

MINUTES OF THE REGULAR MEETING OF THE NAPLES CITY COUNCIL HELD IN THE COUNCIL CHAMBERS,
NAPLES, FLORIDA, ON WEDNESDAY, JUNE 2, 1982, AT 9:08 A.M.

Present: Stanley R. Billick
Mayor

R. B. Anderson
C. C. Holland
Harry Rothchild
Wade H. Schroeder
Kenneth A. Wood
Councilmen

Absent: Randolph I. Thornton
Councilman

AND: Franklin C. Jones, City Manager
David W. Rynders, City Attorney
John McCord, City Engineer
Nat Hooper, Chief Engineering
Technician
Roger Barry, Community
Development Director
Mark Wiltsie, Assistant to the
City Manager
Stewart Unangst, Purchasing
Agent

Also Present: Reverend Harold Brown
Charles Andrews
Egon Hill
Betty Rose
Mr. Ziegler
George Cecil
Sue Smith
Ralph Mitchell
Edward Hannam
Lyle Richardson
Richard Hechler
Jim McGrath
William Shearston
Robert Russell
Sam Aronoff
Gilbert Weil
Joseph Fernandez

News Media: Scott Stewart, TV-9
Lynn Levine, TV-9
Jerry Pugh, TV-9
Dwayne Waul, TV-9
Tish Gray, Naples Star
Steve Kaskovich, News Press
James Moses, Naples Daily News
Jeff Leen, Miami Herald

Other interested citizens and visitors

Mayor Billick called the meeting to order at 9:08 a.m.; whereupon Reverend Harold B. Brown, Jr., of the East Naples United Methodist Church delivered the Invocation followed by the Pledge of Allegiance to the Flag.

AGENDA ITEM 3. APPROVAL OF MINUTES

Mayor Billick called Council's attention to the minutes of the Regular Meeting of May 19, 1982; whereupon Mr. Wood moved approval of the minutes as submitted, seconded by Mr. Anderson and carried by consensus of Council members present.

AGENDA ITEM 4. ANNOUNCEMENTS - MAYOR BILLICK

Mayor Billick requested Councilmen to notify his secretary of any vacation plans they may have.

Mayor Billick noted that there will be periodic reports to Council on the sewage treatment problem and the progress on it.

AGENDA ITEM 5. PUBLIC HEARING and Second Reading of Ordinances

AGENDA ITEM 5-a. An Ordinance relating to specifications and materials for sewer mains and sewer collection systems; amending Sections 11-5.1(b) and (c), Sections 20-66(2)(a), (b) and (d); and providing an effective date. Purpose: To provide for the use of modern materials and techniques in the construction of sewer mains and sewer collection systems.

City Attorney Rynders read the above titled ordinance by title for Council's consideration on Second Reading; whereupon Mayor Billick opened the Public Hearing at 9:11 a.m. There being no one to speak for or against, the Mayor closed the Public Hearing at 9:12 a.m.; whereupon Mr. Anderson moved for adoption of Ordinance 4023 on Second Reading, seconded by Mr. Schroeder and carried on roll call vote, 6-0; Mr. Anderson, yes; Mr. Holland, yes; Mr. Rothchild, yes; Mr. Schroeder, yes; Mr. Thornton, absent; Mr. Wood, yes; Mayor Billick, yes.

AGENDA ITEM 5-b. An Ordinance relating to materials and specifications for water distribution systems; amending Sections 20-68(I)(A)(2) and (6) of the Code of Ordinances; adding a new Section 20-68(I)(A)(7); amending Section 20-68(I)(C)(1) and Section 26-22; repealing Section 20-68(I)(D)(1); and providing an effective date. Purpose: To provide for the use of modern materials and techniques in the installation of water distribution systems.

City Attorney Rynders read the above captioned ordinance by title for Council's consideration on Second Reading; whereupon Mayor Billick opened the Public Hearing at 9:13 a.m.. There being no one to speak for or against, the Mayor closed the Public Hearing at 9:14 a.m.; whereupon Mr. Schroeder moved adoption of Ordinance 4024 on Second Reading, seconded by Mr. Wood and carried on roll call vote, 6-0; Mr. Anderson, yes; Mr. Holland, yes; Mr. Rothchild, yes; Mr. Schroeder, yes; Mr. Thornton, absent; Mr. Wood, yes; Mayor Billick, yes.

AGENDA ITEM 6. First Reading of Ordinances

AGENDA ITEM 6-a. An Ordinance amending Section 2.4 of the Charter of the City of Naples, entitled "Presiding Officer; Mayor; Vice-Mayor; and providing an effective date. Purpose: To provide that the Mayor will be the liaison officer between the City Council and City Attorney

City Attorney Rynders read the above referenced ordinance by title for consideration by Council on First Reading. At the request of Mr. Wood, the City Attorney read the ordinance in its entirety; whereupon Mr. Anderson moved approval of the ordinance on First Reading, seconded by Mr. Schroeder. In response to questions from Mr. Rothchild, the City Attorney noted that the provisions that govern the City in connection with the Charter were in Chapter 166 of the Florida Statutes and noted his interpretation of Section 2.11 of the City Charter was that this would simply augment that Section. Mr. Rothchild contended that the Home Rule Act would not allow any change in the distribution of powers of elected officials. The City Attorney suggested the addition of the following predicate to the Ordinance: "The provisions of this ordinance are not to be construed to affect the distribution of powers among elected officials in the City of Naples and are intended only to facilitate the liaison function between the City Council and the City Attorney". The maker and the seconder of the motion approved the change in language. Richard Hechler, citizen, spoke against changing the Charter without a referendum. Motion carried on roll call vote, 4-2; Mr. Anderson, yes; Mr. Holland, no; Mr. Rothchild, no; Mr. Schroeder, yes; Mr. Thornton, absent; Mr. Wood, yes; Mayor Billick, yes.

AGENDA ITEM 6-b. An Ordinance relating to travel expenses for elected and appointed officials and employees of the City; amending Section 1A-121(A)(1) of the Code of Ordinances; and providing an effective date. Purpose: To provide that travel expenses for Council members be approved by the City Manager; to provide that travel expenses for the City Manager and City Attorney be approved by the Mayor or the City Council and that travel expenses for all other City employees be approved by the City Manager; and providing for the ratification of all travel expenses previously paid for members of the City Council and other City officials.

City Attorney Rynders read the above titled ordinance by title for Council's consideration on First Reading; whereupon Mr. Anderson moved approval of the ordinance on First Reading, seconded by Mr. Schroeder. Richard Hechler, citizen, spoke against passage of this proposed ordinance as written. Mr. Rothchild expressed his dissatisfaction with past handling of travel expenses. After further discussion, Mr. Anderson amended his motion to delete Section 2 and to delete the first sentence in (A) of Section 1, adding the City Council members' travel to the authorization and approval of the Mayor or City Council, seconded by Mr. Schroeder and carried on roll call vote, 5-1; Mr. Anderson, yes; Mr. Holland, yes; Mr. Rothchild, no; Mr. Schroeder, yes; Mr. Thornton, absent; Mr. Wood, yes; Mayor Billick, yes.

AGENDA ITEM 6-c. An Ordinance relating to the payment of parking meter fines; amending Section 23-16(d) of the Code of Ordinances of the City of Naples; and providing an effective date. Purpose: To provide for the payment of parking meter fines at the Naples City Hall instead of the Police Department.

City Attorney Rynders read the above captioned ordinance by title for consideration by Council on First Reading; whereupon Mr. Anderson moved approval on First Reading, seconded by Mr. Schroeder and carried on roll call vote, 6-0; Mr. Anderson, yes; Mr. Holland, yes; Mr. Rothchild, yes; Mr. Schroeder, yes; Mr. Thornton, absent; Mr. Wood, yes; Mayor Billick, yes.

AGENDA ITEM 7. Authorization to execute consent order with Florida Department of Environmental Regulation with reference to wastewater disposal. Requested by City Manager.

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

A RESOLUTION AUTHORIZING THE MAYOR AND CITY ATTORNEY TO EXECUTE A CONSENT ORDER BETWEEN THE STATE OF FLORIDA, DEPARTMENT OF ENVIRONMENTAL REGULATION AND THE CITY OF NAPLES RELATING TO THE OPERATION AND EXPANSION OF THE CITY'S SEWAGE TREATMENT PLANT; AND PROVIDING AN EFFECTIVE DATE.

Mr. Holland moved adoption of Resolution 4025, seconded by Mr. Rothchild. Richard Hechler, citizen, spoke on the increased amount of water that had gone through the treatment plant as a result of the recent heavy rains. Motion carried on roll call vote, 6-0; Mr. Anderson, yes; Mr. Holland, yes; Mr. Rothchild, yes; Mr. Schroeder, yes; Mr. Thornton, absent; Mr. Wood, yes; Mayor Billick, yes.

AGENDA ITEM 8. Authorization to acquire easements by eminent domain proceedings for construction of East Golden Gate Well Field. Requested by City Manager.

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

A RESOLUTION DETERMINING THE NECESSITY OF ACQUIRING CERTAIN EASEMENTS FOR CONSTRUCTION OF THE EAST GOLDEN GATE WELL FIELD AND DIRECTING CONDEMNATION OF THE NECESSARY PROPERTY; AND PROVIDING AN EFFECTIVE DATE.

AGENDA ITEM 11. Action on Advisory Council on the Problems of the Handicapped. Pursuant to stipulation agreement with Handicapped In Action.

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

A RESOLUTION CREATING AN ADVISORY COUNCIL ON PROBLEMS OF THE HANDICAPPED; SETTING FORTH THE PURPOSE OF SAID COUNCIL; DESIGNATING THE NUMBER OF MEMBERS AND THE TERMS OF EACH; CONFIRMING AND APPROVING THE APPOINTMENT OF MEMBERS TO SAID COUNCIL BY THE MAYOR; AND PROVIDING AN EFFECTIVE DATE.

Mr. Anderson moved adoption of Resolution 4029, seconded by Mr. Schroeder. After a brief discussion, Mr. Anderson moved to make the term of office two years for each member for at least the first time around, seconded by Mr. Schroeder. Mrs. Betty Rose, one of the proposed appointees, addressed Council concerning their tentative goals. Motion carried on roll call vote, 6-0; Mr. Anderson, yes; Mr. Holland, yes; Mr. Rothchild, yes; Mr. Schroeder, yes; Mr. Thornton, absent; Mr. Wood, yes; Mayor Billick, yes. In response to a question from Mr. Anderson, City Manager Jones suggested the Council on Problems of the Handicapped report to the Community Development Department.

AGENDA ITEM 12. Discussion of proposed Public Works Yard Master Plan. Requested by City Manager.

Mr. Holland referred to the magnitude of the project and suggested withholding any action until William Savidge, Public Works Director, returned from vacation. Mr. Rothchild suggested that in lieu of a Workshop Meeting, that Council tour the facilities to observe first hand the matters under discussion. City Manager Jones noted his desire to advertise for engineers to work on the project prior to the proposed appointment of Consultant Selection Committee. It was the consensus of Council to authorize the City Manager to advertise for the engineers. It was also the consensus of Council that they would become more familiar with the project, either individually or collectively, in order to be better equipped to discuss it upon Mr. Savidge's return.

AGENDA ITEM 13. Purchasing

AGENDA ITEM 13-a. Bid award - New wet well, gravity line and force main - Wastewater Collection Division

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

A RESOLUTION AWARDED THE BID FOR A NEW WET WELL AND VALVE PIT, GRAVITY LINE AND FORCE MAIN TO BE INSTALLED AT SIXTH AVENUE AND ELEVENTH STREET SOUTH; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Mr. Holland moved adoption of Resolution 4030, seconded by Mr. Anderson and carried on roll call vote, 6-0; Mr. Anderson, yes; Mr. Holland, yes; Mr. Rothchild, yes; Mr. Schroeder, yes; Mr. Thornton, absent; Mr. Wood, yes; Mayor Billick, yes.

AGENDA ITEM 13-b. Bid award - Water plant modifications, materials and equipment - Water Treatment Division

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

A RESOLUTION AWARDING BIDS FOR MATERIALS AND EQUIPMENT FOR WATER PLANT MODIFICATIONS; REJECTING ALL BIDS SUBMITTED FOR SLUICE GATES; AUTHORIZING THE CITY MANAGER TO ISSUE PURCHASE ORDERS FOR THE BIDS HEREIN AWARDED; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schroeder moved adoption of Resolution 4031, seconded by Mr. Anderson, and carried on roll call vote, 6-0; Mr. Anderson, yes; Mr. Holland, yes; Mr. Rothchild, yes; Mr. Schroeder, yes; Mr. Thornton, absent; Mr. Wood, yes; Mayor Billick, yes.

AGENDA ITEM 13-c. Communications maintenance contract renewal

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

A RESOLUTION AUTHORIZING RENEWAL OF THE EXISTING CONTRACT WITH NAPLES COMMUNICATIONS, INC., FOR AN ADDITIONAL YEAR FOR MAINTENANCE OF COMMUNICATION EQUIPMENT; AND PROVIDING AN EFFECTIVE DATE.

Mr. Rothchild moved adoption of Resolution 4032, seconded by Mr. Holland and carried on roll call vote, 6-0; Mr. Anderson, yes; Mr. Holland, yes Mr. Rothchild, yes; Mr. Schroeder, yes; Mr. Thornton, absent; Mr. Wood, yes; Mayor Billick, yes.

CORRESPONDENCE AND COMMUNICATIONS

None

There being no further business to come before this Regular Meeting of the Naples City Council, Mayor Billick adjourned the meeting at 11:44 a.m.

Janet Cason
Janet Cason
City Clerk

Ellen P. Marshall
Ellen P. Marshall
Deputy City Clerk

Stanley R. Billick
Stanley R. Billick, Mayor

These minutes of the Naples City Council were approved on June 16, 1982



City of Naples

MEMO

TO: HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL
 FROM: CITY MANAGER FRANKLIN C. JONES
 SUBJECT: EASEMENTS - EAST GOLDEN GATE WELL FIELD
 DATE: MAY 27, 1982

BACKGROUND: The City is in the process of expanding its raw water supply in the East Golden Gate Well Field. In the course of obtaining permits from the County we have been notified by the County that easements in which our wells and transmission lines are proposed to be located are for drainage purposes only. The County has stated that they would issue the permit with the stipulation that the placement of the water transmission main within the existing drainage easement may necessitate rights of entry for construction and maintenance. In order to obtain these construction and maintenance easements it is necessary for the City to institute an action for eminent domain. Approval is now requested to proceed with this. We propose to act as follows:

1. Identify the owners of the properties and any holders of liens.
2. Retain an appraiser.
3. Request the court to grant title to the City for these easements in a "quick taking procedure" which might take from 45 to 60 days.

The attached map depicts the transmission line and well field. The wells proposed for Lot 88 of Unit 86, Lots 81-87 of Unit 83, and Lots 121-128 of Unit 74 are those for which the current easements are required.

RECOMMENDATION: I recommend that the Council adopt the attached resolution which would allow us to proceed with the eminent domain action.

Respectfully submitted,

Franklin C. Jones
 Franklin C. Jones
 City Manager

FCJ/tan