



City of Naples

Regular Meeting May 4, 1983

City Council Chambers
735 Eighth Street South
Naples, Florida 33940

-SUBJECT-	Ord. No.	Res. No.	Page
<u>ANNOUNCEMENTS</u>			
-MAYOR BILLICK - none			
-CITY MANAGER JONES - noted that <u>Camp, Dresser & McKee, Inc.</u> , consultants, will report to Council on May 18 re <u>wastewater treatment plant expansion</u> and <u>effluent disposal project</u> .			1
<u>APPROVAL OF MINUTES</u> - Workshop Meeting April 19, 1983 Regular Meeting April 20, 1983			
			1
<u>RESOLUTIONS</u>			
-Approve <u>depository areement w/Barnett Bank</u>		83-4263	1
-Approve bill of sale and quitclaim deed re <u>Westview Plaza</u>		83-4264	1
-Consider Variance Petition 83-V3 & Special Exception 83-3 <u>Macedonia Baptist Church - POSTPONED UNTIL NOVEMBER 2, 1983</u>			2
-Approve CCL 83-2 - Frank Nulsen, adj. to 32 10th Avenue South		83-4267	3
-Approve adjustments to certain water bills		83-4268	3,4,5
-Appoint Hubert Howard and Earle Vincent Johnson to <u>Planning Advisory Board</u>		83-4269	5
-Approve agreement w/ <u>Arch Roberts, Inc.</u> , <u>bond consultants</u>		83-4270	6&7
<u>PURCHASING</u>			
-Award bid - ferrous sulfate		83-4265	2
-Award bid - anhydrous ammonia		83-4266	2
<u>DISCUSSION</u>			
-Direct City Manager to work with Naples Beautification Council to schedule a free trash pick-up			6

City Council Chambers
735 Eighth Street South
Naples, Florida 33940



Time 9:05 a.m.

Date May 4, 1983

Mayor Billick called the meeting to order and presided as Chairman

ROLL CALL:	Present:	ITEM 2	M	S	VOTE		A
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COUNCIL MEMBERS			I	C	Y	E	S
			O	O	E	N	E
			N	N	S	O	N
	Mayor						
	R. B. Anderson						
	Lyle S. Richardson						
	Harry Rothchild						
	Wade H. Schroeder						
	Randolph I. Thornton						
	Kenneth A. Wood						
	Councilmen						
	Also present:						
	Franklin C. Jones, City Manager	Stewart Unangst, Purchasing Agent					
	David W. Rynders, City Attorney	Reid Silverboard, Chief Planner					
	Bill Hanley, Finance Director	Max Hasse, Assistant Parks & Recreation Director					
	John McCord, City Engineer						
	Roger Barry, Community Development Director						
	Ellen P. Marshall, Deputy Clerk						
	See Attachment #1 - Supplemental Attendance List						
	INVOCATION - Reverend Walter Lauster, Church of God	ITEM 1					
	ANNOUNCEMENTS	ITEM 3					
	MAYOR BILLICK - none	ITEM 3-a					
	CITY MANAGER JONES	ITEM 3-b					
	-noted that Camp, Dresser & McKee, Inc., consultants for the wastewater treatment plant expansion and the effluent disposal project, are up-to-date on their work and their report is expected to be available to Council at the second meeting in May.						
	CONSENT AGENDA						
	Mr. Schroeder moved approval of the Consent Agenda, seconded by Mr. Thornton; however, Mr. Rothchild requested removal of Items 6-a and 6-b for the same reasons he advanced at previous meetings; i.e. he felt all purchasing items should be considered separately.						
	APPROVAL OF MINUTES - April 19, 1983, Workshop Meeting & April 20, 1983, Regular Meeting	ITEM 4					
	---RESOLUTION 83-4263	ITEM 5					
	A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF NAPLES AND BARNETT BANK OF NAPLES, DESIGNATING SAID BANK AS THE CITY'S DEPOSITORY IN ACCORDANCE WITH THE PROPOSAL SUBMITTED; AND PROVIDING AN EFFECTIVE DATE.						
	---RESOLUTION 83-4264	ITEM 7					
	A RESOLUTION ACCEPTING A BILL OF SALE FROM COLLIER COUNTY AND A QUIT-CLAIM DEED FROM THE COUNTY WATER-SEWER DISTRICT OF COLLIER COUNTY, CONVEYING TO THE CITY THE WATER DISTRIBUTION SYSTEM AND FACILITIES INSTALLED IN THE WESTVIEW PLAZA SUBDIVISION; AND PROVIDING AN EFFECTIVE DATE.						
	MOTION: To APPROVE Consent Agenda, ADOPTING resolutions as presented.						
	-----END OF CONSENT AGENDA-----						

Anderson
Richardson
Rothchild
Schroeder
Thornton
Wood
Billick

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	COUNCIL MEMBERS	MOTION	SECTION	YES	NO	ABSENT
<p><u>PURCHASING</u> <u>ITEM 6</u></p> <p>---<u>RESOLUTION 83-4265</u> <u>ITEM 6-a</u></p> <p>A RESOLUTION AWARDED THE BID FOR THE CITY'S ANNUAL REQUIREMENTS FOR FERROUS SULFATE; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.</p> <p>Title read by City Attorney Rynders.</p> <p><u>MOTION:</u> To ADOPT the resolution as presented.</p> <p>*** *** ***</p>	<p>Anderson Richardson Rothchild Schroeder Thornton Wood Billick (7-0)</p>	<p>X</p>	<p>X</p>	<p>X X X X X X</p>		
<p>---<u>RESOLUTION 83-4266</u> <u>ITEM 6-b</u></p> <p>A RESOLUTION AWARDED THE BID FOR THE CITY'S ANNUAL REQUIREMENTS FOR ANHYDROUS AMMONIA; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.</p> <p>Title read by City Attorney Rynders.</p> <p>Mr. Schroeder suggested that the information in City Manager Jones' memo dated April 27, 1983 (Attachment #2) be forwarded to the appropriate state agency to be reviewed for possible anti-trust violations. In response to questions from Council, Purchasing Agent Stewart Unangst and the City Manager confirmed that this was the City's first use of anhydrous ammonia because the City water system had only recently reached the point where treatment for trihalomethanes is necessary.</p> <p><u>MOTION:</u> To ADOPT the resolution as presented.</p> <p>*** *** ***</p>	<p>Anderson Richardson Rothchild Schroeder Thornton Wood Billick (7-0)</p>	<p>X</p>	<p>X</p>	<p>X X X X X X</p>		
<p>RETURN TO REGULAR AGENDA</p> <p><u>COMMUNITY DEVELOPMENT DEPARTMENT/NAPLES PLANNING BOARD</u> <u>ITEM 8</u></p> <p>---<u>RESOLUTION 83-</u></p> <p>A RESOLUTION GRANTING A VARIANCE FROM THE PROVISIONS OF SECTION 6(8),(B) OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, AND GRANTING A SPECIAL EXCEPTION TO PERMIT CONSTRUCTION OF A SIX (6') FOOT HIGH CHAIN LINK FENCE IN THE REQUIRED SIDE AND REAR YARD SETBACK AREAS AT THE MACEDONIA BAPTIST CHURCH, 1003 3RD AVENUE NORTH, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.</p> <p>Mayor Billick read a letter from Macedonia Baptist Church (Attachment #3).</p> <p><u>MOTION:</u> To POSTPONE action on the petition until the first meeting in November.</p> <p>*** *** ***</p>	<p>Anderson Richardson Rothchild Schroeder Thornton Wood Billick</p>	<p>X</p>	<p>X</p>	<p>C O N S E N S U S</p>		

COUNCIL MEMBERS

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ADVERTISED PUBLIC HEARING

---RESOLUTION 83-4267

ITEM 9

A RESOLUTION GRANTING A VARIANCE FROM THE CITY'S MOST RESTRICTIVE COASTAL CONSTRUCTION SETBACK LINE ESTABLISHED BY SECTION 7-41 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, TO PERMIT CONSTRUCTION OF A RIP RAP (ROCK) REVETMENT ADJACENT TO AN EXISTING SEAWALL AT 32 TENTH AVENUE SOUTH, SUBJECT TO THE CONDITIONS SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Public Hearing: Opened - 9:17 a.m. Closed - 9:47 a.m.

George Hermanson, representing the petitioner, addressed Council in favor of the petition. In response to questions from Council, City Manager Jones reported that the meeting with The Conservancy regarding methods of beach protection was scheduled for May 27th. Edwin Putzell, representing The Conservancy, reviewed the reasons for the proposed meeting on May 27th. Mr. Schroeder suggested discussion of the beach construction set-back line at this meeting and possibly combining the City's line with the State's. Miles Scofield, representing Scofield Marine Construction, gave his opinion of construction on Naples beaches as opposed to beaches elsewhere. He stated his support of using rock revetments in front of vertical seawalls and his opinion that large flat rocks placed on a blanket of Filter-X material and chinked with smaller rocks worked very well. He also pointed out differences of opinion with the Department of Natural Resources, the Bureau of Beaches and Shores and the Corps of Engineers. Mr. Schroeder noted that the drawing for this project showed smaller rocks on the bottom with larger rock on the top. Mr. Hermanson responded that this met with D.N.R. requirements but that they made provision for minor changes due to field conditions. Mr. Rothchild suggested delaying action on this matter until after the meeting on May 27. Mr. Scofield also suggested that the City make provision at beach accesses for large machinery to get on the beach.

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(5-2)

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		X		
		X		

MOTION: To ADOPT the resolution as presented.

---RESOLUTION 83-4268

ITEM 10

A RESOLUTION AUTHORIZING ADJUSTMENTS TO CERTAIN CUSTOMERS BILLED FOR WATER SERVICE UNDER THE NEW RATE STRUCTURE ADOPTED ON JANUARY 5, 1983 IN THE FORM OF A CREDIT ON FUTURE BILLINGS; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Mayor Billick asked John Michalik of Coopers & Lybrand to review their recommendations for the water and sewer rate structure. City Manager Jones then responded to questions from Mr. Rothchild by explaining that the figures inserted into the rate structure for the new ordinance were based on the approved 1983-84 budget figures and were higher than the figures used during the review of the rate structure in September 1982. He pointed out that the use of the budget figures had been discussed and approved by Council when the rate structure was

COUNCIL
MEMBERS

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53

---RESOLUTION 83-4268 (Cont)

ITEM 10 (Cont)

discussed. Frank Lualdi, citizen, addressed Council after he had distributed copies of the text of his remarks (Attachment #4); however, he deviated from the written statement with extemperaneous remarks in several instances. He criticized the water and sewer rate structure, the manner in which the ordinances were passed, the retroactive billing, and the manner in which City Manager Jones, City Attorney Rynders and Finance Director Hanley had handled his inquiries thereon. Park Shore resident Coleman Cook distributed a comparison sheet showing the results of the rate methodology on water bills in his neighborhood (Attachment #5). He contended that the rate structure did not work equitably in practice and pointed out where loopholes existed which could benefit large users. James Dennis Murphy, citizen, indicated his confusion regarding the effect of the County's water treatment expansion on the City's water system. Herb Jacobi, a director of the Port Royal Property Owners' Association, indicated his support for a refund to those who down-sized their meters after the rates had gone into effect. He also noted confusion about the new rates. Gilbert Blanquart, citizen, indicated his support for the water rate structure because it is based on meter size and potential demand upon the system. He conceded that mistakes may have been made in the lack of adequate public notice and in billing retroactively, but stated that he had understood the impact of the new rates when presented. Mr. Schroeder agreed with Mr. Blanquart that rates based on meter size were proper.

*** **
Mr. Anderson left Council Chambers - 11:55 a.m.
*** **

Edward Hannam, citizen, suggested that the Council correct the actions taken by the City Manager and the City Attorney. Another citize, Craig Kiser, noted the issues as he saw them; i.e. retroactive application of the rates, whether or not there was adequate public notice, whether or not the new methodology is proper and applicable, and what consequences might be reached by applying the new He suggested another public hearing on the rates and additional public notice that citizens may down-size their meters. J. Sandy Scatena, citizen, made a lengthy statement (Attachment #6) accompanied by exhibits 1-8 (copies of which are in the packet for this meeting on file in the City Clerk's office). He questioned the legality of the water and sewer rate increases, the retroactive billing, and the manner in which the City Manager and the City Attorney had handled the matter. Mr. Lualdi again spoke and asked that all the water bills be re-figured at the old rates, not just those who had received significantly higher bills. He further criticized the competence of the City Manager and the City Attorney. Mr. Blanquart also returned to note his interpretation of the proceedings as being a move to oust the City Manager and City Attorney. He suggested consideration of the resignation of the City Manager and City Attorney at the next meeting to put the issue to rest. Mayor Billick indicated that this would be done. Cliff Nelson, citizen, indicated his desire to obtain a rebate for getting a smaller meter. Charles Andrews, citizen, stated that he had understood the rate ordinance as presented and agreed with Mr. Blanquart that the main thrust of this discussion was an attempt to remove City Manager Jones and City Attorney Rynders. Mr. Lualdi contended, however, that his main interest was the inequity of the water rate structure. Mr. Rothchild expressed his opinion that the resolution being considered had been presented improperly under this agenda item because he had requested the discussion and had not submitted this resolution for inclusion thereunder. He further pointed out that the agenda item did not make reference to a resolution. He stated that on May 2 he had written a memorandum to City Attorney Rynders requesting an ordinance to repeal the water rate ordinance (83-4180). Mayor Billick, however, confirmed the City Attorney' response to Mr. Rothchild that the May 4

COUNCIL MEMBERS	MOTION	S E C O N D	VOTE		A B S E N T
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<p>---RESOLUTION 83-4268 (Cont) ITEM 10 (Cont)</p> <p>agenda had been prepared and advertised prior to his request and a proposed ordinance to repeal could no longer be added. Mayor Billick further stated that the resolution proposed in conjunction with the discussion/action item shown on this meeting's agenda was proper and that many agenda items did not necessarily include a title of the pertinent resolution or ordinance.</p> <p><u>MOTION:</u> To <u>ADOPT</u> the resolution as presented.</p> <p>*** *** ***</p> <p>---RESOLUTION 83-4269 ITEM 11</p> <p>A RESOLUTION APPOINTING TWO MEMBERS TO THE PLANNING ADVISORY BOARD; AND PROVIDING AN EFFECTIVE DATE.</p> <p>Title read by City Attorney Rynders.</p> <p>Mayor Billick noted that Council had interviewed the candidates at the Workshop Meeting of May 3, 1983.</p> <p><u>MOTION:</u> To <u>NOMINATE</u> Hubert Howard</p> <p><u>MOTION:</u> To <u>NOMINATE</u> Earle Vincent Johnson</p> <p><u>MOTION:</u> To <u>NOMINATE</u> Bill Tracy</p> <p><u>MOTION:</u> To <u>ADOPT</u> the resolution appointing Hubert Howard and Earle Vincent Johnson to the Planning Advisory Board</p> <p>*** *** ***</p>	<p>Anderson</p> <p>Richardson</p> <p>Rothchild</p> <p>Schroeder</p> <p>Thornton</p> <p>Wood</p> <p>Billick</p> <p>(5-1)</p>	<p>X</p>	<p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p>	<p>X</p>	<p>X</p>
<p>Anderson</p> <p>Richardson</p> <p>Rothchild</p> <p>Schroeder</p> <p>Thornton</p> <p>Wood</p> <p>Billick</p> <p>(6-0)</p>	<p>X</p>	<p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p>	<p>X</p>	<p>X</p>	<p>X</p>
<p>Anderson</p> <p>Richardson</p> <p>Rothchild</p> <p>Schroeder</p> <p>Thornton</p> <p>Wood</p> <p>Billick</p> <p>(6-0)</p>	<p>X</p>	<p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p>	<p>X</p>	<p>X</p>	<p>X</p>
<p>Anderson</p> <p>Richardson</p> <p>Rothchild</p> <p>Schroeder</p> <p>Thornton</p> <p>Wood</p> <p>Billick</p> <p>(6-0)</p>	<p>X</p>	<p>N</p> <p>O</p> <p>V</p> <p>O</p> <p>T</p> <p>E</p>	<p>X</p>	<p>X</p>	<p>X</p>
<p>Anderson</p> <p>Richardson</p> <p>Rothchild</p> <p>Schroeder</p> <p>Thornton</p> <p>Wood</p> <p>Billick</p> <p>(6-0)</p>	<p>X</p>	<p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p>	<p>X</p>	<p>X</p>	<p>X</p>

COUNCIL MEMBERS

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DISCUSSION/ACTION WITH REFERENCE TO CITY CLEAN-UP DAY. Requested by Naples Beautification Council. ITEM 12

Anita Utter, representing the Naples Beautification Council, outlined the group's aims and goals. She asked Council to authorize an annual free trash pick-up for the City in conjunction with the Beautification Council's campaign to keep Naples beautiful. The Beautification Council will publicize this free pick-up and the City's schedule. Mr. Richardson recommended that Council grant the request. Mayor Billick noted that compacting a City-wide pick-up into a short period of time could cost \$12,000; therefore, he suggested that a schedule be worked out that could fit in with routine pick-ups. Council then directed City Manager Jones to work with Mrs. Utter to arrive at a feasible schedule. The City Manager indicated that he would bring a proposal back to Council for formal action. Mr. Schroeder suggested that the City have a one-time free trash pick-up and enforce the existing ordinances after that.

---RESOLUTION 83-4270 ITEM 13

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT PROVIDING FOR ARCH W. ROBERTS & CO. TO ACT AS THE CITY'S FINANCIAL ADVISOR IN REGARD TO THE ISSUANCE OF DEBT OBLIGATIONS TO FINANCE CAPITAL IMPROVEMENTS AND ADDITIONS WITHIN THE CITY; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

City Manager Jones reviewed the material in his memorandum dated April 29, 1983 (Attachment #7). Gilbert Blanquart, citizen, asked if this were the same type of situation that had caused a problem at the County Commission recently, to which Council responded in the negative.

Mr. Anderson returned to Council Chambers - 1:30 p.m.

Mr. Rothchild questioned if the selection of this consultant should be put out for bid or chosen under the Consultant Competitive Negotiations Act. City Attorney Rynders responded that this did not come under this act. Mr. Rothchild asked if there were any legal guidelines the City needed to follow for this selection and City Manager Jones responded that when seeking professional services, competition on a price basis was not always the best measure. He indicated that interest in participation by various firms could be obtained in a formal manner and Mayor Billick indicated his preference for this procedure if there were no time constraints involved. Mr. Anderson agreed that these services could be obtained in a formal manner but noted that price was not the primary consideration. He added his opinion that this company has done a good job for the City in the past. Courtland Rudolph, representing Arch W. Roberts & Co. addressed Council and expressed his company's willingness to participate in competitive negotiation. He explained, however, the time factor involved in being able to issue the bonds prior to July 1 when all bonds will have to be fully registered and

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S E N T
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---RESOLUTION 83-4270 (Cont)

ITEM 13 (Cont)

cautioned against any delays. He noted that his company generally had a continuing relationship with cities rather than competing on each bond issue. Mr. Schroeder made an estimate as to the difference in the amount of money generated by issuing the bonds either before or after July 1 and indicated his opinion that any money saved by competitive negotiations would be negligible compared to the lower revenue that would be received by selling the bonds after July 1.

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(6-1)

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X			X	
	X		X	
			X	
			X	

MOTION: To ADOPT the resolution as presented.

ADJOURN: 1:50 p.m.

Janet Cason
Janet Cason
City Clerk

Stanley R. Billick
Stanley R. Billick, Mayor

Janet Cason
City Clerk

Ellen P. Marshall

Ellen P. Marshall
Deputy Clerk

These minutes of the Naples City Council approved on 05-18-83

Supplemental Attendance List - Regular Meeting, May 4, 1983

Reverend Walter Lauster	Dorothy Singleterry	Miles Scofield
Charles Andrews	Mr. & Mrs. Craig Kiser	Gil Blanquart
Jean Stephens	Ed Shelton	Sandy Scatena
Clayton Bigg	Sam Aronoff	Arnold Lamm
Tish Gray	John Michalik	Jim Weigle
Lloyd Sarty	Edwin Putzell	Herb Anderson
Edward Hannam	George Hermanson	Bob Russell
Frank Lualdi	Anita Utter	Mr. & Mrs. Richard Grant
Walter Olson	Ed McMahon	Herbert Jacobi
Coleman P. Cook	Jim McGrath	Cliff Nelson
Mr. Phillips	James Dennis Murphy	Cortland Rudolph
Russell Britton	Edwin Shelton	

News Media:

Laurie Fugitt, TV-9	Jeff Leen, Miami Herald	James Moses, Naples Daily News
Susan Gardner, TV-9	Denes Husty, News Press	Gary Arnold, WEV, TV-26
Jerry Pugh, TV-9		

Other interested citizens and visitors.



City of Naples

--- MEMO ---

TO: HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL
 FROM: CITY MANAGER FRANKLIN C. JONES
 SUBJECT: ANHYDROUS AMMONIA (ANNUAL BID), BID NO. 83-18
 DATE: APRIL 27, 1983

BACKGROUND

Bids were received and opened on April 18, 1983 for the establishment of an annual contract for anhydrous ammonia. This chemical will be for use at Water Treatment Plant #2 and will be used in our program to control the level of total trihalomethanes (TTHM's) in the City's water system.

It has been determined by the Environmental Protection Agency that TTHM's represent a potential carcinogenic agent and that community water systems serving a population of 10,000 or more must control the concentration to a level at or below 100 parts per billion (ppb). Samples collected at the Water Treatment Plant in 1980 revealed TTHM levels of 240 ppb and 199 ppb.

ANALYSIS

Bid invitations were forwarded to nine (9) vendors with one (1) response being received. After reviewing this proposal with William F. Savidge, Public Works Director, we are recommending that it be accepted as follows:

VENDOR: Bower Ammonia & Chemical Company
 Philadelphia, PA.
 BID AMOUNT: \$.21/lb.

We are recommending that this sole bid be accepted based on the following facts: All known or potential suppliers of anhydrous ammonia in the southeast were forwarded bid invitations with only one response being received. Secondly, seven (7) users of anhydrous ammonia within the State of Florida were contacted. As shown on Attachment A, six of the seven users received only one (1) bid for their annual requirements, or considered it a sole source item.

Shown on the same attachment are the current prices these users are paying for anhydrous ammonia. Prices are based on volume with the larger users paying less per pound. Comparing our estimated usage with the other users, we feel the bid price is a fair and reasonable one.

RECOMMENDATION

Based on the above information, I am respectfully requesting authorization to issue a purchase order to the above recommended vendor to provide the City's annual requirements for anhydrous ammonia. This company will also provide an OSHA-approved, 2000 gallon storage tank at a rental cost of \$10.00 per year.

Based on an anticipated volume of 55,000 pounds per year, the City can expect to expend \$11,550 under this contract.

Funds for this purchase can be found in account #420-533-1-01-21-000-580-00000

Attached is a bid tabulation sheet for your review.

Respectfully submitted,



Franklin C. Jones,
City Manager

Prepared by:

Stewart K. Unangst, Purchasing Agent *SKU*

Concurrence: *FW*

Frank W. Hanley, Finance Director

SKU/kw
Attachments

ATTACHMENT ASURVEY OF CURRENT USERS OF ANHYDROUS AMMONIA

<u>Name of User</u>	<u>Number of Bids Received</u>	<u>Price Per Pound</u>	<u>Estimated Annual Quantity</u>
City of Boyton Beach	1	18¢	100,000 lbs.
City of Cocoa	1	22¢	20,000 lbs.
City of Ft. Pierce	1	22¢	25,000 lbs.
City of St. Augustine	No Bid Sole Source	24¢	10,000 lbs.
City of Tampa	2	18¢	225,000 lbs.
City of West Palm Beach	1	18¢	125,000 lbs.
Manatee County	No Bid Sole Source	17¢	Not Available
City of Naples	1	21¢	36,500 lbs.

PREPARED BY: Stewart K. Unangst

CITY OF NAPLES

BID NO. 83-18

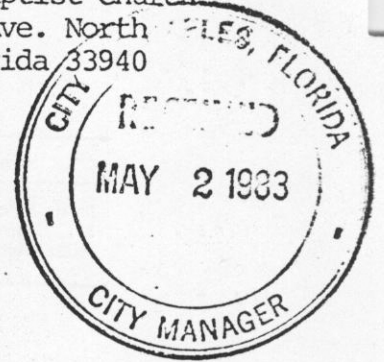
BID TABULATION

OPENING DATE: 4-18-83

ANHYDROUS AMMONIA (ANNUAL BID)

BIDDER	Bid Price Per lb.	Less Prompt Payment Disc.	NET BID Price Per lb.	Terms	Cost for Bulk Storage Tank	Minimum Order	Delivery
Bower Ammonia & Chemical 5811 Tacony Street Philadelphia, PA. 19135	.21	---	.21	Net/30 days	\$1.00 Per Year	2,000 lbs.	2-3 days

Macedonia Baptist Church
1003 Third Ave. North
Naples, Florida 33940



May 2, 1983

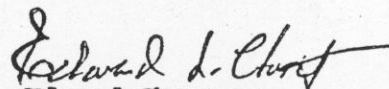
Mr. Frank Jones
City Manager
735 8th St. South
Naples, Fla. 33940

Dear Sir:

We would like to request that our petition be continued for six months to a year.

This will give the City and the Black Betterment Association an opportunity to work out a solution to our problem.

Sincerely,


Edward Chestnut

NOTES FOR PUBLIC STATEMENT BEFORE
MAPLES CITY COUNCIL MEETING
May 4, 1983

My name is Frank Lualdi. My address is 3225 Rum Row. I have been a fulltime resident of Naples for 13 years. I am a journalist.

You have a copy of my notes and, if I'm allowed to speak, you should be able to follow my presentation. If you have any questions on any point, I would appreciate it if you would make a note on your copy and then ask me any questions when I am through. This will save a great deal of time for everyone.

Before I begin, I would like to make certain that everyone here understands that I have the highest regard for the honesty and integrity of this City Council and our Mayor. I voted for all of you.

But it is a fact the Naples City Council was misled into passing bad legislation, and that bad legislation should be revoked as quickly as possible.

I have spent countless hours over the past few months researching every available bit of information in connection with the change in the water and sewer rates.

During these past few months I have been lied to, I have been harrassed, and I have been treated rudely and treated like a fool. What's more important is that a great many other residents of Naples have received this same treatment from our city government.

We don't like it. We won't tolerate it. This is the United States -- not a banana republic.

Why have I been lied to? Why have I been harrassed? That's simple -- because I'm asking questions no one wants to answer. Because if the truth is told, it will show that great injustices have been brought about by the city government.

Here are some of the facts my research has uncovered:

On February 6 I told the City Manager, Mr. Jones, that my water bill had gone up 130%, and that some other residents' bills had gone up 200% and 300%. I asked him the question: "When he was making his recommendation to the City Council, did he tell the City Council that some residents' bills would go up 200% - 300% - 600%? He did not respond.

I checked all the records -- all the hearing records -- and unless there were meetings off the record -- he didn't tell you that. On December 15 he told you there would be a "moderate" increase or actual decrease.

I asked Mr. Jones if he was aware there were very large water users that received drastic cuts in their water bills. He did not respond.

On December 15 Mr. Jones told you that large water users -- for example 700,000 gallon users -- would be charged higher rates for their water than smaller residential users.

Now, here are some of the facts:

Mr. Coleman P. Cook of 233 Bay Point in the Moorings wrote me a letter giving me the following information: Under the new rate structure, his residential water bill went up 40% despite the fact he used no more water. He used 14,000 gallons in the old period and 14,000 gallons in the new period. His new water rate per thousand gallons is now \$1.35.

In contrast, the city records show the Surfledge Condominium on the beach paid \$1,402 for 1,594,000 (one million five hundred ninety-four thousand) gallons of water which works out to 88 cents per thousand gallons under the old system. Under the new rates, this condominium's bill dropped to \$1,399 for 1,937,000 (one million nine hundred thirty-seven thousand) gallons of water, or 72 cents per thousand gallons. Less the point be missed, this condominium paid \$3 less for using 343,000 gallons more water under the new rate structure.

A review of my water bills shows a 130% increase under the new rates, and that is after using five thousand gallons less water.

Another very large condominium on the beach -- namely Gulfside -- "demanded" (Mr. Jones likes to use the word "demanded") 321,000 more gallons of water and paid \$16 less under the new rates. This was a 28% decrease in their cost per thousand gallons.

Mr. Jones told me I didn't understand his "philosophy" and "methodology" in setting these rates. His "methodology" resulted in giving away almost 700,000 gallons to these two condominiums alone. The question is: Is this what the Council wants? Is this what the Council expected to happen?

The case of Mr. Truman Brown -- 963 Galleon Drive -- his rates went from 65 cents per thousand gallons to \$1.08 per

thousand gallons under the new billing. This works out to a 66% increase -- despite the fact his water usage dropped as mine did.

I could go on and on citing examples, but the fact is an examination of the new billing will show it is riddled with these inequities.

On December 6, Mr. Jones wrote a memorandum to the Mayor and the members of the City Council recommending that the new rates be implemented. In his memorandum he stated, quote, "For additional clarification, I am presenting some typical water and sewer rate comparisons and enclosing an addendum that presents the numbers used to arrive at the new rates."

Of the five examples he cited, none showed a water rate increase of more than 9%, and in fact, two of his three residential examples demonstrated substantial decreases. Nowhere in this memorandum, or in his remarks to the City Council, did Mr. Jones indicate that a fair number of Naples residents would be facing rate hikes of up to 600%.

The City Council trusted and accepted Mr. Jones' examples. He didn't tell you that some residential units would go up 200% - 300% - 600% -- and some large condominiums would have their rates drop 23%. If he had told you that, you certainly would have asked for a complete review of the matter.

The lesson to be learned here is that the larger the condominium, the less its residents have to pay for their water, and the single family homeowner winds up subsidizing them. Does Mr. Jones want me to give up my home and move to a large condominium? Perhaps he is suggesting I buy stock in large condominium development companies.

The city records show there was first reading of the new ordinance on December 15, 1982, and a so-called public hearing on January 5, 1983.

I asked Mr. Jones if he was the one who set the agenda for the December 15 and January 5 meetings. He did not respond. I checked and it was Mr. Jones who put these important utility matters on the city agenda. This schedule gave the public only 15 working days -- 15 working days which included Christmas Eve and New Years Eve. The public had no specific proposed rates to consider until December 15, and before the public had a chance to investigate and react, the new rates were passed into law January 5, 1983.

I asked Mr. Jones the question: "Had the city ever published the proposed rates prior to the enactment?" He did

not respond. The truth, the fact of the matter, is the city never published the new rates prior to their enactment, and to this date they still have not published the new rates. If they had published the new rates prior to their enactment you can be sure that instead of there being no one at the one and only public hearing re these water rates, there would have been many people there with questions.

The city government's failure to provide the public with full and complete details of its proposed action precluded the possibility of any meaningful debate. This might not be government in the dark, but it's certainly government in the dusk.

The very speed and silence with which this rate restructuring was introduced and passed by the City Council raises several critical questions. As a normal matter of course there is usually at least an eight month to two year interval between the time a utility rate change is first proposed and is actually put into effect.

This gives the public an adequate amount of time in which to assimilate and evaluate the facts of the case and make their views known to the proper authorities. Fifteen days, wrapped around the Christmas holidays, can hardly be called adequate -- or just.

I believe the City Council didn't realize what was happening, but the City Manager, who set up the agenda, knew exactly what he was doing. I believe he did not want to hear from the public. Mr. Jones may think that our water and sewer public utilities belong to him, but he's wrong. They belong to the taxpayers of this city. This water utility is not Mr. Jones' backyard hose.

The official minutes of the January 5 public hearing show that this one and only public hearing lasted a scandalous 60 seconds. Surely that must be the shortest public hearing on a utility rate increase any utility has ever held in recorded history. The city minutes don't specify exactly what was said during this 60 seconds, but most likely very little since 60 seconds is an extremely brief period of time. It's hardly long enough for someone to state his name, let alone state his views.

The truth of it is that not one single resident or taxpayer was at that meeting to talk about the water rates. If I were a City Councilman or a City Manager at a public hearing on a water and sewer rate increase and no one from the public showed up to speak, I would know something was wrong. I would wonder whether the public really knew what was happening, and whether they had been adequately informed.

The proper legal thing, the proper moral thing, the proper ethical thing would have been to postpone the decision re the new water and sewer rates and to instruct the City Manager to publish the new rates and make certain the public was informed as to what was being proposed. Then a public hearing should have been scheduled for a later date to receive taxpayer input.

At one point in my discussion with Mr. Jones, he informed me that my problem was that I didn't understand the "philosophy and methodology" behind the rate restructuring he had devised and recommended to the City Council. I agreed I did not understand, and asked what had been the "philosophy and methodology" of previous City Councils and City Managers? Mr. Jones said it was obvious they hadn't had any "philosophy and methodology." In effect he was telling me that all the previous City Managers and City Councilmen hadn't known what they were doing.

During the course of my research I also met with the City Finance Director, Mr. ~~Frank~~ Hanley. I asked him the same question I had previously asked Mr. Jones: "Why hadn't the city warned the public in advance that this new billing system might double or triple our water bills?" He did not respond.

I also inquired as to how much additional revenue he estimated the city would receive as a result of this water and sewer rate restructuring. He replied that he did not know -- an answer which totally baffled me since I had assumed that as City Finance Director he would be familiar with whatever financial projections had been used as the basis for this new legislation.

When it turned out Mr. Hanley had no idea how much additional funds he expected to come in as a result of these water and sewer rate increases, I decided to review the transcripts of all the meetings. These transcripts show that no figures were ever presented to the City Council as to how much money the city needed. There was no definition of any problem, there was no explanation as to why they should raise the rates, there was no explanation as to how much money should be raised. You don't merely raise people's rates on the strength that it would be nice.

At the time the Council made the decision to approve the rates Mr. Jones recommended, they did not even know how much money was needed or how much money would be brought in by these new rates. At least I can't find it in the records. I can't find it in the newspapers. And everyone I ask has no idea about it.

Does the city need \$40,000? \$400,000? \$4 million? If the Council did not know, how could it decide to increase the rates? I listened to all the tapes of the meetings, and I also had the city transcribe them for me (for over \$100), and I still can't find any mention of this.

Is the city running out of water? Does the city want to build a new water plant for outside growth? Why does the city need to raise the rates?

Whether it's a private utility or a public utility, it first examines whether or not it really needs a rate increase, then calculates how much is needed -- \$40,000? \$4 million? The utility then goes to a public service commission, or in this case the public, and states it needs an increase of say, \$40,000, or \$400,000 or \$4 million, and the detailed reasons for it.

According to the official records, the council was never told, the public was never told and the press was never told the reasons for these increased water and sewer rates. According to the official records, our city's Finance Director, Mr. Hanley, was never consulted by the City Council, which is strange in itself. Mr. Jones seems to wear many hats.

The record seems to indicate the City Council, on January 5, passed legislation raising sewer and water rates without telling the residents why. The record seems to indicate the City Council passed these rate increases without even knowing why. They simply took Mr. Jones' advice.

Mr. Jones, for his part, relied on the advice of outside consultants who charged the city \$31,000 for a useless report.

I would like to point out that the information these consultants used was one and a half to two years out of date at the time they made their recommendations to the City Manager and the City Council. In other words, when the City Council made its decision to raise the rates, it was relying on a report containing information that was two years old. I would like to ask the councilmen this question: "When you were in business, did you make important decisions based on two-year old information? When the up-to-date information was available in five minutes?"

During the meeting on either December 15 or January 5, why didn't one of you turn to the City Manager and say, "Mr. Jones, where is the up-to-date information? This information is two years old."

I don't believe the councilmen really studied this report. I had to read it three times, and altogether I spent over eight hours studying it. If there had been a proper public hearing on January 5, and if I had been provided with a copy of the consultant's report, there would have been something like 20 questions I would have asked the outside consultants if they had been there -- which they weren't. And the first one would have been: "Why are you giving me a report based on information that's two years old?"

This study is outrageous and the city should ask for its \$31,000 back. I had to pay the city \$12 to get a copy of this report which is as full of holes as Swiss cheese.

I'd also like to ask: "Why did the City Attorney absent himself during the December 15 first reading of this legislation? What could have been more important than utility legislation? He made sure he was in attendance when the City Council discussed how much an astrologer should pay for a city license.

The utilities in this city are owned by the public -- not by Mr. Jones, not by Mr. Rynders. These ordinances, # 834180 and 834181, should be revoked as soon as possible. They're illegal, they're immoral.

This Council has made a great many mistakes in bringing about this legislation. The Council should realize that -- understand that -- and admit to the public it was wrong. The public will admire you for this. And then schedule new hearings where the public can participate -- and if the public is satisfied that rate increases are necessary, put them into effect.

I appreciate your giving me this time to speak. There are many more facts I can give you if you desire. Thank you again.

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SAMPLE OF IMPACT ON BAY POINT RESIDENTS OF ORDINANCE SETTING WATER RATES
BASED ON METER CAPACITY FOR 4-14-83 READINGS

<u>House No.</u>	<u>Meter Size</u>	<u>Pipe meter to house</u>	<u>,000 gal used</u>	<u>Cost</u>	<u>Sprinkling system</u>	<u>remarks, etc</u>
1	1-1/4	1-1/4	77	\$59.94	Zonal, auto	
2	1-1/4	3/4	60	48.89	Zonal, auto	
3	1-1/4	3/4	46	39.79	Zonal, auto	
4	1-1/4	3/4	24	25.40	Zonal, auto	
5	1-1/4	3/4	17	24.94	No sprinkling system	
6	1-1/2	1-1/2	13	38.41	3-zone, manual valves	
7	1-1/4	1-1/4	12	17.69	Well.	City water not used for sprkl

OBSERVATIONS:

1. Validity of the sample. Since there are 14 houses on Bay Point, this is a 50% sample. Digging inside meter boxes, tracing water lines, etc., proved a chore. This small sample may not be representative of the impact of the ordinance on Naples as a whole, but should be representative of comparable neighborhoods.

2. Relationship, if any, of meter size to consumption. Disregarding House No. 7 that does not use city water for irrigation, the smallest user, House No. 6, had the largest meter. But, the smallest user (with a 1/4" larger meter) paid nearly as much for the 13,000 gallons it consumed as did House No. 3 that consumed 46,000 gallons, or more than three times as much as did House No. 6 with the 1/4" larger meter. If there is any relationship in this sample between consumption and size of water meter, it is not readily apparent.

3. Meter size and lead-in pipe size. According to the local press and the residents who have called the City, the City states that it will install smaller meters when they are available or, in the interim, install constricting fittings that will, for example, reduce a 1-1/4" meter to 3/4" capacity. However, it will be noted from the above sample that the original builder or his sub-contractor has in 4 out of the six pertinent cases already reduced the 1-1/4" meters to 3/4", for practical purposes, by laying 3/4" pipe from the meters to the houses. In most cases the reduction was made at the house side of the meters, at the meter itself.

4. Are users being taxed for a mistake by the City? It appears, subject to the limited time for research, that one of two things probably happened: (1) The City required meters according to lot size--the larger the lot, the larger the meter (or whatever basis, for computing probable consumption). (2) The builders learned that the meters were too large and began to install the smaller, cheaper 3/4" pipe between the meter and the house, or the builders found they could get by City inspectors with the cheaper, smaller pipe than the capacity of the meters. This is obviously speculation, but the evidence points strongly to the conclusion that the city is with this ordinance taxing the users who had to install the meters at the City's direction where the larger meters were not required in the first place.

Opening Statement

Wednesday, 11/14/81

ATTACHMENT #6 - page 1

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Good Morning, Mr. Mayor and Councilmen:

My name is J. Sandy Scatena and my wife and I reside at 2990 Binnacle Drive, Naples, Florida. We have lived in the City of Naples for over 11 years, have owned Properties in Collier County since 1967 and in 1975 we opened A Women's Apparel Shop - Clothes Rack at 539 Fifth Ave. So.

Every Ordinance passed by this Council for the City of Naples controls in some way what we the Citizens, Property and Business Owners in the City of Naples can legally do. Thus I am here today, AS A Concerned Citizen, to discuss Ordinance NO. 83-4180, an Ordinance relating to Rates for Water Service amending Section 26-8, entitled "Rate Schedule" of the Code of Ordinances of the City of Naples which was passed by this Council on January 5, 1983.

At this time Mr. Mayor, I wish to place into the Record of this Hearing the following Exhibits marked No. 1 through No. 8 which are pertinent to this discussion that we are having today. I will make brief comments about each of these 8 Exhibits. (If you want each Exhibit read in full, Mr. Mayor, I'm sure our able Assistant City Clerk can

do so for you.)

6 of these 8 Exhibits which I have just introduced into the Record have recently appeared in our local newspaper - the "Naples Daily News."

My wife and I have read these 8 Exhibits several times, and as members of the Business Community, are very concerned about the inefficient manner in which our City Manager, Frank Jones and our City Attorney, David Rynders, are performing their jobs.

Common sense tells us that it is not equitable to charge residents a retroactive Water Rate Increase, but the question we want answered is - "Is this legal to do under Ordinance No. 83-4180, as publically stated by our City Manager, Frank Jones and our City Attorney, David Rynders?"

When I leave this Council Meeting today, my wife and I hope that you, Mr. Mayor, and Councilmen will be able to answer our most important question - "Is Ordinance NO. 83-4180, which was passed by you on January 5, 1982 legal or illegal?" And under this Ordinance can the City of Naples legally charge their customers for the ²³Water they used in November

And December 1982 - whose Water Meters were
read on January 3rd and 4th 1983 - before
Ordinance No. 83-4180 was passed on January
5, 1983?



City of Naples

--- MEMO ---

TO: HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL
 FROM: CITY MANAGER FRANKLIN C. JONES
 SUBJECT: AGREEMENT WITH ARCH W. ROBERTS & COMPANY
 DATE: APRIL 29, 1983

BACKGROUND: In the near future the City will be working on issuing bonds for the capital improvement program, the reconstruction of the City Dock and the expansion of the wastewater treatment plant. The process of structuring and bringing bond issues to sale requires the assistance of a financial advisory firm. For quite some time now the City of Naples has been using the firm of Arch W. Roberts & Company.

ANALYSIS: In reviewing our files I found that there is no current agreement in effect between the City and Arch W. Roberts & Company covering their services as financial advisor. I then asked Courtland Rudolph, their representative servicing the City, to prepare an appropriate agreement. The agreement covers all the services to be provided by the firm and outlines the responsibilities of both the financial advisor and the City in bringing the issues to sale. In addition, it provides that the advisor will remain the independent agent of the City in all sales by requiring that they not participate in the initial underwriting of any debt obligations issued during the term of the agreement.

The fee schedule is based on the Recommended Schedule of Standard Minimum Fees for Financial Consulting Contracts prepared by the Chartered Municipal Financial Consultants of the Florida Security Dealers Association. The agreement provides that this schedule would be used until the fee reaches the level of \$24,000 at which time the fee would be 50% of the rates listed in the schedule. I have compared the fee schedule to the fees paid by the County for a recent bond issue and find that the fees under this agreement are slightly lower.

RECOMMENDATION: I recommend that the Council adopt the resolution authorizing the Mayor and City Clerk to execute the agreement.

Respectfully submitted,

Franklin C. Jones
 City Manager

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 encs.