



# City of Naples

City Council Minutes  
Regular Meeting June 5, 1985

City Council Chambers  
735 Eighth Street South  
Naples, Florida 33940

-SUBJECT-	Ord. No.	Res. No.	Page
<u>ANNOUNCEMENTS</u>			
-MAYOR BILLICK - reviewed the status of the improvements in the Third Street South shopping area - cited problems he has with anonymous letters			1
-CITY MANAGER JONES - made the presentation of the George Patterson Memorial Scholarship to Patrick Estes			1
-MR. ANDERSON - asked for a consensus of Council to direct the City Attorney to draft an emergency ordinance to authorize the Mayor to declare a water shortage			1
<u>APPROVAL OF MINUTES</u> - Regular Meeting, 06/05/85			2
<u>PURCHASING</u>			
-Award bid - drilling three water wells - East Golden Gate		85-4738	2
-Award bid - three police cruisers		85-4739	2
<u>RESOLUTIONS</u>			
-Approve agreement w/School Board re use of buses - summer program		85-4736	2
-Approve agreement w/Collier County and State re use of Florida Boating Improvement Funds - City Dock		85-4737	2
-Accept B/S from Kevin Stoneburner - water lines		85-4740	2
-Approve DR 85-3 - maintenance dredging - 1526 Fourth St So		85-4741	3
-Approve Coastal Construction Variance CCL 85-4 - north of 1121 Gulf Shore Blvd - Yeiser/The Beach Venture		85-4742	3
-Approve Spec. Ex. Pet. 85-S9 - 120-unit transient lodging N.E. corner U.S. 41 & Goodlette Road		85-4745	4
-Approve change order for Twin Construction, Inc. re W.W.T.P. exp.		85-4746	5
-Approve 4% increase for non-bargaining unit employees excluding changes in the compensation and benefits plan		85-4747	5&6
-Approve amendment to City Attorney's contract - permit some private practice		85-4748	6
-Approve contract w/CH2M Hill for engineering services - expansion of East Golden Gate wellfield		85-4749	7
-Approve contract w/Greeley & Hansen - design, bidding and inspection work - aux. power supply - Water Plant #2		85-4750	7
<u>ORDINANCES - Second Reading</u>			
-Adopt survey requirement for foundations prior to completion of structure	85-4743		3&4
-Adopt Rezone Pet. 85-R5 - rezoning NE corner of U.S. 41 & Goodlette Road to "C-2" General Commercial	85-4744		4
- First Reading			
-Approve authorization to advertise and accept bids for public works vehicles - payment to be from 85-86 budget	85-		5
-Adopt authorization for Mayor to declare water shortage - passed on EMERGENCY BASIS	85-4751		8
<u>DISCUSSION</u>			
-Cancellation of the Regular City Council Meeting of July 3 and rescheduling of said meeting to coincide with the Regular Meeting of July 17			6
-Discussion with reference to allowing alcoholic beverage sales on Sunday outside of permanently licensed business locations on a permit basis for certain functions - Naples-Pelican Bay Rotary Club request			6&7

City Council Chambers  
735 Eighth Street South  
Naples, Florida 33940



Time 9:12 a.m.

Date June 5, 1985

Mayor Billick called the meeting to order and presided as Chairman

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S E N T
			Y E S	N O	
<p><u>ROLL CALL:</u> Present: Stanley R. Billick <u>ITEM 2</u> Mayor</p> <p>R. B. Anderson William E. Barnett William F. Bledsoe Lyle S. Richardson Wade H. Schroeder Kenneth A. Wood Councillmen</p> <p>Also present: Franklin C. Jones, City Manager David W. Rynders, City Attorney Roger Barry, Community Development Director Mark Wiltsie, Assistant to the City Manager John McCord, City Engineer Tara Norman, Administrative Aide Steve Brown, Personnel Director</p> <p>Stewart Unangst, Purchasing Agent Ellen P. Weigand, Deputy Clerk Chris Holley, Parks &amp; Recreation Director Steve Cramer, Chief Planner Norris Ijams, Fire Chief</p> <p>See Supplemental Attendance list - Attachment #1</p> <p><u>INVOCATION:</u> Pastor Howard Hugus <u>ITEM 1</u> Emmanuel Lutheran Church</p> <p>***</p> <p><u>ANNOUNCEMENTS</u> <u>ITEM 3</u></p> <p>Mayor Billick - reviewed the information in <u>ITEM 3-a</u> a memo from City Manager Jones dated June 5, 1985 (Attachment #2) which referred to the improvements on Third Street South.</p> <p>- stated that he received mail he could not respond to because the writer/writers signed with nom de plumes such as "Concerned Citizen". He specifically noted one letter that complained about recent approvals of large unit developments which, he noted, had been approved by the County Commission and were not even within the City limits.</p> <p><u>City Manager Jones</u> - made the presentation of the <u>ITEM 3-b</u> George Patterson Memorial Scholarship to Patrick Estes, son of a former City employee, Brad Estes.</p> <p><u>Councilman Anderson</u> - asked for a consensus of <u>ITEM 3-c</u> Council to direct City Attorney Rynders to draft an ordinance to be passed on an emergency basis at this meeting to authorize the Mayor to declare a water shortage. A discussion of the current status of the water supply ensued and Stanley Hole, speaking for the South Florida Water Management District, noted that levels were not as low as when they had instituted the mandatory restrictions in May. City Manager Jones explained that the City had cut back slightly on the water pressure. He also noted that use of water spread out over the day was preferable to concentrated use in a four hour period of time because the concentrated use made it necessary to draw from the coastal ridge aquifer. It was the consensus of Council to direct the City Attorney to draft the requested ordinance on an emergency basis.</p>					

COUNCIL MEMBERS

M O T I O N	S E C O N D	VOTE		A B S E N T
		Y E S	N O	

-----CONSENT AGENDA-----

APPROVAL OF MINUTES - Regular Meeting 05/15/85 ITEM 4

---RESOLUTION 85-4736 ITEM 5

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF NAPLES AND THE SCHOOL BOARD OF COLLIER COUNTY PROVIDING FOR THE CITY TO USE COLLIER COUNTY SCHOOL BUSES TO TRANSPORT PARTICIPANTS IN THE CITY'S SUMMER RECREATION PROGRAM; AND PROVIDING AN EFFECTIVE DATE.

Title not read.

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---RESOLUTION 85-4737 ITEM 6

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT BETWEEN THE STATE OF FLORIDA DEPARTMENT OF NATURAL RESOURCES, COLLIER COUNTY AND THE CITY OF NAPLES, RELATING TO THE USE OF FLORIDA BOATING IMPROVEMENT FUNDS FOR PARTIAL REIMBURSEMENT OF THE NAPLES MUNICIPAL DOCK CONSTRUCTION COSTS; AND PROVIDING AN EFFECTIVE DATE.

Title not read

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PURCHASING ITEM 7

---RESOLUTION 85-4738 ITEM 7-a

A RESOLUTION AWARDED BID FOR THE DRILLING AND CONSTRUCTION OF THREE (3) WATER SUPPLY WELLS IN THE EAST GOLDEN GATE WELFIELDS; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Title not read.

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---RESOLUTION 85-4739 ITEM 7-b

A RESOLUTION AWARDED THE BID FOR THREE (3) PATROL CARS, AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER FOR THE BID HEREIN AWARDED; AND PROVIDING AN EFFECTIVE DATE.

Title not read.

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---RESOLUTION 85-4740 ITEM 8

A RESOLUTION ACCEPTING A BILL OF SALE FROM KEVIN STONEBURNER CONVEYING TO THE CITY ALL WATER LINES AND APPURTENANCES LYING IN THE WEST 30 FOOT RIGHT-OF-WAY IN THE EAST 1/2 OF THE SOUTHEAST 1/4, OF THE SOUTHEAST 1/4, OF THE SOUTHWEST 1/4 OF SECTION 11, TOWNSHIP 49 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE.

Title not read.

Mr. Anderson confirmed with City Manager Jones that the purchase of the patrol cars for the Police Department was necessary at this time.

MOTION: To APPROVE the minutes and ADOPT the resolutions as presented.

Anderson	X	C O N S E N S U S
Barnett		
Bledsoe		
Richardson	X	
Schroeder		
Wood		
Billick		

-----END CONSENT AGENDA-----

COUNCIL MEMBERS	M	S	Y	N	A
	O	E			
	T	C	O	O	B
	I	O	N	N	S
	O	N	S	O	E
	N	D	O		N

-----ADVERTISED PUBLIC HEARINGS-----

---RESOLUTION 85-4741

ITEM 9

A RESOLUTION AUTHORIZING DREDGING ACTIVITIES WITHIN AN EXISTING BOAT SLIP AND ADJACENT UN-NAMED MANMADE CANAL, SUBJECT TO THE CONDITIONS ENUMERATED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Public Hearing: Opened - 9:45 a.m. Closed - 9:48 a.m.

Dr. William Johnson, representing the petitioner, noted their concurrence with the conditions in the resolution. In response to a comment by Mr. Richardson, Mayor Billick and City Attorney Rynders noted that an ordinance to permit "maintenance dredging" was being investigated.

MOTION: To ADOPT the resolution as presented.

\*\*\* \*\*

Anderson  
Barnett  
Bledsoe  
Richardson  
Schroeder  
Wood  
Billick  
(7-0)

X  
X  
X  
X  
X  
X

---RESOLUTION 85-4742

ITEM 10

A RESOLUTION GRANTING A VARIANCE FROM THE 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 RETAINING WALL AND CHANGES IN EXISTING GROUND ELEVATIONS ASSOCIATED WITH BEACH FRONT LANDSCAPING, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Public Hearing: Opened - 9:49 a.m. Closed - 9:50 a.m.

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Mr. Richardson left the Council chamber - 9:49 a.m.

\*\*\* \*\*

Attorney Richard Grant appeared before Council to state that the property is now in the name of The Beach Venture. Stanley Hole, representing the petitioner, stated he was present to answer any questions.

MOTION: To ADOPT the resolution as presented.

\*\*\* \*\*

Anderson  
Barnett  
Bledsoe  
Richardson  
Schroeder  
Wood  
Billick  
(6-0)

X  
X  
X  
X  
X  
X

X

SECOND READING OF AN ORDINANCE

ITEM 11

---ORDINANCE 85-4743

AN ORDINANCE AMENDING SECTION 8-6 OF THE MUNICIPAL CODE OF THE CITY OF NAPLES TO PROVIDE THAT THE PERMIT HOLDER FOR A BUILDING PROJECT SHALL SUBMIT TO THE BUILDING OFFICIAL A CERTIFIED SURVEY DEPICTING THE LOCATION OF THE FOUNDATION OR PILINGS OR SIMILAR STRUCTURAL ELEMENT AS BUILT IN RELATION TO ALL APPLICABLE PROPERTY LINES AND SET-BACK LINES; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERENCE; PROVIDING AN EFFECTIVE DATE. PURPOSE: TO REQUIRE SURVEYS OF BUILDING FOUNDATIONS PRIOR TO COMPLETION OF CONSTRUCTION SO AS TO ASCERTAIN THAT THE FOUNDATION DOES NOT ENCR OACH ON ANY SETBACKS.

Title read by City Attorney Rynders.

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Mr. Richardson returned to Council chamber - 9:51 a.m.

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Mr. Anderson left the Council chamber - 9:52 a.m.

\*\*\* \*\*

Public Hearing: Opened - 9:53 a.m. Closed - 9:54 a.m.

No one present to speak for or against.

COUNCIL MEMBERS

MOTION RECORDS ABSENT

SECOND READING OF ORDINANCE (Cont)

ITEM 11 (Cont)

---ORDINANCE 85-4743 (Cont)

City Attorney Rynders noted that the Builders and Contractors Association had requested that the requirement appearing in the First Reading of the Ordinance that the surveyor must show the required setbacks on the survey map be deleted. He noted that since the Community Development Department had no objections, the requirement had been deleted. Community Development Director Barry explained that that Building Official was competent to interpret the survey regarding the setback requirements.

Anderson
Barnett
Bledsoe
Richardson
Schroeder
Wood
Billick
(6-0)

X
X
X
X
X
X
X

MOTION: To ADOPT the ordinance as presented on Second Reading.

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-----END ADVERTISED PUBLIC HEARINGS-----

COMMUNITY DEVELOPMENT DEPARTMENT/NAPLES PLANNING ADVISORY BOARD

ITEM 12

---ORDINANCE 85-4744

ITEM 12-a

AN ORDINANCE REZONING THE FOLLOWING DESCRIBED PROPERTY FROM INDUSTRIAL TO C-2; DIRECTING THAT THE ZONING ATLAS BE REVISED TO REFLECT SAID REZONING; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO REZONE THE PROPERTY DESCRIBED HEREIN AT THE REQUEST OF THE PROPERTY OWNER IN ORDER TO ALLOW FOR COMMERCIAL USE OF PROPERTY.

Title read by City Attorney Rynders.

Mr. Anderson returned to the Council chamber - 9:55 a.m.

Public Hearing: Opened - 9:55 a.m. Closed - 9:57 a.m.

Attorney Thomas Brown noted his presence representing the petitioner. He further noted that a Special Exception had been granted for this facility for a 100-unit motel with 30 offsite parking spaces that had been contracted for. He further stated that they would negotiate for the additional 23 spaces needed for a 120-unit motel, noting that Harbortowne had a total of 59 extra spaces.

Anderson
Barnett
Bledsoe
Richardson
Schroeder
Wood
Billick
(7-0)

X
X
X
X
X
X
X

MOTION: To ADOPT the ordinance as presented on Second Reading.

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---RESOLUTION 85-4745

ITEM 12-b

A RESOLUTION GRANTING THE SPECIAL EXCEPTION TO PERMIT A PROPOSED 120-UNIT TRANSIENT-LODGING FACILITY AT THE NORTHEAST CORNER OF GOODLETTE-FRANK ROAD AND U.S. 41; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Community Development Director Barry noted that the resolution should refer to the offsite parking to which City Attorney Rynders responded that City Manager Jones' memo dated May 3, 1985 (Attachment #2) contained a condition requiring approval of the offsite parking and was included as a part of the resolution.

Anderson
Barnett
Bledsoe
Richardson
Schroeder
Wood
Billick
(7-0)

X
X
X
X
X
X
X

MOTION: To ADOPT the resolution as presented.

-----END COMMUNITY DEVELOPMENT/P.A.B.-----

COUNCIL MEMBERS

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N	D	O	T

-----FIRST READINGS-----

---ORDINANCE 85---

ITEM 13

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ADVERTISE AND ACCEPT BIDS FOR PUBLIC WORKS VEHICLES; PROVIDING FOR PAYMENT THEREFOR TO BE MADE FROM THE BUDGET FOR THE FISCAL YEAR 1985-86, PURSUANT TO SECTION 8.14 OF THE CITY CHARTER; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO AUTHORIZE THE ADVERTISEMENT AND ACCEPTANCE OF BIDS FOR PUBLIC WORKS VEHICLES PRIOR TO ADOPTION OF THE 1985-86 BUDGET.

Title read by City Attorney Rynders.

Mr. Anderson stated his preference for budgeting with long lead time for such items.

MOTION: To APPROVE the ordinance as presented on First Reading.

Anderson				X	
Barnett				X	
Bledsoe	X			X	
Richardson		X		X	
Schroeder				X	
Wood				X	
Billick				X	
(7-0)					

-----END FIRST READINGS-----

---RESOLUTION 85-4746

ITEM 14

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER FOR THE PURCHASE OF STONE COLUMNS FROM TWIN CONSTRUCTION, INC.; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

City Manager Jones explained that the circumstances necessitating the columns could not have been anticipated by normal core drillings.

\*\*\* Mr. Wood left the Council chamber - 10:06 a.m. \*\*\*

He recommended approval of the columns and noted that the City had exercised "deduct" options that represented a savings of approximately \$200,000 which he felt greatly offset this extra expenditure.

MOTION: To ADOPT the resolution as presented.

Anderson	X			X	
Barnett				X	
Bledsoe				X	
Richardson				X	
Schroeder				X	
Wood		X		X	X
Billick				X	
(6-0)					

\*\*\* Mr. Wood returned to the Council chamber - 10:09 a.m. \*\*\*  
 \*\*\* City Attorney Rynders left the Council chamber - 10:09 a.m. \*\*\*

---RESOLUTION 85-4747

ITEM 15

A RESOLUTION ADOPTING THE COMPENSATION AND BENEFIT PLANS FOR NON-BARGAINING UNIT EMPLOYEES FOR 1985-86; AND PROVIDING AN EFFECTIVE DATE.

Title read by Mayor Billick.

City Manager Jones reviewed the information in his memo dated May 30, 1985 (Attachment #3).

\*\*\* City Attorney Rynders returned to Council chamber - 10:11 a.m. \*\*\*

Mayor Billick and Councilman Anderson questioned the comparisons used in arriving at the changes that were recommended. George Cody of Cody & Associates reviewed some of the changes in titles in Section X.-Summary of Classification Plan Changes. Mr. Anderson said he would like some substantiation as to why the changes were made. Mr. Schroeder said he would like to review the forms used for evaluations and the manual that Mr. Cody had said

COUNCIL MEMBERS

MOTION S E C O N D Y E S N O A B S E N T

---RESOLUTION 85-4747 (Cont)

ITEM 15(Cont)

was compiled to aid in the evaluations. City Manager Jones suggested that these materials might be distributed to Council for an in-depth discussion at the end of this meeting; however, it was the consensus of Council to have more time to study them. City Manager Jones agreed with a suggestion to pass a resolution that excludes these changes and that would accomplish adopting the 4% general increase and to bring back the individual changes at the next meeting. Mr. Bledsoe, who made the motion to approve, amended his motion to adopt the increase and exclude the changes, and the seconder, Mr. Barnett, concurred.

MOTION: To ADOPT the resolution as amended to approve the 4% increase and to exclude the changes.

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Anderson X X
Barnett X X
Bledsoe X X
Richardson X X
Schroeder X X
Wood X X
Billick X X
(7-0)

---RESOLUTION 85-4748

ITEM 16

A RESOLUTION AMENDING THE CITY ATTORNEY'S CONTRACT WITH THE CITY OF NAPLES; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

City Attorney Rynders reviewed the information in his memo dated May 30, 1985 (Attachment #4). Mayor Billick indicated his approval of the request but stated that the situation would be monitored on a day-to-day basis for any conflict of interest. Mr. Schroeder stated his opinion that because the Mayor was an attorney, he could monitor the situation more knowledgeably. Citizen Robert Russell asked if the City Attorney would be conducting any of his private business from his office in City Hall to which Mr. Rynders replied he would have to, by law, use outside help and resources for his private practice. Citizen J. Sandy Scatena addressed Council (Attachment #5) and placed three Exhibits in the record (Attachment #6) in opposition to the Council granting the City Attorney's request.

MOTION: To ADOPT the resolution as presented.

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Anderson X X
Barnett X X
Bledsoe X X
Richardson X X
Schroeder X X
Wood X X
Billick X X
(7-0)

CANCELLATION OF THE REGULAR CITY COUNCIL MEETING OF JULY 3 AND RESCHEDULING OF SAID MEETING TO COINCIDE WITH THE REGULAR MEETING OF JULY 17.

ITEM 17

Requested by City Manager.

City Attorney Rynders noted there was no resolution required for this action.

MOTION: To CANCEL the Regular Meeting of July 3 and reschedule it to coincide with the Regular Meeting of July 17.

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Anderson X X
Barnett X X
Bledsoe X X
Richardson X X
Schroeder X X
Wood X X
Billick X X
(7-0)

DISCUSSION WITH REFERENCE TO ALLOWING ALCOHOLIC BEVERAGE SALES ON SUNDAY OUTSIDE OF PERMANENTLY LICENSED BUSINESS LOCATIONS ON A PERMIT BASIS FOR CERTAIN FUNCTIONS.

ITEM 18

Requested by Naples-Pelican Bay Rotary Club.

A letter dated May 24, 1985 (Attachment #7) further explained the request. City Manager Jones explained that in response to requests from Mayor Billick and Police Chief Reble the staff was preparing a proposed ordinance to establish procedures to cover the ever increasing number of public events that have been occurring within the City limits in the past few years. He said he felt that a part of the proposed ordinance could cover requests such as the one under discussion. Reverend Max Cadenhead, First Baptist Church, spoke in opposition to the request. It was the consensus of Council to consider this matter in connection with

COUNCIL MEMBERS

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DISCUSSION WITH REFERENCE TO ALLOWING ALCOHOLIC BEVERAGE SALES ON SUNDAY OUTSIDE OF PERMANENTLY LICENSED BUSINESS LOCATIONS ON A PERMIT BASIS FOR CERTAIN FUNCTIONS. (Cont) ITEM 18  
(Cont)

the proposed ordinance which the City Attorney said may be presented to Council at the July 17 meeting. It was also decided to go on with the meeting and listen to any petitioners speak to this matter if and when they arrived.

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---RESOLUTION 85-4749 ITEM 19

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER TO COVER THE ENGINEERING SERVICES IN CONJUNCTION WITH THE EXPANSION OF THE EAST GOLDEN GATE WELLFIELD; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Mr. Anderson questioned Roger Haines, representing CH2M Hill, about the design of the well houses as referred to in the Proposed Scope of Engineering Service. Mr. Haines reported that due to the amount of vandalism in these outlying districts, the well houses were made of 1/4" steel plate and were built more like guard houses. He further answered Councilmen's questions about how much water these wells would provide and noted the City would be able to provide more than the expected peak for 1990.

Anderson	X		X
Barnett		X	X
Bledsoe			X
Richardson			X
Schroeder			X
Wood			X
Billick (7-0)			X

MOTION: To ADOPT the resolution as presented.

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---RESOLUTION 85-4750 ITEM 20

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A CONTRACT BETWEEN THE CITY OF NAPLES AND GREELEY AND HANSEN FOR THE DESIGN, BIDDING AND INSPECTION WORK REQUIRED FOR AN AUXILIARY POWER SUPPLY FOR WATER PLANT NO. 2; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

In response to a question from Mr. Anderson, City Manager Jones explained that this would increase the capacity of the present auxiliary power and to modernize it.

Anderson	X		X
Barnett			X
Bledsoe			X
Richardson		X	X
Schroeder			X
Wood			X
Billick (7-0)			X

MOTION: To ADOPT the resolution as presented.

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RETURN TO AGENDA ITEM 18

Thomas Primavera, representing the Naples-Pelican Bay Rotary Club, arrived to speak to his Club's request (Attachment #7). Mayor Billick explained that Council would be discussing a proposed ordinance probably at the July 17th meeting that would pertain to the request.

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COUNCIL MEMBERS

M	S		A
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EMERGENCY ORDINANCE

MOTION: To AMEND the Agenda to add consideration of an ordinance on an EMERGENCY BASIS.

Anderson  
Barnett  
Bledsoe  
Richardson  
Schroeder  
Wood  
Billick  
(7-0)

X			X
			X
			X
			X
	X		X
			X
			X
			X

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ORDINANCE 85-4751

ITEM 21

AN EMERGENCY ORDINANCE OF THE CITY OF NAPLES, FLORIDA, PROVIDING DEFINITIONS; PROVIDING FOR APPLICATION OF THE ORDINANCE; PROVIDING THAT CHAPTER 40E-21, FLORIDA ADMINISTRATIVE CODE, IS PART OF THIS ORDINANCE; PROVIDING FOR DECLARATION OF WATER SHORTAGE OR WATER SHORTAGE EMERGENCY; PROVIDING FOR ENFORCEMENT; PROVIDING FOR PENALTIES; PROVIDING FOR WATER USERS TO ACCEPT PROVISIONS OF THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR DECLARATION OF EMERGENCY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE. PURPOSE: TO PROVIDE FOR FURTHER IMPLEMENTATION OF A "WATER SHORTAGE PLAN".

Title not read.

City Attorney Rynders noted that the ordinance that had been distributed to Council was almost a verbatim of Ordinance 85-4692 that had been passed at the request of the South Florida Water Management District in March. He further reviewed the proposed ordinance. He concurred with Mayor Billick that the decision to declare a water shortage would be made by the Mayor after conferring with the Engineering Department, the Utilities Department and the City Manager. Mayor Billick noted that the County could be requested to pass a similar ordinance inasmuch as the City could only enforce this ordinance within the City limits, and could not police other users of City water.

Anderson  
Barnett  
Bledsoe  
Richardson  
Schroeder  
Wood  
Billick  
(7-0)

			X
			X
	X		X
			X
	X		X
			X
			X
			X

MOTION: To ADOPT the ordinance as presented on an emergency basis.

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CORRESPONDENCE & COMMUNICATION - None

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ADJOURN: 11:22 a.m.

*Janet Cason*  
Janet Cason  
City Clerk

*Stanley R. Billick*  
Stanley R. Billick, Mayor

*Ellen P. Weigand*  
Ellen P. Weigand  
Deputy Clerk

These minutes of the Naples City Council approved JUN 19 1985

## ATTACHMENT #1

## Supplemental Attendance list - Regular Meeting, June 5, 1985

Pastor Howard Hugus	Jack Amaral	Miles Scofield
George Hermanson	Robert Galloway	Gilbert Weil
Stanley Hole	William Johnson	Carlo Paterno
Charles Andrews	Thomas Brown	George Cody
Richard Grant	Herb Anderson	Robert Russell
Henry Albrecht	Roger Haines	J. Sandy Scatena
Tish Gray	John Hind	Rev. Max Cadenhead
Mr. & Mrs. Brad Estes	Laurie DeCourcy	Thomas Primavera
Patrick Estes		Willie Anthony

## News Media:

Ed Solberg, TV-9	Todd Holzman, Miami Herald	Denes Husty, News Press
Phil Tonolone, TV-9	Tom Morgan, Naples Sun	Margaret Miniarch, Naples Star
Randy Sell, TV-9	Mary Armbruster, WEVU TV-26	Chuck Curry, Naples Daily News
Brian Grinonneau, WNOG		

Other interested citizens and visitors.



# City of Naples

## --- MEMO ---

TO: HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL  
 FROM: CITY MANAGER FRANKLIN C. JONES  
 SUBJECT: THIRD STREET SOUTH MODIFICATIONS  
 DATE: JUNE 5, 1985

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I know that you have been receiving letters from residents and business people expressing opinions concerning the street modifications at the intersection of Broad Avenue South and Third Street, South. I thought it might be helpful for you in responding to know what the current situation is and what future actions are contemplated and available to the City.

Some time ago, representatives of the Third Street business community requested that the City approve a landscaping and street improvement program which they wished to undertake. They proposed to underwrite the cost of the improvements except where the City had planned for regular right-of-way or street improvements. Where the City had plans, they requested that we make those plans compatible with their overall landscaping project.

A portion of their plan would have been to narrow the street right-of-way at each of the entrances to the Third Street shopping district. Since this appeared to be a fairly significant change, the City Engineer, through a right-of-way construction permit, authorized a portion of one intersection to be modified on a trial basis. Since the modifications were technically acceptable from a traffic and public safety standpoint, the purpose of the trial period was to determine whether the intersection could function without causing undue problems for the public and the business people in the area. Mr. Carlo Paterno, a Third Street area property owner, has agreed to bear the expenses for constructing the improvements and also the cost of removing them if the trial period shows that it is not workable.

This construction has now been completed for a very short period of time. I would suggest that the Council allow the public time to adjust to this change and time to express their opinions. After a reasonable amount of time the Council could consider whether it wants to permit further improvements such as these, require that the design be modified or require that the improvements be eliminated. At this point, no public funds have been expended.

The staff felt that this trial period was a reasonable approach to changes of the magnitude that were proposed in the area. I would be happy to discuss this project with you or any member of the public who has expressed an interest. After a reasonable amount of time, we will bring the issue to the City Council with several options on how we might proceed.

Sincerely,

Franklin C. Jones  
 City Manager

FCJ/tan

#15



*City of Naples*

--- MEMO ---

TO: HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: CITY MANAGER FRANKLIN C. JONES

SUBJECT: ANNUAL REVIEW - NON-BARGAINING UNIT  
COMPENSATION AND BENEFIT PLAN

DATE: MAY 30, 1985

**BACKGROUND:** Each year we present to City Council for adoption a compensation and benefits plan for the City's non-bargaining unit employees. This embodies necessary changes in both the benefits plan and authorizes a general increase, effective April 1. These changes are necessary to keep pace with inflation, to track changes in the bargaining unit agreements and to be competitive with changes in other governmental compensation plans.

**ANALYSIS:** Changes to the compensation and benefit plan reflect recommendations by George Cody of Cody & Associates, a Florida-based pay and classification consultant. We have used Mr. Cody's services in the past and feel that he has extensive experience in the state. His recommendations were the basis for the City's current pay plan. A copy of his report is attached.

The general pay increase proposed for the non-bargaining employee group is 4%, which reflects the current inflation rate.

The only other significant change is in Section 10.02, "Leave of Absence Without Pay". This policy has been expanded to provide a more businesslike approach to our leave policies and implements the following:

- °Appropriate paid leave must be exhausted prior to approval of leave without pay.
- °Six weeks are provided for maternity leave.
- °Group insurance coverage while on leave without pay and reinstatement procedures are clearly delineated.

Funding to implement these changes is contained in the Contingency Fund.

**RECOMMENDATION:** I recommend that Council approve the revised compensation and benefits plan for non-bargaining unit employees by passing the attached resolution.

Respectfully submitted,

*Franklin C. Jones*  
Franklin C. Jones  
City Manager

FCJ/tan

*City of Naples*

## --- MEMO ---

TO: HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL  
FROM: DAVID W. RYNDERS, CITY ATTORNEY  
SUBJECT: MODIFICATION TO CITY ATTORNEY'S CONTRACT  
DATE: MAY 30, 1985

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Under Section 2.11 of the Naples City Charter, the City Council retains an attorney-at-law to be the City Attorney and determines the attorney's duties and compensation. The City has for many years retained counsel on a full-time basis. The present City Attorney's Contract was last reviewed in 1982 when an additional week of vacation was allowed. The last salary increase was effected in 1981.

I have been with the City for 7 years and have 15 years experience in the practice of law, 14 of which were in local government. At this point it is obviously my desire to continue to expand my own earning ability as my experience and capabilities grow. Rather than requesting a further salary increase or other additional benefits from the City, I would suggest a modification to the Contract which would allow me to achieve my goals and perhaps provide an indirect benefit to the City as well. This modification would be to permit me to take on a limited amount of private legal work while I continue to provide the City with all of the legal counsel and representation it requires. In such a private practice, I intend to seek work on selected cases in which my experience in local government law can be brought to bear. By undertaking such work, my own knowledge and experience will broaden thereby indirectly benefiting the City through my increased abilities.

The conditions of such a modification should include the following: The City will always be my first and primary concern and any other work will be secondary. While both parties recognize that undertaking such work will necessarily require that I be absent from City Hall on occasion, I will arrange to be absent only when the demand for legal work at City Hall permits and will always be prepared to suspend any private work in order to tend to City business. In this regard, the demand for legal work at City Hall has never fallen neatly into a 40 hour weekly schedule. That is to say, sometimes more than 40 hours has been necessary and sometimes less. I will take advantage of the periods of less demand to undertake any private work, and I expect that much of this work will be done outside of normal working hours anyhow. In any event, the City Council should review the circumstances after a period of no more than six (6) months to determine whether any absence or unavailability exists and whether any further change in the Contract is necessary.

A suggested Resolution amending the City Attorney's Contract to permit the handling of outside legal matters while still providing the City with a current and adequate level of legal support is attached.

City Council Meeting - June 5, 1985

Good morning Mr. Mayor and City Councilmen:  
For the Record: My name is Sandy Seaton  
 and I reside at 2990 Binnacle Drive.

As a Concerned Citizen - I appear before  
 you today to discuss the City Attorney's request  
 to handle outside legal matters while still  
 receiving his full salary of \$56,121.00, plus  
 the other benefits that he receives from the  
 City -

As a taxpayer and established member  
 of the business community, I am 100% against  
your granting Mr. Pyncker's request. It is  
 a fact, after all, that when Mr. Pyncker  
 was hired 7 years ago - he was hired  
 on a full time basis.

At this time, I would like to place  
 into the Record the following Exhibits  
 marked No. 1 through No. 3 which I will  
 comment on.

# City Attorney Seeks Permission for Private Cases

By CHUCK CURRY

Staff Writer

Instead of asking for an increase in his \$56,121 salary, City Attorney Dave Rynders wants to be able to handle a "limited amount" of private cases in addition to his work for Naples' government. Members of the City Council will discuss and

possibly take action on Rynders' request to amend his contract when they meet next Wednesday.

IF THE COUNCIL agrees to Rynders' plan, the attorney will be able to leave City Hall at his discretion to pursue private cases.

"At this point it is obviously my desire to con-

tinue to expand my own earning ability as my experience and capabilities grow," Rynders said in a memo to Mayor Stanley Billick and councilmen.

"Rather than requesting a further salary increase or other additional benefits from the city, I would suggest a modification to the contract which would

allow me to achieve my goals and perhaps provide an indirect benefit to the city as well," he continued.

Rynders believes work on private cases would enrich his knowledge of law and be beneficial through "increased abilities."

"THE CITY will always

be my first and primary concern and any other work will be secondary... I will arrange to be absent only when the demand for legal work at City Hall permits and will always be prepared to suspend any private work in order to tend to city business," he said.

"I will take advantage of the periods of less demand to undertake any private work and I expect that much of this work will be done outside of normal working hours anyhow," Rynders added in the memo.

A seven-year veteran of city employment, Rynders has been an attorney for 15 years. Nearly all of

Rynders' work has been related to local government.

THE CONTRACT Rynders is currently under was last reviewed in 1982, when an additional week of vacation was approved.

Rynders said his last salary increase came in 1981. In addition to his salary, Rynders gets four weeks of vacation and benefits en-

joyed by other city workers — including health insurance and several types of leaves, according to Personnel Director Steve Brown.

Rynders is also part of a pension program in which 3 percent of his salary goes to the plan and the city pays another 7 per-

**ITCHY FEET** — In baseball, it's three strikes and you're out. However, Naples Mayor Stanley Billick says City Attorney David Rynders will be allowed four strikes before he's ruled out of the game.

Rynders obviously and openly desires to move on. During the past year, he narrowly missed jobs in Miami and Orlando. Now, he's the No. 1 choice of a screening committee looking over candidates for Miami Beach city attorney.

Has Naples begun its own search for Rynders' replacement should his Miami Beach bid be successful?

Mayor Billick says, "No. We're really in very good shape and could get along without an attorney for a couple of months."

Doesn't the city feel a little insecure with major employees that might walk out at the first opportunity.

"This is the last," Billick vowed. "He promised me he'll be here at least two more years if he doesn't get this job."

Actually, if he doesn't score in Miami Beach, Rynders has missed out on most of the top jobs likely to come up soon — so any new move would probably not be a step up. At the same time, Naples is considered one of the more desirable posts for a city attorney.

The mayor's laid-back attitude could be considered a tribute to Rynders' talent or efficiency. Litigation is at an all-time low. During the last 18 months, a whole bunch of cases against the city have been settled and there's nothing on the horizon that makes the city think it will be in court anytime soon.

...

# Rynders Loses Bid for Job

Naples City Attorney David Rynders is going to stick around a while.

Rynders, 39, learned Wednesday that he had been passed over for a new job for the third time this year.

Miami Beach City commissioners unanimously chose Miami private attorney Arnold Weiner to fill the city's top legal position, despite a screening committee's recommendation that Rynders be given the job.

"I am disappointed," Rynders said today. "But as long as (Naples) City Council wants me around, I'm happy here, too."

Rynders said the \$65,000 Miami Beach job was the last he intended to

apply for in the near future.

He was previously edged out for jobs in Orange County and the city of Miami. All would have been steps up the career ladder.

"What I'm finding out is that it's just impossible to get these high profile jobs if you're coming in from out of town," he said. "The non-political screening processes have always rated me as high or higher than the other candidates."

As the city's legal expert, Rynders earns \$56,121 annually. He has worked at city hall since 1973.

DDD784



DEPARTMENTAL BUDGET - 1984-85

CITY ATTORNEY

	<u>RECOMMENDED</u>	<u>APPROVED</u>
<u>EMPLOYEE SERVICES</u>		
<u>Employee Salaries &amp; Wages</u>		
120 Regular Salaries & Wages		
1 City Attorney	56,121	56,121
1 Legal Assistant	23,429	23,429
	<hr/>	<hr/>
Total Salaries & Wages	79,550	79,550
<u>Employee Overhead</u>		
250 Employer Payroll Expenses		
Retirement	5,568	5,568
Social Security	4,139	4,139
Health Insurance	2,230	2,230
Life Insurance	356	356
Workers' Compensation	-0-	-0-
	<hr/>	<hr/>
Total Employee Overhead	12,293	12,293
	<hr/>	<hr/>
TOTAL EMPLOYEE SERVICES	<u>91,843</u>	<u>91,843</u>
<u>MAINTENANCE &amp; OPERATION</u>		
310 Professional Services	10,000	10,000
Outside attorneys		
340 Other Contractual Services	16,500	16,500
State Attorney contract		
400 Travel & Per Diem	2,000	2,000
410 Communication Services	700	700
460 Repair & Maintenance Services	320	320
Typewriter maintenance		
490 Other Current Charges & Obligations	2,500	2,500
Court costs, consultants, witnesses, etc.		
510 Office Supplies	450	450
520 Operating Supplies	3,000	3,000
Law books & supplements		

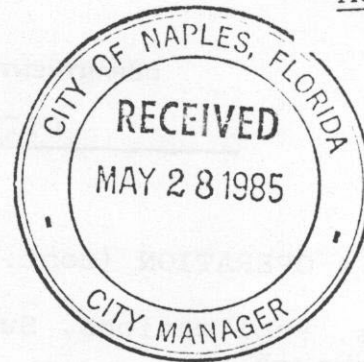
## DEPARTMENTAL BUDGET - 1984-85

CITY ATTORNEY

	<u>RECOMMENDED</u>	<u>APPROVED</u>
MAINTENANCE & OPERATION (cont.)		
540 Books, Publications, Subscriptions & Memberships	300	300
550 Duplicating Charges	300	300
TOTAL MAINTENANCE & OPERATION	<u>36,070</u>	<u>36,070</u>

May 24, 1985

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



RE: INTERNATIONAL FESTIVAL OF COLLIER COUNTY

Dear Mr. Jones:

On Saturday, March 16, 1985, the Pelican Bay Rotary Club produced the first International Festival of Collier County, which was held at the Grand Central Station Shopping Center. The response from the public was all positive and the gate count from the one-day event was over 10,000 persons. We are planning to hold next year's event on Saturday and Sunday, March 15th and 16th, 1986 at either the Grand Central Station or Harbourtowne Shopping Centers.

Your city attorney, Mr. David Rynders, has informed me that there is a city alcoholic beverage regulation which prohibits Sunday beverage sales, except at a permanent business location. This regulation will force us to limit our event to one day, or to move the event outside the city limits. We feel the city council can be proud of this event and we hope that they will share our enthusiasm for the future of our festival. With that in mind, we respectfully request that the city council consider making a provision in their ordinance for us to obtain a one-day permit for the sale of alcoholic beverages at our International Festival.

We plan on opening for eight hours on Saturday and only five hours on Sunday so that people who cannot attend on Saturday can come on Sunday. The event, as last year, will be done professionally, and will be something of which the city can be proud. We sincerely hope that the city council will look positively on our request.

I will await your response and stand ready to answer any questions you may have.

Respectfully submitted,

*Thomas Primavera*

Thomas Primavera  
Festival Coordinator

cc: David Rynders  
City Attorney

**NAPLES-  
PELICAN BAY  
ROTARY  
CLUB**

P. O. Box 1373  
Naples, Florida 33939

