

MINUTES OF THE REGULAR MEETING OF THE NAPLES CITY COUNCIL HELD IN THE COUNCIL CHAMBERS,
NAPLES, FLORIDA, ON WEDNESDAY, APRIL 21, 1982, AT 9:10 A.M.

Present: Stanley R. Billick
Mayor

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

Also present: Franklin C. Jones, City Manager
David W. Rynders, City Attorney
John McCord, City Engineer
Reid Silverboard, Chief Planner
Paul Reble, Police Chief
William Savidge, Public Works
Director
Randy Davis, Parks & Recreation
Director

Roger Barry, Community Development
Director
Mark Wiltsie, Assistant to the City
City Manager
Norris Ijams, Fire Chief
Ray McGhee, Equipment Maintenance
Director

Reverend Walter Lauster
Charles Andrews
Mr. & Mrs. Craig Kiser
William G. Schlee
Peter L. Beach
Larry Ward
Grace Kirchner
Victor Vargas
Paul Harris
Richard DeMers
Robert N. Bell
Odell Smith
Jim McRae
Sam Aronoff
Glenn Chesebrough
Sheldon Reed
OrsieAnthony
Terry Morgan
Tom Smith
Wayne Martin
Sandy Exum
Arndt Mueller
Ginger Westman
Marian DeForest

Philip Sowersby
Mark Weakley
Toby Carroll
Eloise Stevens
George Cecil
Walter Olsen
Edward Hannam
William Barton
Arnold Lamm
William Shearston
Bruce Goldie
Willie Hollis
Alton Scrivens
Robert Russell
Lyle Richardson
Lloyd Sarty
James McGrath
Jim McLaughlin
Daniel Spina
Richard Grant
Jim Gaynor
Sue Smith
Kay Granger
Leroy Hawkins

News Media: James Moses, Naples Daily News
Steve Kaskovich, News Press
Dory Owen, Miami Herald
Brad Rittner, WBBH-TV
Kathy

Lynn Levine, TV-9
Jerry Pugh, TV-9
Scott Stewart, TV-9
Susan Gardner, TV-9

Other interested citizens and visitors

Mayor Billick called the meeting to order at 9:10 a.m.; whereupon Reverend Walter Lauster of the Church of God 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 Workshop Meeting of March 16, 1982 and the Regular Meeting of March 17, 1982. He further noted that the minutes for the Regular Meeting of April 7, 1982 would be submitted at a later date. Mr. Holland moved approval of the minutes presented as written, seconded by Mr. Wood and carried by consensus.

AGENDA ITEM 4. ANNOUNCEMENTS - MAYOR BILLICK

Mayor Billick noted that he had added this Agenda Item in an attempt to maintain some continuity and to present status reports. At this time he noted that Council had discussed requesting an Attorney General's Opinion regarding the current manner in which the City was granting vacations and that this request would be prepared and presented for Council's approval before it was forwarded.

AGENDA ITEM 5. Employee Award Ceremony

Mayor Billick and City Manager Jones made awards to employees who had been with the City for five years or longer (Attachment #1).

AGENDA ITEM 6. Community Development Department/Naples Planning Advisory Board

AGENDA ITEM 6-a. Naples Planning Advisory Board recommendation to approve: Non-conformity Petition No. 82-N1 Petitioner: Naples Sailing and Yacht Club
Location: 896 River Point Drive. Request to erect a canvas cover and screen enclosure over an existing outdoor dining and patio area at the Naples Sailing and Yacht Club.

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

A RESOLUTION AUTHORIZING EXPANSION OF A NONCONFORMITY TO PERMIT THE NAPLES SAILING & YACHT CLUB TO COVER AND SCREEN-IN AN EXISTING PATIO AT 896 RIVER-POINT DRIVE, SUBJECT TO THE CONDITION SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Mayor Billick noted that Mr. Wood was a member of the Naples Sailing and Yacht Club and had disqualified himself from taking action on this subject (Attachment #2).

Let the record show that Mr. Wood left the Council table at 9:20 a.m.

William Schlee, Chairman of the Building and Grounds Committee of the Naples Sailing and Yacht Club, presented himself to answer any questions. Mr. Anderson asked about the findings included in the staff report. Roger Barry, Community Development Director, noted that the petitioner had agreed to re-stripe the parking lot and provide more parking spaces. Mr. Thornton moved for adoption of Resolution 3989, 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, yes; Mr. Wood, absent; Mayor Billick, yes.

Let the record show that Mr. Wood returned to the Council table at 9:23 a.m.

AGENDA ITEM 6-b. First Reading of an Ordinance and Naples Planning Advisory Board recommendation to approve: Rezone Petition No. 82-R3 Petitioner: Emcor, Inc., Weakley and Shurtz, d/b/a Trails End Motel Location: 309 Ninth Street South Request for a Change of Zone from "C3", Heavy Business, to "C2", General Commercial, for the easterly 263.5 feet of the Trails End Motel Facility and adjacent vacant lands to the east; in order to accommodate a proposed expansion of the Trails End Motel.

An ordinance rezoning the hereinafter described property located in Block 17, Tier 10, Naples Seaboard Replat, from "C3", Heavy Business to "C2", General Commercial, the same being a portion of the existing Trails End Motel facility at 309 Ninth Street South and adjacent vacant property; directing that the Zoning Atlas be amended to reflect said rezoning; and providing an effective date. Purpose: To rezone the property described herein at the owner's request.

City Attorney Rynders read the above captioned ordinance by title for Council's consideration on First Reading. Mark Weakley, petitioner, presented himself to answer any questions Council may have. He noted they had also requested a special exception and a nonconformity. He outlined their plans for expansion. He further noted their compliance with paving all of the alley system except for one portion of one. Roger Barry, Community Development Director, noted that the special exception petition and the nonconformity petition will be heard on the Agenda with the Second Reading of this ordinance. Mr. Thornton moved approval of the ordinance on First Reading, seconded by Mr. Wood and carried on roll call vote, 7-0; Mr. Anderson, yes; Mr. Holland, yes; Mr. Rothchild, yes; Mr. Schroeder, yes; Mr. Thornton, yes; Mr. Wood, yes; Mayor Billick, yes. Mr. Schroeder noted he still had an interest in the portion of the alley system that was not scheduled for paving.

AGENDA ITEM 6-c. First Reading of an Ordinance and Naples Planning Advisory Board recommendation to approve: Rezone Petition No. 82-R2 Petitioner: City of Naples Location: 997 26th Avenue North Request for a Change of Zone from "HC", Highway Commercial and "R1-7.5", Single-Family Residential, to "PS", Public Service; in order to re-establish Fire Station No. 2 as a conforming use in an appropriate zone district, and to permit construction of a 17' x 30' additional storage space, and a training tower at the facility.

An Ordinance rezoning property at 997 26th Avenue North, being the location of the City of Naples Fire Station No. 2, from "R1-7.5", Single-family Residential and "HC", Highway Commercial, to "PS", Public Service; directing that the Zoning Atlas be amended to reflect said rezoning; and providing an effective date. Purpose: To re-establish Fire Station No. 2 as a conforming use in an appropriate zoning district.

City Attorney Rynders read the above referenced ordinance by title for consideration by Council on First Reading. Norris Ijams, Fire Chief, answered questions from Council about this new facility. He noted he had discussed it with the people in the neighborhood including the one person who had objected, Paul Bendel. It was Chief Ijams' opinion that the extra foliage they intended to put in along with what was there would diminish the visibility of the tower and the added blacktopped area would permit the firemen to test their hoses on their own property instead of in the street, another thing Mr. Bendel had complained about. Mr. Rothchild moved approval of the ordinance on First Reading, seconded by Mr. Anderson and carried on roll call vote, 7-0; Mr. Anderson, yes; Mr. Holland, yes; Mr. Rothchild, yes; Mr. Schroeder, yes; Mr. Thornton, yes; Mr. Wood, yes; Mayor Billick, yes.

AGENDA ITEM 7. PUBLIC HEARING and Second Reading of an Ordinance

An Ordinance relating to the City's Purchasing Policy; amending Section 15.12 of the Charter of the City of Naples; entitled "Competitive Bidding", by adding a new paragraph to Subsection (b); and providing an effective date. Purpose: To establish a policy regarding bid awards to sole bidders.

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 9:46 a.m. and noted that a letter had been distributed to the Council members this morning from the Naples Chamber of Commerce (Attachment #3). Mr. Holland suggested amending this ordinance to say that if a single bid was received that it be returned to the bidder unopened. Mayor Billick suggested that it be opened but not publicized. City Manager Jones noted that not opening a bid would not give the City the option of accepting it if it were reasonable. And he further noted that once the City received a bid and opened it, it became public record. He added that an administrative procedure could be set up wherein if a single bid wasn't considered fair and reasonable, he could ask Council's authorization to re-bid but not actually telling Council what the bid price was. Jim McLaughlin, representing the Chamber of Commerce and also Highway Pavers, joined in the discussion of this matter with the Council. City Attorney Rynders affirmed the City Manager's statement that if the bid was received and opened, it would become public record and the public had access to that information. However, the City Manager noted that the City did not have to go out of their way to publicize the price. City Manager Jones suggested leaving it up to the bidder at the time of bid opening, if it was a single bid, whether or not to open it or return it. Mr. Schroeder noted that this could work out not to be to the best advantage of the City. Craig Kiser, citizen, asked questions about receiving three or four bids and finding that only one was qualified. After further discussion, Mr. Anderson moved to adopt Ordinance 3990 as presented on Second Reading, seconded by Mr. Thornton and carried on roll call vote, 5-2; Mr. Anderson, yes; Mr. Holland, no; Mr. Rothchild, yes; Mr. Schroeder, yes; Mr. Thornton, yes; Mr. Wood, yes; Mayor Billick, no.

AGENDA ITEM 8. Resolution for accepting donations for dredging at various locations including Doctors Pass and Moorings Bay. Requested by Save the Bays Association, Inc.

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

A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ACCEPT DONATIONS FOR THE "SAVE THE BAYS PROJECT" AND TO ADMINISTER AND DISBURSE SUCH FUNDS THROUGH THE NAPLES PLAN; AND PROVIDING AN EFFECTIVE DATE.

Daniel Spina, president of the Save the Bays Association, Inc., addressed Council and read the information in a hand-out he distributed to Council members (Attachment #4). Mayor Billick confirmed with City Manager Jones that the City Manager had no problem with the request and it could be handled through the Naples Plan fund. After further discussion of the Association's aims and policies, Mr. Anderson moved adoption of Resolution 3991, seconded by Mr. Schroeder and carried on roll call vote, 7-0; Mr. Anderson, yes; Mr. Holland, yes; Mr. Rothchild, yes; Mr. Schroeder, yes; Mr. Thornton, yes; Mr. Wood, yes; Mayor Billick, yes.

AGENDA ITEM 9. Request for equitable settlement of \$50,220 as sewer connection charges under Section 11-3.1 of Code of Ordinances of the City of Naples for Grand Central Station Shopping Plaza. Requested by Grand Central Station Shopping Plaza, a partnership.

City Attorney Rynders noted there was no resolution in the packet for this Agenda Item. City Manager Jones reviewed the material in a letter from the Attorney representing Grand Central Station Shopping Center (Attachment #5) and his memo of April 20, 1982 (Attachment #5). He stated his opinion that the City's ordinance was perfectly clear and legal and that it had been the responsibility of the developer or his architect to obtain the information on charge that was now being contested. He did note, however, that the application of the formula in the ordinance might not be equitable in the case of a large development inasmuch as it was developed to be applied to single family homes. In answer to a question from Mayor Billick, the City Manager noted his recommendation that \$50,220.00 was a reasonable and equitable amount for the City to recover its costs of the lines that will service the property. Attorney Joseph Gaynor, representing the developer, addressed Council in support of their request for the reduction noted in their letter. In response to a question from Mayor Billick, City Attorney Rynders noted that under the ordinance the City may enter an agreement for an equitable charge.

Mr. Anderson moved to accept the recommendation of the City Manager to accept the \$50,220 as an equitable settlement, but he withdrew his motion until after further discussion.

Mr. Schroeder stated his desire to have charges like these levied in a consistent manner.

Mr. Rothchild noted his feeling that the charges were computed in a proper fashion and asked for more time to familiarize himself with the ordinance and its background.

Mr. Holland objected to any reduction and asked why this objection was being raised at this late date inasmuch as the developer should have been knowledgeable about these charges from the beginning of construction. Mr. Rothchild suggested the possibility of the City accepting Attorney Gaynor's offer of paying the balance off over a period of time but at 15% interest rather than the stated 7%. Mr. Holland asked to have the figures on the connection charges for two other recent developments in the City.

Mr. Anderson moved approval of the City Manager's recommendation to accept the \$50,220.00 paid as described in Attorney Gaynor's letter, seconded by Mr. Schroeder. Mr. Rothchild cited the statements of the City Attorney and the City Manager and noted his feelings that some decisions had been made prior to the Council meeting to which Mr. Schroeder responded that he had come to no agreement nor made any conclusions prior to the meeting. Mr. Schroeder further asked that his response be spread on the minutes. City Attorney Rynders noted that he and the City Manager make recommendations constantly. Motion carried on roll call vote, 5-2; Mr. Anderson, yes; Mr. Holland, no; Mr. Rothchild, no; Mr. Schroeder, yes; Mr. Thornton, yes; Mr. Wood, yes; Mayor Billick, yes.

AGENDA ITEM 10. Action on Wastewater Treatment Plant expansion pursuant to Council Conference. Requested by City Manager

Mayor Billick noted City Manager Jones' memo of April 16, 1982 (Attachment #6), that had been discussed in depth at the Workshop Meeting of April 20, 1982, and that a motion was needed to implement the recommendations contained therein. In response to a question from Mr. Rothchild, Bill Barton of Wilson, Miller, Barton, Soll & Peek noted that he had been misquoted in the newspapers relative to building a treatment plant in East Naples. Arnold Lamm, citizen, noted his feeling that the City should concern itself with a sewer system in East Naples. Mr. Schroeder noted that at the Workshop Meeting yesterday that Council had directed the Mayor to work with Commission Chairman Wimer on getting the County involved and working towards a sewer system. Arndt Mueller, citizen, expressed his feeling that it was not the duty of the City to provide sewer service in the County. Mr. Schroeder moved to approve implementation of the City Manager's recommendations as outlined in his memo of April 16, 1982, seconded by Mr. Anderson and carried on roll call vote, 7-0; Mr. Anderson, yes; Mr. Holland, yes; Mr. Rothchild, yes; Mr. Schroeder, yes; Mr. Thornton, yes; Mr. Wood, yes; Mayor Billick, yes. Mr. Rothchild noted appreciation for the work done by the League of Women Voters on this problem.

AGENDA ITEM 11. Discussion/action on number of City vehicles driven home by City employees on Department-by-Department basis. How is it justified for this number to increase from five in 1976 to in excess of 20 in 1982? Requested by Councilman Holland

Mr. Holland moved that Agenda Item 11 be removed from the Agenda, seconded by Mr. Anderson and carried on roll call vote, 7-0; Mr. Anderson, yes; Mr. Holland, yes; Mr. Rothchild, yes; Mr. Schroeder, yes; Mr. Thornton, yes; Mr. Wood, yes; Mayor Billick, yes.

AGENDA ITEM 12. Discussion/action on City Manager's notice of his desire to receive a car allowance for use of his personal vehicle in lieu of his City furnished vehicle. Requested by Councilman Holland

Mr. Anderson noted that other agencies in Naples provide a higher mileage allowance than City Manager Jones was requesting and that the City Manager could have done it administratively without consulting Council. City Attorney Rynders confirmed the second statement. Mr. Rothchild noted that others were usually reimbursed \$.20/mile for the use of their personal cars. In response to a question from Mr. Holland, Mr. Anderson noted that the use of a car for personal use had been a provision of employment for the prior City Manager. Sue Smith, citizen, spoke in opposition to the request. After further discussion, Mr. Anderson moved to approve the request by City Manager Jones to receive \$200.00 a month in lieu of the use of a City car, seconded by Mr. Schroeder and carried on roll call vote, 4-3; Mr. Anderson, yes; Mr. Holland, no; Mr. Rothchild, no; Mr. Schroeder, yes; Mr. Thornton, yes; Mr. Wood, no; Mayor Billick, yes.

AGENDA ITEM 13. Discussion/action on installation of improved lighting at various beachends. Requested by Councilman Holland

Mr. Holland noted that he had been told that Council did not need to take action to implement this program. Mr. Anderson noted memorandum from Chief Reble dated April 16, 1982 (Attachment #7). City Manager Jones responded that the program could go ahead as long as Council had no objections.

Let the record show that Mr. Anderson left the Council Chambers at 11:39 a.m.

After further discussion, it was the consensus of Council that this additional lighting be done.

AGENDA ITEM 14. A resolution approving and authorizing the Department of Banking and Finance of the State of Florida in accordance with §17.075, Florida Statutes and the Florida Department of Revenue in accordance with rule 12-10.09 (F.A.C.) to designate a bank to receive the revenue sharing state warrant; authorizing the bank so designated to wire transfer said revenue sharing funds to a bank designated by the City of Naples to receive such funds; and further to authorize the bank designated by the Department of Banking and Finance of the State of Florida and the Florida Department of Revenue to deduct the cost of the wire transfer from the amount received for transfer. Requested by the City Manager

City Attorney Rynders read the above captioned resolution by title for consideration by Council; whereupon Mr. Rothchild moved adoption of Resolution 3992, seconded by Mr. Thornton and carried on roll call vote, 6-0; Mr. Anderson, absent; Mr. Holland, yes; Mr. Rothchild, yes; Mr. Schroeder, yes; Mr. Thornton, yes; Mr. Wood, yes; Mayor Billick, yes.

AGENDA ITEM 15. Ratification of Contract between the City of Naples and International Association of Fire Fighters, Local 2174. Requested by City Manager

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

A RESOLUTION RATIFYING AND CONFIRMING THE CONTRACT BETWEEN THE CITY OF NAPLES AND INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, LOCAL 2174, EFFECTIVE APRIL 14, 1982, THROUGH MARCH 31, 1984; AND PROVIDING AN EFFECTIVE DATE.

City Manager Jones noted that this was a two year contract and that the General Employees had approved their two year contract last night. Mr. Rothchild moved adoption of Resolution 3993, seconded by Mr. Wood and carried on roll call vote, 6-0; Mr. Anderson, absent; Mr. Holland, yes; Mr. Rothchild, yes; Mr. Schroeder, yes; Mr. Thornton, yes; Mr. Wood, yes; Mayor Billick, yes. Mr. Schroeder commended Mark Wiltsie, Assistant to the City Manager, for his work on the negotiations.

AGENDA ITEM 16. Ratification of Contract between the City of Naples and Fraternal Order of Police, Collier County Lodge No. 38. Requested by City Manager

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

A RESOLUTION RATIFYING AND CONFIRMING THE CONTRACT BETWEEN THE FRATERNAL ORDER OF POLICE, COLLIER COUNTY LODGE NO. 38, EFFECTIVE APRIL 13, 1982, THROUGH MARCH 31, 1984; AND PROVIDING AN EFFECTIVE DATE.

Mr. Rothchild moved adoption of Resolution 3994, seconded by Mr. Wood and carried on roll call vote, 6-0; Mr. Anderson, absent; Mr. Holland, yes; Mr. Rothchild, yes; Mr. Schroeder, yes; Mr. Thornton, yes; 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 11:46 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 05-05-82

FIVE YEARS ATTACHMENT #1 - page 1

(from 10/01/81 to 4/30/82)

NAME	DEPT.	ENTRY DATE	CURRENT CLASSIFICATION
✓ Mark W. Wiltsie	City Mgr.	2/16/77	Ass't to City Mgr
✓ Richard D. DeMers	Comm. Dev.	6/30/75	Electrical Inspec
Bruce Bowlby	Engineering	10/6/76	Eq. Operator IV
✓ Jacquelyn Beraman	Finance	4/21/77	Customer Service
✓ Orsie Anthony	Fire	10/25/76	Driver/Engineer
✓ Terrill Morgan	Fire	3/14/77	Driver/Engineer
✓ Sheldon Reed	Fire	10/25/76	Fire Lt.
✓ Kay Eilen Granger	Parks & Rec.	10/9/76	Tennis Aide
✓ James J. Byrne	Police	3/28/77	Police Sergeant
✓ Wayne Exum	Police	10/11/76	Police Officer
✓ Lawrence J. Ward	Police	3/7/77	Police Officer
✓ Victor M. Vargas	Police	3/7/77	Police Officer
✓ Howard W. Lowery	Public Works	1/19/77	Service Worker II
✓ Eddie Walker	Public Works	11/19/76	Eq. Operator III

TEN YEARS

✓ Odell Smith	Equip. Mgt.	11/5/71	Auto Mechanic I
✓ Glen L. Chesebrough	Fire	2/11/72	Fire Captain
✓ Millie A. Hollis	Parks & Rec.	1/6/72	Service Worker I
✓ Paul L. Harris	Police	4/29/72	Police Officer
✓ Grace B. Kirchner	Police	5/30/72 (retiring)	Clerk Typist
✓ Peter L. Beach	Police	3/10/72	Police Officer
✓ Alton L. Scrivens	Public Works	1/13/72	Storekeeper

ATTACHMENT #1 - page 2

FIFTEEN YEARS

(from 10/01/81 to 4/30/82)

NAME	DEPT.	ENTRY DATE	CURRENT CLASSIFICATION
✓ Randy Davis	Parks & Rec.	12/5/66	P & R Director
<u>THIRTY YEARS</u>			
✓ Leroy Hawkins	Public Works	10/18/51	Meter Reader Supv.
<u>THIRTY-FIVE YEARS</u>			
✓ William Savidge	Public Works	2/1/47	Public Works Direc

ATTACHMENT #2

FORM 4 MEMORANDUM OF VOTING CONFLICT

LAST NAME - FIRST NAME - MIDDLE NAME Wood, Kenneth A.		AGENCY IS THAT OF:		DATE ON WHICH VOTE OCCURRED April 21, 1982
MAILING ADDRESS 1942 Kingfish Road		<input type="checkbox"/> STATE	NAME OF PERSON RECORDING MINUTES Ellen P. Marshall	
CITY Naples, Florida	ZIP 33940	<input type="checkbox"/> COUNTY	TITLE OF PERSON RECORDING MINUTES Deputy City Clerk	
NAME OF AGENCY City of Naples		<input checked="" type="checkbox"/> MUNICIPALITY	SPECIFY	
		<input type="checkbox"/> OTHER		

MEMORANDUM OF CONFLICT OF INTEREST IN A VOTING SITUATION [Required by Florida Statutes § 112.3143 (1979)]

you have voted in your official capacity upon any measure in which you had a personal, private, or professional interest which inures to your special private gain or the special private gain of any principal by whom you are retained, please disclose the nature of your interest below.

Description of the matter upon which you abstained from voting
you abstained from voting

Motion to approve nonconformity petition of Naples Sailing and Yacht Club

Member of Naples Sailing and Yacht Club

Description of the personal, private, or professional interest you have in the above matter which inures to your special private gain or the special private gain of any principal by whom you are retained:

Person or principal to whom the special gain described above will inure:

Yourself b. Principal ~~xxxxxxx~~ Naples Sailing & Yacht Club
to whom special gain will inure: (NAME)

SIGNATURE
Kenneth A. Wood
DATE ON WHICH FORM 4 WAS FILED WITH THE PERSON RESPONSIBLE FOR RECORDING MINUTES OF THE MEETING AT WHICH THE VOTE OCCURRED:

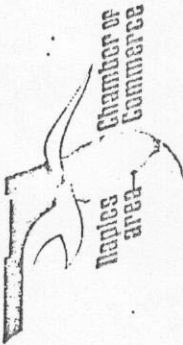
FILING INSTRUCTIONS

This memorandum must be filed within fifteen (15) days following the meeting during which the voting conflict occurred with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the meeting minutes. This form need not be filed merely to indicate the absence of a voting conflict. Florida law permits but does not require you to abstain from voting when a conflict of interest arises; if you vote, however, the conflict must be disclosed pursuant to the requirements described above.

FILE: UNDER PROVISIONS OF FLORIDA STATUTES § 112.317 (1979), A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES CAUSAL NEGLIGENCE AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE, FURTHERMENT, REMOVAL, REPRISAL, OR A CIVIL PENALTY NOT TO EXCEED \$5,000.

ATTACHMENT #3

AGENDA ITEM #7
4/21/82



1700 NORTH TAMiami TRAIL • NAPLES, FLORIDA 33940 • PHONE (813) 262-4165

April 19, 1982

Frank Jones, City Manager
City Hall
735 Eighth St. South
Naples, Fl. 33940

Dear Mr. Jones:

Pursuant to your request of April 9, 1982, our committee has reviewed your proposed City ordinance relating to the City's purchasing procedures and are pleased to submit the following comment:

---If option #3 is selected, that is calling for a re-bid, bids should be returned to the sole bidder without a public disclosure of same (particularly in the case of unit item bids).

Thanks for the opportunity to contribute our input to this important question.

Yours truly,

William W. McGowan, III

William W. McGowan, III
Executive Vice President

WWMCG:ch

cc: Stewart K. Unangst



21 April 1982

OUTLINE

ATTACHMENT #4 - page 1

PRESENTATION BEFORE NAPLES CITY COUNCIL BY SAVE THE BAYS ASSOCIATION, INC.

BY: E. DANIEL SPINA, President
2800 Gulf Shore Blvd.N
Naples, FL 33940

1. THANKYOU for the opportunity to tell you about our Association, the problem we are working on, and our request for your help.
2. THE SAVE THE BAYS ASSOCIATION has a working committee of 22 dedicated residents. No one receives any salary. Anyone who contributes to the work of the Association is automatically a member.
3. THE ASSOCIATION is a non-profit corporation chartered by the State of Florida. The Secretary of State granted the charter on March 30th, 1982.
4. ALSO, application for tax exemption status has been filed with the IRS under classification 501 (c) (3) so that contributions to the Association are tax deductible.
5. IN THE NEXT FEW DAYS the Association will begin mailing 5000+letters to area residents, property owners, condominium and owners associations, realtors, etc. The area being contacted is from Banyan Blvd. north to Seagate.....and from Route 41 west to the Gulf.
6. WE WILL WORK TO RAISE \$50,000 as our first effort. To date we have received \$6900. Of this \$5000 was from Mr. Scott Lutgert of the Scottsdale Company. The remainder was from our committee members and three spontaneous contributions from residents who learned of our work.
Our expenses to date are for the mailing labels and U.S. Postage Permit. We paid \$300 to the Collier County Board of Commissioners for their help with the labels. We paid \$80 to the Postal Service.
The Naples Federal Savings and Loan is underwriting much of the letter, printing and envelope costs. Our legal costs have been contributed by Attorney, Oliver Grootemaat.
7. THE FIRST \$50,000 WILL BE USED AS FOLLOWS:
\$8000 to \$10,000 for engineering services, fees and permit processing work.
\$35,000 to remove 10,000 cubic yards of sand, i.e., \$3.50 per cubic yard. This is from two sandbars.
We have these preliminary cost proposals from Tackney and Associates, Inc. of Naples and we believe the costs reflect a "bargain".
8. OF COURSE, additional funds will be needed to cover costs of maintenance dredging. The unique CRATER SINK METHOD is to be tested.

-2-

ATTACHMENT #4 - page 2

9. WE WILL ALSO WORK TO OBTAIN THE ADDITIONAL FUNDS from other sources such as the State, the Army Corps of Engineers, and/or a special TAX DISTRICT, as was done in Sanibel, for example. We will need the City's guidance and assistance in pursuing these areas.
10. WE WILL ALSO IDENTIFY OTHER SANDBARS WHICH ARE PROBLEM AREAS. At this time we have identified two sandbars which in total would comprise the first 10,000 cubic yards to be removed. We hope to have permission to deposit the sand on the beach of Indies West condominium, just south of Doctors Pass.
11. HAVING EXPLAINED THE HIGHLIGHTS OF THE ASSOCIATION AND ITS PLAN TO SAVE THE BAYS.....let me zero-in on the PROBLEM.
12. THE BAYS ARE DYING! SAND IS BUILDING UP at Doctors Pass, both, at the outside and the inside. The first \$50,000 is to cut through these sandbars and maximize as much as possible the flow and open waters.
13. ALSO WE ARE CONCERNED WITH POLLUTION AND SAFETY. We will monitor pollution and will work with the US Coast Guard to have pilings (day marks) placed to show where the water is safe.
LET ME SHOW YOU three charts to better explain the picture for you. These charts were prepared by the Naples Power Squadron for the Moorings Property Owners Association.
A chart shows how the bay was layed out.
The second shows measurements of depth.
The third shows where the two major problem areas are located. These are the two sandbars where the first dredging would take place.
14. WE DO NOT propose to dredge out the entire flats area of the Bay. On some days one may see birds walking on the flats at low tide. What we are planning is to request dredging permits, 10,000 cubic yards maximum per permit.....to restore open waters and ensure that the Pass will NOT close for effective use, much like what happened at BLIND PASS in the St.Petersburg area.
15. IN 1966 DOCTORS PASS had a charted depth of 15 feet at the mouth. After hurricane ALMA the depth was 2 feet. The Pass was then redredged to 15 feet. TODAY we say the controlling depth is 3 feet at low tide. Similarly, inside the Pass we have three feet at low tide....NOT 15 feet! WE CANNOT LET THE PASS CLOSE!
16. WE ARE ASKING THE NAPLES CITY COUNCIL to assist us by allowing the donations to be mailed directly to the City of Naples for the purpose we have described today.....and to ask the city to assist us and encourage us to move ahead with your blessing.
17. LASTLY, we would like to offer some reasons why such action by the City Council is in the public interest. They are attached.

Law Offices of

Jacobs, Robbins, Gaynor, Hampp
Burns, Cole & Shasteen, P.A.
One Plaza Place Northeast, Suite 700
St. Petersburg, Florida 33701

P.O. Box 14034
St. Petersburg, Florida 33713
St. Petersburg (813) 895-1971
Tampa (813) 223-2576
Refer to File No:
(4519)18107

Howard M. Bernstein
Russell M. Blain
Jed D. Bernstein
Coy M. Burns
John H. W. Cole
L. James Dickson
V. James Dickson
Benjamin Felder
William J. Flynn III
Joan A. Fortune
Joseph W. Gaynor
Kurt P. Hampp
John Curtis Huels

Richard O. Jacobs
Karen M. Kaufman
John L. Maloney
Stewart O. Olson
David L. Robbins
Walter L. Schaler, Jr.
William M. Schneblatt
Sharon E. Sell
Philip M. Shasteen
James B. Sobie
James A. Szaack
Betsy K. Steele
L. Geoffrey Young

April 15, 1982

Frank Jones, City Manager
City of Naples
735 Eighth Street South
Naples, Florida 33940

Re: Grand Central Station
Shopping Plaza

Dear Mr. Jones:

This letter will confirm the results of our meeting on April 12 with you and David Rynders and subsequent conversations regarding Mr. Rynders' letter of March 31, 1982 (sewer connection fees of \$109,371.14).

It is the position of our client that the charge is an assessment rather than a fee and that the ordinance is improperly drafted and is not applicable to the subject property, and that the application of the ordinance to the subject property is in itself unconstitutional because of the discriminatory application of the ordinance. We also feel that there are several equitable reasons for not paying the amount because our architect met with your Building Department and obtained a schedule of fees prior to our commencing construction. The system connection charge was not included which further confirmed our architect's interpretation that Ordinance 11-3.1 did not apply to this project.

There was a further problem in the manner in which the fee (assessment) is charged. If a new system was being constructed for our project, the owner of the property would receive an assessment based on his pro rata share. The pending assessment or lien would appear on a title search. My client paid a purchase price based on water and sewer availability subject to the charges



April 21, 1982

WHY IT IS IN THE PUBLIC INTEREST FOR THE NAPLES CITY COUNCIL TO SUPPORT THE SAVE THE BAYS ASSOCIATION PROJECT?

SAVE THE BAYS ASSOCIATION WORKS TO IMPROVE DOCTORS PASS AND ITS CONNECTING BAYS AS MAJOR ASSETS IN NAPLES AND THEREBY BENEFITS THE CITY OF NAPLES.

- POLLUTION** The Save the Bays Association wishes to monitor pollution and offer ways to improve the waters. For example, work parties could gather floating debris from the Bays. The waters appear polluted! There is slime, trash, shrubbery, dead fish and sometimes, dead pelican.
- BEAUTIFICATION** Our area is a waterfront area. The Bays are a priceless heritage. They could not be constructed today! It is in the interest of the City Council to do all it can to ensure their continued existence and usefulness.
- SAFETY** Elimination of sand bars which cause danger to those using the Pass and the Bays, especially during weather when strong winds are on-shore. Vessels slam unknowingly into sand bars and are damaged easily and severely.

PLEASE ENCOURAGE US....PLEASE ASSIST US

Mr. Frank Jones
Page 3
April 15, 1982

settlement can be reached in order to avoid costly litigation. I have been authorized by my client to agree on their behalf to a \$50,220 settlement for the system connection charge which was previously assessed for \$109,371.14. In order to expedite receipt of this letter so that you could place this item on the Agenda, I have requested that my client forward to you by courier service their checks in the amounts of \$2,289.86 and \$16,740, representing one-third of the \$50,220 charge, the balance of \$33,408 with interest at the rate of 7% and payable in two years, having the next payment of \$16,750, together with accrued interest thereon being payable April 21, 1983, and the balance together with accrued interest thereon being payable thereon on April 21, 1984.

Both checks are being sent to David Rynders to be held in escrow pending the outcome of the City Council's decision on this matter on April 21, 1982. The check for \$2,289.86 has nothing to do with this proposal for settlement, but is conditioned upon an accounting of that sum since our records do not reflect that amount being due and owing. In the event the City Council does not look favorably upon this proposal for settlement, my client will pay the \$36,500 under protest and proceed to seek its legal and equitable remedies against the City of Naples. I feel that there have been many hurdles imposed upon my client during the construction of the shopping center which have required the cooperation of all parties concerned. I feel that for the most part we have received that cooperation from the City Council and members of your staff. We would hope that this matter could be amicably settled in order to avoid an adverse relationship in the future.

It is our understanding that upon receipt of this letter you will advise Donna Sumbo to process the second water meter so that my client can have the system in operation for its grand opening, notwithstanding the outcome of the April 21, 1982 meeting. The approval of the water meter and the imposition of the system connection charge should be separate matters and you certainly have multiple remedies to protect the City in that regard. By copy of this letter, I am advising David Rynders to hold the checks in escrow and should we receive an unfavorable vote from the City Council, we expect him to return the check in the amount of \$16,740 upon exchange of a new check in the amount of \$36,500, and the other check will also be returned in the event the City's records cannot substantiate the additional charge of \$2,289.86.

Mr. Frank Jones
Page 2
April 15, 1982

and impact fees described by your Building Department. The method and manner of your charge results in the seller being able to avoid his share of the assessment under the customary terms of a land sales contract.

We are also advised that this collection system was installed in the mid 1950's and in fact the history of the ordinance indicates that the charge has been raised from \$6.00 per hundred square feet to \$18.00 per hundred square feet through 1979. We feel that the charge is not commensurate with the cost of the system. Therefore, it is a penalty.

It would appear that we have two alternatives. First, pay the charge of \$109,371.14, using the formula described in Ordinance 11-3.1(b)(2)b, Page 81.212, whereby we would pay \$36,500 and the balance would be paid over two equal annual installments with interest at 7%, and then sue for a declaratory judgment challenging the constitutionality of the ordinance and its application to this project; or, secondly, attempt a settlement based on an "equitable and proportionate charge" based on the size and location of the parcel of land. On April 12, 1982, we attempted to negotiate with you an equitable remedy which resulted in the following proposed compromise:

1. The formula would be based on frontage to a depth of 150 feet.

(a) 10th Avenue -- 680 feet by 150 feet, or 102,000 square feet, and

(b) Goodlette Road -- 1,180 feet to a depth of 150 feet, or 177,000 square feet.

This would mean a charge of \$18,360 for the services abutting 10th Avenue and \$31,860 for the services abutting Goodlette Road, for a total of \$50,220. I was also advised that there is an outstanding amount of \$2,289.86 still owing for prior permits or hook up charges. On October 5, 1981, we tendered to you the following amounts: \$9,474 (water meter, \$4,062.25 (water impact), and \$4,537.50 (sanitary sewer impact)). We believe there was a misdescription between the water meter charge and the water impact charge. On December 7, 1981, we tendered a check for \$4,162 (water meter), \$9,750 (water impact) and \$4,970 (sewer impact). The December 7, 1981, check to the best of our knowledge has not been cashed as of this date.

This letter is a formal request to place this matter on the April 21, 1982, City Council Agenda so that an equitable

ATTACHMENT #6 - page 1

WORKSHOP ITEM #1
4/20/82

City of Naples

MEMO

TO: HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL
 FROM: CITY MANAGER FRANKLIN C. JONES
 SUBJECT: SEWAGE TREATMENT PLANT EXPANSION
 DATE: APRIL 16, 1982

After studying a series of reports by our consulting engineers, CH2M Hill, and meeting with representatives of the Department of Environmental Regulation (D.E.R.), sewer rate advisers and bonding advisers, and after reviewing information on the pros and cons of the various alternatives for plant size and disposal method, I think we are now at a point where we can recommend some specific actions to the Council. I would like to point out that cost estimates contained in the various reports and used in this review were developed for comparison and discussion purposes only. Those costs serve as a basis to compare alternatives and when those costs are used to develop examples of rates, those rates, too, are used for comparison. The actual cost, rates and amounts of funds to be obtained through the issuance of bonds will not be determined until more detailed design work is accomplished.

The following summarizes three recommendations which I am now making. More detailed information and discussions of the recommendations is attached in the reference tabs.

1. The City Council should now establish the service area for the City of Naples sewer system. Based on economic considerations, the current state of the municipal bond market and the risks that our system would bear, I recommend that the service area be limited generally to the area we now serve.

The area would include the City of Naples plus:

- The unincorporated area of Park Shore North of Horizon Way to Seagate Drive;
- The unincorporated area west of Goodlette Road and south of Pine Ridge Road; and
- The unincorporated area that includes the golf courses south of Pine Ridge Road and west of Airport Road.

This area is outlined on the attached map.
(Tab A)

ATTACHMENT #5 - page 4

Mr. Frank Jones
 Page 4
 April 15, 1982

Thank you for your assistance and cooperation in this matter and we will look forward to a favorable response from the City Council.

Very truly yours,

Joseph W. GAYNOR

JWG:jc

cc: Grand Central Station Shopping
 Plaza Partnership

David Rynders, Esquire

ATTACHMENT #7



City of Naples

MEMO

ATTACHMENT #6 - page 2

Mayor and Council
April 16, 1982
Page 2

2. The City Council should initiate action to select an engineer to design the treatment plant expansion. Because the selection process required by the Consultants Competitive Negotiations Act requires a fairly long lead time, I recommend that the Council begin the process by authorizing the necessary advertising and establish the method to be used to review the qualifications of the engineering firm and for the selection of the firm. (Tab B)

3. Cost data shows that the two principal disposal methods are very close in total cost when the cost of backup systems are not considered. There may be some alternatives in the design of backup systems. It also may be possible to offset the cost of backup systems through the sale of effluent in a spray irrigation system. In order to fully explore these possibilities, I recommend that further research be accomplished based upon a proposal submitted by the engineering firm of Wilson, Miller, Barton, Soil & Peck, Inc. (Tab C)

While these three recommendations do not totally provide the answers to our wastewater treatment problem, they will be an initial step that will set the size of the service area and select an engineer to design the plant to obtain further data on spray irrigation which would provide the final information that is needed to select a disposal method.

Respectfully submitted,

Franklin C. Jones
Franklin C. Jones
City Manager

FCC/tan
encs.

TO: Frank Jones, City Manager
FROM: Paul C. Reble, Chief of Police
SUBJECT: Additional street lights on beachheads
DATE: April 16, 1982

In a recent survey conducted of the beachheads, it was noted that there are presently three street lights directed out over the beach in the area of the pier. These three lights are located at Broad Ave, 12th Avenue South and 13th Avenue South.

The lights at Broad Avenue and 12th Avenue South cast sufficient light on the beach to create visibility for one-half block in each direction; however, the light at 13th Avenue South is of a particular type that is shielded and only casts light for a short distance around it. One of the reasons suggested for the shielded light at 13th Avenue South was the fact that residents may have objected to the light glaring in their windows.

A survey was conducted at this beachhead to see if the residents would object to an unshielded being replaced by one at 13th Avenue South. The residents on 11th Avenue South and 14th Avenue South beachheads were contacted to get their feeling on installing a light at each of these beachheads (see Appendix A).

Based on results of the survey, it is my recommendation that the shielded street light at 13th Avenue South be replaced with a light similar to the one installed at Broad Avenue and that these same lights be installed at 11th Avenue South and 14th Avenue South, directed out over the beaches. There has always been somewhat of a problem at 14th Avenue South and this light may discourage some of the groups that gather there late at night. There has not been quite as much of a problem at 11th Avenue South but has the potential of becoming so; therefore, I recommend that light also.

PCR:mm

Paul C. Reble
Paul C. Reble
Chief of Police