barry, Community
Development Director | Norris C. Ijams,
Fire Chief |
| Jodie M. O'Driscoll,
Deputy Clerk | Ann Marie Julio,
Buyer |

See Supplemental Attendance List - Attachment #1.

*** **

INVOCATION: Reverend Dan Luidhardt ITEM 1
Church of Christ

*** **

ANNOUNCEMENTS ITEM 3

MAYOR PUTZELL: Announced that William Reagan, former Clerk of Courts, was now affiliated with Alex, Brown and Sons, financial consultants. The firm specializes in facilities like bridges and has volunteered to give the City some initial assistance in the study of the feasibility of another bridge over the Gordon River, Mayor Putzell said.

CITY MANAGER JONES: None.

*** **

-----CONSENT AGENDA-----

APPROVAL OF MINUTES ITEM 4

- October 8, 1986, Workshop Meeting
- October 8, 1986, Special Meeting
- October 14, 1986, Workshop Meeting
- October 15, 1986, Regular Meeting
- October 22, 1986, Special Meeting

Mayor Putzell asked if City Manager Jones had read the minutes of October 8, 1986, Special Meeting, regarding the City's health/life insurance benefits and if he was satisfied with them. Mr. Jones responded that he had read them and was satisfied with their contents.

*** **

COUNCIL MEMBERS	VOTE			A B S E N T
	Y E S	N O	N O T	

86-5142

11-5-86

President
Council
Fred T.

CITY OF NAPLES, FLORIDA

City Council Minutes

Date November 5, 1986

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S E N T
			Y E S	N O	
Anderson-McDonald					
Barnett	X		X		
Bledsoe			X		
Crawford			X		
Graver		X	X		
Richardson			X		
Putzell			X		
(7-0)					

Encore Construction Co.
Naples, FL
\$53,885.00

Title not read.

Mayor Putzell expressed his gratitude to the Barron G. Collier, Jr. Foundation for its generous contribution toward this project. Community Services Director Holley advised that Architect Walter Keller had arranged for the contribution and further that Mr. Holley had an artist's rendering of the proposed facility available for review in his office.

---RESOLUTION NO. 86-5143 ITEM 7-e

A RESOLUTION AUTHORIZING THE PURCHASE OF A TRENCHER ATTACHMENT FOR THE PARKS & PARKWAYS DIVISION OF THE COMMUNITY SERVICES DEPARTMENT, WAIVING THE REQUIREMENTS FOR COMPETITIVE BIDS THEREON; AND PROVIDING AN EFFECTIVE DATE.

Vermeer Southeast Sales & Service Company
Fort Myers, FL
\$6,076.57

Title not read.

Mr. Graver asked if the installation labor charge would be assessed every time the trencher was used. Equipment Management Director Reneau advised that this was an initial charge to enable the trencher to be inter-changeable.

---RESOLUTION NO. 86-5144 ITEM 7-f

A RESOLUTION AUTHORIZING THE PURCHASE FROM FLORIDA STATE CONTRACT OF TWO (2) RIDING TURF TRACTORS FOR THE PARKS & PARKWAYS DIVISION OF THE COMMUNITY SERVICES DEPARTMENT; AUTHORIZING THE CITY MANAGER TO ISSUE PURCHASE ORDERS THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

DeBra Turf & Industrial Equipment Company
Hollywood, FL
\$6,695.00 (50" cut turf tractor)

Ransomes, Inc.
West Palm Beach, FL
\$9,684.00 (73" cut turf tractor)

Title not read.

MOTION: To ADOPT the consent agenda with minor changes.

-----END CONSENT AGENDA-----

-----ADVERTISED PUBLIC HEARING-----

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S E N T
			Y E S	N O	
<p>---RESOLUTION NO. 86-5145 <u>ITEM 8</u></p> <p>A RESOLUTION AUTHORIZING A PERMIT REQUEST FOR DOCK CONSTRUCTION AND TO REBUILD AN EXISTING SEAWALL AT 1515 DOLPHIN LANE, ROYAL HARBOR, SUBJECT TO THE STIPULATIONS SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE.</p> <p>Title read by City Attorney Rynders.</p> <p>PUBLIC HEARING: Open: 9:21 a.m. Close: 9:24 a.m.</p> <p>City Engineer Gronvold advised that the petitioner's request to build a five foot dock and repair the seawall did not violate any City zoning law, ordinance, or other restrictions, and further that the staff recommended approval.</p> <p>Mr. William Johnson, representing the petitioner Dr. Friday, explained that the current wall and tiebacks have failed and that it is necessary to rebuild that section of the wall. Mr. Johnson advised that the Florida Department of Environmental Regulation had granted an exemption to the work and the Corps of Engineers has granted approval under their nationwide permit.</p> <p>Mr. Bledsoe asked if the seawalls on the rest of the street had been built by the same contractor and if Council could expect to see more requests of this type. Mr. Richardson advised that the seawall had been built by the same contractor some 18-20 years ago and further that 5-6 years ago in Royal Harbor, all the seawalls had been repaired and that this particular seawall had not been properly maintained.</p> <p>MOTION: To <u>ADOPT</u> the resolution as presented.</p> <p>*** *** ***</p>					
Anderson-McDonald				X	
Barnett		X		X	
Bledsoe				X	
Crawford				X	
Graver				X	
Richardson		X		X	
Putzell				X	
(7-0)					
<p>---RESOLUTION NO. <u>ITEM 9</u></p> <p>A RESOLUTION GRANTING A VARIANCE FROM THE CITY'S MOST RESTRICTIVE COASTAL CONSTRUCTION SETBACK LINE TO PERMIT CONSTRUCTION OF A SIX (6) FOOT PRIVACY WALL AND STAIRWELL AT 2050 GORDON DRIVE; AND PROVIDING AN EFFECTIVE DATE.</p> <p>Title read by City Attorney Rynders.</p> <p>PUBLIC HEARING: Open: 9:25 a.m. Close: 9:51 a.m.</p> <p>City Engineer Gronvold advised that the petitioner was requesting a variance to enable him to construct a six foot privacy wall and stairwell to extend seaward 30 feet from the Coastal Construction Setback line.</p> <p>Mr. Gene Smeider of Bruce Green and Associates, Inc., representing the petitioner, explained that the privacy wall would be on the south side of the property owner's lot which is adjacent to a public beach access. He further stated that there is also a privacy wall on the other side of the beach access. Mayor Putzell asked if the other wall was also six foot high and Mr. Smeider advised that it was.</p> <p>Mr. Bledsoe said that Council originally had a hearing on this and approved a hedge. Mr. Smeider advised that presently there was a hedge or wall</p>					

CITY OF NAPLES, FLORIDA

City Council Minutes

Date November 5, 1986

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S E N T
			Y E S	N O	

easement. Mr. Bledsoe expressed his concern about two privacy walls, which would create a corridor scenario and not enhance the attractiveness of the public beach access.

Mr. Smeider further advised that the proposed privacy wall had been moved back 18" onto the property owner's lot so that a hedge could be planted along the easement. Mayor Putzell said that according to the topographical survey included in the packet, a five foot drainage and wall and/or hedge easement had been surveyed. Mr. Smeider advised that the Mayor was correct. Mayor Putzell then asked if they were proposing two six foot walls, five feet apart. Mr. Smeider explained that the second six foot wall was on the other side of the public access and further that the proposed privacy wall would be 17 1/2 feet away from the existing privacy wall.

Mr. Graver asked if the wall would be of concrete block and Mr. Smeider confirmed this and advised that there would be a stucco finish and brick caps. Mrs. Anderson- McDonald asked if the wall was a breakaway wall and Mr. Smeider advised that it would be under storm conditions, but it has to be designed for normal wind conditions.

Mrs. Anderson-McDonald further asked if Dr. Jon Staiger, Natural Resources Manager, had looked at this and what comments he had on the element involving the 30 feet seaward extension past the coastal control line. Dr. Staiger advised that the proposed wall would be constructed out to the same general vicinity as adjacent walls and further that the concept of the stairwell was much more sound environmentally than an access bridge. "This gives the property owner access to the beach without any disturbance to a well vegetated dune already in existence," he said. Mrs. Anderson-McDonald said that she was glad to know that the surrounding seaoats would not be disturbed.

Mayor Putzell asked how far from the seawall would be from the house structure and Mr. Smeider showed Council plans indicating the position of the house. Mayor Putzell further asked if a wall that gradually declined in height as it approached the seawall would afford the property owner the same privacy. The architect for the petitioner advised that the seawall is currently at a top elevation of 20" above the finished grade at the public access way. If the privacy wall were to decline in height, it would compromise the effect of a six foot privacy wall, he said. He further advised that the wall on the south side of the public access was a six foot high masonry wall.

Mrs. Anderson-McDonald said that from a standpoint of symmetry, leaving the wall at six feet would be a visual improvement and would not impair the property owner's privacy. She continued by stating that these conditions were not required of the adjacent property owners.

Mr. Graver asked if the property owner was going to have plantings on the public beach access side of the wall. The architect for the petitioner advised that in an attempt to make the wall more visually attractive, they had planned on continuous plantings along the 18" setback which designates the public beach access and would also maintain the plantings.

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S E N T
			Y E S	N O	

Mr. Richardson asked if the plantings alone would achieve the desired effect, but the architect advised that the brick caps on the proposed wall are consistent with the styling of the house and would therefore enhance the property. Mr. Bledsoe commented that the people who utilize the beachwalk had rights also and that two six foot walls forming a corridor down to the beach was not only unattractive but allowed the possibility of scurrilous activity; he recommended that shrubbery would be most desirable. Mayor Putzell said that when the petitioner purchased the property he knew he would have a problem with the heavy beach traffic and further that for him to ask for this variance to put up an artery of two six foot walls was not in keeping with the environment and lifestyle of the community. Mr. Richardson advised that Royal Harbor had the same problem and planted shrubbery which is very attractive as opposed to a wall.

Mr. Crawford cautioned that a precedent may have been established when the Council approved privacy walls for other property owners in Palmer Estates.

Mr. Ed McMahon, Olde Naples Association, explained that Community Development Director Roger Barry had told him, when Palmer Estates came to Council for a "PD" (Planned Development Petition), that his understanding was that either a hedge or a wall, constructed within the five foot easement, was permitted as a privacy screen. Mr. McMahon said that the Olde Naples Association recommends that if a wall is to be constructed for this petitioner that it be built on the northern side of the existing hedge. He expressed concern, however, regarding the exit from the walled area onto the seaoats. Mrs. Anderson-McDonald advised that the property owner would be utilizing the walkway.

Mr. McMahon asked about the barren wall on the south side of the public beach access, the Sillimans property. Mr. Richardson agreed that a hedge needed to be planted next to the wall in order to make it more attractive and suggested that the staff also contact the Sillimans in an effort to put shrubbery in along the south side of the beachwalk. Community Development Director Barry advised that when the variance for their request had been granted, the engineer for the Sillimans had convinced Council that it was impractical to plant a hedge along the wall because of the large root structure of the pine trees.

Mr. McMahon then suggested that to avoid such discrepancies in the future, it would be advantageous for Council to adopt a procedure whereby the Clerk reads back the full motion, including any changes made by Council members, before a vote is to be taken so that Council and members of the public present may fully understand the pending action.

Mr. Barnett suggested tabling the matter until the next regular meeting to give staff enough time to research what was originally approved in the Palmer Estates area regarding privacy walls. Mr. Barry suggested that the petitioner move the proposed wall farther north of the south property line.

CITY OF NAPLES, FLORIDA

City Council Minutes

Date November 5, 1986

In response to Mr. Bledsoe, Mr. Barry confirmed that the petitioner needed Council approval for the portion of the privacy wall seaward.

MOTION: To TABLE until the next regular meeting to give staff the opportunity to research the Palmer Estates area regarding privacy walls.

*** *** ***

-----END ADVERTISED PUBLIC HEARINGS-----

-----FIRST READINGS-----

---ORDINANCE NO. ITEM 10

AN ORDINANCE AMENDING SECTION 8-46 (B)(1) OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES RELATING TO THE CONTRACTORS' EXAMINING BOARD; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO CHANGE THE TERMS OF THE CONTRACTORS' EXAMINING BOARD MEMBERS.

Title read by City Attorney Rynders.

MOTION: To APPROVE the ordinance as presented on first reading.

*** *** ***

Mayor Putzell noted that the voters in the City seemed to go along with the two Charter amendments recommended by Council as indicated by the margin of passage the previous day.

*** *** ***

-----END FIRST READINGS-----

---RESOLUTION NO. 86-5146 ITEM 11

A RESOLUTION AUTHORIZING THE EXISTING TEMPORARY GROUND SIGN TO REMAIN AT THE SUN BANK (FORMERLY CITIZENS NATIONAL BANK), 1135 THIRD STREET SOUTH, FOR AN ADDITIONAL TWO-YEAR PERIOD; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Community Development Director Barry advised Council that this variance had been approved previously for a period of two years. He continued that this is an unusual circumstance because the temporary building is situated far from the street and the existing trees on the site would block the view of a wall sign. Mr. Richardson asked how long this would be a temporary building and Mr. Barry said that until the property owner decides to build a permanent structure, this would remain.

MOTION: To ADOPT the resolution as presented.

*** *** ***

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S E N T
			Y E S	N O	
Anderson-McDonald		X	X		
Barnett	X		X		
Bledsoe			X		
Crawford			X		
Graver			X		
Richardson			X		
Putzell			X		
(7-0)					
Anderson-McDonald				X	
Barnett				X	
Bledsoe	X			X	
Crawford				X	
Graver		X		X	
Richardson				X	
Putzell				X	
(7-0)					
Anderson-McDonald			X	X	
Barnett	X			X	
Bledsoe				X	
Crawford				X	
Graver				X	
Richardson				X	
Putzell				X	
(7-0)					

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S E N T
			Y E S	N O	
Anderson-McDonald				X	
Barnett				X	
Bledsoe			X	X	
Crawford	X			X	
Graver				X	
Richardson				X	
Putzell				X	
(7-0)					

---RESOLUTION NO. 86-5147

ITEM 12

A RESOLUTION ACCEPTING THE PRELIMINARY ENGINEERING REPORT AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A CONTRACT WITH AGNOLI, BARBER, & BRUNDAGE, INC., TO COMPLETE THE CARVER/RIVER PARK IMPROVEMENT PROJECT; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Community Development Director Barry advised that this project involves the Carver/River Park area. The engineering firm of Agnoli, Barber & Brundage, Inc. has outlined some alternatives and recommendations of estimated costs, drainage, landscape, sidewalk, etc. of this area, he said. The next step would be to have them prepare the contract and then have it bid in order to start construction early this summer, Mr. Barry added.

Mr. Crawford expressed concern regarding the cost of this report as it is 15% of the project itself. Mr. Barry agreed that the cost was a little higher than normal; however, the reason was that the engineer is expected to undertake more of the administrative work in the Department of Housing and Urban Development (HUD) process. They will also conduct on-site inspections and interviews pursuant to HUD regulations. Mr. Graver asked if the added expense was typical of a HUD operation and Mr. Barry advised that it was.

Mr. Crawford suggested that the swale areas be filled in to create a much more aesthetically pleasing appearance.

MOTION: To ADOPT the resolution as presented.

*** **

Mayor Putzell announced that Gary Tice, representing Greater Naples Little League, was present and wished to address Council. Mr. Tice expressed the Little League's appreciation for the support of the new rest room, press box facility at Cambier Park by the Council, the City Manager, Community Development Director, and the Parks and Recreation Advisory Board.

*** **

---RESOLUTION NO. 86-5148

ITEM 13

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER FOR PHASE III OF THE LIFT STATION MONITORING PROGRAM FOR THE WASTEWATER TREATMENT DIVISION, UTILITIES DEPARTMENT; AND PROVIDING AN EFFECTIVE DATE.

Sta-Con, Inc.
Apopka, FL
\$71,910.00

Title read by City Attorney Rynders.

City Manager Jones advised that this was part of a project planned to provide monitoring and controls

CITY OF NAPLES, FLORIDA

City Council Minutes

Date November 5, 1986

	M O T I O N	S E C O N D	VOTE		A B S E N T
			Y E S	N O	
COUNCIL MEMBERS					
for lift stations on the sanitary sewer system. In response to Mr. Richardson, the City Manager confirmed that this was the project's final stage.					
In reply to Mr. Crawford's question, Mr. Jones advised that the cost of Phase III had been incorporated into the entire project budget.					
MOTION: To <u>ADOPT</u> the resolution as presented.					

---RESOLUTION NO. _____					
					ITEM 14
A RESOLUTION AUTHORIZING PARTIAL REIMBURSEMENT OF A 12" WATER LINE INSTALLED ON GOODLETTE ROAD IN 1980; AND PROVIDING AN EFFECTIVE DATE.					
Title read by City Attorney Rynders.					
City Attorney Rynders advised that he prepared a resolution in the event Council decides to approve this request; however, his recommendation was for denial. Mr. Rynders then noted that Jack Stanley, representative for the petitioner, had not yet arrived.					
City Manager Jones explained that it is a common practice for the owners of undeveloped property to want water service before a parcel is developed. The City requires the property owner to pay for the entire line with a provision stating that should other property owners in the area connect to the line within three years of installation, that property owner might be reimbursed by the City for part of the cost of installing the line, he said. However, there has never been an ordinance to establish a policy regarding what size line may be appropriate for this sharing, Mr. Jones added; the City requires a 12" distribution line which is considered to be the norm.					
Mr. Jones suggested that staff come back to Council with a recommendation of policy to identify the line size for reimbursement to the developer. "The staff recommends denial of the petitioner's request," he said. Mr. Jones also pointed out that the petitioner no longer owned the property in question.					
Mrs. Anderson-McDonald explained that she thought the property owner was only required to put in a 6" line at the back of his property and further that at the recommendation from the City Engineer, the property owner installed a 12" line. City Manager Jones, however, advised that it was the City's normal procedure to design and have the system built to accommodate the water system rather than service to only one property owner.					
Mayor Putzell asked if the 12" water line requirement was in anticipation of additional hook-ups. City Manager Jones pointed out that within the three year period, no one had hooked up to this particular line and continued by explaining that there were two methods by which a property owner could obtain water service: the most expeditious being the developer going ahead with installation and in the hope of recovering costs from additional property owners or; the City could					
Anderson-McDonald				X	
Barnett				X	
Bledsoe	X			X	
Crawford				X	
Graver				X	
Richardson				X	
Putzell				X	
(7-0)					

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S E N T
			Y E S	N O	

establish an assessment cost and charge the property owners, which not only would be time-consuming, but costly.

Mr. Richardson asked if other conditions existed like this one and Mr. Jones confirmed that there were. City Attorney Rynders in addition advised that the Statute of Limitations in this case had expired and further that approval would set a precedent for many other similar cases.

City Manager Jones also explained that the City did not "suggest" that the petitioner install a 12" water line, but "required" him to do so. Mrs. Anderson-McDonald stated that she thought this was a misunderstanding and pointed out that Engineer Bruce Green's letter (Attachment #2) suggests that the 12" water line was not a recommendation, but a mandate.

Mr. Bledsoe asked if the requirement by the City had been tested and approved in the courts. City Attorney Rynders advised that the City's ordinance had not been contested.

Attorney Jack Stanley, representing Richard W. Wolfe, the petitioner, advised that the price difference between the 6" and 12" water line was \$8,944. He further advised that Ordinance No. 1541 provides for reimbursement of water lines within a three year time period, but reimbursement for "transmission" lines was to be considered at the Mayor's and Council's discretion. He contended that by the admission of City Attorney Rynders in a letter dated August, 1980 to Attorney George Vega (Attachment #3), the 12" line installed by the petitioner was, in fact, a transmission line and worthy of the discretion of the Mayor and Council. Mr. Stanley advised that they were asking for 50% reimbursement, \$4,497, which he said they felt was fair and just.

Mr. Graver stated that he believed the petitioner, as well as the City, benefited by the installation of the 12" line and further that it was unfortunate no hook-ups were made in the three year period. Mr. Jones clarified that the 12" water line was not recommended but required by the City. Mrs. Anderson-McDonald commented that she believed that there had been an unfortunate miscommunication between the petitioner and the City.

Mr. Bledsoe asked Mr. Rynders to clarify his letter of August, 1980, and Mr. Rynders explained that at the time of the letter that he did not have the power to advise of the time limitation and, therefore, could not incorporate it into his correspondence to Attorney Vega.

Mayor Putzell explained to Mr. Stanley that in earlier discussions, City Attorney Rynders had advised that approval of this request might set a costly precedent. Mr. Graver said that the City was smart to look at the total system and require the 12" water line.

City Attorney Rynders clarified that at the time of his letter to Mr. Vega, the ordinance adopting reimbursement under certain conditions within the

CITY OF NAPLES, FLORIDA

City Council Minutes

Date November 5, 1986

three year period had been in effect. Mr. Stanley argued that the ordinance was not currently in effect and City Manager Jones advised that it indeed was. He pointed out, however, that the difference is regarding connection charges which address the installation of distribution lines versus impact fees called Systems Development Charges.

Mr. Stanley insisted that the City Attorney referred to the petitioner's 12" water line as a transmission line and that it should be handled as such.

Mr. Jones said that staff is prepared to identify at what point the City considers a transmission line, greater than 12", and a distribution line, 12" or less.

MOTION: To DENY the resolution as presented.

---RESOLUTION NO. 86-5149

ITEM 15

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A FRANCHISE AGREEMENT BETWEEN THE CITY OF NAPLES AND MBI TOURS RELATIVE TO THE OPERATION OF A 47 PASSENGER MOTORCOACH WITHIN THE CITY; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

City Attorney Rynders advised that the staff had some changes to the contract that they wished to discuss.

Assistant City Manager Wiltsie explained that the proposed franchise between the City and MBI Tours would provide transportation from motel/hotels outside the City limits to the downtown shopping area. "The staff recommends approval," he said.

Mr. Bledsoe asked why the participating motel/hotels were limited. Mr. Wiltsie explained that the tour company had only contracted with those particular facilities so far and that they could expand further.

Mayor Putzell suggested striking paragraph 10 of the franchise agreement because it is inconsistent with the franchise's one-year term. He explained that this obligated the City to something they may not want. Mayor Putzell further suggested that the City Manager's office compose a letter explaining that if the tour company would like to renew the contract they should notify the City prior to August 31 of the preceding season. City Attorney Rynders concurred, but City Manager Jones advised that this prevents them from coming to Council in November for an extension.

Mr. Barnett asked where the proposed "stops" for the motorcoach were going to be. Mr. Wiltsie explained that the tour company had been given locations that they could use and further that if the tour company wanted to put up a bus stop sign they would have to come to Council and request it.

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S E N T
			Y E S	N O	
Anderson-McDonald				X	
Barnett				X	
Bledsoe	X			X	
Crawford				X	
Graver		X		X	
Richardson				X	
Putzell (7-0)				X	

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S E N T
			Y E S	N O	
Mr. Graver asked about the company's background and Mr. Wiltsie advised that they were a nationwide company with a local office. Mayor Putzell suggested that Mr. Wiltsie obtain a Dun & Bradstreet report on the motorcoach company and that such practice routinely be followed with respect to all important parties who contract with the City.					
Mr. Ed McMahon, of the Olde Naples Association, expressed his group's concern that the motorcoach would be picking up other customers than those from the motel/hotels. City Attorney Rynders advised that the motorcoaches were not equipped to do that and it was not included in their contract.					
Mr. Graver said that he found the buses very unattractive. Mr. McMahon advised that buses from Miami, Fort Lauderdale, etc. come to Naples and he has heard no complaints thus far. In response to Mr. Graver, Mr. Wiltsie advised that there would be a \$5 roundtrip fee and that this motorcoach could actually reduce traffic flow downtown by 20-30 cars.					
Mr. Crawford expressed his concern that the contract at this point may be open-ended with the deletion of paragraph 10. Mayor Putzell advised that paragraph 1 defines the contract as a 13 week franchise and further that the letter to be sent with the contract allows the opportunity for renewal.					
Mr. Bledsoe asked if there were a traffic jam downtown, would the City have the power to tell the motorcoach to move on. Mr. Wiltsie advised that the City would have that power.					
Mrs. Anderson-McDonald asked that the record reflect her unhappiness with the looks of the motorcoach; however, if as Mr. Wiltsie advised, it reduced traffic flow in the now congested downtown area she was for it. "We are looking at a 13 week major problem rather than a year," she said.					
Mayor Putzell asked that City Attorney Rynders research the way other municipalities regulate the type and size motorcoaches and vans allowed on City streets.					
MOTION: To <u>ADOPT</u> the resolution as presented with the deletion of paragraph 10 from the Franchise Agreement.					

CORRESPONDENCE AND COMMUNICATIONS:					
Mr. Richardson expressed his concern that news concerning a two-story building with a parking garage underneath had been given without Council being notified and further that he had been informed of this building through the newspapers.					
Mayor Putzell suggested that the Council adjourn to the Conference Room upstairs for a workshop on the subject. Mrs. Anderson-McDonald and Mr. Barnett expressed concern that they were not notified of such a workshop. Mayor Putzell explained that he had asked Community Development Director Barry to contact the developer and see if they could come to					
Anderson-McDonald				X	
Barnett				X	
Bledsoe	X			X	
Crawford				X	
Graver				X	
Richardson			X	X	
Putzell				X	
(7-0)					

CITY OF NAPLES, FLORIDA

City Council Minutes

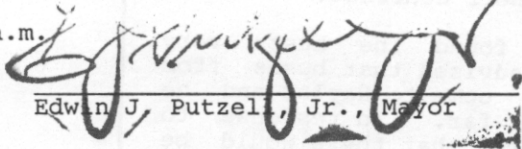
Date November 5, 1986

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S E N T
			Y E S	N O	

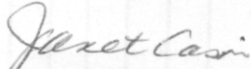
City Hall and give a presentation to Council. City Manager Jones then advised that the developers of the proposed project came to City Hall and explained that they would make themselves available to answer any questions that Council may have on their project.

Mr. Graver suggested that the Council come up with a policy of some sort to require that Council be notified of any proposed project not in keeping with the character of the City.

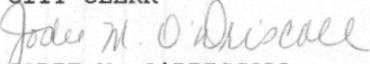
ADJOURN: 10:45 a.m.



Edwin J. Putzell, Jr., Mayor



JANET CASON
CITY CLERK



JODIE M. O'DRISCOLL
DEPUTY CLERK

These minutes of the Naples City Council were approved NOV 9 1986.

SUPPLEMENTAL ATTENDANCE LIST

Charles Andrews

Gene Smeider

Bruce Green & Assoc.

Rev. Dan Luidhardt

Herb Anderson

Ed McMahon

Tish Gray

NEWS MEDIA

Tim McCutcheon, TV-9

Chuck Curry, Naples Daily News

Bill Upham, Naples Times

Lori Rosza, Miami Herald

Other interested visitors and citizens.

ENGINEERING, LAND SURVEYING, PLANNING

600 FIFTH AVENUE SOUTH

NAPLES, FLORIDA 33940

TELEPHONE (813) 262-7525

August 25, 1980

Mr. George Vega, Jr. Esq.
2660 Airport Road South
Naples, Florida 33942

Dear George:

This is a somewhat tardy reply to your letter of August 12th concerning the water line installation by Mr. Wolfe along Goodlette Road in Block I, River Park East.

The subdivision of River Park East was recorded in July, 1961, and by no means is it a new development. Too, it is within the city limits of the City of Naples.

A previous City Manager advised me that the City is obligated to furnish water to a property owner when this condition exists.

This firm recommended to Mr. Wolfe that a six inch water line be installed along Goodlette Road in order to provide fire protection for his property. A smaller sized water line would be more than adequate to furnish the quantity of water but would not be sufficient for fire protection.

We did consider the installation of a line along the East side of the parcel which would serve any future buildings from the rear. This would serve the property directly without the need for a transmission main. This concept was discussed with Mr. Wolfe and upon our recommendation it was agreed to install the main along Goodlette Road. In the spirit of Cooperation with the City of Naples, this action was taken.

Maintaining the spirit of cooperation, Mr. Wolfe agreed to the installation of the twelve inch water line with the belief that he would be reimbursed for the difference in cost between the six inch and twelve inch lines as had occurred in the past.

We are well informed as to the benefits of the looping of water distribution lines. If the City is contemplating the replacement of undersized lines in the area, it then follows that the twelve inch line installed by Mr. Wolfe would indeed benefit the entire area being served. Therefore, it is not unreasonable

Page 2
August 25, 1980
Mr. George Vega, Jr. Esq.

to request the total area to share the cost.

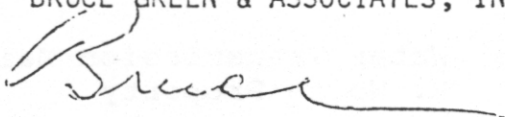
Enclosed is a copy of a memo from Mr. W. F. Savidge, Public Works Director, to Mr. Hooper of the City Engineering Department. The last sentence in this memo indicates a willingness to cooperate.

My suggestion is to take the advice of Mr. Savidge and request an appearance before Council.

I trust this will be of some benefit in your considerations.

Very truly yours,

BRUCE GREEN & ASSOCIATES, INC.



Bruce D. Green

BDG:mem

Enclosure

xc: Mr. Richard Wolfe ✓



City of Naples

735 EIGHTH STREET, SOUTH - NAPLES, FLORIDA 33940

OFFICE OF THE CITY ATTORNEY

August 7, 1980

George Vega, Jr., Esq.
Vega, Brown, Nichols
Attorneys at Law
2660 Airport Road South
Naples, Florida 33942

Re: Water Transmission Main
R. Wolfe Property

Dear George:

I am enclosing a map showing the existing and future water transmission mains around your client's property. The red dotted lines are locations of future 12" transmission mains. The black dotted line by your client's property is the transmission main which your client has installed, which has not been accepted yet. The solid red lines are existing transmission mains.

As is evidenced by the map, the transmission main in front of your client's property will not open up any new areas of development other than your client's property. The uncompleted portion of the 12" line between your client's northern property line and 8th Avenue N. will be completed by the developer of the tract lying east of Goodlette Road in that area. The water transmission mains extending south and west of your client's property are presently undersized but it is expected that those water transmission mains will be dug up and replaced in the future.

It is the policy of the City to require developers to pay for any transmission main extensions necessary to serve their property. Clearly, the transmission main along Goodlette Road will directly serve only your client's property. The reason for the requirement of the 12" line is that water systems must be "looped" in order to be properly engineered, thus providing adequate pressure and protection to all users. The benefits of "looping" transmission lines are several, not the least of which is the ability to continue to serve properties in front of and behind breaks in the transmission line, if any should occur.

George Vega, Jr.

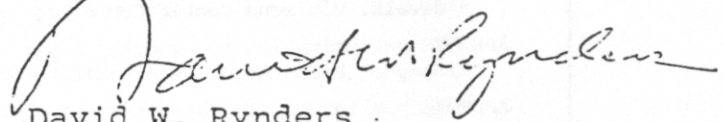
Page 2
August 7, 1980

Clearly, the development was initiated by your client, and we therefore do not feel the necessity of requiring other persons in that area to contribute to the cost. Moreover, it would not have been sound engineering practice for us to permit a smaller line to be constructed, and since your client required the extension, we do not feel it is unfair to require him to pay the costs.

We will recommend to the City Council that any impact fees received from connections on your client's property be credited toward this construction cost.

I hope this is of some assistance to you.

Very truly yours,



David W. Rynders
City Attorney

DWR:bh

Enc.