

MINUTES OF THE REGULAR MEETING OF THE NAPLES CITY COUNCIL HELD IN THE COUNCIL CHAMBERS, NAPLES, FLORIDA, WEDNESDAY, NOVEMBER 7, 1979 AT 9:02 A.M.

Present: R. B. Anderson
Mayor

C. C. Holland (arrived 9:08 a.m.)
James F. McGrath
Randolph I. Thornton
Edward A. Twerdahl
Kenneth A. Wood
Councilmen

Absent: Wade H. Schroeder
Councilman

Also present: George M. Patterson, City Manager
David W. Rynders, City Attorney
Edward C. Smith, Assistant to the City Manager
John McCord, City Engineer
Roger Barry, Community Development Director
Nat Hooper, Senior Engineering Technician
Randy Davis, Parks & Recreation Director

Reverend Jassimides
Charles Andrews
Egon Hill
Harold Yegge
Scott Foster
Sam Aronoff
Robert Forsythe
Harold Denys
Elaine Finklestein
Robert Russell
Mr & Mrs. Richard Grant
Harry Rothchild
William Shearston
John S. Nagel
William Ryan
Robert Moss
David Shobe
John Turner
Betty Van Arsdale
Joseph Kingsley
David Tackney
Ray Miller

News Media: Gary Baranik, Naples Daily News
Steve Fishman, Miami Herald
Paul Stanford, TV-9
Allen Bartlett, Fort Myers News Press
Mark Johnson, WBBH-TV
Tom Lowe, WBBH-TV
Jerry Arnold, WRGI

Other interested citizens and visitors

Mayor Anderson called the meeting to order at 9:02 a.m.; whereupon Reverend Paul Jassimides of the First Presbyterian Church gave the Invocation followed by the Pledge of Allegiance to the Flag.

AGENDA ITEM 3. APPROVAL OF MINUTES

Mayor Anderson called Council's attention to the minutes of the Workshop Meeting of October 16, 1979 and the Regular Meeting of October 17, 1979; whereupon Mr. McGrath moved approval of both set of minutes as presented, seconded by Mr. Twerdahl and carried by consensus of the Council members present.

AGENDA ITEM 4. PUBLIC HEARING to consider Variance Request from City's Most Restrictive Coastal Construction Setback Line, Lots #2 and #3, Block A, "Cutlass Cove Section Port Royal" p.b. 1, page 101 and Lots #3 and #4, Block A, "Beach Estates No. 2" p.b. 1, page 69, located West of Cutlass Lane and Gordon Drive, immediately south of 3970 Gordon Drive. Petitioner: John F. Donahue. Agent: Robert E. Forsythe, Architect.

Mayor Anderson opened the Public Hearing at 9:05 a.m. and asked if City Engineer John McCord was going to present the material. Mr. McCord noted that Robert Forsythe, architect, was representing the owner, Mr. John Donahue. Mr. Forsythe reviewed the material in the packet that Council had. In answer to Mr. Twerdahl's question about the location of the swimming pool, Mr. McCord replied that it was his feeling that the pool would suffer storm damage in the present location and he thought the state may not allow the pool in that location. Mr. Forsythe indicated his client's intention to cooperate with any restrictions placed by the City or state and noted that his client was prepared to construct the dune hardening structure as specified. City Attorney Rynders read the below titled resolution by title for Council's consideration

A RESOLUTION GRANTING A VARIANCE FROM THE MOST RESTRICTIVE COASTAL CONSTRUCTION SETBACK LINE ESTABLISHED BY SECTION 7-41 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, ON LOTS 2 AND 3, BLOCK A, CUTLASS COVE SECTION PORT ROYAL, AND LOTS 3 AND 4, BLOCK A, BEACH ESTATES NO. 2, SUBJECT TO THE CONDITIONS ENUMERATED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

There being no one else to speak for or against, the Mayor closed the Public Hearing at 9:12 a.m.; whereupon Mr. McGrath moved adoption of Resolution 3377, seconded by Mr. Twerdahl and carried on roll call vote, 6-0.

AGENDA ITEM 5. Community Development Department/Naples Planning Advisory Board: PUBLIC HEARING and recommendation of Naples Planning Advisory Board to deny Special Exception No. 79-S7; a request to construct a five foot high CBS wall in required front yard at 1300 Curlew Avenue. Petitioner: Mr. and Mrs. John DeBaun. (Continued from September 19, 1979 regular meeting.)

City Attorney Rynders noted that the petitioners, Mr. & Mrs. John DeBaun, had requested another postponement to November 21, 1979. Mr. Thornton moved to continue this item to November 21, 1979, with no more postponements, seconded by Mr. Twerdahl and carried on roll call vote, 6-0.

City Attorney Rynders read the above titled resolution by title for consideration by Council. In reply to Mayor Anderson's question about whether there had been any input from R. W. Wood or Robert Carsello of the Contractors' Examining Board, Attorney Rynders noted that he had not heard from either of them. It was the consensus of Council to try to contact these gentlemen in reference to this resolution prior to taking action. Mr. Wood moved to postpone action on this item until receiving input from the gentlemen on the Contractors' Examining Board, seconded by Mr. McGrath. In response to an inquiry from Mr. Holland about why this was a resolution rather than an ordinance, City Attorney Rynders noted that this was in response to the Board's request for guidance in setting regulations for a competency card for people who mowed lawns. Harry Rothchild asked if the resolution would be binding on the Board to which Attorney Rynders replied that it was a vehicle to be used to communicate with the Board inasmuch as they had requested guidance and that the Board had the power to set their regulations. In response to Mr. Thornton's inquiry about not being able to codify a resolution, Attorney Rynders stated that he had conferred with Roger Barry, Community Development Director and they felt that this would give the Building Department sufficient information to issue competency cards to people who mowed lawns. Motion carried on roll call vote, 6-0.

RETURN TO REGULAR AGENDA

AGENDA ITEM 7. First reading of ordinances.

AGENDA ITEM 7-a. An ordinance amending Article X of Chapter 1A of the Code of Ordinances of the City of Naples, relating to public employees relations, providing amendments to certain sections thereof, to-wit: Section 1A-166, entitled "Definitions"; Section 1A-168, entitled "Commission; Powers and Duties"; Section 1A-172, entitled "Registration of Employee Organization"; Section 1A-173, entitled "Certification of Employee Organization"; Section 1A-181, entitled "Charges of Unfair Labor Practices"; Section 1A-182, entitled "Judicial Review"; and Section 1A-184, entitled "Violation of Strike Prohibition; Penalties"; and providing an effective date. PURPOSE: To amend the provisions of the City's Public Employees Relations Ordinance to conform to recent amendments to Chapter 447, Florida Statutes, pursuant to the order of the Florida Public Employees Relations Commission. Request by City Attorney.

City Attorney Rynders read the above referenced ordinance by title for Council's consideration on First Reading. He further explained that this was to conform with changes made by the 1978-79 Legislature because the City had a mini-PERC Board. Harry Rothchild confirmed with the City Attorney that this was more or less a formality because Council was mandated to make these changes to conform with State statute. Mr. Twerdahl moved approval of this ordinance on First Reading, seconded by Mr. Thornton and carried on roll call vote, 6-0.

AGENDA ITEM 7-b. An ordinance granting a franchise to Palmer Broadcasting Company, a Delaware Corporation authorized to do business in the State of Florida, doing business as Gulf Coast Television, to operate and maintain a CATV system in the City of Naples; setting forth conditions accompanying the grant of franchise; providing for City regulation thereof; prescribing penalties for violation of the provisions hereof; providing severability; and providing an effective date. PURPOSE: To establish new franchise terms and service rates for CATV service in the City. Requested by Gulf Coast Television.

City Attorney Rynders read the above captioned ordinance by title for consideration by Council on First Reading. At the request of Harry Rothchild, William Ryan, Vice-President of Palmer Broadcasting Company, read part of his prepared statement as presented to Council at yesterday's Workshop Meeting (Attachment #2, as far as page 3, paragraph 2).

AGENDA ITEM 12. Authorization to enter into an agreement with the Department of Environmental Regulation with reference to the proposed Beach Management Study. Requested by City Engineer.

City Attorney Rynders read the below captioned resolution by title for Council's consideration.

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT BETWEEN THE STATE OF FLORIDA, DEPARTMENT OF NATURAL RESOURCES AND THE CITY OF NAPLES RELATING TO A BEACH MANAGEMENT STUDY; REQUESTING THE DEPARTMENT OF NATURAL RESOURCES TO ALLOCATE AND DISBURSE A GRANT FROM THE EROSION CONTROL TRUST FUND ACCOUNT FOR SAID PROJECT; AND PROVIDING FOR THE ESTABLISHMENT OF INDEPENDENT ACCOUNTING PROCEDURES FOR FUNDS ALLOCATED TO THE PROJECT; AND PROVIDING AN EFFECTIVE DATE.

In response to Mr. Thornton's and Mr. Wood's negative comments, Mayor Anderson explained that this was an administrative procedure to obtain an \$18,000 grant for this purpose. John McCord, City Engineer, responded affirmatively to Mr. McGrath's inquiry that the East coast had benefited from their beach improvement work. Mr. Robert Russell, citizen, quoted 2. b. on page 1 of the proposed agreement with the Department of Natural Resources (Attachment #3), and City Engineer McCord confirmed that that it was a 75% - 25% grant with the City's part being 25%. He added that the cost of the study was not going to exceed \$25,000 working with the consultant that the consultant selection committee was going to recommend. Harry Rothchild, citizen, felt that the beach problem was that should be handled by the State legislature inasmuch as Florida has more shoreline than any other state. Mr. Twerdahl moved to adopt Resolution 3381, seconded by Mr. McGrath and carried on roll call vote, 4-2, with Mr. Thornton and Mr. Wood voting no.

AGENDA ITEM 13 A. A resolution accepting ranking of consultants to perform Beach Management Study. Requested by City Engineer for Beach Management Consultant Selection Committee.

City Attorney Rynders read the below titled resolution by title for consideration by Council.

A RESOLUTION CERTIFYING THE FIRMS HEREINAFTER NAMED AS BEING QUALIFIED PURSUANT TO LAW AND THE REGULATIONS OF THE CITY OF NAPLES TO PROVIDE PROFESSIONAL SERVICES RELATING TO A BEACH MANAGEMENT STUDY; SELECTING SAID FIRMS IN ORDER OF PREFERENCE, PURSUANT TO THE CONSULTANTS' COMPETITIVE NEGOTIATION ACT; AND PROVIDING AN EFFECTIVE DATE.

Mr. Thornton and Mr. Wood indicated negative attitudes towards this study. John McCord, City Engineer, outlined the criteria used by the selection committee in ranking the firms interviewed by them. David Tackney, representing Suboceanic Consultants, spoke in support of his company's proposal. He noted the presence of Ray Miller of Wilson, Miller, Barton, Soll & Peek and explained the input expected from that company and the input expected from Hole, Montes & Associates. Mr. Twerdahl moved adoption of Resolution 3382, seconded by Mr. McGrath and carried on roll call vote, 4-2 with Mr. Thornton and Mr. Wood voting no.

AGENDA ITEM 13 B. Negotiations and award of contract for professional services with reference to Beach Management Study. Requested by City Engineer for Beach Management Consultant Selection Committee.

After discussing the proposed terms of the contract with David Tackney, representing Suboceanic Consultants, Mayor Anderson suggested taking action on this item after the actual figures in the proposed contract have been submitted to Council and approved. Mr. Tackney made further statements concerning the expected results of the study.

AGENDA ITEM 14. Acceptance of an easement required for drainage project on 13th Street North near 9th Avenue. Requested by Engineering Department.

City Attorney Rynders read the below titled resolution by title for Council's consideration.

A RESOLUTION ACCEPTING A DRAINAGE EASEMENT FROM RICHARD MATHERLY ET UX, ACROSS A PORTION OF LOT 15, BLOCK "I", LAKE FOREST SUBDIVISION; AND PROVIDING AN EFFECTIVE DATE.

Mr. Twerdahl moved adoption of Resolution 3383, seconded by Mr. McGrath and carried on roll call vote, 6-0.

AGENDA ITEM 15. Acceptance of Bills of Sale for Water/Sewer Main Extension, Forest Lake Homes. Requested by Engineering Department.

City Attorney Rynders read the below captioned resolution by title for consideration by Council.

A RESOLUTION ACCEPTING BILLS OF SALE FROM FIDELITY SERVICE CORPORATION FOR WATER AND SEWER LINES INSTALLED WITHIN CERTAIN DEDICATED STREETS IN FOREST LAKES SUBDIVISION; AND PROVIDING AN EFFECTIVE DATE.

Mayor Anderson confirmed with City Manager Patterson that these mains met city specifications. Mr. Twerdahl moved adoption of Resolution 3384, seconded by Mr. McGrath and carried on roll call vote, 6-0.

AGENDA ITEM 16. Purchasing:

AGENDA ITEM 16-a. Bid Award - Signal display material.

City Attorney Rynders read the below referenced resolution by title for Council's consideration.

A RESOLUTION AWARDED BIDS FOR SIGNAL DISPLAY MATERIALS FOR THE TRAFFIC CONTROL DIVISION OF THE ENGINEERING DEPARTMENT; AND PROVIDING AN EFFECTIVE DATE.

Mr. Wood moved adoption of Resolution 3385, seconded by Mr. Holland and carried on roll call vote, 6-0.

CORRESPONDENCE AND COMMUNICATIONS

Mr. Thornton inquired if there had been any change in plans adding a southern entrance and exit to Pelican Bay via Crayton Road. Mayor Anderson asked City Manager Patterson to check on this.

Mr. McGrath noted an editorial from the Miami area wherein law enforcement officials had contacted Washington regarding more coordination and help in stemming the local drug problem. He suggested discussing the matter at the next workshop with the thought of the City putting additional pressure on Washington on the same subject.

There being no further business to come before this Regular Meeting of the Naples City Council, Mayor Anderson adjourned the meeting at 11:07 a.m.

R. B. Anderson

R. B. Anderson, Mayor

Janet Cason

Janet Cason
City Clerk

Ellen P. Marshall

Ellen P. Marshall
Deputy City Clerk

These minutes of the Naples City Council were approved on

11-21-79

MEMO: Board of County Commissioners
Page 2
November 6, 1979

WORK SHOP FILE

ATTACHMENT #1 - page 1

RECEIVED NOV 6 1979

Hand delivered 9:35 AM
to Council, Mrs. Ann Clark

MEMORANDUM

DATE: November 5, 1979
TO: Board of County Commissioners
FROM: C. William Norman,
County Manager
SUBJECT: Status of County Program re Lethal Yellowing Palm Tree Disease

This report is in preparation for the workshop meeting which you have requested with Don Lander, Agriculture Extension Agent, to renew the above. Said meeting is to be in response to letters dated September 28 and October 8, 1979 from the Naples Civic Association and The Moorings Property Owner's Association, respectively, requesting re-instatement of the County mandatory Lethal Yellowing Inoculation Program.

As background, it should be noted that the County program has been converted from a "mandatory" to a voluntary program, effective with the County's fiscal year on October 1, 1979, at the recommendation of Mr. Lander and the writer. The word mandatory is somewhat misleading for two reasons:

1. If a person requested that his trees not be inoculated, the Agriculture Department has been honoring these requests, which have been increasing in number;
2. We had been previously advised by the County Attorney's office that the County does not have the legal authority to enforce payment by private parties for inoculations on their property as a lien against their property.

The following reasons led to the recommendation to abandon the program where trees were inoculated by County forces:

- A. Voluntary payments (at the rate of \$2.00/tree/3 times/year) have dropped dramatically, although the number of trees injected remained fairly constant:

1976-77	Actual	\$107,216
1977-78	Actual	95,633
1978-79	Projected	80,000
1978-79	Actual	57,025

B. While the costs have not decreased correspondingly:

1976-77	Actual	\$86,753
1977-78	Actual	85,243
1978-79	Budget	99,482
1978-79	Actual	82,896
1979-80	Proposed Budget	129,738

Decreasing revenues seem to be caused by a combination of lessened program popularity plus the absence of a cost-effective means of enforcing payments.

A substantial portion of the projected increase in cost (estimated at \$30,000) is due to the inability of the Agriculture Department to continue to obtain re-usable injection equipment. Since they found it necessary to use disposable injectors, this added almost a dollar (\$1.00) to the cost of each injection.

C. The location of Cocount Palm trees in the County is not uniformly distributed; approximately 61% being located within the City of Naples. The following is a tabulation of locations according to the Agriculture Department:

City of Naples	16,000
Marco & Isles of Capri	4,000
North Naples	2,500
East Naples	2,500
Palm River area	750
Everglades City	225
Golden Gate area	200
Immokalees	100
	<u>26,275</u>

D. Mr. Lander advises that the City of Naples does have the legal authority to enforce collections and thus is in a position to resolve a major portion of the problem of payment refusals.

I have met with Mr. Lander and Assistant County Attorney Fires to review the program, and its background, generally. Tony Fires seemed to think that the County might have authority to enforce collections via property liens provided a system which is similar to that used for weed mowing is followed. He is researching this question further; if followed, it would require adoption of an enabling ordinance.

A serious drawback of this approach would be the high cost involved in making initial inspections, sending registered notices ordering the work to be done, follow-up inspections, further notices, a Board Resolution, etc. The actual cost of this process could add \$20 - \$30 or more to the billing for each property each time (every four (4) months) an injection is required.

Memo: Board of County Commissioners
Page 3
November 6, 1979

ATTACHMENT #1 - page 3

Memo: Board of County Commissioners
Page 4
November 6, 1979

ATTACHMENT #1 - page 4

During my review, the following random observations were made by Mr. Lander, which may be useful in your deliberations:

1. A preliminary position proposed by the City staff, as suggested in discussions with Mr. Lander, would be for the City to assume responsibility for inoculating trees in their street rights-of-way and City parks. Private property owners in the City would remain responsible for their own trees. Please note, however, that this is not an official position, to the best of my knowledge, of either the City Manager nor the City Council. According to Mr. Lander, most of the County's publicly owned Coconut Palm trees are in the City of Naples.

2. If a regular publicly executed, or "mandatory", program is to be abandoned, this is a good time to attempt same. There is a wide barrier between the diseased trees to the east of Collier County and our trees, caused by the demise of all coconut palms in eastern Collier County outside of Everglades City. The distance would be too great for the vector insect to travel on its own.

3. Should an outbreak of Lethal Yellowing occur, a County inoculation program could be undertaken, working in a radius around the location(s) of the disease until the incidence is stamped out. This might be more cost effective than some other approach because of our relatively isolated location. There is no question about the County's ability to enter onto private property and make the injection - this has been delegated to the County by the State Department of Plant Industries. Hand-in-hand with this approach would be a program to discourage the planting of Coconut Palms, according to Mr. Lander.

4. If people do not wish to inoculate their own trees, there is now a private business offering the service at the same cost previously charged by the County, \$2.00 per inoculation (vs. at least \$3.00 which would have been needed if the County's program were to continue). This business is being operated by two former County employees of the Lethal Yellowing Program, Carol Walsh and Virgil Shenefield.

5. Inoculations were abandoned in Everglades City over a year ago because of poor collections. During this period there has been no incidence of the disease.

6. It has been suggested that the County should provide inoculations on private property on a routine basis, without attempting to charge for this service. In addition to the obvious question of whether this would constitute the providing of an improper special benefit to a select group of property owners, it would serve to encourage the continued planting of Coconut Palms and further expand the problem.

As soon as we have a definite position from your legal staff on ways and means of enforcing collections (if possible), I will schedule this matter for a workshop discussion of the Board. In the meantime, I felt the above information would prove helpful to you and other concerned parties.

CHN/sgg/34-T

cc: The Moorings Property Owner's Association, G. Scott Foster, Pres.
Naples Civic Association, John M. McGregor, Pres.
George Patterson, City Manager
Don Lander
Donald A. Pickworth
Tony Pires

ATTACHMENT #2 - page 1
RADIO TELEVISION CENTRE

333 EIGHTH STREET SOUTH • NAPLES, FLORIDA 33940

MR. MAYOR AND MEMBERS OF COUNCIL

For over four months we have met with your City Manager, City Attorney and Assistant City Manager in an effort to negotiate a franchise revision for Gulf Coast Television.

Bob Moss and I met frequently with the City administration and a number of these meetings included our Attorney, David Shobe.

There has been a lot of give and take here. In the interest of fairness to all parties involved we ask that this document be accepted in its entirety without revision.

In these negotiations what have we, Gulf Coast TV given in the process?

1) We have nullified any future legislation, de-regulating CATV. As you know, about a year ago, Gulf Coast and one other cable system operating in the County was de-regulated by the County Commission, following an industry wide trend. As you also are aware, the Florida legislature at its last session, passed a bill in effect nullifying rate regulation on the part of cities and counties. Although this legislation passed both houses, it failed to become law due to the Governor's veto. But new attempts for de-regulation in Florida will probably be made.

Page Two

ATTACHMENT #2 - page 2

Recently the State of California passed a law de-regulating cable rates in systems that qualified, thus leaving rate regulation to the marketplace. As these facts point out, there is a national trend towards Cable rate de-regulation.

In this compromise document, we agreed to provisions designed to continue rate regulation in the City of Naples even in the face of prospective State de-regulation.

2) We have agreed to add an additional independent television station to our system, an addition that was recently made possible by the grant of a waiver by the FCC.

3) We have committed to add additional FM stations to the cable including a concert music station. This concert music station will be delivered via our soon to be completed microwave system.

4) We will continue to give free FM service to all subscribers who have at least one TV outlet.

5) We will continue to provide live City Council and County Commission meeting coverage.

Probably the most important element is that effecting the rates. Proposals for cost of living indexes in a variety of forms was not acceptable to both sides. It was agreed however, to tie the rates into a State average of all regulated systems eliminating from the compilation so called de-regulated systems. We argued that all systems should be included in the average but again in the interest of reaching a compromise, we acquiesced on this point.

This approach is in our opinion a realistic compromise. The rate contained in this document is an increase of \$7.36 a year or 6 1/4% a month. Over a four year period an increase of 9% or 2.3% a year. 2.3% per year increases in today's inflationary environment is indeed modest. This 6 1/4% per month increase is well below 2 previous increases granted by the City Council. In 1974 the Council increased the rate by \$1.00 a month and in January 1976 the City Council raised the rate \$1.02 a month so again the 6 1/4% increase is quite restrained.

That, gentlemen, is a brief highlight of some of the pertinent points in this revised franchise.

May I just take an additional moment to point out to the Council where we have come from since Palmer acquired this system in the mid sixties, about 14 years ago. At that time, 4 stations were carried on the cable and service after 5 P.M. and on weekends and Holidays was rare.

The last time we were before you for a rate increase - 4 years ago - Cablevision was carrying 10 television stations, a ten year growth from 4 stations to 10 stations. Today, Cablevision offers programming from 11 television stations, soon to be 12, as well as 5 satellite services received at out \$100,000 satellite receive installation midway between Marco and Naples. This satellite receive installation is now just 2 years old and affords our subscribers access to live events bypassing station transmitters in Fort Myers and Miami.

Cablevision pays a per program cost for many of these events such as Thursday Night Major League Baseball, college and professional basketball, NHL Hockey, last Sunday's National Horse Show and others. Over the past few weeks we have been phasing in a new microwave system to improve reception of certain Miami TV stations. The capital investment on this microwave system approaches 1/2 million dollars. Already improved reception of Miami's Channel 2, 10, 45 and 51 can be noted, and we expect it will be even better as it becomes de-bugged.

Our cable system is unique in 2 ways, the amount and quality of our local programming and the service provided by our system at nights and weekends. The "Naples Report" is unique to Florida and the Southeast U.S. and this I can say without fear of contradiction, and one of the few local cable news programs in the country. The Naples Report has been a winner in National competition 3 of the last 4 years and last year came in 2nd behind a New Jersey entry.

When a subscriber telephones a cable company else-
AFTER 5 P.M. OR ON WEEK ENDS
 where? the odds are he will get an answering service.

And if he has a problem, it will be differed to the next working day. Not so with us. We man our front desk seven days a week, until 11:30 P.M. and have men assigned as part of their normal work schedule well into the night 6 days a week and back up staff for Sunday. This quality of service is expensive but we know that Naples expects the best and we intend to give it to them.

Page Five ATTACHMENT #2 - page 5

Once again gentlemen, I urge you to accept this
compromise ordinance as presented.

Remarks made to Naples City Council
November 7, 1979 by -

William J. Ryan
Vice President & General Manager

Agreement
Between
THE STATE OF FLORIDA
DEPARTMENT OF NATURAL RESOURCES
and
CITY OF NAPLES
for
LOCAL COOPERATION IN THE BEACH MANAGEMENT STUDY

THIS AGREEMENT, entered into this _____ day of _____, 19____, by and between the State of Florida, Department of Natural Resources (hereinafter referred to as "DEPARTMENT"), represented by the Executive Director executing this Agreement, and City of Naples, Collier County, Florida (hereinafter referred to as "LOCAL SPONSOR"), represented by its City Council;

WITNESSETH THAT:

WHEREAS, the City of Naples Beach Management Study hereinafter referred to as the "STUDY", was authorized by the Head of the Department of Natural Resources on _____, in accordance with Chapter 161.091, Florida Statutes; and

WHEREAS, the LOCAL SPONSOR represents that pursuant to the laws of the State of Florida it has the authority and capability to provide the LOCAL SPONSOR cooperation required by State of Florida legislation authorizing the STUDY and other applicable State laws.

NOW, THEREFORE, in consideration of the above and mutual covenants contained herein the parties agree as follows:

1. The contract period shall be November 1, 1979, to October 31, 1981.
2. The LOCAL SPONSOR covenants that in consideration of the DEPARTMENT's participation in the funding of the STUDY, subject to the limitations contained herein, to fulfill the requirements of the DEPARTMENT as specified in the aforementioned applicable Statutes, to wit:
 - a. Hold and save harmless the State of Florida, its agencies, officers and employees from any and all liabilities which may result from the conduct of the STUDY.
 - b. Contribute in cash or services the LOCAL SPONSOR's share of the STUDY costs and assume full responsibility for all STUDY costs in excess of the State cost limitation, now fixed to be the lesser of either seventy-five percent of the actual STUDY cost or an amount not to exceed eighteen thousand seven hundred fifty dollars in that this is a nonfederal STUDY, the LOCAL SPONSOR may use whatever non-state funds or in-kind services that are available in meeting its obligation to provide twenty-five percent of the actual STUDY costs or services valued at more than six thousand two hundred fifty dollars. The DEPARTMENT is authorized to pay up to seventy-five percent of the STUDY costs. The final apportionment of costs to be made after the actual costs have been determined.