



City of Naples

Index

City Council Regular Meeting

Wednesday, September 2, 1992

Convened 9:00 am / Adjourned 11:55 am

ADJOURN	13
ANNOUNCEMENTS	2
APPROVAL OF MINUTES	
Workshop 8/17/92; Special 8/19/92; Regular 8/19/92	3
CONSENT AGENDA	3
CORRESPONDENCE AND COMMUNICATIONS	12
ORDINANCE NO. 92-6730	
Stormwater Management Utility System	8
ORDINANCE NO. 92-6731	
Sale of Alcoholic Beverages Between 7AM-12 Midnight on Sundays	12
ORDINANCE NO. 92-6732	
Increase Miscellaneous Fees for Water Service	11
RESOLUTION NO. 92-	
Traffic Control Signage - Purchase	4
RESOLUTION NO. 92-	
Amend the Antenna regulation Provisions of the CDC	7
RESOLUTION NO. 92-6720	
Support Water Resources Development Act of 1992	3
RESOLUTION NO. 92-6721	
Purchase Order for a 55 Kilowatt Generator	3
RESOLUTION NO. 92-6722	
Purchase and Planting of Royal Palm Trees	4
RESOLUTION NO. 92-6723	
Sulfur Dioxide - Purchase	4
RESOLUTION NO. 92-6724	
Grade B Mulch - Purchase	4

City Council Regular Meeting - September 2, 1992

RESOLUTION NO. 92-6725

Microcomputers - Purchase 5

RESOLUTION NO. 92-6726

CCSL Variance to Construct Privacy Wall 5

RESOLUTION NO. 92-6727

Interlocal Agreement for Collection of Educational Impact Fees 6

RESOLUTION NO. 92-6728

Creation of Nine-Space Parking Area to be Surfaced with Limerock 6



City of Naples

City Council Chamber
735 Eighth Street South
Naples, Florida 33940

City Council Regular Meeting - September 2, 1992 - 9:00 a.m.

Mayor Muenzer called the meeting to order and presided.

ROLL CALL

ITEM 2

Present: Paul W. Muenzer, Mayor
Fred L. Sullivan, Vice Mayor

Council Members:

Kim Anderson
R. Joseph Herms
Alan R. Korest
Ronald M. Pennington
Peter H. Van Arsdale

Also Present:

Dr. Richard L. Woodruff, City Manager
Norris C. Ijams, Asst. City Manager
Maria J. Chiaro, City Attorney
Tom Smith, Fire Chief
Ann (Missy) McKim, Comm. Dev. Dir.
Leighton Westlake, Engineering Manager
William Harrison, Finance Director
John Cole, Chief Planner
Jon C. Staiger, Natural Resources Manager
George Henderson, Sergeant At Arms
Marilyn McCord, Deputy City Clerk

County Commissioner Burt Saunders
Werner W. Haardt
Charles Rhoades
Charles Andrews
Sue B. Smith
Brett Moore
Anthony Pires, Jr.

Other interested citizens and visitors.

City Council Regular Meeting - September 2, 1992

ITEM 1

INVOCATION AND ROLL CALL

Reverend Bruce Scott
First Presbyterian Church

ITEM 3

ANNOUNCEMENTS

Mayor Muenzer reviewed speaker registration procedures.

City Manager Woodruff recognized the following City employees with five years of service and presented each with a certificate of appreciation:

Mary Margaret Gruszka
Raymond Johnson
Darryl Weekly
Hugh May
James Dean
Venanzio Corbo
Marc J. SanAngelo
Gervasio L. Torres
Larry Lint
Ronald Colbert
Steven A. Copeland
Gilbert Sherburne
Bruce Davidson
William L. Lashley
Kenneth Kemlage
Dan King
Gary Ernst

William Whitis
Thomas Sanderlin
Peter Lewkowicz III
John Reble
Carmelo Cruz
Gunnar Christianson
Linda J. Chello
Frederick M. Gelbke
Virginia Pletnick
Joseph Lee Williams
Clarence Hines
Hugh Henderson
Terry Mason
Jon C. Staiger
Cheryl Kipp Barker
Jessie Davis
William Woznak

Dr. Woodruff commended the employees for their dedication, noting that it was only through their efforts that service is provided by the City. He thanked the employees for their added efforts during the aftermath of Hurricane Andrew.

City Council Regular Meeting - September 2, 1992

City Manager Woodruff next recognized Water Distribution/Collection Superintendent Alfred Monteleone, who had been presented with the State-wide award for the Distinguished Field Technician of the year by the Florida Water Pollution Control.

*******CONSENT AGENDA*******

NOTE: At staff's request, Item 16 will be delayed for two weeks.

APPROVAL OF MINUTES

ITEM 11

City Council Workshop Meeting
City Council Special Meeting
City Council Regular Meeting

August 17, 1992
August 19, 1992
August 19, 1992

RESOLUTION NO. 92-6720

ITEM 12

A RESOLUTION SUPPORTING PASSAGE OF AN AMENDMENT TO THE WATER RESOURCES DEVELOPMENT ACT OF 1992 TO ALLOW NON-FEDERAL INTERESTS TO DESIGN AND CONSTRUCT FEDERALLY-AUTHORIZED SHORE PROTECTION PROJECTS AND TO QUALIFY FOR FEDERAL COST-SHARING ON A REIMBURSABLE BASIS; AND PROVIDING AN EFFECTIVE DATE.

RESOLUTION NO. 92-6721

ITEM 13

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER FOR THE PURCHASE OF A USED 55 KILOWATT GENERATOR FOR THE CITY OF NAPLES, EMERGENCY OPERATIONS CENTER; WAIVING THE REQUIREMENT FOR COMPETITIVE BIDDING THEREON; AND PROVIDING AN EFFECTIVE DATE.

City Council Regular Meeting - September 2, 1992

RESOLUTION NO. 92-6722

ITEM 14

A RESOLUTION AWARDDING CITY BID #92-81 FOR THE PURCHASE AND PLANTING OF THIRTY-SIX ROYAL PALM TREES ALONG EIGHTH STREET FROM CENTRAL AVENUE TO THIRD AVENUE SOUTH; AUTHORIZING THE CITY MANGER TO ISSUE PURCHASE ORDERS THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

RESOLUTION NO. 92-6723

ITEM 15

A RESOLUTION AWARDDING CITY BID #93-08 FOR THE ESTABLISHMENT OF AN ANNUAL CONTRACT FOR THE PURCHASE OF SULFUR DIOXIDE; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

RESOLUTION NO. 92-

ITEM 16

A RESOLUTION AWARDDING CITY BID #93-01 FOR THE ESTABLISHMENT OF AN ANNUAL CONTRACT FOR THE PURCHASE OF TRAFFIC CONTROL SIGNAGE; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

NOTE: Item 16 was removed from the Consent Agenda, at staff's request.

RESOLUTION NO. 92-6724

ITEM 17

A RESOLUTION AWARDDING CITY BID #93-04 FOR THE ESTABLISHMENT OF AN ANNUAL CONTRACT FOR THE PURCHASE OF GRADE B MULCH; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

RESOLUTION NO. 92-6725

ITEM 18

A RESOLUTION AWARDING CITY BID #92-70 FOR THE ESTABLISHMENT OF AN ANNUAL CONTRACT TO PURCHASE 486-33 MICROCOMPUTERS; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

MOTION: To **APPROVE** the Consent Agenda, consisting of Items 11, 12, 13, 14, 15, 17 and 18.

Anderson		Y
Harms	S	Y
Korest	M	Y
Pennington		Y
Sullivan		Y
Van Arsdale		Y
Muenzer		Y

(7-0)
M=Motion S=Second
Y=Yes N=No A=Absent

*******END CONSENT AGENDA*******

RESOLUTION NO. 92-6726

ITEM 4

A RESOLUTION AUTHORIZING A COASTAL CONSTRUCTION SETBACK LINE VARIANCE TO CONSTRUCT A PRIVACY WALL, A POOL AND A DECK, AT 25 FOURTH AVENUE SOUTH; AND PROVIDING A N EFFECTIVE DATE.

Title read by City Attorney Chiaro.

Natural Resources Manager Jon Staiger reviewed the variance request to construct a privacy wall along the southern property boundary and to construct a swimming pool to replace an existing swimming pool. Agent Brett D. Moore, P.E., of Humiston & Moore Engineers, told Council that application for the pool work had been submitted to DNR (Department of Natural Resources) however, the application had not yet been acted upon. Mr. Moore said that the pool would not be placed any further seaward.

MOTION: To **APPROVE** the resolution as presented, on the condition that the pool is not moved any further westward.

Anderson	M	Y
Harms		Y
Korest		Y
Pennington		Y
Sullivan	S	Y
Van Arsdale		Y
Muenzer		Y

(7-0)
M=Motion S=Second
Y=Yes N=No A=Absent

City Council Regular Meeting - September 2, 1992

RESOLUTION NO. 92-6727

ITEM 10

A RESOLUTION APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE SCHOOL BOARD OF COLLIER COUNTY AND THE CITY OF NAPLES, FOR THE COLLECTION OF EDUCATIONAL IMPACT FEES WITHIN THE CITY BOUNDARIES; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Chiaro.

MOTION: To APPROVE the resolution as presented.

Anderson	S	Y
Herms		Y
Korest		Y
Pennington		Y
Sullivan	M	Y
Van Arsdale		Y
Muenzer		Y
(7-0)		
M=Motion S=Second		
Y=Yes N=No A=Absent		

RESOLUTION NO. 92-6728

ITEM 5

A RESOLUTION GRANTING VARIANCE PETITION 92-V14 FROM SUBSECTION 8-3-3 OF THE COMPREHENSIVE DEVELOPMENT CODE WHICH REQUIRES THAT ALL PARKING SPACES BE PAVED AND STRIPED, IN ORDER TO ALLOW THE CREATION OF A NEW NINE-SPACE PARKING AREA TO BE SURFACED WITH LIMEROCK, SUBJECT TO THE CONDITION SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Chiaro.

Community Development Director Missy McKim reviewed the variance petition, noting that the property owner's opportunities for redevelopment were very high since he owns the entire block. Council Member Korest asked if there was anything that could be done so that the tenants would clean up behind the building. Mrs. McKim said that she could talk with all of the tenants.

In response to Council Member Pennington's question, Mrs. McKim said that during season, especially lunchtime hours, parking does get congested in the area. Concern about parking for that building and the adjacent building has resulted in the tenants being better coordinated than in the past. Mrs. McKim explained that in the past, the City erroneously issued occupational licenses to businesses on the block, therefore, in her opinion, the City has some obligation to compromise on the parking issue.

City Council Regular Meeting - September 2, 1992

Attorney Anthony Pires, Jr., representing the petitioner, assured Council that they would work closely with staff to identify the proper paving material. Handicapped spaces will be designated when the area is striped. Council Member Herms emphasized that he wanted to know what the impervious base material will be. Mrs. McKim noted that at this point, the City did not have standards for non-paved surfaces. Within thirty days, staff will submit to Council proposed criteria for non-paved surfaces.

MOTION: To **APPROVE** the resolution, with the condition that the petitioner clean the area behind the building within fourteen days.

Anderson	S	Y
Herms		Y
Korest		Y
Pennington	M	Y
Sullivan		Y
Van Arsdale		Y
Muenzer		Y

(7-0)

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Y=Yes N=No A=Absent

RESOLUTION NO. 92-

ITEM 6

AN ORDINANCE AMENDING SECTION 9-1-16 "SATELLITE/ANTENNA" OF THE COMPREHENSIVE DEVELOPMENT CODE BY AMENDING THE STRUCTURAL, LOCATION AND SCREENING REQUIREMENTS PERTAINING TO TELEVISION ANTENNAS; PROVIDING FOR AN APPEAL PROCESS AND ESTABLISHING A FEE; AND PROVIDING AN EFFECTIVE DATE.

PURPOSE: TO AMEND THE ANTENNA REGULATION PROVISIONS OF THE COMPREHENSIVE DEVELOPMENT CODE TO ADD LIMITATIONS AS TO THE LOCATION AND VISIBILITY OF TELEVISION ANTENNAS.

Title read by City Attorney Chiaro.

City Manager Woodruff reviewed those changes in the ordinance language requested by Council, including an increased fee for those who install a satellite dish antenna without a permit. Insurance requirements were also reduced to \$100,000.00 combined single limit liability. All antennas shall be a flat, non-reflective color.

City Council Regular Meeting - September 2, 1992

MOTION: To APPROVE the ordinance at first reading.

Council discussed the proposed \$500.00 fee for those installing a satellite dish antenna without a permit. City Attorney Chiaro informed Council that a warning to installers could be incorporated in the permit application. Staff was directed to amend the permit application to include a warning that the fee for installing an antenna without obtaining a permit is \$500.00. Council Member Anderson suggested adding an initial block as well, to ensure that the warning has been read by the applicant.

Anderson	S	Y
Hermes		Y
Korest	M	Y
Pennington		Y
Sullivan		Y
Van Arsdale		Y
Muenzer		Y

(7-0)

M=Motion S=Second

Y=Yes N=No A=Absent

ORDINANCE NO. 92-6730

ITEM 7

AN ORDINANCE AMENDING THE CODE OF THE CITY OF NAPLES, FLORIDA, PROVIDING FOR A STORMWATER MANAGEMENT UTILITY SYSTEM AND SPECIFYING TERMS AND PROCEDURES FOR SAID SYSTEM TO PROVIDE A STORMWATER MANAGEMENT UTILITY TO MEET FEDERAL REQUIREMENTS FOR CLEANER WATER IN BAYS, CANALS AND LAKES, TO PROVIDE FOR IMPROVED STREET DRAINAGE, BETTER MAINTENANCE TO STORMWATER FACILITIES AND ENHANCED QUALITY OF LIFE; PROVIDING A REPEALER PROVISION, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.

Title read by City Attorney Chiaro.

City Manager Woodruff distributed copies of the stormwater rate policy as recommended by Camp Dresser & McKee (CDM). Dr. Woodruff reviewed changes in the ordinance language including the definition of "Vacant Lot" and inclusion of a definition for "Unoccupied Development Property." He also explained the difference between an Average Single Family Unit (SFU) and an Average Residential Dwelling Unit (ARU). Staff had calculated rates based on the ARU designation, at Council's prior direction. Dr. Woodruff noted that staff would review the ordinance language and amend any inconsistencies. Paragraph D, Section A of the Rate Schedule will include the verbiage "vacant lots not connected or served by City water."

The City Manager pointed out that the first phase of the Stormwater Utility program will be a monitoring phase lasting two or three years, during which time the fees and their relationship to a list of capital improvements will be considered. After the first phase, Council will have to determine whether or not to give credits for improvements made on private property which impact stormwater retention.

City Council Regular Meeting - September 2, 1992

Council Member Herms inquired about the purchase of a second street sweeper. Dr. Woodruff explained that the budget for the first years' Stormwater Utility funds include the operation and maintenance of the existing street sweeper. The budget also includes a portion of Natural Resource Manager Jon Staiger's time and a portion of Engineering Manager Leighton Westlake's time, as well as \$75,000.00 for monitoring the water quality. Samples will be taken from between fifteen and twenty sites around the community to determine the extent of pollution. Repayment to the East Naples Bay and Moorings Bay Taxing Districts will be made in the amount of \$171,000.00, which was used for the CDM study.

City Manager Woodruff told Council that staff will refine the definitions within the ordinance, specifically Impervious Areas. Language will be included clarifying that multi-story garages and structures will be calculated as per the footprint of the structure.

Council Member Anderson brought attention to the fact that Council was trying to encourage revitalization, yet this will cost property owners additional money. She cautioned, therefore, that the process must be done correctly.

MOTION: To CONTINUE Item 7 to
September 16, 1992.

The motion failed by a vote of 4-3.

Sue B. Smith, 15 11th Avenue South

Mrs. Smith thanked those Council Members who voted to delay this item, noting, "It seems you are not prepared." Mrs. Smith reminded Council that in the late 1980's the City had received a grant for the stormwater utility system. She also referred to a newspaper article quoting City Manager Woodruff and saying 'utility hikes will only hurt a little.' Mrs. Smith told Council that they seemed to envision the citizens of Naples as having pockets which are very deep and very full and were not considering the fact that present hard economic conditions do affect everyone. She went on to say that Naples had enjoyed the privilege of being a very strong, fiscally responsible community, however, "something has happened." Mrs. Smith questioned the CDM study and lake retention maintenance which, she said, had been well kept up in the past.

In response to Mrs. Smith's question, City Manager Woodruff clarified that the Stormwater Utility fees could be raised or lowered any time Council deemed it appropriate. Mrs. Smith referred to the new fees as "another layer of bureaucracy" requiring additional funds to be maintained. She told Council that they had a responsibility to the citizens, referring to a Wall Street Journal Letter to the Editor which stated "To save America, save a community."

Council Member Van Arsdale pointed out that this was a Federally mandated program. City Manager Woodruff confirmed that, noting that the Federal Clean Water Act required political entities such as the City to implement a stormwater utility. The alternative, he said, would be

Anderson	S	Y
Herms		Y
Korest		N
Pennington		N
Sullivan	M	Y
Van Arsdale		N
Muenzer		N
(3-4)		
M=Motion S=Second		
Y=Yes N=No A=Absent		

City Council Regular Meeting - September 2, 1992

for the City to be included in the County's stormwater utility program. He reminded everyone that when this fact was discussed by Council previously, it was determined that the City should institute its own program. This will relieve the taxpayers of the potential of being taxed by the County for benefits which could end up somewhere in the County and not within the City limits.

Mrs. Smith questioned the purpose of the May, 1991 bond issue. Dr. Woodruff explained that the bond issue was solely for the purpose of restructuring existing debt. It was an opportunity for the City to take advantage of lower interest rates and saved approximately \$1,000,000.00.

Council Member Korest brought up the fact that when CDM presented its original study, a \$4.00 rate was recommended. Since then, he said, the City has acquired an administrative staff which listened very carefully to Council and had come forward with a cost-effective plan. Mr. Korest commented, "This is not a rip-off of our citizens. Our staff has really come up with a hands-on plan." City Manager Woodruff added that the first phase did not require the hiring of any outside consultants with the exception of the water quality monitoring operation.

Council Member Herms noted that the County's proposed stormwater management plan contained more emphasis on water quantity whereas the City is concerned with water quality. He cautioned that the County's program should be carefully monitored by the City to be sure that Federal regulations pertaining to water quality are met. Referring to the CDM study, Mr. Herms said that it had been frustrating when all questions were not answered. He concluded, "Now we are going to a true analysis that we'll accomplish with our own staff."

Council Member Pennington informed everyone that the Bay Management Organization would also be closely monitoring the County's stormwater plan.

MOTION: To **ADOPT** the ordinance at second reading, based on the revised language requested by Council.

Engineering Manager Leighton Westlake reminded Council that staff would be developing some standards with respect to parking areas. He said that whether or not a surface is porous would depend upon how it was treated. Council Member Herms requested that, along with the standards for surfaces, staff should report on the surfaces of all developments within the City, designating whether they are impervious or pervious.

City Manager Woodruff assured Council that the local engineering community would also be included in revising some of the definitions within the ordinance.

Vice Mayor Sullivan voted in the negative, stating that he had not lightly proposed that this item be tabled. However, he said, in order to properly discharge his responsibilities, he believed that

Anderson	M	Y
Herms		Y
Korest	S	Y
Pennington		Y
Sullivan		N
Van Arsdale		Y
Muenzer		Y
(6-1)		
M=Motion S=Second		
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City Council Regular Meeting - September 2, 1992

when there were definitions still to be determined as well as standards that could be challenged and questioned, those things were appropriately determined at the time of passage of the legislation, not afterwards. Mr. Sullivan went on to say that he was basically satisfied with the legislation, but concerned about the lack of definitions and standards required for conformance.

BREAK: 11:20 a.m. - 11:25 a.m.

ORDINANCE NO. 92-6732

ITEM 8

AN ORDINANCE AMENDING SUBSECTION 11-1-4(B), (E)(2), (E)(4), (F)(1) AND (F)(2) OF THE COMPREHENSIVE DEVELOPMENT CODE, ENTITLED "WATER SERVICE" TO INCREASE MISCELLANEOUS FEES FOR WATER SERVICE AND INCREASING FEES TO RESTORE SERVICE AT TIMES OTHER THAN NORMAL WORKING HOURS; ADDING SUBSECTIONS 11-1-4(E)(6) AND (E)(7) TO THE COMPREHENSIVE DEVELOPMENT CODE, TO ADD FEES FOR DISHONORED CHECKS AND TO ADD FEES FOR TESTING METERS; AMENDING SUBSECTIONS 11-1-5(F)(1), (H)(1) AND (H)(2) OF THE COMPREHENSIVE DEVELOPMENT CODE, ENTITLED "WATER SERVICE CONNECTIONS AND MAIN EXTENSIONS INSIDE AND OUTSIDE THE CITY LIMITS" TO INCREASE THE METER TAPPING CHARGES AND TO INCREASE THE SYSTEM FEES FOR FIRE HYDRANT SERVICE; AMENDING SUBSECTION 11-1-6 OF THE COMPREHENSIVE DEVELOPMENT CODE, ENTITLED "WATER REUSE SYSTEM" TO INCREASE RATES FOR USE OF THE CITY'S WATER REUSE SYSTEM; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.

Title read by City Manager Woodruff.

Dr. Woodruff referred to Council's discussion at the August 31st Workshop, noting that Subsection 11-1-6, pertaining to the water reuse system, would be deleted from the ordinance. Staff will further research the subject then draft a separate ordinance dealing with water reuse only. At Council's direction, staff will delete Section 4 of the ordinance, "Water Reuse System," and amend the ordinance title accordingly.

Council Members Pennington and Herms expressed concern that the ERU (Equivalent Residential Unit) rates be equitable among the users of the system. Council Member Herms requested an analysis of ERU rates for sewer customers, so that Council can determine whether it is fair and equitable for a yearly rate, rather than a monthly or quarterly rate, to be imposed.

City Council Regular Meeting - September 2, 1992

NOTE: Discussion on Item 8 was delayed for a short time. Council proceeded to Item 9 and Correspondence and Communications before returning to discussion of Item 8.

ORDINANCE NO. 92-6731

ITEM 9

AN ORDINANCE AMENDING SUBSECTION 3-2(b) OF CHAPTER 3, ALCOHOLIC BEVERAGES OF THE CODE OF ORDINANCES TO PERMIT ALL HOTELS AND MOTELS TO SELL ALCOHOLIC BEVERAGES FOR CONSUMPTION ON PREMISES BETWEEN THE HOURS OF 7 AM AND 12 MIDNIGHT ON SUNDAYS; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.

Title read by City Attorney Chiaro.

NOTE: To ADOPT the ordinance at second reading.

Anderson	S	Y
Hermes		Y
Korest	M	Y
Pennington		Y
Sullivan		Y
Van Arsdale		Y
Muenzer		Y

(7-0)

M=Motion S=Second

Y=Yes N=No A=Absent

CORRESPONDENCE AND COMMUNICATIONS

Council Member Herms referred to a resolution which was on the August 19th Council Agenda and failed. The resolution would have controlled the usage of tools in the Public Works Department. Mr. Herms said that he had requested the legislation because he had knowledge of intermingling of tools by the Water and Sewer Divisions. When equipment is properly cleaned, he said, there is no problem. If not, the potential for contamination of the water system does exist. Mr. Herms stated that he believed the only way to control this practice was to have legislation passed by Council, adding that it was important for reasons of health, safety and welfare.

City Manager Woodruff informed Council that based upon Mr. Herms' concerns, administrative policy had been changed to state very clearly that no intermingling of tools was permissible. Violators of that policy could be subject to termination. Dr. Woodruff told Council, "I think the key thing you need from us is our commitment. You have that. If it does happen, people will be disciplined. It is certainly an important issue. Our pledge to you as Council is that we take that seriously. We'll discipline, up to termination, for violations."

City Council Regular Meeting - September 2, 1992

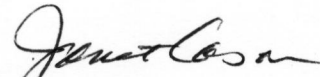
ITEM 8 - CONTINUED

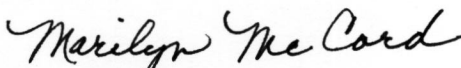
Finance Director Bill Harrison distributed copies of the amended ordinance and reviewed those changes which had been made.

MOTION: To ADOPT the ordinance at second reading, excluding Section 4 pertaining to the Water Reuse System.

Anderson	S	Y	
Hermes			Y
Korest		M	Y
Pennington		Y	
Sullivan		Y	
Van Arsdale		Y	
Muenzer		Y	
(7-0)			
M=Motion S=Second			
Y=Yes N=No A=Absent			

ADJOURN: 11:55 a.m.


Janet Canon
City Clerk


Marilyn McCord
Deputy City Clerk


PAUL W. MUENZER, MAYOR

These minutes of the Naples City Council were approved on September 16, 1992