



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 there would be a joint workshop between the City and County on 12/9/87 at 9:00 a.m.; a Neighborhood Town Meeting on 12/9/87 at 5:00 p.m.; and a dedication ceremony on 12/12/87, at 1:00 p.m., for the Lowdermilk Park improvements.			1
CITY MANAGER JONES: Announced that there would be visitors from time to time visiting the City to observe the Clerk's computerized minute taking procedures.			1
<u>APPROVAL OF MINUTES:</u> November 18, 1987, Regular Meeting			1
<u>PURCHASING:</u>			
-BID AWARD for one (1) pump discharge automatic rubber seated check valve.		87-5441	2
-AUTHORIZE purchase of several types submersible water and sewage pumps for the Utilities Department.		87-5442	2
<u>RESOLUTIONS:</u>			
-APPROVE vacation of south eight feet of a drainage easement, 371 Pirates Bight.		87-5444	3
-FAILED variance for a 30-foot front yard setback, 1467 Marlin Dr.		87-_____	3-4
-APPROVE objection to oil drilling and exploration off the Coast of Florida and the Florida Keys without a 30-mile buffer zone.		87-5445	7
<u>ORDINANCES - First Reading:</u>			
-APPROVE franchise agreement between the City and Southern Gas Company.	87-_____		4-5
-APPROVE authorization to execute a promissory note for a \$225,000 loan, Beach Parking Facilities.	87-_____		5
-APPROVE amendment to the Moorings Bay System Special Taxing District.	87-_____		5-6
-APPROVE amendment for remuneration paid to persons serving on a Municipal Elections Board.	87-_____		6
-APPROVE ordinance increasing the parking meter fines at the beach and beachends.	87-_____		6-7
<u>ORDINANCES - Second Reading:</u>			
-ADOPT ordinance allowing staff to issue beach parking stickers.	87-5443		2
<u>DISCUSSION/ACTION:</u>			
-Interlocal Beach Operations Agreement.			7
-Reconsideration of Council action to revoke the building permit of the Residence Versailles project.			7-8
<u>CORRESPONDENCE AND COMMUNICATIONS:</u> Special Meeting Notices were distributed.			9

CITY OF NAPLES, FLORIDA

City Council Minutes

Date 12/02/87

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			
Bledsoe				X	
Crawford				X	
Graver	X			X	
Richardson				X	
Putzell (7-0)				X	

*** PURCHASING ITEM 5

---RESOLUTION NO. 87-5441 Item 5-a

A RESOLUTION AWARDED CITY BID #88-20 FOR ONE (1) PUMP DISCHARGE AUTOMATIC RUBBER SEATED CHECK VALVE; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Henry Pratt Company
Aurora, Illinois
\$11,482.00

Title not read.

---RESOLUTION NO. 87-5442 Item 5-b

A RESOLUTION AUTHORIZING THE PURCHASE OF SEVERAL DIFFERENT TYPES OF SUBMERSIBLE WATER AND SEWAGE PUMPS FOR THE UTILITIES DEPARTMENT; AUTHORIZING THE CITY MANAGER TO ISSUE PURCHASE ORDERS THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Various Vendors
\$82,921.76

Title not read.

MOTION: To APPROVE the Consent Agenda as presented.

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

---ADVERTISED PUBLIC HEARINGS---

---ORDINANCE NO. 87-5443 ITEM 6

AN ORDINANCE AMENDING SECTIONS 23-9; 23-12.2(a), 23-14(a) AND 23-15(a) OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO REQUIRE PERMIT PARKING STICKERS FOR PARKING IN CERTAIN DESIGNATED AREAS; TO CHANGE THE HOURS OF METER OPERATION IN CERTAIN AREAS NEAR THE NAPLES BEACH AND TO INCREASE THE METER RATES IN CERTAIN LOCATIONS.

Title read by City Attorney Rynders.

PUBLIC HEARING: Opened: 9:09 a.m.
Closed: 9:12 a.m.

City Manager Jones advised that this was a second reading of the ordinance; approval of this item would allow staff to begin issuing beach parking stickers.

Mr. Ed McMahon, Old Naples Association, supported the ordinance; however, he cited reservations regarding the pressure sensitive stickers because they are difficult to remove once adhered to the bumper.

CITY OF NAPLES, FLORIDA

City Council Minutes

Date 12/02/87

COUNCIL MEMBERS	MOTION	SECTION	VOTE		ABSENT
			YES	NO	
Anderson-McDonald				X	
Barnett				X	
Bledsoe	X			X	
Crawford				X	
Graver				X	
Richardson	X			X	
Putzell (7-0)				X	
Anderson-McDonald				X	
Barnett	X			X	
Bledsoe				X	
Crawford				X	
Graver			X	X	
Richardson				X	
Putzell (7-0)				X	

Mr. Graver asked when the beach program would be in effect. Mr. Jones noted that the parking meter posts were in place and the meters were expected to arrive any day. It is anticipated that the stickers will be ready for distribution by the end of December, Mr. Jones said. The beach program will then be effective as of January 1, 1988, initially with warnings being the only citations issued.

City Manager Jones confirmed for Mayor Putzell that the program would operate until April with existing personnel and, further, that new employees would be trained as beach enforcement officers. These people will be dealing daily with the public, he said.

MOTION: To ADOPT the ordinance as presented at second reading.

*** **

---RESOLUTION NO. 87- 5444 ITEM 7

A RESOLUTION VACATING AND ABANDONING THE SOUTH EIGHT (8) FEET OF A 20 FOOT WIDE DRAINAGE EASEMENT LOCATED AT 371 PIRATES BIGHT, SUBJECT TO THE CONDITION SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

PUBLIC HEARING: Opened: 9:13 a.m.
Closed: 9:14 a.m.

No one present to speak for or against.

City Attorney Rynders advised that the petitioner has provided the City with a \$1,258.24 check as compensation for vacation of the property (1212 s.f. @ \$9.83). Acting Community Development Director Wiltsie confirmed that the Planning Advisory Board had recommended approval.

Mr. Graver asked why a proper survey had not been submitted to the City prior to construction of the house, and City Attorney Rynders explained that the City did not at that time require such surveys.

MOTION: To APPROVE the resolution as presented.

*** **

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

---RESOLUTION NO. 87- ITEM 8

A RESOLUTION GRANTING A VARIANCE FROM SECTION 5.2(F)(1) OF APPENDIX "A" - ZONING OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, WHICH REQUIRES A THIRTY FOOT FRONT YARD SETBACK IN THE SINGLE-FAMILY ZONE DISTRICT, IN ORDER TO PERMIT AN ADDITION TO THE UTILITY ROOM AND CARPORT AT 1467 MARLIN DRIVE THAT WILL ENCROACH FIVE FEET INTO THE FRONT YARD SETBACK AREA; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

CITY OF NAPLES, FLORIDA

City Council Minutes

Date 12/02/87

135

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	

Acting Community Development Director Wiltsie explained that this was a reconsideration of a previously discussed variance; the Planning Advisory Board had recommended denial because it did not meet the necessary criteria. Mayor Putzell also explained that this was placed on the agenda as a result of a tie vote (3-3) at the last Council meeting, November 18, 1987.

Petitioner John Cook reiterated his comments from that meeting and said that he believed his situation was unique inasmuch as the existing carport was only 15 feet in length. The property owners surrounding the subject property expressed no objections to approval of the variance.

Mr. Richardson said, however, that he has spoken with many members of the Royal Harbor (property owners') Association and neighbors from adjacent streets all of whom voiced opposition. He indicated that he would vote against it. Mr. Graver concurred stating that he did not believe all the variance criteria had been met.

Councilman Bledsoe supported approval, however, as he said he did not believe it would establish a precedent. Mrs. Anderson-McDonald and Mr. Barnett concurred with Mr. Bledsoe.

MOTION: To APPROVE the resolution as presented.

This request was denied as the motion to approve failed by a vote of (3-4).

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

---ORDINANCE NO. 87---

ITEM 9

AN ORDINANCE OF THE CITY OF NAPLES GRANTING SOUTHERN GAS COMPANY, ITS SUCCESSORS AND ASSIGNS, A NON-EXCLUSIVE GAS FRANCHISE TO CONSTRUCT, OPERATE, REPAIR AND MAINTAIN FACILITIES AND EQUIPMENT FOR THE TRANSPORTATION OF GAS AND TO USE THE PUBLIC PROPERTY OF NAPLES, FLORIDA FOR SUCH PURPOSES; PRESCRIBING CERTAIN TERMS AND CONDITIONS THEREOF AND PROVIDING FOR ACCEPTANCE AND AN EFFECTIVE DATE. PURPOSE: TO PROVIDE A NON-EXCLUSIVE FRANCHISE TO SOUTHERN GAS COMPANY.

Title read by City Attorney Rynders.

City Manager Jones explained that Southern Gas Company had requested this franchise as part of a program to provide natural gas service to Southwest Florida. Mr. Crawford noted that on page 1 of the "Topics for Discussion", the franchisee had proposed a 30-year franchise and a 6% fee, but the ordinance only provides a 4% fee. City Attorney Rynders advised that Section 8 of the ordinance could be amended to increase the franchise fee to 6% as proposed by the petitioner.

Mr. Barnett included Mr. Crawford's suggestion in his motion to approve; however, this amendment was

Anderson-McDonald
Barnett
Bledsoe
Crawford
Graver
Richardson
Putzell (3-4)
FAILED

		X		
X		X		
		X		X
				X
				X
				X

CITY OF NAPLES, FLORIDA

City Council Minutes

Date 12/02/87

noted as being contingent upon acceptance by the franchisee. Mrs. Anderson-McDonald seconded the motion.

In response to concerns expressed by Mr. Crawford, City Attorney Rynders pointed out that the franchisee must comply with Code regulations regarding use of City rights-of-way. Mr. Crawford then suggested that the agreement be more restrictive with respect to such use. Mayor Putzell said he believed that sub-sections 3(b) and (d) were restrictive enough as permission from the City Manager or his designee was required for the franchisee to open or disturb the surface of any public ground.

City Manager Jones advised that a marketing study of the area had been provided by Southern Gas Company; a copy can be reviewed in the Council work area.

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

---ORDINANCE NO. 87-

ITEM 10

AN ORDINANCE OF THE CITY OF NAPLES PROVIDING FOR THE ACQUISITION OF CERTAIN IMPROVEMENTS TO THE CITY'S BEACH PARKING FACILITIES; AUTHORIZING THE BORROWING OF \$225,000 FOR THAT PURPOSE; AUTHORIZING THE DELIVERY OF A PROMISSORY NOTE TO EVIDENCE OF THE OBLIGATION OF THE CITY TO PAY SAME FROM PARKING REVENUES AND LAWFULLY AVAILABLE PARKING FINES DERIVED BY THE CITY FROM ITS FACILITIES; FIXING THE FORM, DATE, MATURITY, AND INTEREST RATE WITH RESPECT TO SUCH NOTE; AUTHORIZING FURTHER OFFICIAL ACTION IN CONNECTION WITH THE DELIVERY OF SUCH NOTE; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO FINANCE THE PURCHASE OF IMPROVEMENTS TO THE CITY'S BEACH PARKING FACILITIES.

Title read by City Attorney Rynders.

Finance Director Hanley pointed out that this ordinance set forth the provisions of the \$225,000 loan and security agreement. It will finance the improvements to the City's beach parking facilities.

City Attorney Rynders confirmed for Mayor Putzell that he had read and approved the agreements.

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

---ORDINANCE NO. 87-

ITEM 11

AN ORDINANCE AMENDING EXHIBIT "A" OF ORDINANCE NO. 87-5238 OF THE CITY OF NAPLES CREATING THE MOORINGS BAY SYSTEM SPECIAL TAXING DISTRICT; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO CORRECT THE LEGAL DESCRIPTION OR BOUNDARIES OF THE MOORINGS BAY SYSTEM SPECIAL TAXING DISTRICT.

Title read by City Attorney Rynders.

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
Crawford					X
Graver					X
Richardson					X
Putzell					X
(7-0)					

CITY OF NAPLES, FLORIDA

City Council Minutes

Date 12/02/87

Natural Resources Manager Staiger advised that the Supervisor of Elections, Mary Morgan, had detected an error in the legal descriptions for the Moorings Bay System Special Taxing District and approval of this ordinance would make the necessary correction and allow the Elections Office to mail absentee ballots early in January, he said.

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

---ORDINANCE NO. 87-

ITEM 12

AN ORDINANCE AMENDING SECTION 1A-4 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, RELATING TO REMUNERATION PAID TO PERSONS SERVING ON A MUNICIPAL ELECTION BOARD; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO INCREASE THE AMOUNT OF COMPENSATION PAID TO PERSONS SERVING ON A MUNICIPAL ELECTION BOARD.

Title read by City Attorney Rynders.

City Manager Jones advised that this ordinance was necessary to provide compensation for those serving on the City's Municipal Election Board and is in keeping with the County's rates.

Mr. Crawford asked if funds for the election had been budgeted. Mr. Jones confirmed this and said he would compile a cost analysis for the next reading, December 16, 1987.

City Attorney Rynders pointed out that with the exception of the City Council election, most elections were joint efforts between the City and County governments.

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

---ORDINANCE NO. 87-

ITEM 13

AN ORDINANCE AMENDING SECTION 23-16(A) AND (B) OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO PROVIDE THE FINE FOR VIOLATION OF SECTION 23-14(A).

Title read by City Attorney Rynders.

City Manager Jones explained that this ordinance would increase parking meter fines at the beach and beachends to \$25.00 per violation. Mrs. Anderson-McDonald asked how staff intended to enforce this and Mr. Jones said that the violator's vehicle could be ticketed or towed. Councilman Anderson-McDonald pointed out that the City would incur additional costs for acquiring the services of a collection agency to go against out-of-town offenders with delinquent fines. Mayor Putzell suggested that a sign be placed on the parking meter warning users of the \$25.00 fine.

Mr. Bledsoe referred to Agenda Item 6 (and Mr. McMahan's comments) stating that some study should be done regarding use of pressure sensitive labels.

COUNCIL MEMBERS	MOTION	SECTION	VOTE		ABSENT
			YES	NO	
Anderson-McDonald	X		X		
Barnett			X		
Bledsoe			X		
Crawford			X		
Graver			X		
Richardson	X		X		
Putzell			X		
(7-0)					
Anderson-McDonald	X		X		
Barnett			X		
Bledsoe			X		
Crawford			X		
Graver			X		
Richardson	X		X		
Putzell			X		
(7-0)					

CITY OF NAPLES, FLORIDA

City Council Minutes

Date 12/02/87

City Manager Jones, however, assured him that when the labels are displaced, they would rapidly deteriorate.

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

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

---RESOLUTION NO. 87-5445 ITEM 14

A RESOLUTION OBJECTING TO OIL DRILLING AND EXPLORATION OFF THE COAST OF FLORIDA AND THE FLORIDA KEYS WITHOUT A THIRTY-MILE BUFFER ZONE; REQUESTING THE UNITED STATES CONGRESS TO OPPOSE PLANS FOR ANY SUCH DRILLING AND EXPLORATION; AUTHORIZING DISTRIBUTION; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

No discussion for or against.

MOTION: To APPROVE the resolution as presented.

*** **
 ITEM 15

DISCUSSION/ACTION WITH REFERENCE TO BEACH OPERATIONS AGREEMENT WITH COLLIER COUNTY.

City Manager Jones advised that the County had not yet returned the Interlocal Agreement and requested that this item be placed on the Agenda for December 16, 1987.

*** **
 ITEM 16

REQUEST BY RESIDENCE VERSAILLES, INC., FOR RECONSIDERATION OF COUNCIL ACTION TO REVOKE THE BUILDING PERMIT OF THE RESIDENCE VERSAILLES PROJECT.

City Attorney Rynders referred to his memo of November 25 (Attachment #2) and explained that the petitioner has requested Council to approve the project site plan without again going through the entire permit approval process.

Architect Robert Forsythe confirmed that the petitioner would like to redesign the plans to reflect a three-story structure without retracing its steps through the Planning Advisory Board (PAB). Approval of this request would allow for the continuance of the former special exception permit to construct a three-story hotel on the site, he added.

Mayor Putzell referred to previous parking problems, but Mr. Forsythe assured Council that with the new design, and acquisition of the BIA building site, it would not be necessary for off-site parking. Mr. Forsythe further pointed out that the

COUNCIL MEMBERS	MOTION	SECTION	VOTE		ABSENT
			YES	NO	
Anderson-McDonald	X		X		
Barnett			X		
Bledsoe			X		
Crawford			X		
Graver			X		
Richardson	X		X		
Putzell (7-0)			X		
Anderson-McDonald				X	
Barnett	X			X	
Bledsoe				X	
Crawford				X	
Graver				X	
Richardson		X		X	
Putzell (7-0)				X	

COUNCIL MEMBERS

M
O
T
I
O
N

S
E
C
O
N
D

Y
E
S

N
O

A
B
S
E
N
T

petitioner would submit new site plans to the City staff for its review and approval. Mr. Richardson asked how long such revisions would take. Mr. Forsythe replied that it would take approximately three months, and in response to Mrs. Anderson-McDonald, City Attorney Rynders advised that if the petitioner went through the customary channels for permitting, the project would be further delayed 60 to 90 days.

Mr. Graver reminded Council that the three-story, 35-foot height limitation would apply to the new building. Mr. Forsythe assured Council that his client would conform to this and all the City's zoning requirements.

Mr. Lodge McKee, FAB Chairman, said that should Council consider approval, it should carefully note each of the conditional use criteria. In response to Mayor Putzell, however, City Attorney Rynders advised that the petitioner has met all the requirements for a conditional use permit.

Petitioner Monique MacGlothlin, in asking Council to approve her request, reiterated that the building would not deviate from the site plans.

Mr. Ed McMahon, Old Naples Association, said that his group was originally opposed to construction of a hotel on that site, but since the Bayside Hotel has been approved, it now supported approval of the request for a three-story structure.

Mr. Richardson clarified via motion that the remedy the petitioner was requesting is for the City Council to modify its decision to allow them to proceed under the previously approved special exception for the construction of a three-story hotel meeting all current height and other parking requirements together with all other zoning and building code requirements of the City. Mr. Bledsoe seconded the motion.

Councilman Barnett suggested that the resolution be amended to include a traffic study to be completed for this area and a firm other than Barr, Dunlop & Associates conduct it. This firm, he said, had performed the last study of the area. Mr. Richardson pointed out that a traffic signal would be installed at that site before August, 1988, which was made a part of the original building permit approval.

Mr. Graver said he supported the City's current approval process for new building site plans and said that he was opposed to the petitioner's request.

MOTION: To APPROVE the petitioner's request with the aforementioned amendment.

This request was denied as the motion to approve failed by a vote of (3-4).

*** *** ***

Anderson-McDonald
Barnett
Bledsoe
Crawford
Graver
Richardson
Putzell (3-4)
FAILED

					X
					X
	X		X		
					X
					X
X			X		
			X		

CITY OF NAPLES, FLORIDA

City Council Minutes

Date 12/02/87

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	

CORRESPONDENCE AND COMMUNICATIONS: Special Meeting Notices for a December 9, 1987, Special Meeting were distributed to Council members.

*** *** ***

ADJOURN: 10:15 a.m.

[Handwritten Signature]

EDWIN J. PUTZELL, JR., Mayor

[Handwritten Signature]
JANET CASON
CITY CLERK

[Handwritten Signature]
JODIE M. O'DRISCOLL
DEPUTY CLERK

These minutes of the Naples City Council were approved on DEC 16 1987.

SUPPLEMENTAL ATTENDANCE LIST

Sandy Onley	Rev. Walter Lauster	W. W. Haardt
Sarasota Cty. Clerk's	C. C. Holland	J. M. Cook
Office	William Tracy	M/M Dale Hale
John Burke	Mrs. Sarah Sauer	Ed McMahon
John Amaral	Ed Beekman	Herb Anderson
Bob Galloway	Charles Andrews	Robert Schroer
Tom Olliff	Robert E. Forsythe	Monique MacGlothlin

Other interested citizens and visitors.

NEWS MEDIA

Donna Winn, Palmer TV-10	Marty Bonvechio, Naples Daily News
Pete Scovill, Palmer TV-10	Randy Rauch, WEVU-TV
Gary Arnold, WEVU-TV	



AGENDA ITEM #16
12/2/87

City of Naples

--- MEMO ---

TO: HON. MAYOR AND MEMBERS OF CITY COUNCIL
FROM: DAVID W. RYNDERS, CITY ATTORNEY
DATE: NOVEMBER 25, 1987
RE: RESIDENCES VERSAILLES, INC.

This memorandum is to provide you with background information with regard to the request by Residences Versailles for appearance before the City Council on December 2, 1987.

As you recall, the City Council refused to reinstate the building permit for Residences Versailles at the November 4, 1987, meeting. In consequence of all attorneys' ethical responsibility to avoid litigation for their clients, Mr. Siesky and I had several discussions about what possibility there might be for avoiding a suit between the City and Residences Versailles in this matter: Mr. Siesky's letter to me is attached. In attempting to discover whether or not any opportunity for resolution of this matter existed, I came to the conclusion that the best hope for relief for Residences Versailles was for them to apply for a new special exception for the hotel, meeting all current height and parking requirements and process this application in the normal manner through the Planning Advisory Board and City Council. The logic of this is readily apparent. I confess, however, to some sympathy for the plight of these investors.

Contrary to my firmly expressed advice, Residences Versailles prefers to ask the Council to reconsider its decision to allow them to meet all current height and other limitations and proceed under the previously approved special exception for a hotel. In fact, there is no technical legal obstacle to the Council undertaking such a reconsideration, and if the Council elects to do so, it need only modify its recent decision to allow them to proceed under the previously approved special exception for a hotel of three stories in height, meeting current parking and height limitations as well as all other zoning and building codes.

David W. Rynders
City Attorney

DWR/plr

Enclosure