

MINUTES OF THE REGULAR MEETING OF THE NAPLES CITY COUNCIL HELD IN THE COUNCIL CHAMBERS,
NAPLES, FLORIDA, ON WEDNESDAY, MAY 19, 1982, AT 9:05 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
Stewart Unangst, Purchasing Agent

Roger Barry, Community Development
Director
Mark Wiltsie, Assistant to the
City Manager
Randy Davis, Parks & Recreation
Director

Reverend Rex Horton
Mr. & Mrs. H. G. Herrmann, Jr.
Charles Andrews
Mr. & Mrs. Alfred A. Kumbera
Hilda Beggs
Edna Curry
Benjamin G. Parks
Mr. & Mrs. Ross Parrack
William Collins
William Vines
Mary Frances Spencer
Eugene Burke
Philip Sowersby
John R. Wood
Jay Starke
Richard Livingston
Sam Aronoff
Mark Strain
George Ginos

George Langford
Sue Smith
Lyle Richardson
Gilbert Blanquart
William Shearston
Lloyd Sarty
Robert Russell
Richard Grant
Gilbert Weil
Walter Olson
Mr. & Mrs. Nelson Rose
William Register
John Smith
Nancy Green
Richard Morris
Ed. Trahey
Richard Hechler
F. R. Archibald
Jim McGrath

News Media: Lynn Levine, TV-9
Jerry Pugh, TV-9
Scott Stewart, TV-9
Steve Kaskovich, News Press

Tish Gray, Naples Star
James Moses, Naples Daily News
Kathy McClintock, WINK-TV
Tom Lowe, WEVU-TV

Interested citizens and visitors

Mayor Billick called the meeting to order at 9:05 a.m.; whereupon Reverend Rex Horton of the Golden Gate Presbyterian 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 5, 1982; whereupon Mr. Anderson moved approval of the minutes as presented, seconded by Mr. Wood and carried by consensus.

AGENDA ITEM 4. ANNOUNCEMENTS - MAYOR BILLICK

Mayor Billick noted that the City had received from DER a satisfactory draft of a consent order. It will be on the Agenda of the next Regular Council meeting. (Effluent disposal)

Mayor Billick noted that he and City Manager Jones had met with the Chairman of the County Commission and the Utilities Director of the County for a very exploratory talk and they will meet again in two weeks. (Sewage Treatment problem)

AGENDA ITEM 5. Community Development Department/Naples Planning Advisory Board:

AGENDA ITEM 5-a. Naples Planning Advisory Board recommendation to grant permanent approval for: Special Exception Petition No. 81-S4 Petitioner: Nickels & Dimes, Inc. (The Gold Mine) Location: Coastland Center

Request to grant permanent Special Exception approval to permit a "coin-operated amusement parlor" (Gold Mine Arcade) at Coastland Center, pursuant to Resolution No. 3769.

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

A RESOLUTION GRANTING A SPECIAL EXCEPTION TO PERMIT A COIN-OPERATED AMUSEMENT PARLOR IN THE COASTLAND MALL SHOPPING CENTER; AND PROVIDING AN EFFECTIVE DATE.

Bill Vines, representing petitioner, presented himself in case there were any questions. There being none, Mr. Anderson moved adoption of Resolution 4008, seconded by Mr. Rothchild, 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 5-b. Naples Planning Advisory Board recommendation to deny: Special Exception Petition No. 82-S10 Petitioner: William D. Collins, Jr. Location: 66 11th Avenue South

Request to permit a 6' high wood fence in a required front yard area where fences are normally limited to 3' in height, and in required side and rear yard areas where fences are normally limited to 5' in height.

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

A RESOLUTION GRANTING A SPECIAL EXCEPTION TO PERMIT A 6 FOOT HIGH WOOD FENCE IN THE REQUIRED FRONT, SIDE AND REAR YARD SETBACK AREAS AT 66 ELEVENTH AVENUE SOUTH, NAPLES, FLORIDA, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

William Collins, petitioner, approached Council and answered various questions about the fence. After further discussion, Mr. Thornton moved to accept the recommendation of the Planning Advisory Board to deny Special Exception Petition No. 82-S10, 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.

AGENDA ITEM 5-c. PUBLIC HEARING and Naples Planning Advisory Board recommendation to approve: Easement Vacation Petition No. 82-A3 Petitioner: Richard Q. Livingston
 Location: 1176 Spyglass Lane
 Request for a vacation of a 10' wide drainage easement in exchange for an alternate easement previously accepted by the City Council, per Resolution 3869, and used for the construction of a new storm drain.

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

A RESOLUTION VACATING AND ABANDONING A 10 FOOT DRAINAGE EASEMENT ACROSS A PORTION OF LOTS 41 AND 42 IN THE GALLEON DRIVE AND SPYGLASS LANE SECTION OF PORT ROYAL IN EXCHANGE FOR AN ALTERNATE EASEMENT; AND PROVIDING AN EFFECTIVE DATE.

Mayor Billick opened the Public Hearing at 9:21 a.m.; whereupon Richard Q. Livingston petitioner, noted his presence in the event there were any questions. There being no one else to speak for or against, the Mayor closed the Public Hearing at 9:22 a.m.; whereupon Mr. Anderson moved adoption of Resolution 4009, seconded by Mr. Rothchild 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 5-d. PUBLIC HEARING and Naples Planning Advisory Board recommendation to approve: Alley Vacation Petition No. 82-A4 Petitioner: First Church of Christ, Scientist Location: Block bounded by Central Avenue on the south, 6th Street North on the west, 1st Avenue North on the north, and 7th Street North on the east.
 Request to vacate a north/south alley and an east/west alley in Block 21, Tier 7; in order to accommodate a future expansion of the First Church of Christ, Scientist.

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

A RESOLUTION VACATING AND ABANDONING A NORTH/SOUTH ALLEY AND AN EAST/WEST ALLEY IN BLOCK 21, TIER 7, PLAN OF NAPLES, RESERVING THEREIN A UTILITY EASEMENT; AND PROVIDING AN EFFECTIVE DATE.

Mayor Billick opened the Public Hearing at 9:23 a.m.; whereupon Attorney Benjamin Parks, representing the First Church of Christ, Scientist, presented himself to Council to speak in support of obtaining this alley vacation without the church paying the City any reimbursement and distributed several handouts to Council which are on file in the meeting packet in the City Clerk's office. He also noted the number of members of the church who were present. Realtor John R. Wood and citizens Gilbert Weil and Jim McGrath spoke against the policy of the City accepting reimbursement for vacations. Mary Frances Spencer of Lawyers Abstract presented a plat map of the area and stated that the alley in question was never dedicated to the City. Mr. Parks added that the City had never used or maintained the alley. Gilbert Blanquart and Lloyd Sarty, citizens, spoke in favor of the City's policy of asking for reimbursement for vacations. Mr. Anderson and Mr. Schroeder reiterated their opinions that the policy was legal and proper. Mr. Rothchild voiced his objections to the policy. Reverend Rex Horton, clergyman from Golden Gate, noted his opinion that Council would do the appropriate thing. There being no one else to speak for or against, the Mayor closed the Public Hearing at 10:30 a.m.; whereupon Mr. Holland moved to accept the recommendation of the Planning Advisory Board to approve Alley Petition 82-A4 and to adopt Resolution 4010 as presented with the only condition being the retention by the City of a utility easement, seconded by Mr. Rothchild. City Attorney Rynders expressed his belief that the procedure of collecting reimbursements was legal and responded to Mr. Rothchild's question about the fact that other alleys for which reimbursement was requested and received had been dedicated alleys, not the same as this situation. Motion carried on roll call vote, 5-2; Mr. Anderson, no; Mr. Holland, yes; Mr. Rothchild, yes; Mr. Schroeder, no; Mr. Thornton, yes; Mr. Wood, yes; Mayor Billick, yes.

Let the record show that Mayor Billick recessed the meeting at 10:40 a.m. and reconvened it at 10:52 a.m. with all members of Council present.

AGENDA ITEM 5-e. Naples Planning Advisory Board recommendation to deny: Variance Petition No. 82-V6 Petitioner: Francis C. Weber Location: 4425 Gordon Drive Appeal from Section 5.2(F)(2) of the Zoning Ordinance which requires a 15' side yard setback for a two-story structure in the "R1-15" zone district; in order to construct a two-story addition having a side yard setback of 10 to 14 feet, to an existing non-conforming single-story residence having a side yard setback of 8.5 feet to 10.5 feet.

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

A RESOLUTION GRANTING A VARIANCE FROM THE PROVISIONS OF SECTION 5.2(F)(2) OF APPENDIX "A" - ZONING OF THE CODE OF ORDINANCES TO PERMIT CONSTRUCTION OF A TWO-STORY ADDITION TO AN EXISTING NONCONFORMING SINGLE-STORY RESIDENCE AT 4425 GORDON DRIVE; AND PROVIDING AN EFFECTIVE DATE.

Mark Strain, representing the petitioner, presented himself to Council and outlined the need for this variance according to the criteria in the Code. After a lengthy discussion, Mr. Holland moved to adopt Resolution 4011 approving Variance Petition No. 82-V6, seconded by Mr. Rothchild and carried on roll call vote, 5-2; Mr. Anderson, yes; Mr. Holland, yes; Mr. Rothchild, yes; Mr. Schroeder, no; Mr. Thornton, no; Mr. Wood, yes; Mayor Billick, yes.

AGENDA ITEM 5-f. Naples Planning Advisory Board recommendation to deny: Variance Petition No. 82-V7 Petitioner: Charles F. Geitz Location: 1529 Third Street South Appeal from Sections 5.3(F)(2) and 5.3(F)(3) of the Zoning Ordinance, which requires a 10' side yard setback for a two-story structure, and a 25' rear yard setback, in the "R1-10" zone district; in order to construct a second-story addition to an existing non-conforming single-story residence having a side yard setback of 7.5' and a rear yard setback of 21'.

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

A RESOLUTION GRANTING A VARIANCE FROM THE PROVISIONS OF SECTIONS 5.3(F)(2) AND 5.3(F)(3) OF APPENDIX "A" - ZONING OF THE CODE OF ORDINANCES TO PERMIT CONSTRUCTION OF A SECOND-STORY ADDITION TO AN EXISTING NONCONFORMING RESIDENCE AT 1529 THIRD STREET SOUTH; AND PROVIDING AN EFFECTIVE DATE.

Richard Morris, representing the petitioner, presented himself to Council to convey his opinion of the unique circumstances warranting this variance. After discussion of the matter, Mr. Holland moved to adopt Resolution 4012 approving Variance Petition No. 82-V7, 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.

In view of the fact that Council was behind schedule, Mayor Billick asked Council's indulgence to take up Agenda Item 7 at this time. It was the consensus of Council to do so.

AGENDA ITEM 7. Authorization to execute stipulation and settlement agreement regarding Handicapped in Action vs. City of Naples. Requested by City Attorney.

City Attorney Rynders and Attorney William Register, representing Handicapped In Action both noted their agreement with the material in the stipulation and settlement agreement (Attachment #1). Mr. Register noted the stipulation that the City would appoint an Advisory Council on Problems of the Handicapped at some later date. Mr. Schroeder moved adoption of Resolution 4013, seconded by Mr. Rothchild; whereupon City Attorney Rynders read the below titled resolution by title for consideration by Council.

A RESOLUTION AUTHORIZING THE MAYOR AND CITY ATTORNEY TO EXECUTE A STIPULATION AND SETTLEMENT AGREEMENT IN RE HANDICAPPED IN ACTION V. CITY OF NAPLES; AND PROVIDING AN EFFECTIVE DATE.

Motion 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.

RETURN TO REGULAR AGENDA

AGENDA ITEM 5-g. Naples Planning Advisory Board recommendation to approve: Special Exception Petition No. 82-S14 Petitioner: Victoria L. Burke Location: 3110 Green Dolphin Lane

Request to construct a 5' high wood fence in a portion of a required front yard, where fences are normally limited to 3' in height.

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

A RESOLUTION GRANTING A SPECIAL EXCEPTION TO PERMIT CONSTRUCTION OF A 5 FOOT HIGH WOOD FENCE IN A PORTION OF THE REQUIRED FRONT YARD ABUTTING GORDON DRIVE AT 3110 GREEN DOLPHIN LANE, SUBJECT TO THE CONDITIONS SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Eugene Burke, representing the petitioner, pointed out that they had two front yards. Mr. Holland moved adoption of Resolution 4014, seconded by Mr. Anderson and carried on roll call vote, 7-0; Mr. Anderson, yes; Mr. Holland, yes; Mr. Schroeder, yes; Mr. Thornton, yes; Mr. Wood, yes; Mayor Billick, yes.

AGENDA ITEM 5-h. Naples Planning Advisory Board recommendation to approve: Special Exception Petition No. 82-S15 Petitioner: Edward S. Trahey, Jr. Location: 10 Fifth Street North

Request to permit a wood fence, approximately 6' in height, in a side yard setback area where fences are normally limited to 5' in height.

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

A RESOLUTION GRANTING A SPECIAL EXCEPTION TO PERMIT A WOOD FENCE, APPROXIMATELY 6 FEET IN HEIGHT, TO BE CONSTRUCTED IN PORTION OF A REQUIRED SIDE YARD SETBACK AREA AT 10 FIFTH STREET NORTH; AND PROVIDING AN EFFECTIVE DATE.

Edward Trahey, petitioner, noted his presence and that he had no comment. Mr. Thornton moved adoption of Resolution 4015, seconded by Mr. Holland and carried on roll call vote, 6-1; Mr. Anderson, yes; Mr. Holland, yes; Mr. Rothchild, yes; Mr. Schroeder, no; Mr. Thornton, yes; Mr. Wood, yes; Mayor Billick, yes.

Let the record show the City Attorney Rynders left the Council Chambers at 11:25 a.m.

AGENDA ITEM 5-i. Naples Planning Advisory Board recommendation to approve: Special Exception Petition No. 82-S17 Petitioner: 936 Fifth, Inc. George Ginos, President
Location: 936 Fifth Avenue South
Request to use a portion of an existing off-site parking lot for a portion of the required parking needed for a proposed expansion of the St. George and the Dragon Restaurant.

City Manager Jones read the below titled resolution by title for consideration by Council.

A RESOLUTION GRANTING A SPECIAL EXCEPTION TO PERMIT THE USE OF A PORTION OF AN EXISTING OFF-SITE PARKING LOT FOR A PORTION OF THE REQUIRED PARKING FOR A PROPOSED EXPANSION OF THE ST. GEORGE & THE DRAGON RESTAURANT AT 936 FIFTH AVENUE SOUTH, SUBJECT TO THE CONDITIONS SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE.

George Langford, representing the petitioner, spoke in support of the resolution as presented without the landscaping condition. Mr. Anderson moved adoption of Resolution 4016, seconded by Mr. Holland 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 6. First Reading of an ordinance.

AGENDA ITEM 6-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 Manager Jones read the above titled ordinance by title for consideration by Council on First Reading. City Engineer John McCord noted that this would affect developers more than the City. Mr. Anderson moved approval of this ordinance on First Reading, seconded by Mr. Thornton 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 6-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 for an effective date. Purpose: To provide for the use of modern materials and techniques in the installation of water distribution systems.

City Manager Jones read the above captioned ordinance by title for Council's consideration on First Reading. Mr. Thornton moved approval of this 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.

28 AGENDA ITEM 8. Discussion regarding proposed amendment to Section 2.4 of the City Charter to provide that the Mayor will be the liaison officer between the City Council and City Attorney. Requested by Councilman Schroeder.

City Manager Jones read the below referenced draft of a proposed ordinance by title for Council's discussion.

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.

Mr. Schroeder explained his feeling that the City Attorney had no direction except from the total Council every two weeks and he felt this had worked well with the City Manager. He felt it was good organization. Mr. Anderson suggested bringing it back for First Reading at the next meeting. John Smith, citizen, asked if this might not have to be done by referendum.

Let the record show that City Attorney Rynders returned to Council at 11:45 a.m.

The City Attorney replied that he did not believe a referendum would be necessary because he didn't believe it was taking any powers from the City Council, that the Council still had the final word. Richard Hechler, citizen, stated his opinion that this would be adding to the powers of the Mayor. In response to a question from Mayor Billick, City Attorney Rynders noted he would prefer to operate under the proposed ordinance. Mr. Rothchild voiced his objections to the proposal inasmuch as he felt it reduced the powers of the Council and that it was contrary to the Home Rule Act. It was the consensus of a majority of Council to further discuss this when it was brought back for First Reading.

AGENDA ITEM 9. Discussion regarding proposed amendment to Section 1A-121(A)(1) of the City Code relating to approval of travel expenses for City officials and employees. Requested by Councilman Schroeder.

Mayor Billick noted that the below captioned proposed ordinance was just on the Agenda for discussion prior to bringing it up for a First Reading.

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.

Mr. Schroeder noted that he had requested this as a matter of housekeeping. He further noted instances where travel of Councilmen had been reimbursed without formal approval. Mayor Billick stated his feeling that the present ordinance needed clarification and that somebody ought to be checking the various travel requests. Richard Hechler, citizen, stated his opinion that the past reimbursements had been illegal and suggested that proper formal procedures be followed. City Attorney Rynders noted that he could add a paragraph to the proposed ordinance that stated that the City ratified all previous travel. After further discussion, Mayor Billick noted that this item would come back on the Agenda for a First Reading.

AGENDA ITEM 10. Discussion/action regarding authorization to hold law enforcement canine qualification trials. Requested by Councilman Holland.

Mr. Holland noted the letter from Police Chief Reble (Attachment #2). He noted the need to indicate approval from the Naples Police Chief and City Council and the Collier County Sheriff's Department and County Commission for this to be considered by the United States Police Canine Association. Mr. Holland moved for tentative approval to hold these "trials" pending more specific information, seconded by Mr. Anderson and carried by consensus.

AGENDA ITEM 11. Discussion with reference to Attorney General's opinion: vacation of alleys. Pursuant to Council Discussion at regular meeting of May 5, 1982.

City Attorney Rynders referred to the revised material to be forwarded to the Attorney General in conjunction with a request for an opinion (copies of this material are on file in the City Clerk's office in the packet for this meeting). Mr. Anderson and Mr. Schroeder indicated their feeling that there was no requirement for this action. Gil Blanquart, citizen, spoke in support of the legality of accepting the reimbursement for vacations and against requesting an Attorney General's opinion. John Smith and Richard Hechler, citizens, spoke in support of asking for the Attorney General's opinion. Mayor Billick's recommendation to send the letter asking for the Attorney General's opinion carried on roll call vote, 4-3; Mr. Anderson, no; Mr. Holland, yes; Mr. Rothchild, yes; Mr. Schroeder, no; Mr. Thornton, no; Mr. Wood, yes; Mayor Billick, yes.

AGENDA ITEM 12. Discussion/action concerning agreement with Ross, Hardies, O'Keefe, Babcock & Parsons for services in interval ownership litigation. Requested by Councilman Rothchild.

City Manager Jones noted the letter received from the law firm (Attachment #3). Mayor Billick also suggested arranging for progress reports. City Attorney Rynders suggested Council budget the amount of money to be spent each year and also suggested requesting monthly progress reports. Mayor Billick and Mr. Schroeder observed their feeling that Council could not tell the law firm to whom to delegate the work that they will be doing. After further discussion, Mayor Billick suggested obtaining a billing once a month. It was the consensus of Council to request monthly billing and monthly progress reports.

AGENDA ITEM 13. Discussion/action with reference to appointment of three City representatives to the Southwest Florida Solid Waste Advisory Committee through the Southwest Florida Regional Planning Council. Requested by City Manager

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

A RESOLUTION APPOINTING THREE MEMBERS TO SERVE ON THE SOLID WASTE ADVISORY COMMITTEE; AND PROVIDING AN EFFECTIVE DATE.

City Manager Jones noted his memorandum of May 14, 1982 (Attachment #4). He also noted the receipt of letters of interest from two citizens (copies of which are on file in the City Clerk's office in the packet for this meeting). Mr. Archibald, one of the citizens, answered questions from Council. Mr. Fernandez was unable to be present at this meeting. Mr. Anderson moved to adopt Resolution 4017 listing Mr. Schroeder and Mr. Savidge as the elected official and the technical/staff person and that the citizen member be named at the next meeting, seconded by Mr. Wood and carried by consensus of Council.

AGENDA ITEM 14. Resolution transferring funds from contingency for purchase of police vehicles. Requested by City Manager.

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

A RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE SIX POLICE PATROL VEHICLES AND TO TRANSFER THE SUM OF \$51,591.00 FROM THE CONTINGENCY FUND TO COVER SAID PURCHASE; AND PROVIDING AN EFFECTIVE DATE.

Mr. Anderson moved adoption of Resolution 4018, seconded by Mr. Thornton 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 15. Purchasing:AGENDA ITEM 15-a. Bid award - LPG vehicle conversion/liquid petroleum gas - Police Department

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

A RESOLUTION AWARDED THE BID FOR THE CONVERSION OF FOUR (4) POLICE CRUISERS TO LIQUID PETROLEUM GAS AND FOR FURNISHING THE CITY'S REQUIREMENTS FOR LPG FUEL FOR A PERIOD OF TWO (2) YEARS; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER COVERING THE BID HEREIN AWARDED; AND PROVIDING AN EFFECTIVE DATE.

City Manager Jones answered questions from Council about this procedure and indicated that the City had good reports on this from other areas, but he felt that the other uses might not be identical to use in Naples. He added that if it proved more economical, the City would convert more cars. Mr. Anderson moved adoption of Resolution 4019, seconded by Mr. Thornton 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 15-b. Bid award - Paper & plastic disposables - annual

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

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

Mr. Thornton moved adoption of Resolution 4020, 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 15-c. Bid award - 60,000 GVW cab & chassis truck - Water plant

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

A RESOLUTION AWARDED THE BID FOR ONE (1) 60,000 GVW CAB AND CHASSIS TRUCK; AUTHORIZING THE TRANSFER OF ADDITIONAL FUNDS FROM THE WATER AND SEWER CONTINGENCY FUND TO THE CAPITAL IMPROVEMENT EXPENDITURE ACCOUNT FOR SAID PURCHASE; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Mr. Anderson moved to adopt Resolution 4022, seconded by Mr. Schroeder. In answer to a question from Mr. Rothchild, Stewart Unangst, Purchasing Agent, confirmed that invitations to bid had been sent to all local suppliers. Richard Hechler, citizen, noted that the bid was to be awarded to a company in Tampa and that the City had had problems with a dump truck that had been purchased in Tampa some time back. During further discussion of this problem, Mr. Unangst noted that there was no one locally who worked on the dump part of these trucks, but the balance of the warranties would be covered locally. Mr. Holland noted that the resolution did include language referring to the "dump" part of the truck in question and Council held any further discussion in abeyance until Mr. Unangst produced a copy of the specifications denoting the inclusion of the dump facility.

AGENDA ITEM 15-d. Bid award - Ferrous sulfate - annual - Wastewater Plant

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

A RESOLUTION AWARDING THE BID FOR THE CITY'S ANNUAL REQUIREMENTS OF FERROUS SULFATE; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Mr. Wood moved adoption of Resolution 4021, 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.

CORRESPONDENCE AND COMMUNICATIONS

City Manager Jones asked for Council's guidance on proceeding with the negotiations under the Consultants' Competitive Negotiations Act regarding the City Dock. He noted that the Committee had completed their rankings of the firms who had indicated interest. Mr. Anderson moved that Council accept the rankings of the Committee and proceed with negotiations, seconded by Mr. Schroeder and carried by consensus of Council.

RETURN TO AGENDA ITEM 15-c.

Mr. Unangst returned and read the specifications of the bid for the truck to Council (Attachment #5). Mr. Schroeder moved to amend Resolution 4022 with the added language tracking the specifications, 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.

There being no further business to come before this Regular Meeting of the Naples City Council, Mayor Billick adjourned the meeting at 1:15 p.m.

Janet Cason
Janet Cason
City Clerk

Ellen P. Marshall
Ellen P. Marshall
Deputy Clerk

Stanley R. Billick
Stanley R. Billick, Mayor

These minutes of the Naples City Council were approved on 06-02-82

DRAFT

DRAFT

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT OF FLORIDA, IN AND FOR COLLIER COUNTY

HANDICAPPED IN ACTION
 Plaintiff.
 vs.
 CITY OF NAPLES, a Municipal corporation,
 Defendant.

CASE NO. 81-2041-CA-01

STIPULATION AND SETTLEMENT AGREEMENT

BACKGROUND

Plaintiff has filed the captioned action primarily seeking two judicial determinations:

- (1) that the provisions of Chapter V, Section 508.3(a) of section 8-3 of the Code of Ordinances for the City of Naples has retroactive application as well as prospective application; and
- (2) that the City of Naples be required to enforce all provisions of the Standard Building Code with respect to parking lots and parking spaces for the handicapped, as such provisions exist in the Code of Ordinances for the City of Naples.

The defendant City of Naples has responded with a Motion to Dismiss.

Prior to the matter coming to issue, the parties undertook to settle their differences and disputes. After several conferences and public hearings on proposed amendments to the Code of Ordinances, at which time negotiations and further revisions to the amendments were made to accommodate the interests of opponents to the amendments, the City Council

of the city of Naples did adopt on April 7, 1982, an Ordinance amending Section 8-3 of the Code of Ordinances. A copy of the Ordinance is attached hereto as Exhibit "A" and incorporated herein by reference.

Among other things, the amending Ordinance provides that the requirements of Section 508.3(a) shall expressly apply retroactively. This provision was adopted by the City Council after findings of fact that it was necessary for the general comfort, health, safety and welfare of its citizens.

Because of these findings and the express retroactive application of the section, those portions of Plaintiff's Complaint petitioning for such interpretation have been rendered moot.

Among other things, the amending Ordinance also establishes a period of 90 days from April 7, 1982, for all parking lot owners to comply with the provisions, including those that must now comply because of the retroactive application. Accordingly, that portion of Plaintiff's petition requesting that the City be compelled to enforce the provisions is premature. Accordingly, the action must be held in abeyance for a reasonable period of time to give the defendant City an opportunity voluntarily to enforce the provisions.

Both parties realize and agree that the best interests of each will be better served by an amicable and sincere settlement of their differences and disputes, and they do now agree and stipulate as follows:

- 1. The above recitations of facts are accurate and true.
- 2. The City of Naples agrees that it will enforce the Ordinance adopted by its City Council on April 7, 1982, and

DRAFT

all the other provisions adopted by it and incorporated into its Code of Ordinances from the Southern Standard Building Code as the same relate to and govern parking for handicapped persons.

3. This action shall be held in abeyance for a period of six months from date hereof. If the City has failed to enforce such ordinances and require compliance therewith, then plaintiff may amend its petition and revive its action. If such amendments and revival have not occurred within six months from date hereof, then this action shall be dismissed without prejudice.

4. It is further agreed that the Mayor of the City of Naples shall create an Advisory Council on Problems of the Handicapped and shall appoint the membership of the same. The membership shall include handicapped persons, or persons nominated by groups or organizations of handicapped persons to act as spokesmen for them, as selected by the Mayor to serve. The number of members of the Council, and the number selected to represent the handicapped, shall be decided by the Mayor. The Council shall advise the Mayor, the City Council, and other City officials on the problems of the handicapped and shall submit their recommendations for solutions, action, and enforcement.

IN WITNESS WHEREOF, the parties and their respective legal counsel have executed this Stipulation and Settlement Agreement this ___ day of May, 1982.

Handicapped In Action City of Naples

By: Its President By: Its Mayor
By: Its legal counsel By:



City of Naples

MEMO

TO: Frank Jones, City Manager
FROM: Paul C. Reble, Chief of Police
SUBJECT: U. S. Police Canine Association Region #1 Trials
DATE: May 13, 1982

Attached is a letter in regard to the above subject, which I recently received from Deputy Steve Lewis, who is a canine officer for Collier County Sheriff's Department. This letter was apparently co-authored by Deputy Lewis and Naples canine officer, Jeff Wittaker.

These officers are asking for tentative approval to conduct state qualification trials here in the Naples area for canine officers of the S.W. Florida region. These trials are periodically held in various areas of the state for the purpose of qualifying officers and their dogs under the U. S. Police Canine Association guidelines.

We have, on three different occasions, sent officers out of town to these qualification trials. It is my recommendation that tentative approval be granted these officers to conduct trials in the area (preferably in Fleischmann Park).

The trials would be open to the public for viewing; cost the city and department very little, if anything, and be excellent public relations for the city, department and canine units.

Final acceptance would be necessary from the Canine Association prior to the trials being conducted in this area.

Paul C. Reble
Chief of Police

PCR:mm

ATTACHMENT #2 - page 2

LAW OFFICES
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A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
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ATTACHMENT #3



May 17, 1982

Mr. Franklin Jones
City of Naples
735 8th Street South
Naples, Florida 33940

Dear Mr. Jones:

This is an acknowledgment that our firm has agreed to represent the City in three lawsuits challenging the validity of Ordinance 3765: Mucanor Motel Corporation v. City of Naples; Sheraton-Edgewater Beach Inn v. City of Naples; and Naples Hotel Co. v. City of Naples.

Two attorneys in our Chicago office and two attorneys in our Boca Raton, Florida office will be involved in the litigation. Fred P. Bosselman, a partner in our Chicago office will maintain primary responsibility for the litigation. Edward F. Ryan, another partner in the Chicago office will also be involved in the cases. F. Craig Richardson, Jr. and Nancy E. Stroud, two lawyers resident in our Boca office will also be involved in portions of the litigation.

The firm will bill the City on a per hour basis for work done at the hourly billing rate of the attorney doing the work. The hourly rates for the attorneys that will be primarily involved in the litigation will be:

Fred P. Bosselman \$125 per hour
Edward F. Ryan 110 per hour
F. Craig Richardson, Jr. 70 per hour
Nancy E. Stroud 70 per hour

If any of the firm's other attorneys do any work on the cases, the City will be billed at their standard hourly rate, which will not exceed \$65.00 per hour.

If you have any questions about this matter, please do not hesitate to call.

We look forward to working with the City in the defense of this Ordinance.

Very truly yours,

F. Craig Richardson, Jr.
F. Craig Richardson, Jr.

FCR/hsl

cc: Mr. Fred P. Bosselman
Mr. Edward F. Ryan
Ms. Nancy E. Stroud
Mr. David Byrders

May 7, 1982

SUBJECT: Permission to hold United States Police Canine Association Region #1 Trials

TO: Honorable Collier County Commissioners
Honorable City Council of Naples
Honorable Sheriff of Collier County
Honorable Chief of Police, Naples

FROM: S. Lewis, Deputy Sheriff

Ladies and Gentlemen:

I should like to formally request your approval of a Fall, 1982 United States Police Canine Trials to be held on four consecutive days, Thursday through Sunday, at a secure facility to be chosen later.

Such training exercises promote the efficiency of this vital enforcement function, aid inter-departmental communications and encourage large-scale citizen participation in demonstrations conducted by Police Agencies at the close of the program.

The "Trial" would gather from 30 to 60 dogs from many Florida agencies, and would, based upon your approval of this letter, be fully sanctioned by the "USPCA". It is the desire of Naples Police Officer Jeff Whittaker that this exercise be sponsored jointly by the City and County.

A public demonstration following the Lakeland Trials in April of this year gathered over 3000 interested citizens at what proved to be a spectacular closing for the meet. In addition to Canine demonstrations, local police provided "SWAT" and public relations displays for those in attendance.

Thanking you in advance for your approval and consideration of this critical aspect of police training and proficiency:

Yours in effective law enforcement.

Steve Lewis, D.S. *Robert S. Lewis*

SL/bg

AGENDA ITEM #13
5/19/82

ATTACHMENT #4



City of Naples

ATTACHMENT #5

Language used in the specifications for this Bid - Agenda Item 15-c.
Regular Meeting of Naples City Council held May 19, 1982

60,000 GVW Cab and Chassis Tandem Rear Axle w/a 13 Yard Dump Bed
and Holst System w/a Water-Tight Tail Gate

--- MEMO ---

TO: HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL
FROM: CITY MANAGER FRANKLIN C. JONES
SUBJECT: SOLID WASTE ADVISORY COMMITTEE
DATE: MAY 14, 1982

The Southwest Florida Regional Planning Council has asked that the City appoint three members to serve on an advisory committee that will study a regional solid waste disposal program. They have asked that the members consist of the following: an elected official, a technical/staff person and a citizen.

I would recommend that the technical/staff person be Bill Savidge, Director of Public Works. We have received inquiries from citizens indicating their interest in serving on this committee and I have asked that they appear at the City Council meeting to express their interest so that Council could select one of these individuals. The Council should then select one of its members as the elected official representative.

Sincerely,

Franklin C. Jones

Franklin C. Jones
City Manager

FCJ/tan