



City Council Chamber  
735 Eighth Street South  
Naples, Florida 33940

**September**

---

**City Council Special Meeting - August 16, 1992 - 5:05 p.m.**

---

Mayor Muenzer called the meeting to order and presided.

**ROLL CALL**

**ITEM 1**

**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	James Dean, Parks and Parkways Supervisor
Maria J. Chiaro, City Attorney	Alfred Monteleone, Distribution/Collection Superintendent
William Harrison, Finance Director	Al Lane, Public Works Analyst
Tom Smith, Fire Chief	Michael Whitcavage, Tradesworker
Paul C. Reble, Jr., Police Chief	Sylvester Cotton, Trash Operations Supervisor
Dan Mercer, Interim Public Works Director	George Henderson, Sergeant At Arms
Mark Thornton, Community Services Director	Marilyn McCord, Deputy City Clerk
James Byrne, Police Captain	
Paul Sireci, Police Captain	
Kevin Rambosk, Police Captain	
John Cole, Chief Planner	
Mary Kay McShane, Human Resources Director	
Steve Uman, Building Official	

See Supplement Attendance List - Attachment #1

## City Council Special Meeting - September 16, 1992

---

\*\*\*\*

\*\*\*\*

\*\*\*\*

City Manager Woodruff distributed copies of the "City of Naples Goals 1992/93 - Moving Forward Together," and read the introductory memorandum, which had been signed by the City's management team. (Attachment #2) Dr. Woodruff explained that the Administrative Goals, beginning on Page 1 of the document, represented staff's work program for the coming year. As Council authorizes the budget, it will be authorizing that work program.

Using visual aids, the City Manager reviewed some of the data which had been presented at the Budget Workshops in July, 1992. That information included assessed valuations and ad valorem tax receipts for the City. Finance Director Bill Harrison reviewed the Fiscal Year 1993 General Fund budget reductions, pointing out where positions had been eliminated. Mr. Harrison also summarized the 1992 tax rate, 1993 roll back rate and the 1993 proposed millage rate.

\*\*\*\*

\*\*\*\*

\*\*\*\*

### **ORDINANCE NO. 92-**

### **ITEM 3-b**

**AN ORDINANCE ADOPTING THE FINAL BUDGET FOR THE FISCAL YEAR 1992-93; APPROPRIATING FUNDS FOR OPERATING EXPENSES OF THE CITY OF NAPLES FOR THE GENERAL OPERATION OF THE SEVERAL DEPARTMENTS OF THE CITY, INCLUDING UTILITIES, AND FOR CONTRIBUTING TO THE SINKING FUNDS OF THE CITY TO PAY INTEREST ON AND PROVIDE FOR THE RETIREMENT OF THE OUTSTANDING BONDS AND OTHER FIXED OBLIGATIONS OF THE CITY AND THE UTILITY TAX FUND FOR AND DURING THE FISCAL YEAR 1992-93; AND PROVIDING AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

**Public Input:** No one registered to speak.

Vice Mayor Sullivan stated, "I was taken by the .038 mill increase for the \$150,000.00 for legal fees, and in light of the fact that there are funds available, I'm trying to find out, or I would like to ask a question, as to how we might be able to avail ourselves of funds which are currently being held by the Citizens to Preserve Naples Bay so that they can (and I assume they could) be assumed by us or jointly with Citizens to Preserve Naples Bay in an escrow account of some type so that they would

## **City Council Special Meeting - September 16, 1992**

---

be available to us and that we would be able to reduce the amount of money being required from \$150,000.00 to something less than that, thereby allowing us to further reduce the .038 mills that we are currently reserving for that purpose."

Replying to Vice Mayor Sullivan's suggestion, City Manager Woodruff outlined the options available:

"One option is to leave the dollar figure at \$150,000.00 and to add on the revenue side a revenue item which would be shown as Citizen Contribution for Sabal Bay Litigation. That would become a specific revenue line item in your proposed budget. And in that, you could show that as a number. Let's pick for discussion purposes a \$50,000.00 number. If you show that as a potential revenue source and leave your expenditure at \$150,000.00, then you would be able to reduce the millage rate, because the millage rate of .0384 is the millage rate necessary to create \$150,000.00. For every \$50,000.00 increment that you reduce, dependent on ad valorem tax, then you are reducing that .013 mills, so you would be going down to approximately, for \$100,000.00, .0254, and if you went down another \$50,000.00 then it would cut that in half. That would be the recommended option.

"A second option available to you is simply to change the expenditure that you are required in the budget at this point from \$150,000.00 to some lower figure, and then amend the budget based upon actual expenditures as the expenditures occur. So you have two choices. Number 1 is to amend your budget now by giving it an additional revenue item. Number 2 would be to reduce what the General Fund is being asked to pay and based upon actual expenditures, come back with a budget amendment to increase or change the budget once the expenditures exceed \$100,000.00 and you get into the additional \$50,000.00."

City Attorney Chiaro confirmed that either option was permissible.

Vice Mayor Sullivan said that he believed it would be to the benefit of the City to meet with representatives of the Citizens to Preserve Naples Bay and come to an agreement and ultimately a decision, closing the matter with either of those alternatives in order to affect a lower cash requirement. Dr. Woodruff noted that in any agreement with a funding source, it must be ensured that those funds can be spent at the discretion of the City, not based upon conditions that are placed upon Council. If \$150,000.00 in expense will eventually be encountered, the City must be in a position to meet the expense with a revenue source. If Council directs, assured Dr. Woodruff, staff will be happy to work with the Citizens to Preserve Naples Bay to set up one of those two options. Mr. Sullivan commented, "My understanding, and of course I'm not privy to all of the circumstances, but according to what I understand, there are some concerns on the part of Citizens to Preserve Naples Bay, not in regard to utilization of the funds for defense of our position, but rather concerns as to whether or not that position is going to be changed. So I think it is important

---

**City Council Special Meeting - September 16, 1992**

---

that we reaffirm in some way, precisely what our position is on that subject. And I hope that we would be able perhaps, to workshop this particular item in order to be able to attain some kind of statement of position so that it will expedite the transfer of funds into that account."

## **City Council Special Meeting - September 16, 1992**

---

Council Member Van Arsdale, referring to the \$150,000.00 earmarked for litigation, said that the amount had to be funded in this budget year. The only way it could not be funded, he noted, was with a firm commitment of other funds to replace the dollars anticipated necessary to support the litigation. Mr. Van Arsdale stressed that the funds should be available in such form that it could be used at the City's own discretion as to how the case should be defended. If funds cannot come in that form, he stated, then enough funds should be collected to support the City's position. Mr. Van Arsdale suggested that the entire \$150,000.00 be collected, unless a firm commitment can be obtained before the budget is finalized and can be reduced.

Council Member Herms agreed with Mr. Van Arsdale's statements, adding that he was open to having staff work with the Citizens to Preserve Naples Bay during the next two weeks. Referring to the 1992/1993 City of Naples Goals, Mr. Herms asked about the exposure control plan training. Human Resources Director Mary Kay McShane confirmed that training and education was included in the 1992/93 budget. Mr. Herms requested that such training be done as soon as possible, because employees had expressed their concerns about protecting their health.

Human Resources Director McShane also confirmed that in addition to revision of the safety manual, equipment training and education in the area of safety were included in the budget. Finance Director Harrison noted that the City's annual contract with Gallagher Bassett included nine days of safety training on subjects which are identified by the City. Those training sessions are conducted by trained professionals, at the level where the actual work function is performed. Mr. Harrison told Council that during the past year, classes were conducted in back safety, small motor operation, defensive driving, etc.

Council Member Herms commended staff for reconditioning the surplus 1972 fire engine so that it can be used for training. However, he expressed concern for the fire truck renovation expenditure of \$50,000.00, noting that that job could be accomplished for much less.

At this point, Finance Director Harrison reminded Council that any individual expenditure in excess of \$7,500.00 would require the approval of Council prior to commitment of those funds.

Council Member Herms said, "One other point that I think the public needs to understand here, is that this particular year perhaps is a turning point, or a key year, on something that's occurred in this community that hasn't occurred for a long, long period of time. And that is, if I'm not mistaken, 35 less employees." (The City Manager interjected that the current number was 37.) Mr. Herms continued, "This is something that we've batted around for the last three times, at least that I've been on Council, with budgets, and I was extremely happy to see that occur because I think it proves that we are actually becoming efficient. And I'm extremely happy with staff's work in that particular area." Dr. Woodruff informed Council that all of the management people, not just the department

## **City Council Special Meeting - September 16, 1992**

---

heads, had contributed to that goal. Mr. Herms noted that staff and Council would continue to develop more efficient use of City employees and City funds.

Council Member Korest thanked staff for the City of Naples Goals booklet, saying that it was very helpful. Mr. Korest said that he was pleased to see performance measurement standards being addressed. With respect to the litigation item, Council Member Korest stated, "I've talked to Mr. Conkling (Wheeler Conkling of the Citizens to Preserve Naples Bay) and I've expressed the opinion to him that it's my opinion that City Council needs to have the total control over the use of the funds.

And in the past we have accepted their contributions with gratitude and we have used those funds, I think, in a way that's reflected credit on their organization and ours. I would like to see us continue on that same basis, to accept their funds with gratitude, to plan initially, and perhaps at first reading we could adopt a budget 1.20558, which would reflect a \$50,000.00 contribution toward that line item of litigation, leaving the City with \$100,000.00 to provide through ad valorem taxes. That would bring you somewhat under the present level. In addition, I think the City Council is very much aware of the issues involved. The previous City Council voted to pursue this matter of defending our rights as we saw it in terms of the Sabal Bay issue. We're committed to it, and I think that this Council, it goes without saying, that we are committed also to continuing this battle until such time there might be a way to satisfy the requirements and needs of all the parties involved. Whether or not it's necessary to so state - I have a question - I think that we all have to operate in good faith." To clarify, at first reading the City would operate on the assumption of good faith, reducing the millage rate by the equivalent of \$50,000.00, and if, between first and second reading, the necessary details are worked out with the Citizens to Preserve Naples Bay, the millage rate would stay at that lower level. If details are not worked out, Council would consider increasing the millage. Mr. Korest said that his suggestion would show Council's good faith, and the desire to work closely with the Citizens to Preserve Naples Bay, however Council needed to exercise the final expenditure decisions.

Council Member Pennington announced that he was pleased to see formal goals established. He reiterated Council Member Herms' comments relative to the number of employees. Mr. Pennington noted that it represented a tremendous reduction in one year and that he had a lot of confidence that the City could perform effectively.

Relative to the amount of money budgeted for litigation and about Sabal Bay, Council Member Pennington stated, "I think Mayor, you want to provide an extra effort to try to determine if there was a way of achieving some degree of satisfactory resolution on this. It appears that what was offered to you was far less than what you had hoped for, and certainly no more than many of us expected." Mr. Pennington went on to say that initially at a Workshop Meeting Council had discussed allowing \$150,000.00 for planning purposes. The major expenses were probably already paid, he noted. He said that Council had not been certain how successful the Citizens to Preserve Naples Bay would be in soliciting contributions from their membership, however, the group

---

**City Council Special Meeting - September 16, 1992**

---

presently has \$50,000.00, which it intends to provide to the City. Mr. Pennington agreed with Mr. Korest's recommendation to reduce the amount by \$50,000.00 so that the City would have only \$100,000.00 reflected in its budget.

Mr. Pennington emphasized that Council should reaffirm its position, in a formal manner, in order to advise the citizenry.

**MOTION:** To reaffirm the resolve of this Council to defend the actions taken by this City on June 21, 1989 in rejecting proposals related to the development of the Sabal Bay Marina Resort Center. Further, should the developer have an alternate proposal, it is to be submitted through our regular channels, i.e., staff and PAB, for consideration.

Council Member Pennington's motion was seconded by Vice Mayor Sullivan.

In response to Mayor Muenzer's request to clarify, City Attorney Chiaro said that the motion could be made pursuant to the ordinance if there was a two-thirds vote. Mayor Muenzer noted, for the record, that there was nothing to reject. Council Member Pennington said that he was not rejecting, but affirming the actions taken by the City in rejecting proposals related to the development of Sabal Bay in 1989.

City Manager Woodruff requested clarification, asking, "If I understood the last part of your motion, what you were saying was that any change or any other positions relative to Sabal Bay would be handled through the normal staff channels." Council Member Pennington said that was correct. Should the developer have an alternate proposal, it is to be submitted through regular channels for consideration. Dr. Woodruff asked if the intent of that statement meant that the Council was directing the Mayor not to have any additional meetings on his own, but rather to have the petitioner bring requests directly to the staff. Mr. Pennington said that it was not his intent to dictate to the Mayor, however, it was his intent to state the intention of Council, if the other Council Members agreed, that any change from the developer would be formally submitted to the staff. Dr. Woodruff stated that he asked the question because the administrative staff had not been a part of the meetings and negotiations. That has been a legal matter. Natural Resources Manager Jon Staiger had attended the meetings in an environmental consultant capacity. The City Manager added, "That is a very different direction than what has been occurring in the previous negotiations."

Council Member Pennington agreed with Dr. Woodruff's observations, adding that Council had not been party to any discussions. He said that his intent was for Council to establish its desires at this time. In response to a question from Council Member Korest, Mr. Pennington agreed that any changes would normally first go through normal channels.

## **City Council Special Meeting - September 16, 1992**

---

Council Member Anderson stated, "I think the intent was basically to keep anyone from negotiating individually on behalf of the Council." Mayor Muenzer commented that no one could negotiate until requests first went through normal channels. Council Member Van Arsdale said that although he did not believe Council's position had changed, this would eliminate the perception that Council's position had changed. Mr. Pennington agreed, saying that the intent of his motion was to clarify that situation for the benefit of the public.

Council Member Herms noted, "To go a little bit farther, you know we've all had knowledge through the media of the Mayor's work along with some of the representatives, Jim Weigel and someone else, Jon Staiger, and I haven't been privy and I don't think any of us on Council have been privy to any workshop or any discussion on where this is going, and other than little hints here and there in the media, I don't know what's really occurring. And I would love to hear what happened, you know, within these discussions or whether they've concluded or not." Council Member Pennington said that the basis of his motion was the fact that there had been many things in the media that had suggested "a lot of things that seemingly are not founded in fact." This would provide clarification of the position of the present Council, he stated, relative to this particular issue. Mr. Pennington said that he had had many questions from citizens with respect to Council's position and a lot of confusion existed.

Council Member Herms agreed that rumors would thrive in a situation such as the Sabal Bay issue. Mr. Pennington stated that he believed it was appropriate at this time for Council to clarify, for the benefit of the citizens, the position of the Council. He commented that since this was not the same Council which made the decision in 1989, it was important to state the present Council's position.

Council Member Korest inquired what Council would legally accomplish with this motion and how it would impact Council's ability to contact the developer. City Attorney Chiaro stated, "The City's position in regard to its actions on the application of Collier Development is in place as voted in 1989. The motion, as I understand it, is a philosophical statement. It has no legal impact in so far as changing City procedures or in any prohibitions to any Members of Council or the Mayor, but it is a philosophical statement." She explained that by "statement," she was referring to the vote taken in June, 1989 regarding the application, which stands as the City's legal position. Attorney Chiaro said further, "Nothing that a motion does changes the ability of an individual on Council to individually meet. The Council acts on behalf of the City; individual Council Members cannot, just as they cannot be delegated the authority to act in certain ways. They cannot be prohibited to act as individuals."

City Manager Woodruff noted that this was a legal issue and that the Mayor, the City Attorney and Natural Resources Manager Staiger had been handling the matter. If the motion's intent was that the administrative staff would take a different role than it had up to the present, Dr. Woodruff said that he wanted that clearly understood.



Vice Mayor Sullivan said, "My own impression of this is that because there has been so much innuendo, so much discussion by people who are not involved, so much speculation on this particular subject, that as a result of that, there a lot of people in the general public who are at that point now where they are thoroughly confused as to what the intent of the present Council may be in regard to this matter. I think that what Mr. Pennington is asking, and which I affirm, is that there be a statement as to the purpose in order that people who are concerned about this matter may, in fact, know what is happening at this point in time. The motion provides, not that individual Members are prohibited from any way from discussing the matter, but it does provide information to the general public which clarifies the position that, number one, should any substantive change be offered it will have to be offered through the normal procedural channels which any developer would have to take, which is through the staff and then the PAB and then the City Council. This clarifies for one and all that no individual can 'cut a deal,' which has been rumored, and thereby change the direction that the Council is taking. And Mr. Pennington's motion asks that we reaffirm the vote, support for the vote that a previous Council took in denying the cutting of the channels through to the proposed marina basin. I don't believe that the motion does anything more than that. It explains to the public what our position is."

Council Member Anderson agreed that this was a very important issue. She said, "The thing it leaves me in a bit of a quandry over is the position it puts the staff in. While this may be very clearly a point of consideration for the Council, let me suggest for a moment that this passes unanimously, then what will be the upcoming result if some type of negotiations should continue and, as I believe you have basically stated, the City Attorney has been there, the Natural Resources Manager has been there, and the Mayor...so I don't think that we want to put the staff in a future position. We need to make a statement. Either the staff should discontinue and anyone individually be approached by Collier they do it on their own and that staff does not participate or else we have to state affirmatively that we expect that if someone is talking with Collier that these staff members will be present and accept that because I don't want the staff in a 'Catch-22' position where they have to second guess what our directives are."

Council further discussed the motion as well as whether or not certain items should be discussed at a Workshop before going to staff. Vice Mayor Sullivan commented that if the Mayor saw merit in any particular proposal being made by the Colliers, he would simply indicate to them that they should proceed through normal procedures. The matter cannot come to Council and then to staff, stressed Mr. Sullivan. Mr. Sullivan said that he had been under the impression that the Mayor had gone to Collier Enterprises in order to be able to make a determination as to whether or not there was a significant change in their initial proposal which would warrant coming to Council.

Mayor Muenzer told Council, "First of all, a great many people in the public and both sides have given an opinion. There's a good number of people that are not in favor of spending the money. A

good number of people say 'Spend the money and we support.' The question was asked many times, 'Has there been any negotiating? Has there been any contact? Has there been any dialogue?' Call it what you want, it's a matter of semantics. The answer was 'No.' The question then became, 'Why not? Why hasn't there been any dialogue to see if this could be settled outside the expenditures that have been made to date, and what's proposed for the future?' And this was an offer that I made at one time that I've heard nothing from Collier. If Collier feels that they have some substantial change, it would lead me to believe that Council would be able to accept or be able to consider that I'd be willing to talk and hear what it was, and if I felt there was reason for substantial change that might be seen in the affirmative by Council and I was on the Council with Mrs. Anderson when we voted. If I felt that there was reason for substantial change, I would bring it to you in a Workshop to let you see what it was. At that time, you wouldn't be approving. You, at a Workshop, would have a chance to say whether you felt the substantial change was solid enough for them to go ahead and start through channels, through staff, through PAB, and the tremendous expense we had before when we did PAB.

"We had several all-day sessions into the evening. We had many public meetings. We had that much transcript alone from our own, rather than start through this expense in what would be a futile endeavor or the fact that they might have a chance of success. I advised you of this and I asked your opinions on that as to whether this was to be entertained. I had the majority concur that it would be all right to express the offer, which I did. I asked Dr. Staiger and Maria to accompany me. I asked several people I respect for their scientific background to come in and be there as my consultants to tell me if there was any complications or any procedures, whatever. What changes were being made? I didn't want to just listen on my own. I asked two people from the Conservancy, Mr. Brannon and Dr. Fitch. I asked Fran Stallings from the County Resource, who had sat through every bit of hearings that took place before, to come in and after we went we met with Collier. We heard what possible changes they might make. They were not formal changes but they gave what might appear to be some changes in the original offer. We went back to the Conservancy and met and discussed these for about three hours and at the end of that time the consensus was, from the advisors who were there to myself, that the three basic issues...there was nothing solid enough at this time which would warrant me to see a chance of success to bring back to Workshop. The three issues are marina location, the number of boat slips, the amount of mangroves to be disturbed, and the pollution and impact upon Rookery Bay. Those issues were still there and subject to problems by all the people. At that point they advised me they felt that they were not substantial enough change for me to have any degree of success to bring back to Workshop. I have not put it back in Workshop and I have not heard of any additional change to this yet. But that's where we are. And I think that to go back and say that I cannot do this in the same situation, it would have to be done by staff, and then start off through the whole thing, a fruitless chase, through PAB, through public hearings, through all the volume and expense to go with it, I think would not be correct. I think that we should always, in any lawsuit we have, think we should always be open to see if there's any change. And if there is, if there's anything positive to bring back, to bring back either through the

## **City Council Special Meeting - September 16, 1992**

---

Attorney or through memo to you or bring back to you with the possibility of a Workshop.

"We can make the reaffirmation of the 1989 if that's what you want to hear, we can make it. We've done nothing to say anything different. We have done nothing at any meeting to say that we are different from that position that was taken in the vote in 1989. None of us have here taken, there's been no discussion of Workshop, no vote taken, to say that we have changed our position on that 1989 position. So this in a sense is, what are we saying? I think we're maybe going on record to say that those five that were not here...if that's what it is then you can individually state your position and how you feel...and I think each of you have said that this is where we're at. We're asking to reaffirm. We're asking to reinvent the wheel. This is where we're at on the situation. I don't know. There may be a reason that they would want to convene tonight, or to call me tomorrow and want to reconvene. There might be something which would be a change and I would handle it the same way. I'd have the same people come in and review and give me counsel as to whether it's worth bringing back to you in a Workshop and at a Workshop, you'd hear what the proposal was and if you felt that it was feasible to refer to staff, then just by saying you're referring it to staff you're not agreeing to it. They would understand you are not agreeing. It would only mean at that time we'd start to do the very expensive and laborious process of reapplication and the change that would follow. And that could be laborious and expensive."

City Attorney Chiaro and Mr. Wheeler Conkling of the Citizens to Preserve Naples Bay confirmed that the Mayor's review of the situation was current.

Council Member Korest stated that the public must know that it was not possible for one Member of Council to "cut a deal" with anybody. Any changes had to be voted on by all of Council. Vice Mayor Sullivan added that he believed there was a mis-perception on the part of the public that someone can initiate something on their own that would be counter to the best wishes of the Council. Mr. Sullivan said that reaffirmation was a simple method by which to clear up any mis-perceptions.

City Attorney Chiaro informed Council that any motion made at this time would not bind future actions of this Council. Council Member Pennington announced that he would be happy to withdraw the second part of his motion. He restated the reason for making the motion: "I think we owe it to the public, since there's a great public involvement in this, to say where do we stand on this?"

When asked for clarification by Council Member Herms, City Attorney Chiaro stated, "Items which were not placed on a publicized agenda may be considered by City Council at a Regular Council Meeting by an affirmative vote of two-thirds of all Members of Council. The enactment of such an ordinance or resolution shall require an affirmative vote of two-third of all Members of Council." She told Council that she was comfortable with a vote on the motion.

---

**City Council Special Meeting - September 16, 1992**

---

Anderson		Y
Hermes		Y
Korest		Y
Pennington	M	Y
Sullivan	S	Y
Van Arsdale		Y
Muenzer		Y
(7-0)		

**M=Motion S=Second**  
**Y=Yes N=No A=Absent**

---

**City Council Special Meeting - September 16, 1992**

---

**AMENDED MOTION:** To reaffirm the resolve of this Council to defend the actions taken by the City on June 21, 1989 in rejecting proposals related to development of the Sabal Bay Resort Center.

\*\*\*\*

\*\*\*\*

\*\*\*\*

City Manager Woodruff asked if it was possible to set forth a millage rate at this meeting which would show a good-faith effort, assuming that the details could be worked out with private citizens. If those details were not worked out, the millage rate would be set at the next meeting. City Attorney Chiaro stated that statutorily, the purpose of the Budget Hearing was to adopt a tentative budget and to propose a tentative millage rate. Council may not propose a tentative millage rate at the first Public Hearing which is less than that ultimately adopted, she added.

City Attorney Chiaro informed Council that adoption of the tentative millage rate was set by resolution. However, Council sets the final millage rate and formally adopts a final budget by ordinance. Attorney Chiaro stated that Items 2-a, 2-b, 3-a, and 3-b encompass a millage rate and the budget and public input can be taken on all four items.

\*\*\*\*

\*\*\*\*

\*\*\*\*

**RESOLUTION NO. 92-6746**

**ITEM 2-a**

**A RESOLUTION ADOPTING PROPOSED MILLAGE RATES FOR 1992;  
AND PROVIDING AN EFFECTIVE DATE.**

**That the proposed millage rate for the year 1992 is hereby determined to be 1.2184 mills, including debt service.**

**That the proposed millage rate for the year 1992 for the Moorings Bay Special Taxing District is hereby determined to be .5000 mills.**

---

**City Council Special Meeting - September 16, 1992**

---

**That the proposed millage rate for the year 1992 for the East Naples Bay Special Taxing District is hereby determined to be .5000 mills.**

**That the proposed millage rate for the year 1992 for Parkshore Units 2 & 5 Special Taxing District is hereby determined to be .5000 mills.**

The resolution was read by City Attorney Chiaro.

**MOTION:** To **APPROVE** the resolution as presented.

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

\*\*\*\*

\*\*\*\*

\*\*\*\*

**RESOLUTION NO. 92-9747**

**ITEM 2-b**

**A RESOLUTION ADOPTING A TENTATIVE BUDGET FOR THE FISCAL YEAR 1992-93; AND PROVIDING AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

**MOTION:** To **APPROVE** the resolution as presented.

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

\*\*\*\*

\*\*\*\*

\*\*\*\*

---

## City Council Special Meeting - September 16, 1992

---

**Public Input:** Two individuals registered to speak.

**Sue B. Smith, 15 11th Avenue South**

Mrs. Smith informed Council that she had come to the Budget Workshops prepared, and was appalled at some of the matters being discussed. Mrs. Smith said that she always believed Council was supposed to safeguard the citizens, yet to assume that Council could put the City into a situation with Sabal Bay that could cost as much as \$1,000,000.00 in litigation fees. "I find it exactly what government is in trouble about. You all are perfectly beautiful examples of why our entire nation is downward," said Mrs. Smith. She commented that Council had missed the mark on the two things they had promised the citizens: accountability and communication.

Mrs. Smith told Council that many people felt that the attitude was not citizen friendly. She referred to the City Council minutes of May 23, 1990 in which Council Member Anderson agreed that there were many different styles of leadership on Council but noted that Council hired the City Manager and should have faith in his leadership abilities to provide the City with the best possible administration. On May 2, 1990 former Mayor Crawford asked that Members of Council keep their comments and questions to the agenda being addressed. Today, said Mrs. Smith, she was told that she could not address the City Manager during a Council Meeting. She went on to say, "So, the point I want to make is yes, you do have some things with budget that you could do differently."

Mrs. Smith said that in her opinion, some employees should be laid off immediately to "get the fat cut out of here, things that are frivolous and unnecessary." She went on to say that Council had been asked not to bring in a new Utilities Manager last year, and referring to the departure of Utilities Director Larry Barnett said that she did not believe he had been dealt with good faith.

Relative to lawsuits, Mrs. Smith mentioned the situations with Mr. Rhoades and Mr. Pulling and Sabal Bay, City Dock, Kaye (UTS) Building matter, and Mr. Woods. Former City Auditor Woods was being given the blame for twelve years of bad government and "a lot of strange things about the bond issuing."

Mrs. Smith said that there was also of confusion about the City's Bond Counselor McWilliams and former City Attorney David Rynders. In other words, said Mrs. Smith, litigations were going on because you're not dealing fairly with the citizens. Mr. McWilliams told Council on December 19, that the City had no problems, she noted, which was not the truth, yet Council continued to give him City work.

Next, Mrs. Smith brought attention to the Community Development Department and the fact that presentations to Council were often incomplete. In addition, too many department members were present at Council and PAB meetings. Mrs. Smith said that some citizens had begged Council not to buy the affordable housing site near the Naples Daily News and now HUD has determined it cannot

be used for senior citizen housing.

Mrs. Smith said that she still had not received answers to her questions about bond matters and strongly suggested that former staff members, for instance former City Manager Jones and former City Attorney Rynders, should be questioned. "Ask the people who really know," she stated.

With respect to the contract awarded last year to the Police Department, Mrs. Smith asked that Council cease using that for an excuse every time something went wrong. She said, "The policemen we need, and the policemen we'll be happy to pay for. It's some of the frivolous things, like putting so many palm trees and so many plants all over this town and then you don't maintain them well and now thirteen of them are dead out on the Goodlette Road." Mrs. Smith also mentioned the S.T.A.R. Program, suggesting that the money budgeted for that be used instead for a fund so that when an employee has a money-saving idea for the City he could be awarded. That would encourage creativity, she said."

Mrs. Smith asked if the City Manager really needed an Assistant. Also, in this economic down time, she noted, rather than letting more employees go, perhaps the City Manager should not have accepted his recent raise. She also referred to the City Manager's monthly automobile allowance and ended by saying, "Certainly we want you to be compensated and we know that you do things that are importantly effective and we want you to be rewarded for that, but fair is fair. There is something terribly unfair here. Just as you're unfair to us when we come in this place in your manner, you're being unfair, you're being terribly unfair, to the peoples who work for the City at the same time."

**Mr. Fred Tarrant, 175 Third Street South**

Mr. Tarrant thanked City Manager Woodruff for included in the number of employees removed from the City payroll, approximately half were existing job vacancies and not actually people. He commended staff for reducing the number of employees as much as it had.

With respect to the lawsuits, Mr. Tarrant commented that the City could have had another one the previous night when a City-owned palm tree fell down in front of his house. He thanked City Manager Woodruff for checking on his and his wife's safety immediately after Hurricane Andrew hit the area, however, the palm tree that had been damaged in the storm was propped up and "came down with a tremendous crash." Mr. Tarrant suggested that the City should take down other trees not solidly in place or maintain them properly.

In response to Mr. Tarrant's inquiry, Mayor Muenzer clarified that Miles Collier had not attended the Sabal Bay negotiations, however two of his representatives did. Mr. Tarrant commended Mayor Muenzer for attempting to negotiate a settlement in the Sabal Bay matter. He said, however, that it did not make much sense for the City to send its "Number One negotiator" to meetings when Miles



Collier, head of Collier Enterprises, did not bother to attend.

Mr. Tarrant commended Council and staff for the hard work involved in the budget process. The fact remains, however, that a very serious global recession is currently occurring and he would encourage Council and the City Manager to work even harder to cut the staff by sixteen to eighteen more employees. Mr. Tarrant suggested eliminating "at the upper level." He stated that the concept of keeping Naples clean and green was admirable but the cost of government must be actively and aggressively reduced. Mr. Tarrant's closing remark was, "I appreciate your efforts and I'm sure you're going to try to do that, and be sure that the public is deeply concerned with all of your actions."

Mayor Muenzer thanked those who spoke and made his concluding comments, "We understand the concerns of everyone on the finances. We've spent over fifty hours going through line by line. We did try to take and bring the best budget we could to you at this time and still maintain the services for the people who have expectations of the City to provide for them. One thing that's interesting for those of you who've been watching the other local governmental areas, fire districts, Mosquito Control and everything else, it's very interesting to see that four fire districts including Bonita and three local are charging more for just fire districts than we are for the entire City millage. It's rather interesting to see that in many places some of the fire districts are charging more millage than we are alone, just for fire districts. So, I do think that when you look at that and when you look at Fort Myers, which is 5.4 or 5.5 millage, I think that we have to feel that we have done some good. We understand there's always more that can be done, but I do think, and I do want to commend those of you on Council and I do want to commend staff, because all you hear is the negative, 'You haven't done enough.' And strictly speaking, as your Mayor, I do commend you for the effort that you made, and I do commend the staff for the efforts they made and what we have, and I'm proud to be able to say, 'This is our budget' to the public, and it's a budget I think that all of us have had a hand in and have justly earned the credit for."

\*\*\*\*\*

\*\*\*\*\*

\*\*\*\*\*

**ORDINANCE NO. 92-**

**ITEM 3-a**

**AN ORDINANCE DETERMINING AND FIXING THE 1992 TAX LEVY AND MILLAGE RATE FOR THE PURPOSE OF PROVIDING SUFFICIENT FUNDS FOR THE GENERAL FUND OPERATIONS; AND PROVIDING AN EFFECTIVE DATE.**

Title read by City Attorney Chiaro.

---

**City Council Special Meeting - September 16, 1992**

---

**MOTION:** To **APPROVE** the ordinance (Item 3-a) at first reading.

Anderson		Y
Hermes	S	Y
Korest		Y
Pennington	M	Y
Sullivan		Y
VanArsdale		Y
Muenzer		Y
(7-0)		
<b>M=Motion S=Second</b>		
<b>Y=Yes N=No A=Absent</b>		

\*\*\*\*

\*\*\*\*

\*\*\*\*

**ORDINANCE NO. 92-**

**ITEM 3-b**

**AN ORDINANCE ADOPTING THE FINAL BUDGET FOR THE FISCAL YEAR 1992-93; APPROPRIATING FUNDS FOR OPERATING EXPENSES OF THE CITY OF NAPLES FOR THE GENERAL OPERATION OF THE SEVERAL DEPARTMENTS OF THE CITY, INCLUDING UTILITIES, AND FOR CONTRIBUTING TO THE SINKING FUNDS OF THE CITY TO PAY INTEREST ON AND PROVIDE FOR THE RETIREMENT OF THE OUTSTANDING BONDS AND OTHER FIXED OBLIGATIONS OF THE CITY AND THE UTILITY TAX FUND FOR AND DURING THE FISCAL YEAR 1992-93; AND PROVIDING AN EFFECTIVE DATE.**

---

**City Council Special Meeting - September 16, 1992**

---

Title read by City Attorney Chiaro.

**MOTION:** To **APPROVE** the ordinance (Item 3-b)  
at first reading.

Anderson		Y
Herms	M	Y
Korest		Y
Pennington		Y
Sullivan		Y
VanArsdale	S	Y
Muenzer		Y
(7-0)		
<b>M=Motion S=Second</b>		
<b>Y=Yes N=No A=Absent</b>		

\*\*\*\*

\*\*\*\*

\*\*\*\*

**ORDINANCE NO. 92-**

**ITEM 3-c**

**AN ORDINANCE AMENDING THE FINAL BUDGET FOR THE FISCAL YEAR 1991-92; RE-APPROPRIATING FUNDS FOR OPERATING EXPENSES OF THE CITY OF NAPLES FOR THE GENERAL OPERATION OF THE SEVERAL DEPARTMENTS OF THE CITY, INCLUDING UTILITIES, AND FOR CONTRIBUTING TO THE SINKING FUNDS OF THE CITY TO PAY INTEREST ON AND PROVIDE FOR THE RETIREMENT OF THE OUTSTANDING BONDS AND OTHER FIXED OBLIGATIONS OF THE CITY AND THE UTILITY TAX FUND FOR AND DURING THE FISCAL YEAR 1991-92; AND PROVIDING AN EFFECTIVE DATE.**

---

**City Council Special Meeting - September 16, 1992**

---

**MOTION:** To **APPROVE** the ordinance (Item 3-c) at first reading.

Anderson		Y
Harms		Y
Korest		Y
Pennington		Y
Sullivan	S	Y
VanArsdale	M	Y
Muenzer		Y
(7-0)		
<b>M=Motion S=Second</b>		
<b>Y=Yes N=No A=Absent</b>		

\*\*\*\*

\*\*\*\*

\*\*\*\*

**CORRESPONDENCE AND COMMUNICATIONS**

**Oliver Durfey, 2525 14th Street North**

Mr. Durfey brought up the fact that the Special Meeting concerning the Swamp Buggy Parade was scheduled for 5:30 p.m. on this date, so he left only to find out later that the Special Meeting had been conducted earlier than scheduled. He expressed his displeasure that an expenditure of \$4,500.00 had been discussed without the public present. City Attorney Chiaro verified that pursuant to Section 1A-16 of the Code of Ordinances, with a five sevenths vote, any item can be added to an agenda.

Mr. Durfey asked what percentage the \$4,500.00 approved for the Swamp Buggy Parade would be of the total expenditures for the event. He asked if anyone on Council knew how many police officers would be needed for the event, or even what the parade route would be. Mayor Muenzer indicated that the parade route was described in the meeting packet. The Mayor added that the parade backers would pay any costs over \$4,500.00. It was impossible to know yet what the final costs would be, however. The City will only pay a maximum of \$4,500.00.

Mr. Durfey concluded, "It's kind of hard to get up and talk after Mrs. Smith speaks, but I am in perfect agreement that it's very hard to come into this room and see anybody that's employed in this hall give any right-of-way to anybody who's in here as the public. We have three or four people, five people, that come here over and over and you just get tired of seeing us but you don't talk to us."

\*\*\*\*\*

City Manager Woodruff asked to correct, for the record, something he had said today at the press

---

**City Council Special Meeting - September 16, 1992**

---

conference pertaining to the recent fire at Naples Floor Covering. Dr. Woodruff stated, "At the press conference, I made a statement that we had a written report from the State Fire Marshal relative to the source of the fire. It's now my understanding that we have verbal reports from them but we do not have a written report. I will talk with Chief Smith in the morning and find out when we will expect the written report." He assured everyone that a written report from the State Fire Marshal should be forthcoming.

\*\*\*\*

\*\*\*\*

\*\*\*\*

**ADJOURN:** 7:05 p.m.

---

Paul W. Muenzer, Mayor

Janet Cason  
City Clerk

Marilyn McCord  
Deputy City Clerk

These minutes of the Naples City Council approved on 10/7/92.





**Index**  
**City Council Special Meeting**  
**Wednesday, September 16, 1992**  
**Convened 5:05 pm / Adjourned 7:05 pm**

CORRESPONDENCE AND COMMUNICATIONS .....	17
ORDINANCE 92-	
Adopt Final Budget for Fiscal Year 1992-93 .....	2
ORDINANCE NO. 92-	
Adopt Final Budget for Fiscal Year 1992-93 .....	16
Amend Final Budget for Fiscal Year 1991-92.....	17
Determine and Fix 1992 Tax Levy and Millage Rate .....	15
RESOLUTION NO. 92-6746	
Adopt Proposed Millage Rates for 1992.....	11
RESOLUTION NO. 92-9747	
Adopt a Tentative Budget for Fiscal Year 1992-93.....	12
Adopt Tentative Budget for Fiscal Year 1992-93 .....	12
CORRESPONDENCE AND COMMUNICATIONS .....	17
ORDINANCE 92-	
Adopt Final Budget for Fiscal Year 1992-93 .....	2
ORDINANCE NO. 92-	
Adopt Final Budget for Fiscal Year 1992-93 .....	16
Amend Final Budget for Fiscal Year 1991-92.....	17
Determine and Fix 1992 Tax Levy and Millage Rate .....	15
RESOLUTION NO. 92-6746	
Adopt Proposed Millage Rates for 1992.....	11
RESOLUTION NO. 92-9747	
Adopt a Tentative Budget for Fiscal Year 1992-93.....	12
Adopt Tentative Budget for Fiscal Year 1992-93 .....	12
CORRESPONDENCE AND COMMUNICATIONS .....	17
ORDINANCE 92-	
Adopt Final Budget for Fiscal Year 1992-93 .....	2
ORDINANCE NO. 92-	
Adopt Final Budget for Fiscal Year 1992-93 .....	16

Amend Final Budget for Fiscal Year 1991-92.....	17
Determine and Fix 1992 Tax Levy and Millage Rate .....	15
RESOLUTION NO. 92-6746	
Adopt Proposed Millage Rates for 1992.....	11
RESOLUTION NO. 92-9747	
Adopt a Tentative Budget for Fiscal Year 1992-93.....	12
Adopt Tentative Budget for Fiscal Year 1992-93 .....	12
CORRESPONDENCE AND COMMUNICATIONS .....	17
ORDINANCE 92-	
Adopt Final Budget for Fiscal Year 1992-93 .....	2
ORDINANCE NO. 92-	
Adopt Final Budget for Fiscal Year 1992-93 .....	16
Amend Final Budget for Fiscal Year 1991-92.....	17
Determine and Fix 1992 Tax Levy and Millage Rate .....	15
RESOLUTION NO. 92-6746	
Adopt Proposed Millage Rates for 1992.....	11
RESOLUTION NO. 92-9747	
Adopt a Tentative Budget for Fiscal Year 1992-93.....	12
Adopt Tentative Budget for Fiscal Year 1992-93 .....	12