

MINUTES OF THE REGULAR MEETING OF THE NAPLES CITY COUNCIL HELD IN THE COUNCIL CHAMBERS,
NAPLES, FLORIDA, WEDNESDAY, JANUARY 16, 1980, AT 9:07 A.M.

Present: R. B. Anderson
Mayor

C. C. Holland
James F. McGrath
Wade H. Schroeder
Randolph I. Thornton
Edward A. Twerdahl
Kenneth A. Wood
Councilmen

Also present: George M. Patterson, City Manager
David W. Rynders, City Attorney
Edward C. Smith, Assistant to the City Manager
Roger Barry, Community Development Director
John McCord, City Engineer
Franklin Jones, Finance Department Director
William Savidge, Public Works Director
Nat Hooper, Senior Engineering Technician

Reverend John W. Pope
Ron Hogue
Ocy Richardson
Harold Yegge
Harry Rothchild
Dennis R. White
Robert Russell
John P. Turner
John Duyser
Mr. & Mrs. Grant
Gary Mastro
Gilbert Weil
Carol Dawley
W. W. Gilman
Tom Krause

News Media: Ed Warner, TV-9
Gary Baranik, Naples Daily News
Paul Stanford, TV-9
Joseph Starita, Miami Herald
Allen Bartlett, Fort Myers News Press
Jerry Arnold, WRGI
Tom Lowe, WBBH-TV
Bob Barber, WEVU-TV

Other interested citizens and visitors

Mayor Anderson called the meeting to order at 9:07 a.m.; whereupon Reverend John W. Pope delivered the invocation, followed by the Pledge of Allegiance to Flag.

AGENDA ITEM 3. APPROVAL OF MINUTES

Mayor Anderson called Council's attention to the minutes of the Regular Meeting of January 2, 1980; whereupon Mr. Wood moved approval of the minutes as submitted, seconded by Mr. Schroeder and carried by consensus of the Council.

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

AGENDA ITEM 4-a. PUBLIC HEARING to consider an application for vacation of a ten foot drainage easement on vacated 13th Avenue South between Blocks 6 and 7, Tier 8, Plan of Naples. Requested by Malcolm Milton.

Mayor Anderson opened the Public Hearing at 9:10 a.m.; whereupon City Attorney Rynders read the below titled resolution by title for Council's consideration.

A RESOLUTION VACATING AND ABANDONING A TEN (10) FOOT DRAINAGE EASEMENT IN VACATED THIRTEENTH AVENUE SOUTH; AND PROVIDING AN EFFECTIVE DATE.

Dennis White, attorney for the petitioner, spoke in support of the request. Mayor Anderson confirmed with the City Attorney and City Engineer John McCord and Harold Yegge, member of the Planning Advisory Board, that the City was receiving equal value in the easement that was being given the City. There being no one else to speak for or against, the Mayor closed the Public Hearing at 9:14 a.m.; whereupon Mr. Thornton moved adoption of Resolution 3428, seconded by Mr. Schroeder and carried on roll call vote, 7-0.

AGENDA ITEM 5. PUBLIC HEARING. Second reading of ordinances.

AGENDA ITEM 5-a. An ordinance repealing Section 1A-4 of Code of Ordinances of the City of Naples, relating to remuneration paid to clerks and inspectors serving on a municipal election board, and substituting a new Section 1A-4 therefor; and providing an effective date. Purpose: To amend the amount of compensation paid to clerks and inspectors serving on a municipal election board.

Mayor Anderson opened the Public Hearing at 9:15 a.m.; whereupon City Attorney Rynders read the above referenced ordinance by title for consideration by Council on Second Reading. There being no one to speak for or against, the Mayor closed the Public Hearing at 9:16 a.m.; whereupon Mr. Thornton moved adoption of Ordinance 3429, on Second Reading, seconded by Mr. Schroeder and carried on roll call vote, 7-0.

AGENDA ITEM 5-b. An ordinance amending Section 25-3.1 of the Code of Ordinances of the City of Naples, relating to taxicab rates; and providing an effective date. Purpose: To provide for an increase in the schedule of rates for taxicabs operating in the City of Naples.

Mayor Anderson opened the Public Hearing at 9:17 a.m.; whereupon City Attorney Rynders read the above captioned ordinance by title for consideration by Council on Second Reading. Attorney Ron Hogue, representing Yellow Cab Company, spoke in support of the ordinance. It was the consensus of Council to clarify part (b)(3) of the ordinance to show the 25¢ charge would be "per person over one in each party". In response to Mr. Schroeder's request at the last meeting for certain financial information, Attorney Hogue presented this to him. Mr. Schroeder commented that these were not audited figures. Harry Rothchild, citizen, suggested sending the matter back to staff for further study including the financial information just received. John Duyser, City Cab Company, spoke for deregulation. Gary Mastro, Maxi Taxi Company, spoke in favor of the increase in rates. There being no one else to speak for or against, the Mayor closed the Public Hearing at 9:45 a.m.; whereupon Mr. Twerdahl moved for adoption of Ordinance 3430 on Second Reading, seconded by Mr. Schroeder and carried on roll call vote, 7-0.

AGENDA ITEM 8. A resolution expressing the appreciation of the City of Naples for the generous contributions made by Mr. and Mrs. Lester Norris to various projects and organizations in the community; extending deepest sympathy at the death of Mrs. Norris; and providing an effective date. Requested by City Council at 1/2/80 regular meeting.

City Attorney Rynders read the above titled resolution by title for Council's consideration; whereupon Mr. Twerdahl moved adoption Resolution 3432, seconded by Mr. McGrath and carried on roll call vote 7-0.

AGENDA ITEM 9. A resolution authorizing the use of a computer election system for the general municipal election to be held on February 5, 1980; approving the form and content of the ballot for said election; and providing an effective date.

City Attorney Rynders read the above captioned resolution by title for consideration by Council; whereupon Mr. McGrath moved adoption of Resolution 3433, seconded by Mr. Twerdahl and carried on roll call vote, 7-0.

AGENDA ITEM 10. A resolution appointing election clerks and inspectors to serve at the voting precincts during the general municipal election on February 5, 1980; authorizing the City Clerk to appoint alternates if necessary; and providing an effective date. Requested by the City Clerk.

City Attorney Rynders read the above titled resolution by title for consideration by Council; whereupon Mr. Wood moved adoption of Resolution 3434, seconded by Mr. Schroeder and carried on roll call vote, 7-0.

AGENDA ITEM 11. Action on recommendations to Legislative Public Hearings pursuant to Workshop discussion.

City Attorney Rynders reminded Council that they had discussed this yesterday and the discussion had indicated that there may be several bills that Council may wish to support, but none at this time they wished to initiate. Mr. Thornton moved that this item be removed from the Agenda and that the staff be directed to take whatever action was deemed necessary to comply with the discussion at the Workshop, seconded by Mr. Schroeder and carried on roll call vote, 7-0.

AGENDA ITEM 12. A resolution supporting the position of the Big Cypress Basin Board relative to its opposition to including Collier County in the streamflow and recharge source zone of the Biscayne Aquifer; directing that a copy of this resolution be forwarded to the Environmental Protection Agency; and providing an effective date. Requested by Public Works Director.

City Attorney Rynders read the above titled resolution by title for consideration by Council. Council reviewed a copy of a letter from Fred Vidzes, Basin Administrator, to Mr. Costle of the E.P.A. as discussed at the Workshop on January 15, 1980 (Attachment #1). Mr. Twerdahl moved adoption of Resolution 3435, seconded by Mr. Schroeder and carried on roll call vote, 7-0.

AGENDA ITEM 13. Purchasing:

AGENDA ITEM 13-a. Annual Bid Award - Wrecker Service

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

A RESOLUTION REJECTING ALL BIDS RECEIVED FOR THE CITY'S ANNUAL REQUIREMENTS FOR WRECKER SERVICE; AUTHORIZING THE CITY MANAGER TO READVERTISE FOR BIDS THEREON; AND PROVIDING AN EFFECTIVE DATE.

Mr. Holland moved adoption of Resolution 3436, seconded by Mr. McGrath and carried on roll call vote, 7-0.

92 AGENDA ITEM 13-b. Annual Bid Award - Street construction material

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

A RESOLUTION AWARDDING BIDS FOR THE CITY'S ANNUAL REQUIREMENTS FOR STREET CONSTRUCTION MATERIALS; AUTHORIZING THE CITY MANAGER TO ISSUE PURCHASE ORDERS THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Mr. Twerdahl moved adoption of Resolution 3437, seconded by Mr. Holland and carried on roll call vote, 7-0.

AGENDA ITEM 13-c. Bid Award - Police and Fire Uniforms

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

A RESOLUTION AWARDDING BID FOR THE CITY'S ANNUAL REQUIREMENTS OF POLICE AND FIRE UNIFORMS; AUTHORIZING THE CITY MANAGER TO ISSUE PURCHASE ORDERS THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Mr. Thornton moved adoption of Resolution 3438, seconded by Mr. McGrath and carried on roll call vote, 7-0.

AGENDA ITEM 13-d. Trenching Machine

City Attorney Rynders suggested removing this from the Agenda because there was some question whether or not the bidder had understood the specifications. Mr. Twerdahl moved to remove this item from the Agenda, seconded by Mr. Schroeder and carried on roll call vote, 7-0.

AGENDA ITEM 13-e. Bid Award - Thirty-two (32) front loader containers

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

A RESOLUTION AWARDDING BID FOR FRONT LOADER CONTAINERS; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Mr. McGrath moved adoption of Resolution 3439, seconded by Mr. Twerdahl and carried on roll call vote 7-0.

AGENDA ITEM 13-f. Bid Rejection - Lot mowing contract renewal

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

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN ADDENDUM TO CONTRACT BETWEEN THE CITY OF NAPLES AND PRO TURF AND GROUND MANAGEMENT AFFILIATED, RELATIVE TO LOT MOWING SERVICES; AND PROVIDING AN EFFECTIVE DATE.

City Manager Patterson noted that the Agenda heading "Bid Rejection" was in error and that this action was to pick up the agreement in the contract with Pro Turf last year that the contract could be renewed for one year at the City's option. Mr. Twerdahl moved adoption of Resolution 3440, seconded by Mr. Schroeder and carried on roll call vote 6-1 with Mr. Holland voting no.

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

A RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE A FORKLIFT CONTAINER TRAILER, WAIVING THE REQUIREMENTS FOR FURTHER BIDDING THEREON; AND PROVIDING AN EFFECTIVE DATE.

Mr. Twerdah moved adoption of Resolution 3441, seconded by Mr. Schroeder and carried on roll call vote, 7-0.

AGENDA ITEM 14. A resolution amending Resolution No. 3353 which ordered construction of a water main and extension of the City water system to provide water service to the Avion Park Subdivision, designated as "Water System Improvement Assessment District No. 1", providing for expansion of the boundaries of said district to include additional property described herein; and providing an effective date. Deferred from January 2 regular meeting.

City Attorney Rynders read the above captioned resolution by title for Council's consideration. He further pointed out that this resolution was amending the boundaries to include some of the properties as discussed at the last meeting. City Engineer John McCord noted that the property owners affected had been notified and some had indicated that they would be at this meeting, but Council was running ahead of time and it was 20 minutes prior to the time for which this item had been scheduled. He further noted that including the adjacent properties added 17 proposed lots to the benefited area and this reduced the tentative assessment per lot from \$2453 to \$1565. Carol Dawley addressed Council and stated she was representing the Collier Development Corporation. It was the consensus of Council to table discussion until the time appointed for this Agenda item.

Ed Smith, Assistant to the City Manager, gave his report on his attendance at the County's workshop meeting concerning their lethal yellowing program. He noted that the County Manager had indicated to him this morning that the proposed ordinance that was the product of the Workshop would not be ready for the Commissioners' consideration for a while yet, but there would be one forthcoming making mandatory county-wide inoculation of susceptible palm trees by the property owner consistent with the City ordinance, three times a year. He reviewed the presentations given to the County by Mr. Schroeder and himself at the workshop yesterday.

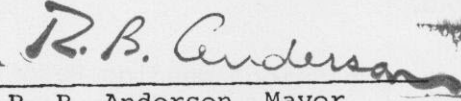
RETURN TO AGENDA ITEM 14.


Mayor Anderson noted that it was now the time scheduled for discussion and action on this item. Carol Dawley, representing the Collier Development Corporation, stated that they felt they will be asked to pay an assessment without any plan on their part or assurance on the City's part that subsequent approval of any plat that they submit will be forthcoming. City Attorney Rynders noted that under present zoning, the staff had based their figures on the maximum number of lots that could be put there. He added that when the confirming resolution is written, he will have language in there that unplatted acreage would not be prejudiced as a result of this assessment program. W. W. Gilman, owner of the property to the south of Avion Park, asked for some assurance that he would be able to use his property with the number of lots for which he will be assessed. City Attorney Rynders responded that since another Council could change zoning, this Council could only give him assurances if he used the property now. He further explained that there would be a Public Hearing in three weeks concerning this matter. John McCord noted the efforts made to contact all concerned.

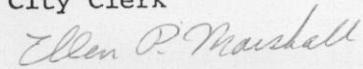
Let the record show that Mr. Thornton left the Council Chambers at 11:34 a.m.

Tom Krause, Avion Park property owner, spoke in support of getting the project underway, mainly because of increasing costs whenever there is a delay. Mr. McGrath moved adoption of Resolution 3442, seconded by Mr. Holland and carried on roll call vote, 6-0 with Mr. Thornton being absent.

There being no further business to come before this Regular Meeting of the Naples City Council, Mayor Anderson adjourned the meeting at 11:37 a.m.


R. B. Anderson, Mayor


Janet Cason
City Clerk


Ellen P. Marshall
Deputy Clerk

These minutes of the Naples City Council were approved on 02-06-80



South Florida Water Management District

Big Cypress Basin

3504 RADIO ROAD
POST OFFICE BOX 8325, NAPLES, FLORIDA 33941
TELEPHONE 813-775-3241

January 2, 1980

IN REPLY REFER TO:

Mr. Douglas M. Costle
Regional Administrator, Region IV
Environmental Protection Agency
345 Courtland Street
Atlanta, Georgia 30308

IN RE: Biscayne Aquifer Designation

Dear Mr. Costle:

It has come to the attention of the Big Cypress Basin Board of the South Florida Water Management District that Collier County, Florida, has been included in the streamflow and recharge source zone of the Biscayne Aquifer located in Dade, Broward and Palm Beach Counties, Florida.

The Big Cypress Basin was created by an Act of Legislature, (Chapter 76-243), (Laws of Florida) which also described the Basin boundaries, and is a subdistrict of the South Florida Water Management District.

The boundaries of the Basin include all of Collier County and that portion of Monroe County lying within the Everglades National Park that was not included in the Central and Southern Florida Flood Control District Project.

In regular meeting on December 21, 1979, the Big Cypress Basin Board in unanimous action took exception to Collier County being included in the streamflow and recharge source zone designation of the Biscayne Aquifer and desires to officially go on record that the Board strongly objects to the Agency's action on this matter.

The basis for this objection is that there is no scientific evidence that entire Collier County serves as a recharge source to the Biscayne Aquifer. On the contrary, studies conducted by the United States Geologic Survey and a report by Environmental Protection Agency, (Ecosystems Analysis of the Big Cypress Swamp and Estuaries, EPA 90L/9-74-002) based on U.S.G.S. studies clearly indicate that all but a very

Stanley W. Holz
Chairman, Ex officio
Naples

William W. Walters
Vice Chairman
Marco Island

Dennis Yankel
Secretary
Naples

William L. Burton
Naples

Russell E. Krier
Immokalee

John E. Piles, Jr.
Immokalee

ATTACHMENT #1 - Page 1
JOHN R. MALOY, Executive Director
FRED VIDZES, Basin Administrator

ATTACHMENT #1 - Page 2

AGENDA ITEM #12
1-16-80

OMITTED FROM PACKET

Mr. Douglas M. Costle
Regional Administrator, Region IV

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small area in northeastern Collier County has no hydrologic connection with the Biscayne Aquifer. For your reference photocopies of the relevant parts of the studies are herewith enclosed.

When the permanent boundaries of this Basin were established by the Governing Board of the South Florida Water Management District scientific evidence had been introduced and placed in the record at public hearings that defined the hydrologic boundaries of the Basin. As a matter of fact the laws providing for creation of this Basin required that the initial boundaries of the Basin be limited to the Big Cypress Swamp and the southwestern coastal area hydrologic unit, as indicated on River Basin and Hydrologic Unit Map of Florida - 1975, Florida Department of Natural Resources, Bureau of Geology Map Series No. 72.

In view of the foregoing it is suggested that your agency reconsider its actions on this matter and redefine the boundaries of the streamflow and recharge source zone based upon scientific evidence.

Sincerely,

Fred Vidzes

Fred Vidzes
Basin Administrator

Enclosures

cc: Cliff Wenzel, Chairman, Board of County Commission, Collier County
Thomas P. Archer, Vice-Chairman, Board of County Commission, Collier Co.

Don Pickworth, Collier County Attorney

The Honorable Roland B. Anderson, Mayor of City of Naples

David Rynders, City of Naples Attorney

John R. Maloy, Executive Director, S.F.W.M.D.

George Patterson, City Manager, City of Naples

Irving L. Betzou, Utilities Director, Collier County

FV:b