

MINUTES OF THE REGULAR MEETING OF THE NAPLES CITY COUNCIL HELD IN THE COUNCIL CHAMBERS,
NAPLES, FLORIDA, ON WEDNESDAY, OCTOBER 21, 1981, AT 9:05 A.M.

Present: R. B. Anderson
Mayor

C. C. Holland
Harry Rothchild
Wade H. Schroeder
Randolph I. Thornton
Edward A. Twerdahl
Kenneth A. Wood
Councilmen

Also present:	Franklin Jones, Acting City Manager	Herbert Smith
	Roger Barry, Community Development Director	Anders Sandquist
	Mark Wiltsie, Assistant to the City Manager	Rich Henderlong
	Reid Silverboard, Chief Planner	Bernard Turner
	Barbara Harris, Legal Assistant	M. W. Schryver
	John McCord, City Engineer	William Vines
	Steward Unangst, Purchasing Agent	Dick Baker
	Reverend John McLaren	Ken Mastrodemenico
	Charles Andrews	Sam Aronoff
	Neno Spagna	Ben Anderson
	Mrs. O'Brien	Karen McLean
	Phillip Sowersby	Linda Endler
		Alice Bowling
		Bob Palmer
		Ted Smallwood
		Tony Abella
News Media:	Ned Warner, TV-9	James Moses, Naples Daily News
	Lynn Levine, TV-9	Steve Kaskovich, News Press
	Kathy McClintock, WINK-TV	Dory Owen, Miami Herald

Other interested citizens and visitors.

Mayor Anderson called the meeting to order at 9:07 a.m.; whereupon Reverend John McLaren of the First Presbyterian Church delivered the Invocation followed by the Pledge of Allegiance to the Flag.

AGENDA ITEM 3. APPROVAL OF MINUTES *Note additions and corrections attached page 1-a.

Mayor Anderson called Council's attention to the minutes of the Workshop Meeting of October 6, 1981. There being no additions or corrections, Mayor Anderson noted they were approved as presented by consensus. He then noted the minutes of the Regular Meeting of October 7, 1981. There being no additions or corrections, Mayor Anderson noted that these minutes were approved as presented by consensus.

AGENDA ITEM 4. Community Development Department/Naples Planning Advisory Board:

AGENDA ITEM 4-a. PUBLIC HEARING and second reading of ordinance. Rezone Petition No. 81
Petitioner: Archbishop of Miami Location: An area bounded by 8th Avenue South, 9th Avenue South, 3rd Street South, and 4th Street South. Request for a Change of Zone from "R1-7.5", Single-family Residential and "R3-12", Multi-family Residential to "PS", Public Service. (Special Exception for St. Ann's Church, School, related facilities, and an 18-space on-site parking lot approved at October 7, 1981 Council meeting.)

*Additions and corrections

AGENDA ITEM 3. APPROVAL OF MINUTES - Regular Meeting, November 4, 1981

Vice-Mayor Thornton noted the minutes of the Workshop Meeting held October 20, 1981 and the minutes of the Regular Meeting held October 21, 1981. Mr. Twerdahl stated that at the end of both meetings, "I made the statement to the Council that if any Council member had seen any of the applications that had come in the mail that they wanted to be sure were included in the screening group, that they let us know. I have heard nothing from anyone but that was stated twice so it should be in both of the minutes of the Workshop session and the Regular Council meeting." Mr. Rothchild responded, "I would just like to question what you have just said." He continued, "I don't understand the implication of what you said. Perhaps it is because I did not understand the implication of what you said when you said it that I did not respond. Now, you said 'to bring to the attention of the screening group'. Since you were reading each and every application, I don't think it would be necessary for me to bring anything to your attention." Mr. Wood noted a correction on page 7 of the minutes of the Regular Meeting in reference to the sludge accumulation and that it was at the water plant, not the wastewater plant. Mr. Rothchild requested "the secretary to include my observations in addition to Mr. Twerdahl's observations". There being no further additions or corrections, both sets of minutes were approved as corrected by consensus of Council.

An ordinance rezoning the St. Ann School property located on 8th Ave. South, between 7th Street South, 4th Street South and 9th Avenue South, and the St. Ann Church property located on 9th Avenue South and 10th Avenue South, 4th Street South and 3rd Street South, more particularly described herein, from "R1-7.5", Single-family residential and "R3-12", Multi-family residential to "PS", Public Service; directing that the zoning atlas be revised accordingly and providing an effective date. Purpose: To re-establish the Church, School and related facilities as conforming uses in an appropriate zoning district pursuant to the request of the owner of said property.

Mayor Anderson opened the Public Hearing at 9:07 a.m.; whereupon Acting City Manager Jones read the above titled ordinance by title for consideration by Council on Second Reading. There being no one to speak for or against, the Mayor closed the Public Hearing at 9:08 a.m.; whereupon Mr. Schroeder moved adoption of Ordinance 3867 on Second Reading, seconded by Mr. Wood and carried on roll call vote, 7-0; Mr. Holland, yes; Mr. Rothchild, yes; Mr. Schroeder, yes; Mr. Thornton, yes; Mr. Twerdahl, yes; Mr. Wood, yes; Mayor Anderson, yes.

AGENDA ITEM 4-b. PUBLIC HEARING and second reading of ordinance. Rezone Petition No. 81-R8 Petitioner: City of Naples Location: 1010 Fifth Avenue North (Fun Time Nursery site) Request for a Change of Zone from "C3", Heavy Business, to "C2", General Commercial, and related Variance request to facilitate the change of zone.

An ordinance rezoning City owned property located at 1010 5th Avenue North, being lots 1 and 2, Block B, River Park Unit 2, and the north 10 feet of the west 160 feet of a vacated 20 foot wide alley in Block 25, Tier 11, Plan of Naples, from "C3", Heavy Business to "C2", General Commercial; directing that the Zoning Atlas be revised accordingly; and providing an effective date. Purpose: To upgrade the zoning designation to a more restrictive classification which would be more compatible with the adjacent George Washington Carver Apartment Complex.

Mayor Anderson opened the Public Hearing at 9:09 a.m.; whereupon Acting City Manager Jones read the above captioned ordinance by title for Council's consideration on Second Reading. There being no one to speak for or against, the Mayor closed the Public Hearing at 9:10 a.m.; whereupon Mr. Twerdahl moved adoption of Ordinance 3868 on Second Reading, seconded by Mr. Holland and carried on roll call vote, 7-0; Mr. Holland, yes; Mr. Rothchild, yes; Mr. Schroeder, yes; Mr. Thornton, yes; Mr. Twerdahl, yes; Mr. Wood, yes; Mayor Anderson, yes.

AGENDA ITEM 4-c. PUBLIC HEARING and Naples Planning Advisory Board recommendation to approve: Easement Vacation Petition No. 81-A6 Petitioner: Power Corporation Location: Southeast corner of River Pt. Drive and U.S. 41 Request to vacate a 10 foot wide utility/drainage easement in exchange for an alternate easement; in order to facilitate the construction of the Beau Mer condominium.

Mayor Anderson opened the Public Hearing at 9:11 a.m. and confirmed with Roger Barry, Community Development Director, that this exchange of easements would be equitable. There being no one to speak for or against, the Mayor closed the Public Hearing at 9:12 a.m. Rich Henderlong, of Wilson, Miller, Soll and Peek, agents for the petitioner, noted that the petitioner agreed with the findings of the staff. As per the memorandum from Roger Barry dated October 15, 1981 (Attachment #1), it was the consensus of Council to indicate their willingness to accept the proposed exchange of easements.

AGENDA ITEM 4-d. First Reading of an Ordinance and Naples Planning Advisory Board recommendation to approve: Rezone Petition No. 81-R9 Petitioner: City of Naples Location: East side of Gulf Shore Boulevard North, north of Oleander Drive and south of Doctor's Pass. Request for a Change of Zone from "R3T-15", Multi-family Residential, to "R3-15", Multi-family Residential; in order to bring zoning designation of the affected properties into compliance with recent Zoning Ordinance Amendment (Ordinance No. 3795), which redesignated the "R3T-15" zoning classification to "R3-15", and deleted references to Transient Lodging uses and facilities.

An ordinance rezoning all those properties presently zoned "R3T-15", Multi-family Residential, lying east of Gulf Shore Boulevard North and west of Moorings Bay, north of Oleander Drive and south of Doctor's Pass to "R3-16", Multi-family Residential; and providing an effective date. Purpose: To bring said properties into compliance with a recent amendment to the City's Zoning Ordinance which re-designated the "R3T-15" Zoning Classification to "R3-15" and deleted transient lodging uses and facilities as special exception uses in said district.

Acting City Manager Jones read the above referenced ordinance by title for Council's consideration on First Reading. Mr. Twerdahl moved approval of this ordinance on First Reading, seconded by Mr. Schroeder.

*** *** ***
 Let the record show that Mr. Rothchild left the Council table at 9:14 a.m.

*** *** ***
 Motion carried on roll call vote, 6-0; Mr. Holland, yes; Mr. Rothchild, absent; Mr. Schroeder, yes; Mr. Thornton, yes; Mr. Twerdahl, yes; Mr. Wood, yes; Mayor Anderson, yes. Council directed that the City Clerk's office advertise the Public Hearing for this and send a special notice to the property owners 30 days prior to the Public Hearing scheduled for December 2, 1981, as required.

*** *** ***
 Let the record show that Mr. Rothchild returned to the Council table at 9:15 a.m.

*** *** ***

AGENDA ITEM 4-e. First Reading of an ordinance and Naples Planning Advisory Board recommendation to approve: Comprehensive Plan Amendment No. 81-CP2 Petitioner: City of Naples Location: Southeast corner of Anchor Rode Drive and Binnacle Drive; Northeast corner of Anchor Rode Drive and Binnacle Drive; Southeast corner of Park Shore Drive and Belair Lane; and Northeast corner of Park Shore Drive and Belair Lane.

An amendment to Section C 16 of the Future Land Use Plan Element of the City of Naples' Comprehensive Plan to limit the development of certain properties located on the northeast and southeast corners of Anchor Rode Drive and Binnacle Drive and the northeast and southeast corners of Park Shore Drive and Belair Lane to General and/or Medical office uses; and providing an effective date. Purpose: To limit the development of said properties to less intensive uses than those permitted under the "HC" Zoning Classification, thereby providing an appropriate buffer between the commercial uses on U.S. 41 and the residential area west of said properties.

Acting City Manager Jones read the above titled ordinance by title for consideration by Council on First Reading. Karen McLean and Linda Endler, citizens, spoke in support of a height limitation on any proposed buildings on the property referred to and no access onto Anchor Rode Drive. Mr. Thornton moved approval of this ordinance on First Reading, seconded by Mr. Schroeder and carried on roll call vote, 7-0; Mr. Holland, yes; Mr. Rothchild, yes; Mr. Schroeder, yes; Mr. Thornton, yes; Mr. Twerdahl, yes; Mr. Wood, yes; Mayor Anderson, yes. Council directed the City Clerk's office to advertise the Public Hearing for December 2, 1981 and to give the property owners 30-day notice as required.

AGENDA ITEM 5. First Reading of an ordinance.

An ordinance relating to the sale of alcoholic beverages repealing Sections 3-2, 3-3, and 3-4 of the Code of Ordinances of the City of Naples and substituting a new Section 3-2 therefore; and providing an effective date. Purpose: To prohibit the sale and consumption of alcoholic beverages during certain hours; and to permit the sale of alcoholic beverages by bona fide restaurants as described herein, for consumption on the premises only, between the hours of 12:00 noon and 12:00 midnight on Sundays. Requested by Attorney M. W. Schryver.

Acting City Manager Jones read the above captioned ordinance by title for Council's consideration on First Reading. In response to an inquiry from Mr. Thornton, Mayor Anderson noted that the present proposed ordinance is different from the one proposed earlier that was circulated to the civic and property owners' associations. Mayor Anderson noted his feeling that this should be passed on First Reading and recirculated. Mr. Rothchild took exception to the lack of circulation of the new proposed ordinance prior to a First Reading. Mr. Holland and Mr. Twerdahl noted their feelings that the new proposal would be the proper clarification of the old ordinance as had been requested by the restaurant owners. Mr. Holland moved approval of this ordinance on First Reading, seconded by Mr. Twerdahl. Mr. Rothchild also expressed his concern regarding the memorandum from City Attorney Rynders dated October 12, 1981 (Attachment #2). Mr. Rothchild spoke at length on the matter.

 *** Let the record show that Councilmen Holland, Schroeder and Wood and Mayor Anderson left the Council table at 9:43 a.m.

*** Let the record show that Mayor Anderson returned to the Council table at 9:44 a.m.

 Mr. Rothchild asked that the record show that Mr. Schroeder returned to the Council table and left again. Mr. Rothchild continued to speak on his objections.

*** Let the record show that Mr. Holland returned to the Council table at 9:50 a.m.

Mr. Rothchild continued to speak on his objections. Mr. Holland called for the question.

*** Let the record show that Mr. Schroeder and Mr. Wood returned to the Council table at 9:55 a.m.

Mr. Schroeder seconded the motion to call for the question; whereupon Mr. Rothchild stated that it would be over his protest and he would find what legal ramifications were available to him. Motion to call for the question carried on roll call vote, 6-1, Mr. Holland, yes; Mr. Rothchild, no; Mr. Schroeder, yes; Mr. Thornton, yes; Mr. Twerdahl, yes; Mr. Wood, yes; Mayor Anderson, yes. Motion to approve the ordinance on First Reading carried on roll call vote, 6-1; Mr. Holland, yes; Mr. Rothchild, no and he added a comment that "there was a violation of the Sunshine Law during this meeting"; Mr. Schroeder, yes; Mr. Thornton, yes; Mr. Twerdahl, yes; Mr. Wood, yes; Mayor Anderson, yes. Mr. Holland noted that a member of the press had been in the presence of the councilmen who had left the Council table during the discussion and this reporter could verify that there had been no conversation about this item or Mr. Rothchild's discussion of it.

AGENDA ITEM 6. Acceptance of drainage easement - Spyglass Lane, Port Royal - component in eventual easement exchange. Requested by Engineering Department.

Acting City Manager Jones read the below referenced resolution by title for Council's consideration.

A RESOLUTION ACCEPTING A DRAINAGE EASEMENT FROM RICHARD Q. LIVINGSTON ET UX; AND PROFIDING AN EFFECTIVE DATE.

Mr. Twerdahl moved adoption of Resolution 3869, seconded by Mr. Schroeder and carried on roll call vote, 7-0; Mr. Holland, yes; Mr. Rothchild, yes; Mr. Schroeder, yes; Mr. Thornton, yes; Mr. Twerdahl, yes; Mr. Wood, yes; Mayor Anderson, yes.

AGENDA ITEM 7. Discussion/action on request by Collier County Commission to reduce designated number of City of Naples representatives on the Metropolitan Planning Organization for the Naples urban area.

Mayor Anderson noted the discussion yesterday with representatives from D.O.T. about the proposed Metropolitan Planning Organization. It was the consensus of the Council that there was a requirement to join with the County on this MPO, but they did not agree with the distribution of members as noted in the County's Resolution 81-222 (Attachment #3). Acting City Manager Jones read the below titled resolution by title for Council's consideration.

A RESOLUTION OF THE CITY COUNCIL ENDORSING RESOLUTION NO. 81-222 OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY REQUESTING RECONSIDERATION OF THE STRUCTURE OF THE METROPOLITAN PLANNING ORGANIZATION FOR THE NAPLES URBAN AREA; AND PROVIDING AN EFFECTIVE DATE.

Mr. Twerdahl moved to approve this resolution endorsing the County's Resolution 81-222 subject to amendment of the County's resolution that there would be equal representation from the City and the County, seconded by Mr. Schroeder. After further discussion, it was the consensus of Council that this was an inappropriate way to proceed and Mr. Twerdahl withdrew his motion and Mr. Schroeder withdrew his second. Roger Barry, Community Development Director, answered affirmately in support of forming the MPO and added that it should be done in a reasonably short period of time inasmuch as there was quite a bit of paper work to be done after the formation to reach a point where the MPO would be eligible for financial participation. Mayor Anderson noted that he could write a letter to Chairman Pistor of the Collier County Commission explaining the City's desire to have equal membership on the MPO. Mr. Thornton moved to remove this item from the Agenda, seconded by Mr. Holland and carried on roll call vote, 7-0; Mr. Holland, yes; Mr. Rothchild, yes; Mr. Schroeder, yes; Mr. Thornton, yes; Mr. Twerdahl, yes; Mr. Wood, yes; Mayor Anderson, yes. Mayor Anderson noted that he would write the letter as soon as possible. Charles Andrews, citizen, asked how the members would be appointed to which Mayor Anderson responded that he had not given that any thought as yet.

*** *** ***

Let the record show that Mayor Anderson left the Council Chambers at 10:22 a.m.

*** *** ***

AGENDA ITEM 8. Purchasing:AGENDA ITEM 8-a. Bid award - Comprehensive general liability, automotive and property insurance.

Mr. Rothchild noted his objections to taking action on this item inasmuch as the Council had received the back-up material just prior to the beginning of this meeting. Acting City Manager Jones responded that the bids had been received October 16th and insurance coverage would expire on October 28 prior to the next Council meeting and that the Special Meeting that Mr. Holland had inquired about had not been scheduled. In answer to a question from Mr. Rothchild, Tony Abella, representing Arthur Gallagher & Company, noted that the City's insurance expired at 12:01 a.m. on October 28 and they would have a problem if Council did not approve this at least before October 26. The Acting City Manager further explained the reasoning behind his recommendations for accepting the self-insurance bid through Arthur Gallagher & Company as outlined in his memorandum dated October 20, 1981 (Attachment #4). Bob Palmer, citizen, asked for further explanation of the deductible which was provided by Acting City Manager Jones. Mr. Rothchild expressed his objections to being asked to "rubber-stamp" a recommendation of the staff. Acting City Manager Jones read the below captioned resolution by title for consideration by Council.

A RESOLUTION AWARDING THE BID FOR THE CITY'S GENERAL LIABILITY, AUTOMOBILE, AND PROPERTY INSURANCE; AUTHORIZING THE ACTING CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schroeder moved adoption of Resolution 3870, seconded by Mr. Twerdahl and carried on roll call vote, 5-1; Mr. Holland, yes; Mr. Rothchild, no; Mr. Schroeder, yes; Mr. Twerdahl, yes; Mr. Wood, yes; Mayor Anderson, absent; Vice-Mayor Thornton, yes.

AGENDA ITEM 8-b. Bid award - Concrete curbs and gutters.

Acting City Manager Jones read the below referenced resolution by title for Council's consideration.

A RESOLUTION AWARDING THE BID FOR THE CITY'S ANNUAL REQUIREMENTS FOR CONCRETE CURBS AND GUTTERS; AUTHORIZING THE ACTING CITY MANAGER TO ISSUE PURCHASE ORDERS THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Mr. Holland noted his objections to accepting this bid inasmuch as it was the only bid received. He cited comments made to him about why other contractors had not bid. Steward Unangst, Purchasing Agent, noted that it would be unfair to re-bid since the one bidder's prices were not out of line and had been made public. Mr. Schroeder pointed out that bids were in line with prices paid in the past as noted in a memorandum from Acting City Manager Jones dated October 14, 1981 (Attachment #5). Mr. Schroeder moved adoption of Resolution 3871, seconded by Mr. Twerdahl and carried on roll call vote, 4-2; Mr. Holland, no; Mr. Rothchild, no; Mr. Schroeder, yes; Mr. Twerdahl, yes; Mr. Wood, yes; Mayor Anderson, absent; Vice-Mayor Thornton, yes.

AGENDA ITEM 8-c. Authorization to waive competitive bidding - traffic controllers.

Acting City Manager Jones read the below titled resolution by title for Council's consideration.

A RESOLUTION AUTHORIZING THE ACTING CITY MANAGER TO PURCHASE TWO (2) TRAFFIC CONTROLLERS UNDER STATE CONTRACT, WAIVING COMPETITIVE BIDDING REQUIREMENTS; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schroeder moved adoption of Resolution 3872, seconded by Mr. Twerdahl and carried on roll call vote, 6-0; Mr. Holland, yes; Mr. Rothchild, yes; Mr. Schroeder, yes; Mr. Twerdahl, yes; Mr. Wood, yes; Mayor Anderson, absent; Vice-Mayor Thornton, yes.

AGENDA ITEM 8-d. Authorization to waive competitive bidding - reducer drive unit - water treatment plant.

Acting City Manager Jones read the below captioned resolution by title for Council's consideration.

A RESOLUTION AUTHORIZING THE ACTING CITY MANAGER TO PURCHASE A REDUCER DRIVE UNIT FOR THE CITY WATER PLANT, WAIVING THE REQUIREMENTS FOR COMPETITIVE BIDS THEREON; AND PROVIDING AN EFFECTIVE DATE.

Mr. Holland moved adoption of Resolution 3873, seconded by Mr. Wood and carried on roll call vote, 6-0; Mr. Holland, yes; Mr. Rothchild, yes; Mr. Schroeder, yes; Mr. Twerdahl, yes; Mr. Wood, yes; Mayor Anderson, absent; Vice-Mayor Thornton, yes.

CORRESPONDENCE AND COMMUNICATIONS

Mr. Wood inquired about the sludge accumulating at the wastewater plant and where it was going. Acting City Manager Jones asked that the question be referred to the staff and stated that an answer would be forthcoming.

Acting City Manager Jones noted that two vacancies would be coming up on the Airport Authority November 15, 1981. He noted that the two incumbents had indicated an interest in being reappointed but he added that if any Councilmen knew anyone interested in serving on this board, that individual could submit an application.

There being no further business to come before this Regular Meeting of the Naples City Council, Vice-Mayor Thornton adjourned the meeting at 11:08 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 11/04/81 - see corrections - page 1-a



City of Naples

MEMO

TO: City Council

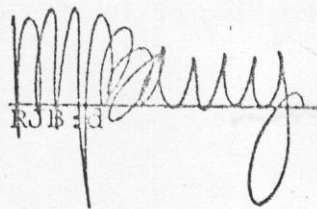
FROM: Roger J. Barry, Community Development Director

SUBJECT: Recommended Approval Procedure for Easement Vacation
Petition No. 81-A6

DATE: October 15, 1981

At the October 21, 1981 meeting, the City Council will consider the PAB's recommendation and hold a Public Hearing on the above-referenced exchange of drainage easements.

The City Attorney has previously determined that the City Council should not take final action on Vacation requests until all recommended conditions/stipulations have been complied with by the petitioner. Therefore, we recommend that at the close of the Public Hearing and discussion, Council take no action other than to indicate to the petitioner its consensus of opinion on the matter, and defer final action on the exchange of drainage easements until such time as all conditions have been met by the petitioner.


RJB:EB



City of Naples

--- MEMO ---

October 12, 1981

TO: Hon. R. B. Anderson, Mayor
 FROM: David W. Rynders, City Attorney
 RE: Alcoholic Beverage Ordinance

I have reviewed the materials that Mr. Schryver sent over, in particular, the cases interpreting municipalities' authority to regulate hours of sale of alcoholic beverages. I can now conclude that argument can be made for distinguishing between restaurants and bars in the event that the Council chooses to do so. This memorandum is not for the purpose of analyzing the strengths and weaknesses of such an argument nor for guaranteeing the outcome of any litigation that may arise. It is merely my intent to say that we could proceed in good faith to regulate on that basis.

By copy of this letter to Mr. Schryver, I am letting him know that I concur should he persuade the Council to make that distinction. Since I will be gone for the next Council meeting, please use this memorandum as evidence of my concurrence in Mr. Schryver's conclusions if this is placed on the next Agenda.

Councilman Schroeder has indicated that if we can make the distinction proposed by Mr. Schryver, certainly he would prefer an adjustment in the time limitations suggested in Mr. Schryver's letter, but that is the only comment I have had from any councilman in connection with this, except that we have given Mr. Rothchild copies of several ordinances from other cities relating to the sale of alcoholic beverages, pursuant to his request.

David W. Rynders

 David W. Rynders
 City Attorney

DWR:bh

cc: M. W. Schryver

RESOLUTION NO. 81-222

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA ASKING RECONSIDERATION OF THE STRUCTURE OF THE METROPOLITAN PLANNING ORGANIZATION FOR THE NAPLES URBAN AREA.

WHEREAS, the Governor of Florida has declared the NAPLES URBAN AREA an urbanized area as a result of the 1980 census and created a Metropolitan Planning Organization of ten members; and

WHEREAS, the membership has been determined to be composed of five members designated by the County Commission and five members designated by the Naples City Council; and

WHEREAS, the population of the urbanized area is located primarily outside of the corporate limits of the City of Naples with approximately two-fifths in the City and three-fifths outside; and

WHEREAS, the Federal Government, under the authority of 23 U.S.C. 134 and Section 3(a)(2), 4(a), 5(g)(1) and 5(1) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1602(a)(2), 1603(a) and 1604(g)(1) and (1)), requires that each urbanized area, as a condition to the receipt of federal capital or operating assistance, have a continuing, cooperative, and comprehensive transportation planning process that results in plans and programs consistent with the comprehensively planned development of the urbanized area, and stipulates that the State and the Metropolitan Planning Organization shall enter into an agreement clearly identifying the responsibilities for cooperatively carrying out such transportation planning; and

WHEREAS, the creation of a board consisting of ten members can result in possible voting conflicts due to the even number of members; and

WHEREAS, the impacts of transportation are primarily felt in the unincorporated areas because of the significant amount of road mileage so located; and

WHEREAS, the local financial support for funding the local share of the activities of the Metropolitan Planning Organization will be that of Collier County.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Collier County that they request reconsideration of the structure of the Metropolitan Planning Organization in an uneven number of members less than ten, and ask that based upon the above that one of the following be considered:

1. Preferably that membership be limited to five members with three being designated by the Board of County Commissioners and two by the City Council.

- 2. Or, that membership be limited to seven with four designated by the Board of County Commissioners and three by the City Council.
- 3. Or, that the membership be limited to nine with five being designated by the Board and four be designated by the City Council.

BE IT FURTHER RESOLVED, that this Resolution be recorded in the minutes of this Board.

Commissioner Wenzel offered the foregoing resolution and moved its adoption, seconded by Commissioner Brown and upon roll call the vote was:

AYES: Commissioners Wenzel, Brown, Wimer, Kruse, Pistor
 NAYS: None
 ABSENT AND NOT VOTING: None
 ABSTENTION: None

DATE: September 29, 1981

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

ATTESTED:
WILLIAM J. REAGAN, CLERK

BY: John A. Pistor
JOHN A. PISTOR, CHAIRMAN

by Harold R. Hall v.c.



City of Naples

--- MEMO ---

TO: HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL
 FROM: FRANKLIN C. JONES, ACTING CITY MANAGER
 SUBJECT: COMPREHENSIVE GENERAL LIABILITY, AUTOMOTIVE AND PROPERTY INSURANCE COVERAGE
 DATE: OCTOBER 20, 1981

On October 16, 1981, bids were received and opened for the City's general liability, automobile and property insurance. Two proposals were received and forwarded for review to our insurance consultant, Lucian C. Cantin at Risk Control Associates, Inc. After reviewing Mr. Cantin's report it is my recommendation that the bid be awarded as follows:

Vendor: Authur J. Gallagher & Company
 8355 Northwest 53rd Street
 Miami, Florida 33166

The insurance program to be established would be as follows:

<u>Coverages</u>	<u>Loss Fund</u>	<u>Reinsurance Limits</u>
Property	\$ 75,000	\$ 18,872,414
Workers' Compensation		2,000,000
Employee Dishonesty & Faithful Performance	100,000	25,000*
Third Party Liability		200,000*
Money & Security	\$ 25,000	\$ 25,000*
<u>Optional Coverages</u>		
Excess Liability - General & Auto	---	\$ 1,000,000
Excess Liability - Errors & Omissions	---	\$ 1,000,000

*Per Incident

I am basing this recommendation on the findings in Mr. Cantin's report; our experience in working with Gallagher on workers' comprehensive self-insurance; and discussions with other cities in the full self-insurance program.

Respectfully submitted,

Franklin C. Jones

Franklin C. Jones
 Acting City Manager

FCJ/tan
 encs.

	<u>COSTS</u>	
	<u>B.I.A. With W/C Added</u>	<u>Gallagher Including W/C</u>
Property & Casualty	\$149,004	
Workers' Compensation	<u>40,890</u>	<u> </u>
Premium and/or Fees	\$189,894	\$112,469
Expected Losses:		
Workers' Compensation	\$ 60,000	\$ 60,000
Property & Casualty	<u> ---</u>	<u>50,000</u>
Expected Cost	\$249,894	\$222,469
Maximum W/C Loss	\$105,000	
All Lines		\$ 90,000
Maximum Cost	<u>\$354,894</u>	<u>\$312,469</u>



City of Naples

MEMO

TO: HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL
 FROM: FRANKLIN C. JONES, ACTING CITY MANAGER
 SUBJECT: CONCRETE CURBS & GUTTERS (ANNUAL BID), BID NO. 81-52
 DATE: OCTOBER 14, 1981

On October 13, 1981, bids were received and opened for the City's annual requirements for concrete curbs and gutters. Public Invitation to Bid Notices were forwarded to thirteen (13) contractors. One (1) response was received. After reviewing this material with John R. McCord, City Engineer, it is our recommendation that it be awarded to the sole bidder as follows:

VENDOR: Nancy Radtke
 d/b/a H. James Radtke
 Naples, Florida 33940

The work to be performed, bid prices and previous prices are as follows:

ITEM NO.	DESCRIPTION	ESTIMATED QUANTITY	UNIT BID PRICE	PREVIOUS PRICE
1.	Vertical Concrete Curb (hand placed)	1,200 L.F.	\$7.90/L.F.	\$7.90/L.F. (4/81)
2.	Mountable Concrete Curb (hand placed)	300 L.F.	\$7.90/L.F.	\$8.20/L.F. (3/81)
3.	Concrete Valley Gutter (hand placed)	250 L.F.	\$7.36/L.F.	\$7.26/L.F. (7/81)
4.	Concrete Curb & Gutter (hand placed)	1,500 L.F.	\$8.60/L.F.	\$8.20/L.F. (7/81)

We are basing our recommendation on comparisons of each unit price with previous purchases for these items. It is also made based on the previous performance of this company which has been most satisfactory.

These materials and services will be utilized on both 16th Avenue South and First Avenue South beach end reconstruction projects as well as maintenance-type curb replacement work in Port Royal and other areas. We anticipate expending approximately \$26,590.00 under this contract.

Funds for this work will be derived from the 1981/82 Capital Improvement Project budget.

Respectfully submitted,

Franklin C. Jones

Franklin C. Jones,
 Acting City Manager