

## City Council Minutes Regular Meeting 6-19-91

# City of Naples

City Council Chambers 735 Eighth Street South Naples, Florida 33940

-SUBJECT-	ORD. NO.	RES. NO.	PAGE
ANNOUNCEMENTS:  MAYOR ANDERSON: Proclaimed July 4, 1991 as a Day of Honor dedicated to local members of the Armed Forces - citizens are invited to sign yellow ribbon for Florida Freedom Festival.  CITY MANAGER: Recognized Randy Durniak as Sunset Optimist Club's Officer of the Year. Thanked Mr. and Mrs. Wesley Hurley for donation of 23' Wellcraft to marine patrol Unit.			1
APPROVAL OF MINUTES:  March 21, 1991 Special May 15, 1991 Regular April 17, 1991 Regular May 28, 1991 Workshop May 1, 1991 Regular June 31, 1991 Workshop May 10, 1991 Special June 5, 1991 Regular  PURCHASING:  -BID AWARD for various Street TreesBID AWARD for four sewage pumps.		91 <b>-</b> 6404 91 <b>-</b> 6405	2 3 4
RESOLUTIONS:  -APPROVE a request to construct a single-family residence gulfward of the Coastal Construction Setback Line.  -APPROVE funding in the amount of \$10,057, for urban forest management.  -APPROVE continuation of the self-funded health plan.  -APPROVE a firm to conduct an audit of the City's financial transactions.  -APPROVE a new position for an additional member on Beach Renourishment/Maintenance.		91-6406 91-6409 91-6410 91-6411 91-	1
ORDINANCES - Second Reading:  -APPROVE substituting the wording "Council Members" for "Councilmen"  -APPROVE unregistered vehicles from parking any any street right-of-way or in any public access parking area.	91 <b>–</b> 6407 91 <b>–</b> 6408		6
CORRESPONDENCE AND COMMUNICATIONS:			16

### CITY COUNCIL MINUTES Regular Meeting

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Time 9:00 a.m.

Date 6-19-91

COUNCIL

MEMBERS

City Council Chambers 735 Eighth Street South Naples, Florida 33940



Mayor Anderson called the meeting to order and presided.

ROLL CALL

ITEM 2

Present: Kim Anderson, Mayor

John M. Passidomo, Vice Mayor

William E. Barnett R. Joseph Herms Alan R. Korest Paul W. Muenzer Fred L. Sullivan Council Members

Also Present: Dr. Richard L. Woodruff,

City Manager
Norris C. Ijams, Acting
Asst. City Manager
David W. Rynders,
City Attorney
Terry Fedelem,
Parks & Pkways. Super.

Jon S. Staiger, Ph.D., Natural Res. Manager George Henderson, Sergeant-At-Arms Paul C. Reble,
Police Chief
William Harrison,
Finance Director
Ann (Missy) McKim
Comm. Dev. Director
Larry Barnet,
Utilities Director
Kevin Rambosk, Acting
Comm. Services Dir.
Marilyn McCord,

ngo Tigt - Attachment #1

Recording Secretary

See Supplemental Attendance List - Attachment #1

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INVOCATION

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ITEM 1

Dr. Monfort Duncan
East Naples United Methodist Church

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ANNOUNCEMENTS

ITEM 3

Mayor Anderson announced that July 4, 1991 would be a Day of Honor for those armed forces who had participated in Operation Desert Storm as well as all other veterans. She read a proclamation from Governor Lawton Chiles declaring that a Freedom

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City Council Min	utes Date	6-19-91	COUNCIL MEMBERS	T	Y E	N O
lame Memorial worketerans. A yellow obby of City Hall in the new it will be sent the others from arms freedom Wall wilding. Mayor Andrewson next the ribbon.  Ayor Anderson next the packet worketing, in the reality Manager Woods at the Year. On being the Year. On being City Manager of the Year. On being City Manager of the Arms achievement of the Arms and Mrs. Wesley or their donation of the Used it.	w ribbon will for signatures nt to Tallahas ound the State across from to derson encoura  c announced the uld be avail r of the Chamb  ruff and Police Randy Durniak anset Optimist half of Counci ongratulated of with a placque to Chief Rel typical of the e was very pro- Woodruff exte y B. Herwig of of a 23-foot by the City's	be in the reauntil July 1st see to be hun on July 4th a he Old Capito ged everyone that a full Citable at everer.  The Chief Reblation who had been club as Officed and the City officer Durnia in recognition be noted that a Naples Policy of Randy.  Inded thanks to Marco Island Wellcraft and Marine Patro	r, gtloo yyy en r, kn te o, d			
*****CO	NSENT AGENDA**	***				
May 10, 1991 May 15, 1991 May 28, 1991 June 3, 1991		ting ting ting ting eting eting	Barnett	x	х	
TION: TO ACCEP written.	$oldsymbol{r}$ the minute	as	Herms Korest Muenzer Passidon	10	X X X X	
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CITY OF NAPLES, FLORIDA		M	S E			A B
City Council Minutes Date 6-19-91	COUNCIL MEMBERS	T I O N	С О		N O	SEZE
RES. NO. 91-6404 ITEM 5a						
A RESOLUTION AWARDING CITY BID #91-70 FOR THE PURCHASE OF VARIOUS STREET TREES; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFORE; AND PROVIDING AN EFFECTIVE DATE.						
Title read by City Attorney Rynders.						
City Manager Woodruff reminded Council that bids had been received competitively, and that the bid award would be made to the low bidder under the condition that staff would further review specifications and if reductions could be made, staff would proceed to re-advertise.						
Acting Community Services Director Rambosk narrated a short video which had been prepared by his staff. Mr. Rambosk described plantings to be done on Wedge Drive, River Point Drive, and in the Sandpiper area, referring to examples in the video of royal palm, carrotwood, and pygmy date palm trees. He told Council that the River Point Drive Condominium Association had given the City eight mature ficus trees which will be used in the linear park along Goodlette Road, consequently saving the City a considerable amount of money. Mr. Rambosk said that when the City removes those ficus trees for transplanting, he would prefer replacing them with plantings somewhat above what Code would require.						
Council Member Herms thanked Mr. Rambosk for the presentation and noted that it had helped to explain the situation more thoroughly. He said that he would support the bid award as requested but added that it would be valuable to strive to keep costs low. He said that his inclination would be to purchase smaller trees in order to landscape more streets.						
MOTION: To APPROVE the resolution with the condition that staff would further review specifications, and if those	Barnett Herms Korest Muenzer Passidomo Sullivan Anderson	х	x	X X X X X X		

CITY OF NAPLES, FLORIDA  City Council Minutes Date 6-19-91	COUNCIL MEMBERS	M O T I O N	SECOND	VO. Y E S	re n o	A B S E N	
specifications could be reduced, staff would proceed to re-advertise.  ***  ***  RES. NO. 91-6405  A RESOLUTION AWARDING CITY BID #91-68  FOR THE PURCHASE OF FOUR (4) SLIDE-RAIL MOUNTED SUBMERSIBLE SEWAGE PUMPS, AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFORE; AND PROVIDING AN EFFECTIVE DATE.  MOTION: To APPROVE the resolution as presented.  ***  ****  ***  ***  ***  ***  ***	Barnett Herms Korest Muenzer Passidomo Sullivan Anderson (7-0)	X		X X X X X X X X X			
A RESOLUTION AUTHORIZING COASTAL CONSTRUCTION SETBACK LINE VARIANCE NO. 91-02 AT 380 GULF SHORE BLVD. SOUTH, TO CONSTRUCT A SINGLE-FAMILY RESIDENCE SUBJECT TO THE STIPULATIONS SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE.  Title read by City Attorney Rynders.  City Manager Woodruff said that he would recommend approval of this petition if Council were comfortable with the additional information which had been submitted. If not, the item could be postponed until the July 17th meeting.  Natural Resources Manager Staiger reviewed the							
petition and distributed a site plan which shows the contours of the fill which would be placed beneath the house. He said that the Department							100

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	of Natural Resources (DNR) had requested that the petitioner place the pool in a fill path which would be washed away in the event of a storm surge.  City Manager Woodruff pointed out that the resolution is worded so that Council would be approving all the necessary items.  Mr. Lee E. Staton of the Winrow Group, agent for the petitioner, said that the pool structure is designed so that in a storm surge event it would fold into itself. He explained that the petitioners had been sensitive to the spatial perception setback requirements and had properly complied with DNR recommendations. In answer to Council Member Korest's question, Mr. Staton said that the Australian pine tree on the west end of the property would be removed.  Mr. Staton explained that on the site plan, the right side of the pool shadows the house, and that in concert with DNR requirements there would be elevated decks with lattice screening.  PUBLIC HEARING: Opened: 9:35 a.m.  Closed: 9:40 a.m.  Architect Walter L. Keller, 1262 Third Street South, told Council that he had been asked by Mr. and Mrs. Gerald Pasternak of 25 Fourth Avenue South to review the site plans and to attend the meeting because they had been concerned about elevations and setbacks on the petitioner's property. Mr. Keller said that after speaking with the petitioner's representative, many of his concerns had been alleviated, and that he had been assured by the petitioner that water runoff would not go onto the Pasternak's property.  At Council Member Herm's request, Dr. Staiger compared the elevations to the Pasternak's house and pointed out that there was not a great difference in elevation between the two yards.	MEMBERS	N N	D .			[ 유
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MOTION: To APPROVE the resolution as presented.	Barnett Herms Korest	х		x x x	
***	Muenzer Passidomo Sullivan Anderson			X X X X	
A ORDINANCE AMENDING SECTION 1.3 OF ARTICLE 1, PART A; SUBSECTIONS (1), (2) AND (4) OF SECTION 2.1 OF ARTICLE 2, PART A; SECTION 2.2 OF ARTICLE 2, PART A; SECTION 2.3 OF ARTICLE 2, PART A; SUBSECTION (1) OF SECTION 2.5 OF ARTICLE 1, PART A; SECTION 2.6 OF ARTICLE 1, PART A; AND SECTION 2.10 OF ARTICLE 2, PART A, OF THE CHARTER OF THE CITY OF NAPLES, FLORIDA, BY SUBSTITUTING THE WORDING "COUNCIL MEMBERS' FOR "COUNCILMEN;' AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO REFER TO MEMBERS OF COUNCIL AS "COUNCIL MEMBERS" RATHER THAN "COUNCILMEN" IN EACH AND EVERY PLACE THROUGHOUT THE CHARTER.	(7-0)				
Title read by City Attorney Rynders.  MOTION: To <u>ADOPT</u> the ordinance at second reading.	Barnett Herms	x	х	X X	
***	Korest Muenzer Passidomo			X X	
ORD. NO. 91-6408 ITEM 8	Sullivan			X X X	
AN ORDINANCE AMENDING SECTION 23-9 OF THE CODE OF ORDINANCES BY ADDING A SUBSECTION (S); AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO PROHIBIT UNREGISTERED VEHICLES FROM PARKING IN ANY STREET RIGHT-OF-WAY OR IN ANY PUBLIC ACCESS PARKING AREA OR LOT N THE CITY, WITH CERTAIN EXCEPTIONS.	Anderson (7-0)				
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City Attorney Rynders had distributed copies of the revised ordinance before the meeting, and he pointed out the language changes which had been made.  A motion was to adopt the ordinance at second reading.  Council Member Herms requested that the motion be amended to change the language of the ordinance to state "utilized" rather than "owned" by such businesses. Further discussion ensued with regard to the language, and Council agreed to amend Section 1(s) of the ordinance as follows:  No person shall park an unregistered vehicle in any street right-of-way or in any public access parking area or lot in the City, except vehicles brought for repair/sales or resale to auto repair businesses and parked on property legally utilized by such businesses.  AMENDED MOTION: To ADOPT the ordinance as amended at second reading.  ***  ***  ***  ***  ***  RES. NO. 91-6409  A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION FOR FUNDING UNDER THE 1991 AMERICA THE BEAUTIFUL URBAN AND COMMUNITY FORESTRY GRANT PROGRAM FROM THE STATE OF FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, DIVISION OF FORESTRY, IN THE AMOUNT OF \$10,057, FOR URBAN FOREST MANAGEMENT; AND PROVIDING AN EFFECTIVE DATE.  Title read by City Attorney Rynders.  City Manager Woodruff told Council that the City's cost for the proposed grant is within the	Barnett Herms Korest Muenzer Passidomo Sullivan Anderson (7-0)	X	X	x x x x x x	

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courrent budget. The approval of the resolution would permit staff to file a grant but would not guarantee the City would be awarded the grant nor require that the City accept it. Dr. Woodruff also noted that final acceptance of the grant would only occur after consent by Council. He commented that the purpose of the project would be for taking inventory of the trees on publicly-owned property, in order to better plan a replacement schedule and determine what hisbilities the City has with regard to diseased crees.  Superintendent of Parks & Parkways Fedelem explained that the proposed grant application requests funds of \$10,057, and that the City would be required to match that amount. The city's matching funds would consist of contracted dervices, in-kind salary expenses, and data collection unit. Mr. Fedelem also stressed that approval of the resolution would include the condition that it not be approved for assignment of grant without the approval of Council.  The City Manager pointed out that Mr. Fedelem was a specialist in certain types of trees, including calms.  In answer to Council Member Korest's question, the Fedelem said that this particular project would only involve the City's rights-of-way. With Manager Woodruff asked Council to inform that of any specific areas needing work.  The Fedelem said that eventually the City would have a computer inventory of all City trees. In didition the inventory would note stumps, recancies, etc., so that staff could plan for replacement.  The council Member Herms questioned the value of council Member Herms questioned the barret part the curchase of trees. Council Member Barnett						
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pointed out that the resolution represented approval of the grant application only and not a financial obligation.  Discussion ensued with regard to workshopping the tree inventory and maintenance program. Mayor Anderson asked that this item be discussed further at a workshop session in the early fall. At that time staff will present to Council an inventory of the type of trees present on City property.  MOTION: To APPROVE the resolution, with the condition that it does not include assignment of grant without the approval of Council.  ***  ***  RES. NO. 91-6410  A RESOLUTION EXTENDING THE BENEFIT SERVICES MANAGEMENT AGREEMENT WITH FIRST BENEFITS, INC. OF FLORIDA FOR CONTINUATION OF THE SELF-FUNDED HEALTH PLAN; AND PROVIDING AN EFFECTIVE DATE.  Title read by City Attorney Rynders.  City Manager Woodruff also told Council that three competitive bids had been received for the stop-loss insurance, but that two of the bidders would not include certain employees, which would subject the City to open liability. The City Manager said the staff would recommend approval of the contract with the City's present carrier, which gives coverage to all employees.  With regard to the company used by the City for recertification, City Manager Woodruff said that staff would recommend renewal of the contract with the condition that staff immediately pursue competitive proposals.	Barnett Herms Korest Muenzer Passidomo Sullivan Anderson (7-0)	X	X	x x x x x		
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City Manager Woodruff also told Council that the agency who is the City's plan manager had proposed the same fee that has been in effect for two years.  Council Member Korest asked if there would be an adjustment in charges which are levied against dependents' insurance. The City Manager said that at this time staff is not asking Council to take action with regard to premiums, but that the status quo could not continue past January 1, 1992.  Discussion ensued relating to the stop-loss deductible of \$50,000. Council Member Korest mentioned the possibility of creating some type of master health agreement for all of the employees in the County. Mayor Anderson said that she had had lengthy discussion on that topic with the City Manager and the Finance Director. She told Council that she had arranged to have an independent, outside, cost-free evaluation done.  Finance Director Harrison introduced Mr. Richard F. Reynolds, President of First Benefits, Inc., who answered questions with regard to claims. City Manager Woodruff said that staff would gather more specific data for Council's review.  Mr. Reynolds said that the City had the ability to "walk away" from the contract but that would put the City in an extreme liability situation. He suggested that the City remain with its current carrier so as not to be placed in jeopardy.  Mayor Anderson commended Mr. Reynolds and his staff, noting that First Benefits had exceptionally well-trained employees.  Mr. Werner W. Haardt, member of the Naples General Pension Board, told Council that he was very interested in aspects of the City's health insurance program and was glad to see Council's		0	N	E		1
concern and willingness to review. He said that the insurance program should be looked at not						
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bus ent 198 res ass Mr. rev sel wor Cou way Cou way MoT	ched carefully as they are submitted. Finance sector Harrison explained that absolute maximum of existed on the amount of money that would be out of the City's claims in a period of one ar, and noted that this year the plan would be a fairly good year.  TION: To APPROVE the resolution with the following conditions:  1. Staff will immediately pursue other competitive bids.  2. The stop-loss will be increased to \$50,000.  3. The administration package will be continued under the same premium.	Barnett Herms Korest Muenzer Passidomo Sullivan Anderson (7-0)	X	X	X X X X X X X X X X X X X X X X X X X		

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member of the auditor selection committee with Mr. Philip Fess and Finance Director Harrison, told Council that the committee had reached the consensus that KPMG Peat Marwick would be the number-one candidate.  Vice Mayor Passidomo reminded Council that at the June 17 workshop, discussion had ensued with regard to the advisability of having staff and the auditor selection committee come back to Council if the committee is unsuccessful in negotiating the contract with Peat Marwick, and not necessarily committing the City to McHale, Ezzell and Co. The Vice Mayor suggested to Council Member Sullivan that the resolution be amended accordingly, and Mr. Sullivan agreed.  City Manager Woodruff said that he wanted the citizens to be aware that there had been a significant effort on the City's part to obtain proposals. Staff had contacted eight national firms and three regional firms.  MOTION: To APPROVE the resolution, indicating KPMG Peat Marwick as the first choice and McHale, Ezzell and Co. as the second choice, with the amendment that staff and the auditor selection committee have the option of returning to Council if negotiations with Peat Marwick are not successful.  ***  ***  ***  RES. NO. 91-  A RESOLUTION AMENDING RESOLUTION NO. 91-6295 ESTABLISHING A BEACH REMOURISHMENT/MAINTENANCE COMMITTEE BY CREATING A NEW POSITION FOR AN ADDITIONAL MEMBER TO BE APPOINTED BY THE COUNTY COMMISSION; ESTABLISHING TERMS OF OFFICE; PROVIDING FOR THE	Barnett Herms Korest Muenzer Passidomo Sullivan Anderson (7-0)	X	X	X X X X X X		

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CITY OF NAPLES, FLORIDA  City Council Minutes Date 6-19-91	COUNCIL	M O T I O	E C O N	Y E S	7 7	
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ELECTION OF A CHAIRMAN; AND PROVIDING AN EFFECTIVE DATE.  Title read by City Attorney Rynders.  Natural Resources Manager Staiger told Council that since the County is continuing to progress with its beach restoration program; namely continuing to apply for State support, etc., that it would be good to have a County representative on the Beach Renourishment/Maintenance Committee as a voting member. In addition, staggered terms had been established for the members so that if the Committee does extend into the future, continuity can be ensured.						
Council Member Korest asked if the Committee had any provision for replacing a member who either is not able to attend meetings or for any reason misses several meetings. Dr. Staiger said that Council appoints members to the Committee and it is Council's option to replace a member who is unavailable or inattentive, if it was determined that the Committee's work could benefit by doing so. City Manager Woodruff told Council that staff is in the process of drafting an advisory board policy that will address such things as holding dual office, attendance record, review before automatic replacement, etc.						
Council Member Herms agreed that such a policy was important, and said that he was happy to hear that staff is working on such a project. He noted that the only problem he had with this particular recommendation was the even number of members of the Committee, and said he found that to be completely opposite of what the proper membership should be on any board or committee because it allowed for a tie-vote situation. Council Member Herms suggested discussing further the number of members.						
Vice Mayor Passidomo noted that Council reserves the privilege to remove members of committees, and if the Council Members who serve on these committees believe that someone is not fulfilling			Lo.			
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his or her responsibilities, those people have a responsibility to advise Council so that it can respond accordingly. The Vice Mayor said that Frank Blanchard, because of his experience, provides a very valuable service to the committee as a non-voting member. He said that while Mr. Blanchard has extraordinary ability and experience in the area of beach renourishment, he could not conceive what this action might accomplish, since Mr. Blanchard is already a fully-participating member. He also said that while he could see the benefit of including the county, he had difficulty reconciling why the committee was enlarged from seven to eight members, and now an additional member is recommended, making it more unwieldy with nine. The committee was formed because Council recognized that there was a vacuum of public will at the County level to take responsibility for this issue, he concluded, and the City wanted to protect the interest of its constituents.  Mr. Ron Pennington, Chairman of the Beach Renourishment/Maintenance Committee, addressed Council. He said that the primary reason that the County was doing, and although they had been communicated to the Committee primarily by Mr. Blanchard, he could not officially speak for the County. Therefore, noted Mr. Pennington, the County representative and Mr. Blanchard has ties						

Renourishment/Maintenance Committee, addressed Council. He said that the primary reason that the Committee had recommended to Council that it have a representative from the County was because things had continually been encountered which the County was doing, and although they had been communicated to the Committee primarily by Mr. Blanchard, he could not officially speak for the County. Therefore, noted Mr. Pennington, the Committee believed it to be essential to have a County representative, and Mr. Blanchard has ties in the County that are involved in the on-going beach restoration program. Mr. Pennington said that the County has requested State funding for fiscal year 1991-92, and is presently in the process of submitting requests for fiscal year 92-93, and the City needs to be a party to that so that there is no duplication of efforts. It is therefore essential, he stressed, for the Committee to have County participation. Mr. Pennington nevertheless noted that a committee could become too large, and expressed concern about adding additional members.

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Mr. Pennington also noted that it is not up to the Committee to choose the County representative, although the County would probably recommend Mr. Blanchard. Dr. Staiger, he said, maintains communication with the County, but the Committee would be more comfortable with someone formally representing the County. Because Mr. Blanchard had been a party to everything the Committee had done to date, it would be advantageous if he were chosen, rather than having to educate someone else, Mr. Pennington said.  Vice Mayor Passidomo stated that he would be in full support of this appointment if it is symbolic of a spirit of cooperation.  In answer to Council Member Herm's question with regard to committee member attendance at meetings, Mr. Pennington said that one member had been present at only the first two meetings and he was unaware of that person's future plans. Dr. Staiger noted that this individual had been out of town and no return date was known.  At this point Council discussed exploring the possibility of changing the resolution to reduce the Committee's size. Mayor Anderson suggested that Council either modify the resolution or table the item until a conversation can be held with the aforementioned absent Committee Member.  MOTION: To TABLE the resolution.				x x x x x		T
Ms. Fern Aitchinson concurred with Vice Mayor Passidomo and Council Member Muenzer with respect to the committee becoming unwieldy. She agreed that Mr. Blanchard had been very helpful but that Dr. Staiger should continue to be the liaison between the City and the County with regard to beach restoration.  City Manager Woodruff told Council that staff would contact the absent Committee Member, ascertain her intentions and possibility of her	Passidomó Sullivan Anderson (7-0)		х	X X X		
return to Naples, and bring this matter up at the			*			

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potential for full participation is very slim in a reasonable time period, the resolution will be modified to reflect seven persons with the possibility of that seventh person now being a County representative.  ***  ***  ***  ***  ***  ***  ***	COUNCIL MEMBERS	O T I O N	E C O N D	Y E S
CORRESPONDENCE AND COMMUNICATIONS  City Manager Woodruff said that he had attended a public hearing on June 18 conducted by the County regarding the matter of the Emergency Medical Service impact ordinance. It had been tabled because of concern on the part of the County Commission over the fee structure. Dr. Woodruff promised to keep Council apprised.  *****  Council Member Herms recommended that sometime between now and June 26th, a special meeting should be called to deal with the beach renourishment issue and the potential of placing it before the TDC (Tourist Development Council) before the June 28th deadline.  City Manager Woodruff noted that staff is in the process of filing a grant from TDC, and asked if a special meeting would be for the purpose of discussing the technique of the beach renourishment or the content of the grant itself. Council Member Herms said that discussion would be relative to the content of the grant itself, to indicate the direction Council is formally headed in. He said that because of press coverage, Council's recommendations would have more influence on the TDC.  Council Member Korest verified that applications for the TDC funds would not be reviewed until				
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public hearing on June 18 conducted by the County regarding the matter of the Emergency Medical Service impact ordinance. It had been tabled because of concern on the part of the County Commission over the fee structure. Dr. Woodruff promised to keep Council apprised.  *****  Council Member Herms recommended that sometime between now and June 26th, a special meeting should be called to deal with the beach renourishment issue and the potential of placing it before the TDC (Tourist Development Council) before the June 28th deadline.  City Manager Woodruff noted that staff is in the process of filing a grant from TDC, and asked if a special meeting would be for the purpose of discussing the technique of the beach renourishment or the content of the grant itself. Council Member Herms said that discussion would be relative to the content of the grant itself, to indicate the direction Council is formally headed in. He said that because of press coverage, Council's recommendations would have more influence on the TDC.  Council Member Korest verified that applications for the TDC funds would not be reviewed until				
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It was the consensus of Council that staff should proceed to prepare and file the grant prior to				
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the June 28th deadline, and return to Council on July 17th for review and formal adoption. The adopted resolution will then be immediately forwarded to the County.  *****  Council Member Muenzer requested that a special meeting be held relative to discussion of the employment contract between City Attorney Rynders and City Council. He said it was important to do so before Council Members leave for vacations, and such discussion should be held with a full Council. Vice Mayor Passidomo said that it was his understanding that City Attorney Rynders would be apprising Council in writing of his intentions and suggested that Council reflect upon that, and if there were then continuing questions, Council could address them at that time.  Council Member Muenzer stated that there should be discussion concerning what the replacement policy would be should there be a vacancy. Council Member Barnett said that he felt it was only fair to know that there was in fact going to be a vacancy.  Council Member Herms stressed that direction was needed concerning legal staff and that a special meeting would at least open the topic for discussion. Vice Mayor Passidomo noted that Attorney Rynder's communication to Council would address concerns with regard to protecting the interests of its constituents, and if it does, there is no reason to meet. Council Member Herms referred to the Sunshine Law and said that it prohibits Council from discussing the matter outside of a noticed meeting. Vice Mayor Passidomo said that the Mayor and every Council Member had the prerogative to communicate in writing if they had questions with regard to the contents of City Attorney Rynder's memorandum.  City Attorney Rynders told Council that he had prepared a memorandum stating that he would be						
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continuing to work until December 31, 1991, at which time his plans are to continue the practice of local government law elsewhere.  MOTION: To schedule a special meeting at 1:45 p.m. for the purpose of discussing the City Attorney.						
Vice Mayor Passidomo said that in order to adequately represent the issues of its constituents, Council must assure itself that while Attorney Rynders remains in the employment of the City that he will rigorously perform his obligations, that he will render legal services to the City in a forthright manner, that his pursuit of other job alternatives will not interfere with his ability to pursue his contractual obligations that he currently has with the City, and that Council put that in the proper context. The members of Council may decide they prefer to speak with Attorney Rynders personally. Until that is done, said the Vice Mayor, it seems that those are the issues that Council must address, and he suggested that that be done individually with Mr. Rynders. If there are continuing questions, then the issue should be addressed, but he would not support a special meeting at this time.						
Council Member Korest said that he did not feel comfortable dealing with the issue at that time. To have a meeting within two hours to discuss the issue would not be correct procedure, in his opinion, and he said he would not vote in favor of a special meeting. Council Member Sullivan commented that a meeting that afternoon was precipitous and he wanted time to digest the information in the memorandum from City Attorney Rynders and the opportunity to discuss with him on a one-to-one basis specifically what his plans are and what the approach would be in terms of reasonable employment with the City. He said that in all justice, he could not support a meeting that afternoon.						
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Mayor Anderson also expressed a desire to review Mr. Rynders' memorandum and have adequate time for discussion.  Council Member Herms said that the press would now be approaching Council Members for opinions. In the past, he said, Council had lobbied in the press for its position concerning different issues, which in his opinion did a great disservice to the citizens and to Council. Mr. Herms encouraged everyone on Council to reflect on this matter but to be proactive. If a sufficient number of Council Members request a special meeting, or if Mayor Anderson makes a determination to call a special meeting, some of the issues could be dealt with as early as that day or the next. Mr. Herms said that in his opinion the future of the City was involved in this issue, and he encouraged Council not to procrastinate.  Council Member Muenzer noted that not only was the December 31st date a critical factor, but discussion was necessary to determine Council's desires with regard to a replacement policy before a search firm can be selected.  Vice Mayor Passidomo agreed that Council needed to be aware of all the options, but time was needed to digest how it would react to yet another change in management.  Mayor Anderson recommended that since Council had made great strides in making proactive decisions during the past month, in order to continue that healing process she recommended that Council designate Human Resources Director McShane, City Manager Woodruff, and a Member of Council to view the alternatives available, while Council continues to digest the information provided in order to make the most productive and proactive response that it can. She suggested that the proposed committee focus on the acceptance of recommendations in City Attorney Rynders' memorandum, and noted that there were several options available to Council, including whether a						

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firm should be retained to represent the City, whether Council should move into a full or parttime contract, whether Council should appoint its next legal counsel by resolution or by a firm contract; then it should look at the specifics of that contract. Mayor Anderson suggested requesting recommendations from a committee for the July 15th workshop.  Discussion ensued, and City Attorney Rynders assured Council that the Charter only prohibits Council from taking action that is not on an agenda.  Vice Mayor Passidomo said that Council should not delegate to a committee the question of whether Council should continue to retain City Attorney Rynders in accordance with terms that are in mutual best interest. He also stressed that Council must work diligently on its future plans for the legal department.  Mayor Anderson stated that moving this issue to a July 16th workshop, removes it from emotionalism and puts it into a state of pure fact and civilized logic. Secondly, she said, she would expect every Council Member to be exceedingly involved in the retaining of a new counsel.  Council Member Sullivan said that pursuit of individually-sought alternatives would be counterproductive, in his opinion, and he would not want to make a precipitous judgment as to how this particular issue should be handled. He noted that Council had some other issues to review than simply business-type considerations and must take a realistic view as to what is involved. There will be a period of transition, so the method which is used in replacement, negotiate a contract, then allow a period of transition. Council must accomplish the replacement, negotiate a contract, then allow a period of transition. Council must determine the actual circumstances under which it will accomplish the function of City Attorney in the future. He said that he did not want to make a hasty decision						
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#### VOTE S CITY OF NAPLES, FLORIDA 0 В $\mathbf{T}$ C S City Council Minutes Date 6-19-1991 I 0 Y E COUNCIL 0 N E N S MEMBERS N D 0 $\mathbf{r}$ that would be deleterious to the best interests of the City in the long run. Mr. Sullivan added that December 31st seemed like a reasonable request because Council would be devoting a minimum of two months to budget activity. Because his desire is to proceed with caution, he said he would advise using good judgment in this matter. Council Member Herms repeated that in his opinion between the present time and December 31st was too long a period. He said, "We have a fabulous management team in place right now. I feel that that management team is going to be hindered. I feel that the areas Council wants to pursue will be hindered severely by not having, in my opinion, proper legal individuals on staff." He stated that he hoped Council would look at a shorter time period for Mr. Rynders' resignation. Mr. Herms stressed that this was a critical issue and Council would be inhibited by the status of its faith in the legal staff, and until that is dealt with in a timely fashion, Council is procrastinating in getting through a problem He said he would lobby each of the Council area. a position where an into resignation date is chosen, and said he would suggest August 1st or August 15th as a transition seeking an interim legal staff, then date, determining goals for the legal department. Mr. Herms noted that too often political groups procrastinate with the hope that a problem will go away, but this problem would not go away and must be dealt with. Council Member Barnett said that he agreed with Mr. Sullivan and noted that although Mr. Herms referred to a "critical problem that is hindering the staff and management," he had not heard what Mr. Barnett suggested that the problem was. Council digest the contents of Attorney Rynder's memorandum, talk to him if so desired, then report back to the Mayor. Council Member Korest said he, too, wanted the opportunity to talk with both City Attorney 21

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advantage here of involving everyone so can give a clear, concise picture of wh	k-log of inion it ark on a who is ur City. not even orderly  1 that uld be a meeting convince not have be until  Council or share at least special that in eting is sue, and there and layor can meeting. ormation ividuals at othere a real that we at we've can only e said.  uld look							
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ADJOURN: 11:45 a.m.						
JANET CASON City Clerk						
Marilyn McCord Recording Secretary						
These minutes of the Naples City Council were approved on						
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#### SUPPLEMENTAL ATTENDANCE LIST

Lyle Richardson Charles Andrews Ron Pennington Walter L. Keller Werner W. Haardt Ann Colabrese Fern Aitchinson Richard F. Reynolds

#### **NEWS MEDIA**

Wendy Fullerton, Ft. Myers News-Press Gina Binole, Naples Daily News Traci Griffith, WNOG Eric Strat, Naples Daily News Jerry Pugh, Palmer Cable