

City Council Minutes

Regular Meeting 08/17/88

City Council Chambe: 735 Eighth Street Sout Naples, Florida 339

-SUBJECT-	Ord. No.	Res. No.
ANNOUNCEMENTS: MAYOR PUTZELL: Announced that Mr. James Lavin, branch manager of Naples AAA, had presented the City with a plaque, "1987 Pedestrian Safety Citation", for its record of no pedestrian fatalities. CITY MANAGER JONES: Noted that there would be an Executive Session of Council immediately following this regular meeting to discuss Fraternal Order of Police (FOP) labor negotiations.		
APPROVAL OF MINTUES: July 13, 1988, Special Meeting July 20, 1988, Regular Meeting August 3, 1988, Regular Meeting		
PURCHASING -BĪD AWARD for two wooden beach walkovers at Lowdermilk Park. -BID AWARD for one 300 h.p. electric motor.		88–5594 88–5595
PENY variance to permit a six foot wooden fence, 187 Ninth Avenue South. -APPROVE record plat for Wharfside, 810-840 River Point DriveAPPROVE matching funds for historic district ordinance projectAPPROVE application for funding, HUD Bloc Grant ProgramAPPROVE nine month extension of a conditional use permit for Naples Community HospitalAPPROVE consultant selection committee appointment for city-wide traffic studyAPPROVE highway lighting agreement with FDOTAPPROVE joint project agreement for engineering services for water main project on Airport RoadAPPROVE appointment of a City physician, Dr. Edmund Weidner. ORDINANCES - First Reading - DENY rezone of property from R3-12 to PD, block of Eighth Street South, Borad Avenue South, Ninth Street South and 11th Avenue SouthAPPROVE rezone of property from PD to O, Seventh Avenue North and Goodlette -Frank Road.		88- 88-5596 88-5597 88-5598 88-5599 88-5600 88-5601 88-5602 88-5603

CITY COUNCIL MINUTES Regular Meeting

Time 9:00 a.m.

Date 08/17/88

City Council Chambers 735 Eighth Street South Naples, Florida 33940



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ROLL CALL: Present: Edwin J. Putzell, Jr., <u>ITEM 2</u> Mayor		M O T	SECO	Y	
Kim Anderson-McDonald William E. Barnett Alden R. Crawford, Jr.	COUNCIL MEMBERS	O N	N D	E S	N O
John T. Graver Paul W. Muenzer Lyle S. Richardson, Councilmen					
Also Present: Franklin C. Jones, City Manager David W. Rynders, City Attorney Asst. City Manager Gerald L. Gronvold, City Engineer Frank "Bill" Hanley, Finance Director Ann Walker, Planner I Jodie M. O'Driscoll, Deputy Clerk See Supplemental Attendance List - Attachment #1.					

INVOCATION: Reverend H. Peter Lyberg ITEM 1 Shepherd of the Glades Lutheran					
*** *** *** iTEM 3					
Mayor Putzell: Announced that Mr. James Lavin, pranch manager of Naples AAA, had presented the City with a plaque, "1987 Fedestrian Safety Citation", for its record of no pedestrian fatalities.					
City Manager Jones: Noted that there would be an Executive Session of Council immediately following this regular meeting to discuss Fraternal Order of Police (FOP) labor negotiations.					
*** ***					
CONSENT AGENDA					
July 13, 1988, Special Meeting July 20, 1988, Regular Meeting					
August 3, 1988, Regular Meeting Councilman Muenzer asked that his vote on Item 6 be corrected; he was not in favor of tabling discussion for a slow down - minimum wake designation in Naples Bay.					

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VOTE CITY OF NAPLES, FLORIDA S Date 08/17/88 0 E City Council Minutes T C I 0 0 COUNCIL N EN N D 5 0 MEMBERS PURCHASING ITEM 5 ---RESOLUTION NO. 88-5594 Item 5-a A RESOLUTION AWARDING CITY BID #88-57 FOR TWO (2) WOODEN BEACH WALKOVERS LOWDERMILK PARK; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR: AND PROVIDING AN EFFECTIVE DATE. Title not read. This item was removed from the Consent Agenda and discussed separately. Mr. George Batchelder, a licensed contractor in the City, contested the bid award to Kelly Brothers, Inc., because he was the low bidder. He said that his experience alone qualified him to.do the work. City Manager Jones advised that staff recommended the award to Kelly because responses from Mr. Batchelder's references were less than satisfactory. In this case, Kelly has constructed approximately 19 similar structures for the City. Purchasing Agent Unangst further noted that Mr. Batchelder's past experience indicates that he does not complete jobs in a timely fashion and because this structure is to be built at a public park, it was staff's recommendation to award the bid to a contractor which could ensure completion prior to the onset of season. Anderson-X In response to Mayor Putzell, Mr. Jones advised that McDonald X X staff would supervise the project; however, if there Barnett X Crawford was a time delay, the cost of labor abatements in X the budget could increase. Graver X Muenzer MOTION: To APPROVE the resolution with an amendment X X Richardson X to the vendor: George Batchelder instead Putzell (5-2)of Kelly Brothers, Inc. Mrs. Anderson-McDonald in voting negatively said that if contractor references are checked, then responses received should be taken into account when awarding bids. Mr. Crawford concurred. Mr. Graver said that Council should have been made. aware of any derogatory remarks in the memorandum. from staff so that Mr. Batchelder could have been asked to respond. Since Council was not made aware of such comments, he said that he could not vote any way other than yes. Mayor Putzell suggested that in the future staff outline such comments in its memorandum to Council. ****** ---RESOLUTION NO. 88-5595 Item 5-b A RESOLUTION AWARDING THE PURCHASE OF ONE (1) 300 H.P. ELECTRIC MOTOR; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; WAIVING THE REQUIREMENT COMPETITIVE BIDDING THEREON; AND PROVIDING AN EFFECTIVE DATE. -2-

CITY OF NAPLES, FLORIDA				vo	T!
City Council Minutes Date 08/17/88	COUNCIL MEMBERS	T	2 E C O Z D	YES	
	Anderson-			-	F
Title not read. MOTION: To APPROVE the Consent Agenda with the aforementioned amendment to the minutes of August 3, 1988. ***	McDonald Barnett Crawford Graver Muenzer Richardson Putzell	х	х	X X X X X X	
END CONSENT AGENDA	(7-0)				
COMMUNITY DEVELOPMENT DEPARTMENT/ NAPLES PLANNING ADVISORY BOARD					-
ORDINANCE NO. 88-					
AN ORDINANCE REZONING THE PROPERTY LOCATED AT THE BLOCK BOUNDED BY EIGHTH STREET SOUTH, BROAD AVENUE SOUTH, NINTH STREET SOUTH AND 11TH AVENUE SOUTH FROM "R3-12", MUCTIFAMILY RESIDENTIAL, TO "PD", PLANNED DEVELOPMENT DESIGNATED FOR MULTIFAMILY RESIDENTIAL USES IN ORDER TO CONSTRUCT 36 UNITS ON A 128,000 SQUARE FOOT PARCEL; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO REZONE THE PROPERTY AT THE REQUEST OF THE PROPERTY OWNER.				The second of th	
Title read by City Attorney Rynders.					-
Community Development Director McKim explained that the pétitioner has completed construction of five out of six buildings for this site and is now requesting the property be rezoned to Planned Development (PD) to allow construction of one additional unit in the last building. Staff recommended approval because it believed it important to have all six buildings uniform in design. The Planning Advisory Board (PAB), however, recommended denial since the request had not met criteria for a PD.					
Councilman Crawford reiterated his comments about similar requests and said the petitioner should have been aware of any problem prior to construction of the first unit. That was the time to ask for a FD, he said.					
Petitioner Harry F. Bedinghaus explained he was not aware the project could have been built as a PD. The owners of the other five buildings have signed a petition asking Mr. Bedinghaus to request approval of an additional unit. In response to Mayor Putzell, the petitioner advised that this building's exterior would be different from the other structures.					
Referring to PD criteria, Mr. Graver expressed concern that approval of this request might set a precedent inasmuch as density requirements had not been met. 'Continuity of building design is not enough to warrant approval, he said. Councilman Crawford concurred. MOTION: To DENY the ordinance as presented at first	Anderson- McDonald Barnett Crawford Graver Muenzer Richardson Putzell	x	х	X X X X X X	
MOTION: To DENY the ordinance as presented at first	(7-0)				
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reading. *** *** ***					

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City Council Minutes Date 08/17/88	COUNCIL MEMBERS	0 T I 0 N	DZOOM	YES	N
ORDINANCE NO. 88- ITEM 7					
AN ORDINANCE REZONING THE PROPERTY LOCATED AT THE SOUTHWEST CORNER OF SEVENTH AVENUE NORTH AND GOODLETTE-FRANK ROAD FROM "PD", PLANNED DEVELOPMENT DESIGNATED FOR MULTIFAMILY RESIDENTIAL USES, TO "PD", PLANNED DEVELOPMENT DESIGNATED FOR OFFICE USES, SUBJECT TO THE CONDITIONS SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE. PURPOSE; TO REZONE THE PROPERTY AT THE REQUEST OF THE PROPERTY OWNER TO UTILIZE IT FOR A BUSINESS AND MEDICAL OFFICE CENTER.					
Title read by City Attorney Rynders.					
Community Development Director McKim advised that the Comprehensive Plan has addressed this particular property, previously, as commercial and, currently, as multi-family. Both the Planning Advisory Board (PAB) and staff recommend approval of the ordinance.					
Attorney Robert A. Rosillo of Harter, Secrest and Emery and Mr. Scott Cameron, both representing the petitioner, were available to address any questions. Councilman Richardson noted that Goodlette Road was					-
Councilman Richardson noted that Goodlette Road was a part of the Corridor Management Study and suggested the ordinance be approved with the condition that landscaping conform to the Corridor Study. Mrs. McKim concurred as well as did both representatives of the petitioner. Referring to lot coverage percentages. Mr. Crawford					
asked for clarification. Mrs. McKim commented that lot coverage is determined by building size and does not take into consideration the parking lot. She suggested that at the next workshop meeting, during the discussion of building heights, this subject could be discussed.					
Mr. Graver noted that there was a shortage of apartment buildings in that area and asked if the sale of this property was contingent upon approval for commercial use. Mr. Cameron advised that the property was not under contract for sale and, further, the owners were developers who planned to construct some sort of profitable development on the site. Mr. Crawford said he did not believe area condominium owners would favor a commercial structure in lieu of multi-family dwellings.					And the Control of th
There will be one curb cut along Goodlette Road for egress use only. City Engineer Gronvold advised that this was acceptable to his department.	Anderson- McDonald Barnett Crawford Graver	x		x x x	1
MOTION: To APPROVE the ordinance with the stipulation that the landscaping would conform to that recommended by the Corridor Management Study for Goodlette Road.	Muenzer Richardson Putzell (6-1)		x	X X X	1
Mrs. Anderson-McĎonald advised that she was voting in favor of this ordinance based on staff and PAB recommendations; however, she pointed out that there was a lack of multi-family, affordable housing in the area.					
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Mr. Graver voted negatively because he said he believed there was a need for multi-family housing in the area.				

RESOLUTION NO. 88-				
A RESOLUTION GRANTING A VARIANCE FROM SECTIONS 6.11 AND 6.39 OF APPENDIX "A" - ZONING OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES IN ORDER TO PERMIT THE CONSTRUCTION OF A SIX FOOT WOODEN FENCE IN A FRONT YARD SETBACK AREA ON A CORNER LOT LOCATED AT 187 NINTH AVENUE SOUTH; AND PROVIDING AN EFFECTIVE DATE.				
Title read by City Attorney Rynders.)		1	l
Community Development Director McKim explained that there were no unique circumstances pertaining to the property to warrant a variance and noted that both the Planning Advisory Board (PAB) and staff recommended denial.	Anderson- McDonald Barnett Crawford Graver Muenzer	x	x	X X X X
MOTION: To DENY the resolution as presented.	Richardson Putzell (6-0)	X		Х
August 3, 1988, regular meeting and asked if the petitioner had removed that portion of the fence in violation. Mrs. McKim explained that the petitioner had since been out-of-town, but had assured staff that it would be done upon her return.				

RESOLUTION NO. 88-5596 ITEM 9			1	1
A RESOLUTION APPROVING THE RECORD PLAT FOR WHARFSIDE, LOCATED AT 810-840 RIVER FOINT DRIVE; AND PROVIDING AN EFFECTIVE DATE.				
Title read by City Attorney Rynders.				1
Community Development Director McKim commented that the preliminary subdivision plat for this project had previously been approved by Council. The only item which must be added to the plat is a "Prepared By" statement, she said.	Anderson-			
Referring to parking problems, Mr. Graver asked if they would be addressed. City Engineer Gronvold advised that such items could be discussed when the site plan has been submitted.	McDonald Barnett Crawford Graver Muenzer	X	х	
MOTION: To APPROVE the resolution as presented.	Richardson Putzell			
***	(7–0)		1	1
END COMMUNITY DEVELOPMENT DEPT./PAB			1	
RESOLUTION NO. 88-5597 ITEM 10		1		
A RESOLUTION AGREEING TO MATCH \$15,000, CONSISTING OF \$5,000 IN STAFF TIME AND \$10,000 IN CASH, TOWARDS A GRANT FOR THE HISTORIC DISTRICT ORDINANCE PROJECT; AND PROVIDING AN EFFECTIVE DATE.				
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City Council Minutes Date 08/17/88	COUNCIL MEMBERS	M O T I O N	SECOND	YES	N O
Title read by City Attorney Rynders.					T
Staff recommended approval and noted that the grant would require hiring a consultant to draft the ordinance and complete implementation strategy. Naples Historic District has approximately 102 contributing structures.					
Mrs. Anderson-McDonald asked where funds for this project would come from. City Manager Jones explained that the contingency fund would supply \$10,000 in cash; however, the remaining \$5,000 for staff participation would be funded from that department's budget.					
Councilman Muenzer referred to Ms. Gladys Cook, who had previously spoken in-depth regarding the benefits of such a historic district, and suggested that she be invited to make a presentation at a workshop session for the benefit of all Council members?					
Mr. Lodge McKee, representing Collier County Historic District, urged Council to consider appropriation of matching funds needed to proceed with implementation of a historic district. The preservation of such historic districts are an important part of any community's heritage, he said.	Anderson-				
Mr. Crawford asked if there would be any additional monies needed. Community Development Director McKim advised that only by way of staff time to revise the	McDonald Barnett Crawford Graver Muenzer	V	X	X X X X	
Referring to previous expenditures for this project, Mr. Crawford asked if there would be any additional monies needed. Community Development Director McKim advised that only by way of staff time to revise the Code relating to the historic district. MOTION: To APPROVE the resolution as presented.	Barnett Crawford Graver Muenzer Richardson Putzell	x		X X X	
Mr. Crawford asked if there would be any additional monies needed. Community Development Director McKim advised that only by way of staff time to revise the Code relating to the historic district.	Barnett Crawford Graver Muenzer Richardson	x		X X X X	
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Mr. Crawford asked if there would be any additional monies needed. Community Development Director McKim advised that only by way of staff time to revise the Code relating to the historic district. MOTION: To APPROVE the resolution as presented. *** RESOLUTION NO. 88-5598 A RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION FOR FUNDING UNDER THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT BLOCK GRANT PROGRAM IN THE AMOUNT OF \$118,000 TO DEVELOP A HOUSING REHABILITATION PROGRAM FOR LOW TO MODERATE INCOME CITIZENS CONCENTRATED PRIMARILY EAST OF U.S. 41; AND PROVIDING	Barnett Crawford Graver Muenzer Richardson Putzell	X		X X X X	
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Mr. Crawford asked if there would be any additional monies needed. Community Development Director McKim advised that only by way of staff time to revise the Code relating to the historic district. MOTION: To APPROVE the resolution as presented. *** RESOLUTION OF THE MAYOR TO SUBMIT AN APPLICATION FOR FUNDING UNDER THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT BLOCK GRANT PROGRAM IN THE AMOUNT OF \$118,000 TO DEVELOP A HOUSING REHABILITATION PROGRAM FOR LOW TO MODERATE INCOME CITIZENS CONCENTRATED PRIMARILY EAST OF U.S. 41; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Rynders. PUBLIC HEARING: Opened: 9:58 a.m. Closed: 10:07 a.m. Community Development Director McKim advised that the City receives approximately \$110- to \$120,000 from the Départment of Housing and Urban Development (HUD) each year for low to moderate income housing. This year staff has proposed to develop a loan program by which eligible homeowners can apply for a	Barnett Crawford Graver Muenzer Richardson Putzell	x		X X X X	

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services to the citizenry. City Manager Jones advised that it would as soon as a contract has been developed, the group will received approximately 17% of the 20% grant money allocated for administrative services. In response to Councilman Crawford, Mr. Jones advised that Council would be asked to approve the contract in the near future inasmuch as the agreement amount would be approximately \$37,000. Mr. Crawford asked how the City could ensure money would actually be used for home repairs. Mr. Jones replied that the loan could function similarly to that of a construction draw based on completion of the work. Mrs. McKim said she hoped that an area lending institution would supply matching funds to develop an ongoing program. In response to Mr. Graver, Mrs. McKim advised that this was a "one-time" only project as grant funds normally are spent to upgrade and maintain park facilities in low to moderate income tousing areas, such as Carver/River Park. Mr. Jones noted that the improvements to River Park have almost been completed. Councilman Crawford asked if these funds could also be used to purchase land for low to moderate income be used to purchase land for low to moderate income to the street of the second of t	Anderson- McDonald Barnett Crawford		x	XXX
housing construction. Mr. Jones advised that it could. MOTION: To APPROVE the resolution as presented. *** RESOLUTION NO. 88-5599 A RESOLUTION EXTENDING FOR NINE MONTHS AUTHORIZATION OF A CONDITIONAL USE FOR THE NAPLES COMMUNITY HOSPITAL TO ALLOW CONSTRUCTION OF AN EDUCATION CENTER; AND PROVIDING AN EFFECTIVE DATE.	Graver Muenzer Richardson Putzell (7-0)	x		X X X X
Community Development Director McKim advised the hospital has asked for another extension and noted that it believes it can resolve the issue within that time frame. MOTION: To APPROVE the resolution as presented. *** RESOLUTION NO. 88-5600 A RESOLUTION APPOINTING A CONSULTANT SELECTION COMMITTEE FOR SELECTING AN ENGINEER TO PROVIDE PROFESSIONAL SERVICES RELATIVE TO THE CITY-WIDE TRAFFIC STUDY; AND PROVIDING AN EFFECTIVE DATE.	Anderson- McDonald Barnett Crawford Graver Muenzer Richardson Putzell (7-0)	x	x	X X X X X X X X X
Title read by City Attorney Rynders. City Engineer Gronvold explained this study is budgeted for the next fiscal year; however, staff believes the consultant selection committee could begin work now. In response to Mayor Putzell, Mr. Gronvold approximated the cost to be \$60,000. Staff				
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CITY OF NAPLES, FLORIDA S 3/17/88 0 Date E City Council Minutes T C OY I COUNCIL 0 NE 0 MEMBERS N D S will provide traffic counts and supply appropriate data to the engineering company awarded the bid. Referring to the Scope of Work for the study (Page 2, Item 2), Mr. Crawford suggested the formula for determining traffic flow on U.S. 41 could be Andersonupdated. Mr. Richardson recommended that Page 2, McDonald Item 3, of the Scope of Work be amended by deletion Barnett X X of subsections a, b and c. Such deletions would Crawford X enable the Committee to draw its own conclusions and X Graver X recommendations, he said. X Muenzer Richardson X MOTION: To APPROVE the resolution as presented. Putzell X (7-0)*** *** ---RESOLUTION NO. 88-5601 ITEM 14 A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A HIGHWAY LIGHTING . AGREEMENT FOR THE ADJUSTMENT, RELOCATION AND/OR INSTALLATION OF A CERTAIN LIGHTING SYSTEM WITHIN THE RIGHT-OF-WAY LIMITS HEREAFTER DESCRIBED; AND PROVIDING EFFECTIVE DATE. Title read by City Attorney Rynders. City Engineer Gronvold noted this agreement would be with the Federal Department of Transportation (FDOT) to maintain those street lights which lie within the City limits. Staff has recommended two changes be made to the agreements as outlined in the resolution. In response to Mr. Graver, Mr. Gronvold advised that Andersonif the City wanted to upgrade the type of street lights installed, it could do so but would be McDonald responsible for any additional costs incurred. Mr. Crawford suggested Paragraph 6 include the same Barnett X X X Crawford X language as staff recommended for Paragraph 5. Graver X Muenzer MOTION: To APPROVE the resolution with the X X Richardson aforementioned amendment to the Agreement. Putzell (7-0)*** *** --- RESOLUTION NO. 88-5602 ITEM 15 A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A JOINT PROJECT AGREEMENT WITH COLLIER COUNTY IN CONJUNCTION WITH ENGINEERING SERVICES THE DESIGN OF THE WATER AND SEWER FORCE MAIN PROJECT ON AIRPORT ROAD; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Rynders. Utilities Director Chaffee said the County was to begin redesign of Airport-Pulling Road during the same period of time which the City anticipated to make sewer force, main improvements; . therefore, staff has recommended this joint project agreement which could save money.

VOTE CITY OF NAPLES, FLORIDA 08/17/88 City Council Minutes Date OE B T C I 0 0 EN COUNCIL. N D MEMBERS N 5 0 T Anderson-Mayor Putzell asked if the City Attorney had McDonald Х X X reviewed and approved the agreement to which City Barnett Crawford X Attorney Rynders advised that he had. X Graver X MOTION: To APPROVE the resolution as presented. Muenzer X X Richardson X *** Putzell (7-0) *** ---RESOLUTION NO. 88-5603 ITEM 15 A RESOLUTION APPOINTING A PHYSICIAN TO PROVIDE MEDICAL SERVICES FOR CITY PERTAINING TO JOB-RELATED DETERMINATION OF PHYSICAL EMPLOYEES PERTAINING TO INJURIES, ABILITY TO PERFORM DUTIES, ELIGIBILITY FOR DISABILITY RETIREMENT AND PRE-EMPLOYMENT PHYSICALS, PURSUANT TO SECTION 2.12 OF THE CITY CHARTER; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Rynders. City Manager Jones advised that Dr. Edmund Weidner has been the City physician for the past five years and has just recently requested an increase in fees. This prompted staff to contact ten area physicians and request a proposal for medical services to the Anderson-City, two responses were received. Upon review of X McDonald the proposals, it was staff's recommendation to X X Barnett appoint Dr. Weidner as City physician. Dr. Karla X Crawford Seibert will act as alternate should Dr. Weidner not X Graver be available. X X Muenzer X Richardson MOTION: To APPROVE the resolution as presented. X Putzell *** CORRESPONDENCE AND COMMUNICATIONS: Mayor Putzell adjourned the meeting and Council retired to an Executive Session to discuss Fraternal Order of Police (FOP) labor negotiations. ADJOURN: 10:35 a.m. 7. WHERI Foxet Casa GANET CASON CITY CLERK fode M. O. DR DEPUTY CLERK These minutes of the Naplas City Council were approved on Jupuntury, 1988 -9-

SUPPLEMENTAL ATTENDANCE LIST

George Batchelder C. A. Reinbolt Harry Bedinghaus Saul Gottlieb Mr. & Mrs. Finch Robert Rosillo
W. W. Haardt
Scott Cameron
Rev. Peter Lyberg
C. Lodge McKee

Charles Andrews Egon Hill Mr. & Mrs. Sauer Robert Schroer Willie Anthony

Other interested citizens and visitors.

NEWS MEDIA

Marty Bonvechio, Naples Daily News Jerry Pugh, Palmer Cablevision