

MINUTES OF THE REGULAR MEETING OF THE NAPLES CITY COUNCIL HELD IN THE COUNCIL CHAMBERS,
NAPLES, FLORIDA, ON WEDNESDAY, FEBRUARY 4, 1981, AT 9:05 A.M.

Present: R. B. Anderson
Mayor

C. C. Holland
Harry Rothchild
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
Nat Hooper, Senior Engineering Technician
Max Hasse, Parks & Recreation Assistant Director
Paul Reble, Police Chief
Norris Ijams, Fire Chief
Reid Silverboard, Chief Planner
John McCord, City Engineer
Franklin Jones, Finance Director
Edward C. Smith, Assistant to the City Manager
Mark Wiltsie, Purchasing Agent
Janet Cason, City Clerk

Reverend Don Howser
John Turner
Gene Archer
Roger Mitchell
Charles Andrews
Dennis Lynch
Ted Smallwood
Robert Fuller
Ben Anderson
John Piggott
Jim Jones
Bob Sandberg
Rollie Rice
Ken Kitchell
Thomas Brown
Mr. & Mrs. Tom Cannon
Earl Hodges
John Giesman
Ed Rumberger
Arthur Tursky
Robert Tiffany
David Yeager
Sam Pratt

High School Students
(Youth in Government-See attached list)

News Media: James Moses, Naples Daily News
 Brian Blanchard, Miami Herald
 Jerry Arnold, WRGI
 Bob Barber, TV-9
 Allen Bartlett, Fort Myers News Press
 Ed Warner, TV-9

Other interested citizens and visitors.

Mayor Anderson called the meeting to order at 9:05 a.m.; whereupon Reverend Don Howser of the East Naples Baptist Church delivered the invocation followed by the Pledge of Allegiance to the Flag.

AGENDA ITEM 3. Introduction of Naples High School students elected by their classmates to City Council seats and to serve as various City department heads in the Optimist Club's Youth in Government Program.

Mayor Anderson noted the presence of the students from Naples High School and introduced them individually (Attachment #1). He invited them to sit with their City counterparts. Kelly Ruff, student mayor, outlined the procedures followed for their election. Roger Mitchell, Chairman of this program for the Optimist Club, addressed Council briefly.

AGENDA ITEM 4. APPROVAL OF THE MINUTES

Mayor Anderson called Council's attention to the minutes of the Workshop Meeting of January 20, 1981 and the Regular Meeting of January 21, 1981. Mr. Rothchild moved that the minutes of both meetings be accepted as presented, seconded by Mr. Schroeder and carried by consensus of the Council. Mr. Rothchild noted that the minutes for Agenda Item 11. of the Regular Meeting reflected requests from Mr. Holland and himself that had not been fulfilled.

AGENDA ITEM 5. PUBLIC HEARING to hear objections of all interested persons to the confirmation of Resolution No. 3527, passed by the Naples City Council on May 7, 1980, which established "Water System Improvement Assessment District No. 2" and ordered the installation of a water main extension to serve Coach House Lane.

Student counterpart for City Attorney Rynders, Holly Hurst, read the below titled resolution by title for Council's consideration.

A RESOLUTION CONFIRMING RESOLUTION NO. 3527, RELATING TO CONSTRUCTION OF A WATER MAIN AND EXTENSION OF THE CITY WATER SYSTEM TO PROVIDE WATER SERVICE ON COACH HOUSE LANE, BEING "WATER SYSTEM IMPROVEMENT ASSESSMENT DISTRICT NO. 2"; AND PROVIDING AN EFFECTIVE DATE.

Mayor Anderson opened the Public Hearing at 9:15 a.m. Robert Fuller, John Piggott, Gene Archer, Mr. and Mrs. Thomas Cannon, Arthur Tursky and John Geisman, property owners in this area, spoke against the extension of City water to them. Thomas R. Brown, Rollie Rice, Ken Kitchell, Bob Sandberg, Earl Hodges and Ed Rumberger, also property owners, spoke in favor of the extension of the City water system to this area. Robert Sandberg of Capri Court stated that he had not been asked to sign the petition and that he did not think others on Capri Court had been asked to be included. City Manager Patterson responded that there had been an affirmative indication on the petition from 67% of the total area affected. City Attorney Rynders added that the petition had not been a function of the City. There being no one else to speak for or against, the Mayor closed the Public Hearing at 10:07 a.m. City Attorney Rynders noted that all property owners would have to pay the assessment if this water district were created. City Engineer McCord explained

that it was assessed by the acre rather than the front footage because of the potential benefit to the total area of each property and the irregular setbacks. Mr. Thornton moved adoption of the resolution; seconded, for purposes of discussion, by Mr. Schroeder. After further discussion, it was the consensus of Council that the petition be reviewed and validated as to the percentage of the property owners who wanted the water extension before any action be taken by Council in this respect. Mr. Twerdahl suggested an amendment to Mr. Thornton's motion to this effect; however, the City Attorney felt a conditional resolution of that sort would not be a good idea. Mr. Rothchild moved to call the question, which motion failed on a roll call vote, 1-6 with Mr. Thornton casting the only "yes" vote. Roll call on Mr. Thornton's motion failed the motion 1-6, with Mr. Thornton casting the only "yes" vote. Mr. Twerdahl moved to have the petition reviewed and validated and a report brought back to Council, seconded by Mr. Schroeder and carried on roll call vote, 7-0.

Let the record show that Mayor Anderson recessed the meeting at 10:17 a.m. and reconvened it at 10:27 a.m. with the same members of Council present.

AGENDA ITEM 6. Discussion/action regarding interval ownership/time sharing and transient lodging. Requested by Councilman Rothchild.

Mayor Anderson noted a memorandum from City Attorney Rynders regarding the discussion held during the Workshop Meeting of February 3. (Attachment #2). Mr. Schroeder moved that the Council accept the recommendation of the City Attorney and refer the matter to the City Planning Staff, seconded by Mr. Twerdahl. Mr. Rothchild made a statement for the record (Attachment #3). Roll call on the motion was 6-1 with Mr. Holland voting no.

AGENDA ITEM 7. Discussion/action regarding appointment of a Feasibility Committee to study the formation of a separate county. Requested by Councilman Twerdahl.

Mayor Anderson asked Mr. Twerdahl to comment on this matter. Mr. Twerdahl referred to City Attorney Rynders' memorandum (Attachment #4) and noted that he had been contacted by a number of people who were interested in serving on such a committee. Mr. Holland stated that he had received nothing but negative comments on this idea and suggested that a referendum be held prior to a committee beginning work on this. City Attorney Rynders agreed that there would probably be a referendum before a bill would be introduced to the State Legislature requesting a change. He added that a referendum would cost in excess of \$14,000 and a committee could investigate the issues raised for a minimal expense, if any. Mr. Rothchild noted his objections to the proposal, in particular to a committee using much of the time of the City staff. Mayor Anderson responded that the City staff was obligated to work with any citizen committee in need of their assistance. Mayor Anderson suggested that the Council note the general situation and if a group of citizens wished to organize themselves to pursue this, let them do so, and if they wished to ask the City's assistance without abusing the privilege, let them do so. Mr. Rothchild noted his opinion that a time record be kept of the hours consulting the City Manager and City Attorney. After further discussion, it was the understanding of Council that a citizens' committee would probably be formed and they would study the proposal and avail themselves of the City staff from time to time and make a report to Council.

AGENDA ITEM 8. Acceptance of 1979-80 Audit Report. (Pursuant to Council Conference of February 3, 1981.)

Mayor Anderson noted the Audit Report and that he understood the presentation at the Workshop Meeting of February 3 had been a good one. Mr. Rothchild moved adoption of the Audit Report, seconded by Mr. Holland and carried on roll call vote, 7-0.

AGENDA ITEM 9. Resolution permitting John T. Monisky, Personnel Director, to participate in ICMA retirement plan. Requested by City Manager.

Student counterpart for City Attorney Rynders, Holly Hurst, read the below captioned resolution by title for Council's consideration.

A RESOLUTION AUTHORIZING TOM MONISKY, PERSONNEL DIRECTOR, TO PARTICIPATE IN THE DEFERRED COMPENSATION PLAN THROUGH THE INTERNATIONAL CITY MANAGEMENT ASSOCIATION RETIREMENT CORPORATION; PROVIDING THAT HE SHALL BE EXEMPTED FROM PARTICIPATION IN THE RETIREMENT SYSTEM OF THE CITY ESTABLISHED BY ORDINANCE NO. 1890; AND PROVIDING AN EFFECTIVE DATE.

Mr. Thornton moved adoption of Resolution 3712, seconded by Mr. Wood and carried on roll call vote, 7-0.

AGENDA ITEM 10. Amendment to wrecker service policy, Requested by City Manager.

Student counterpart for City Attorney Rynders, Holly Hurst, read the below referenced resolution by title for consideration by Council.

A RESOLUTION ADOPTING AN AMENDED WRECKER ROTATION POLICY AND RATE SCHEDULE FOR PROVIDING TOWING SERVICES REQUIRED IN REMOVAL OF ILLEGALLY PARKED OR ABANDONED VEHICLES AND VEHICLES INVOLVED IN ACCIDENTS; AND PROVIDING AN EFFECTIVE DATE.

City Manager Patterson reviewed the information in his memorandum to Council dated January 28, 1981 (Attachment #5). Mr. Thornton moved adoption of Resolution 3713, seconded by Mr. Twerdahl. David Yeager and Sam Pratt, local wrecker drivers, addressed Council questioning some of the rates and the lack of enforcement of qualifications for all wreckers by means of City inspections of equipment. It was the consensus of Council that they could not enter into negotiations. It was suggested to these gentlemen that they work with City Manager Patterson's office. Motion carried on roll call vote, 7-0.

AGENDA ITEM 11. Purchasing:

AGENDA ITEM 11-a. Bid award - gravity sewer & pumping station wet well and valve pit - Public Works Department.

City Attorney Rynders' student counterpart, Holly Hurst, read the below titled resolution by title for consideration by Council.

A RESOLUTION AWARDED BID FOR CONSTRUCTION OF A NEW SANITARY SEWER LIFT STATION AT FIFTH AVENUE NORTH AND GOODLETTE ROAD; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A CONTRACT THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Mr. Twerdahl moved adoption of Resolution 3714, seconded by Mr. Schroeder and carried on roll call vote, 7-0.

AGENDA ITEM 11-b. Bid award - four submersible sewage pumps - Public Works Department

Student City Attorney, Holly Hurst, read the below captioned resolution by title for Council's consideration.

A RESOLUTION AWARDED BID FOR FOUR (4) SUBMERSIBLE SEWAGE PUMPS; AUTHORIZING THE CITY MANAGER TO ISSUE PURCHASE ORDERS THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Mr. Twerdahl moved adoption of Resolution 3715, seconded by Mr. Wood and carried on roll call vote, 7-0.

AGENDA ITEM 11-c. Bid recommendation/award - janitorial services - Fleischmann Park Community Center and Public Works administrative offices.

Student City Attorney, Holly Hurst, read the below referenced resolution by title for consideration by Council.

A RESOLUTION REJECTING BIDS RECEIVED FOR JANITORIAL SERVICES AT THE FLEISCHMANN PARK COMMUNITY CENTER AND AWARDING THE BID FOR JANITORIAL SERVICES AT THE PUBLIC WORKS ADMINISTRATIVE OFFICES; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A CONTRACT THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Mr. Twerdahl moved adoption of Resolution 3716, seconded by Mr. Schroeder and carried on roll call vote, 7-0.

AGENDA ITEM 11-d. Bid award (annual bid) - street construction materials - Engineering Department

Student City Attorney, Holly Hurst, read the below titled resolution by title for Council's consideration.

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

Mr. Wood moved adoption of Resolution 3717, seconded by Mr. Schroeder and carried on roll call vote, 7-0.

AGENDA ITEM 11-e. Bid award (annual bid) - sod - Engineering Department and Parks & Recreation Department.

Student City Attorney, Holly Hurst, read the below captioned resolution by title for consideration by Council.

A RESOLUTION AWARDING BIDS FOR THE CITY'S ANNUAL REQUIREMENTS OF SOD; AUTHORIZING THE CITY MANAGER TO ISSUE PURCHASE ORDERS THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Mr. Wood moved adoption of Resolution 3718, seconded by Mr. Twerdahl and carried on roll call vote, 7-0.

CORRESPONDENCE AND COMMUNICATIONS - None.

There being no further business to come before this Regular Meeting of the Naples City Council, Mayor Anderson adjourned the meeting at 11:30 a.m.

R. B. Anderson
R. B. Anderson, Mayor

Janet Cason
City Clerk

These minutes of the Naples City Council were approved on 02-18-81



OPTIMIST CLUB OF NAPLES

"Friend of Youth"

P. O. Box 1102
Naples, Florida 33939

January 21, 1981

Ms. Tara Norman, City Manager's Office
City of Naples
City Hall
Naples, Florida 33940

Dear Ms. Norman:

The Naples High School Student elections were concluded on January 20, 1981, and the fifteen " student officials " are as follows:

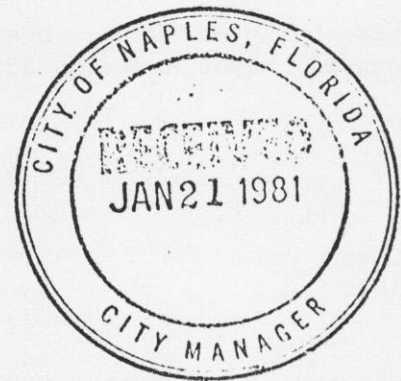
Mayor - Kelly Ruff
Vice-Mayor - Diana Somogy
City Council - Chris Cioffe
 Tami Vincent
 Dawn Kohelin
 Karen Gray
 Julie Lesser
Recreation Director - Mark Thornton
Chief of Police - Michael Wood
City Engineer - Jim Helle
City Clerk - Mary Conroy
City Attorney - Holly Hurst
Fire Chief - Donnie Williams
City Manager - Keirsten Raynor
Building & Zoning Director - John Gillette

These students look forward to sitting in with their counterparts and participating in the business on Wednesday, February 4, 1981. Please give some consideration to an agenda and forward a copy to my office along with a copy of the proclamation when it is available. My business address and telephone number is: 1315 5th Ave. S. and 774-5050.

Sincerely,

Roger Mitchell, Chairman
Optimist Club of Naples
Youth in Government Program

/ak





City of Naples

735 EIGHTH STREET, SOUTH · NAPLES, FLORIDA 33940

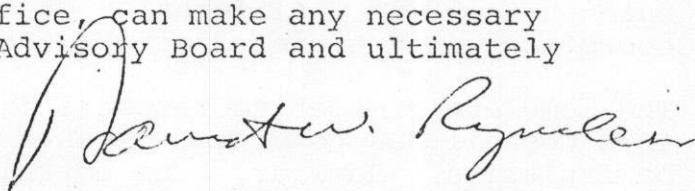
OFFICE OF THE CITY ATTORNEY

February 3, 1981

M E M O

TO: Hon. Mayor and Members of Council
FROM: David W. Rynders, City Attorney
RE: Interval Ownership

In view of the discussion at Tuesday's workshop session, I would recommend that the Council refer the question of additional regulations pertaining to interval ownership to the City Planning staff who, with assistance from my office, can make any necessary proposals to the Planning Advisory Board and ultimately to the City Council.



David W. Rynders
City Attorney

DWR:bh

STATEMENT MADE FOR THE RECORD BY COUNCILMAN HARRY ROTHCHILD AT THE REGULAR MEETING OF THE NAPLES CITY COUNCIL HELD ON WEDNESDAY, FEBRUARY 4, 1981.

Yesterday I attempted to convey a legitimate concern I had with respect to the ever-increasing new methods of creating and selling interval ownership and/or occupancy in resort communities. Numerous articles have been written on the subject which can cause reasonable people to have reasonable concerns about the effect these new methods may have on their communities.

I have discussed this question with knowledgeable real estate brokers and developers and they were unanimous in their unwillingness to participate in this relatively new venture.

As individual citizens of Naples they were again unanimous in their opinion that the proliferation of this interval ownership or interval occupancy would not be desirable for Naples.

The completely negative response I received from the other members of this Council has convinced me that any further effort at this time would be fruitless. However, I am certain that any proposal which comes before this Council which has the slightest resemblance to interval ownership or occupancy will receive the most careful scrutiny and will be equated against its possible adverse effect on our community. To that extent, my efforts will not have been in vain.

I had hoped that a committee would have been appointed to more fully explore the actions taken by some other communities but it would appear that this Council can reach its conclusions by some miraculous form of mental telepathy or extra sensory perception.

If any further action is to be taken on this question, it will have to be led by a member of the dominant majority. I will be most anxious to cooperate in any such effort. In the meantime, I believe that, once again, Naples has suffered from an excess of complacency.

Harry Rothchild



City of Naples

735 EIGHTH STREET, SOUTH - NAPLES, FLORIDA 33940

OFFICE OF THE CITY ATTORNEY

M E M O R A N D U M

TO: Honorable Mayor and Members of City Council
FROM: David W. Rynders, City Attorney
DATE: January 30, 1981
SUBJECT: Report on Proposed Legislation to Sever the City of
Naples from Collier County

On January 7, 1981, the Council discussed the legal and practical aspects of severing the City of Naples from Collier County. This office was directed to see what legal means are available for this purpose. Accordingly, I have prepared the following comments:

The Legislature has complete constitutional authority to define all county boundaries and, in that connection, to provide for apportionment of the public debt. It may therefore re-write Collier County's boundaries to create a new "County" of Naples if it so chooses.

Obviously, the several county functions must be provided for; and while they are too numerous to fully set forth here none of these functions are so burdensome or complicated as to preclude their efficient operation in a "County" of Naples.

Although the present boundaries of Collier County are the result of at least three previous divisions of larger counties into smaller ones, the creation of a Naples "County" at this time would be unusual, to say the least. Certainly, all Council members should understand the natural hesitancy of the Legislature to move in this direction. For instance, the Legislature would be greatly concerned with the potential creation of a precedent. Therefore, one can easily see that it could not be done without the overwhelming support of the City residents and in addition, the support or at least firm approval of the County.

Mayor and Council
January 30, 1981
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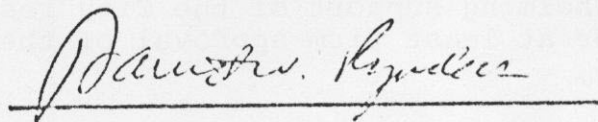
Certainly, no proposal of this nature could be made before all of the ramifications were adequately anticipated. Therefore, this office recommends the creation of a feasibility study committee to: (1) identify the problems and requirements; (2) propose responsible solutions to each; and (3) marshal the necessary community support.

The creation of such a committee would have the following benefits:

- (1) It would involve local citizens actively in the process, a vital concern if community support is to be mobilized.
- (2) It could study the functions of the present City government and the constitutional officers, the judiciary and the school system and propose ways to mesh these offices.
- (3) It could reach independent conclusions regarding the ultimate desirability of such a proposal, thereby adding to the base of support for the proposal.
- (4) It could act to increase community support for the proposal.

Since this committee would be purely advisory, its members would not have to meet the disclosure requirements of Florida's Public Ethics Law. Compliance with the open meeting requirements of the Sunshine Law, while not technically applicable, would be well-advised; since public meetings on this proposal can only help in developing community awareness and support.

In conclusion, I believe that a committee of perhaps five members, assisted by my office and with advice from the several City and County departments affected could quite easily develop a very desirable combined City/County charter for a "County" of Naples; and, while recognizing that the proposal may be to many an idea whose time has not yet come, one might well reserve one's skepticism.





City of Naples

735 EIGHTH STREET, SOUTH - NAPLES, FLORIDA 33940

TO: HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL
 FROM: GEORGE M. PATTERSON, CITY MANAGER
 SUBJECT: WRECKER SERVICE ROTATION POLICY - RATE SCHEDULE
 DATE: JANUARY 28, 1981

In April of 1978, City Council passed a resolution adopting a wrecker service rotation policy and rate schedule for the City of Naples. Since its original adoption the rate schedule has never been increased. Based on a request by the towing firms presently on rotation to increase the existing rates, we surveyed a few towing firms in other cities as well as the Florida Highway Patrol and Collier County Sheriff's Department. Based on our findings, I recommend an increase in the existing rate schedule as follows:

<u>DESCRIPTION</u>	<u>EXISTING</u>	<u>RECOMMENDED</u>	<u>% INCREASE</u>
1. Flat Rate Per Call (Day)	\$25.00	\$35.00	40%
2. Flat Rate Per Call (Night)	\$30.00	\$40.00	33.3%
3. Charge for Use of a Dolly	\$15.00	\$17.50	16.7%
4. Open Storage (Per Day)	\$3.00	\$4.00	33.3%
5. Inside Storage (Per Day)	\$5.00	\$6.00	20%
6. Hourly Rate For Additional Services (After One (1) Hour)	\$10.00	\$17.50	75%
7. Winch Out	\$15.00	\$19.00	26.6%
8. Double Hook-Up	\$10.00	\$12.50	25%
9. Change of Tires	\$5.00	\$7.00	40%

We have reviewed this new rate schedule with all the towing firms on rotation and although we could not satisfy all their requests, the majority of the increases were agreed upon.

We also made one change to the rotation policy regarding copies of towing bills. (See Section D-02 of policy). This section was added to ensure that the rate schedule is adhered to.

Based on our survey and the fact that the existing rates have not been increased in almost three (3) years, I respectfully request that the rate schedule be amended as outlined above.

Attached for your review is an analysis of our survey, the wrecker service rotation policy, and the amended rate schedule.

Respectfully submitted,

George M. Patterson
 George M. Patterson,
 City Manager