



City of Naples

City Council Minutes

Regular Meeting Jan. 5, 1983

City Council Chambers
735 Eighth Street South
Naples, Florida 33940

-SUBJECT-	Ord. No.	Res. No.	Page
APPROVAL OF MINUTES - Regular Meeting 12/15/82			1
<u>ANNOUNCEMENTS</u>			
-MAYOR BILLICK - None			1
-CITY MANAGER JONES			
Introduced new Personnel Director Steven Brown			1
Negotiations with Camp, Dresser, McKee re Wastewater Treatment Plant expansion & Effluent Disposal methods			1
Bookkeeping procedure for tennis program			1
Donation of boat for use by police, making total of three boats			1
Horticultural landfill to be open Saturdays until March-trial			1
Progress report on city dock re preliminary plans, grant appli- cation, additional funding source			2
<u>RESOLUTIONS</u>			
-Approve Dredging, DR 82-9, Zaiser		83-4178	2
-Approve Variance, <u>Coastal Construction</u> CCL 82-1, Cranley		83-4179	2
-Appoint Charles Thomas to General Pension Board		83-4182	5
-Authorize <u>Post, Buckley, Schuh & Jernigan</u> - eng. serv. 11th Av So		83-4183	6
-Authorize <u>Bruce Green & Assoc.</u> - eng. serv. P.W. Area Development		83-4184	6
-Appoint <u>City physician</u> - Dr. Edmund C. Weidner		83-4185	6
<u>SECOND READING OF ORDINANCES</u>			
-Increase water rates	83-4180		3
-Increase sewer rates	83-4181		3
<u>FIRST READING OF ORDINANCES</u>			
-Approve amendment to occupational license tax re <u>astrologers</u>	83-_____		3
-Approve readopting 15-01(a) of City code readopting <u>State misde- meanors</u>	83-_____		4
<u>DISCUSSION</u>			
- <u>Reconsideration</u> of Variance Pet. 82-V12 - <u>Brian Beardsley</u> Set for date yet to be determined			4
-Discussion/action re <u>format</u> of advisory board minutes - TABLED		83-_____	4
-Discussion/action re <u>preparation</u> of board <u>agendas</u> - TABLED		83-_____	4
<u>PURCHASING</u>			
-Award bid for removal & dewatering sludge from polishing pond		83-4186	7
-Award bid for vertical turbine high service pump		83-4187	7

City Council Chambers
735 Eighth Street South
Naples, Florida 33940



Time 9:05 a.m.

Date January 5, 1983

Mayor Billick called the meeting to order and presided as Chairman.

ROLL CALL: Present: Stanley R. Billick
Mayor

R. B. Anderson
Lyle S. Richardson
Harry Rothchild
Wade H. Schroeder
Randolph I. Thornton
Kenneth A. Wood
Councilmen

Also present:

Franklin C. Jones, City Manager John McCord, City Engineer
David W. Rynders, City Attorney Bill Hanley, Finance Director
Roger Barry, Community Develop- Reid Silverboard, Chief
ment Director Planner
Steven Brown, Personnel Director Stewart Unangst, Purchasing
Mark Wiltsie, Assistant to the Agent
City Manager Max Hasse, Assistant Parks &
Ellen P. Marshall Deputy Clerk Recreation Director

See Attachment #1 - Supplemental Attendance List

INVOCATION: Reverend Max Cadenhead, First Baptist Church

APPROVAL OF MINUTES

ITEM 3

Mr. Rothchild suggested a change on page two under Item 6-a(1) to indicate that "six councilmen" changed their vote instead of "several councilmen" as in the minutes as presented.

MOTION: To APPROVE the minutes as presented.

ANNOUNCEMENTS:

ITEM 4

Mayor Billick - None

City Manager Jones -

---City Manager Jones introduced the new Personnel Director Steven Brown.

---City Manager Jones reported that the staff had nearly completed the negotiations with Camp, Dresser, & McKee on the wastewater treatment plant expansion and the effluent disposal method and added that he expected to bring contracts to Council for approval at the January 19, 1983 meeting.

---City Manager Jones reported that the City auditors, Rogers, Wood, Hill, Starman & Gustason have been meeting with the tennis pro and will outline a bookkeeping procedure that will be in use.

---City Manager Jones reported that the City now had three police boats; one they had purchased, one that had been confiscated and one that had been donated by Lee Hatch.

---City Manager Jones noted that the horticultural landfill would be open Saturdays in response to a request from the Naples Beautification Council and Councilman Richardson. He added that this would be done on a trial basis until March, at which time he would come back to Council with a report on the activity and possibly a budget amendment to keep it open the balance of the year. He stated that this would be publicized and a letter had been sent to all property owners' associations.

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S E N T
			Y E S	N O	
Anderson	X		X		
Richardson			X		
Rothchild			X		
Schroeder		X	X		
Thornton			X		
Wood			X		
Billick (7-0)			X		

ANNOUNCEMENTS - City Manager (Cont) ITEM 4 (Cont)

---City Manager Jones, in response to a question from Mr. Richardson, noted that Wilson, Miller, Barton, Soll and Peek would complete their work on preliminary plans and costs for a City dock in approximately a week. He added that they had come up with a possible source of additional revenue for this project; i.e. a portion of the boat registrations collected by the County. He also noted that he had issued a memorandum to Council regarding the grant application, dated December 30, 1982 (Attachment #2).

Mayor Billick suggested that City Manager Jones list on the agenda the items on which he will report in the future. Mr. Rothchild confirmed with the Mayor that the work on the City dock was still exploratory pending Council's review and decision on whether or not to proceed.

*** *** ***

PUBLIC HEARING to consider request for permit for dredging activities DR 82-9 - Owner: L. E. Zaiser ITEM 5

---RESOLUTION 83-4178

*A RESOLUTION AUTHORIZING DREDGING ACTIVITIES AT AN EXISTING BOAT SLIP ADJACENT TO NAPLES BAY AT 1825 EIGHTH STREET SOUTH, SUBJECT TO THE CONDITIONS SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Public Hearing: Opened - 9:19 a.m. Closed - 9:25 a.m.

Bruce Green, agent for the petitioner, addressed Council and answered questions about the project. City Manager Jones noted that the staff was working with the Waterways Council and the Conservancy trying to establish, with the approval of Council, a category that could cover routine maintenance dredging without requiring Council approval for each individual request.

MOTION: To ADOPT the resolution as presented.

*** *** ***

PUBLIC HEARING to consider a variance request for coastal construction setback line - CCL 82-1 - Owner: John J. Cranley ITEM 6

---RESOLUTION 83-4179

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, TO PERMIT CONSTRUCTION OF A RIP RAP (ROCK) REVETMENT ADJACENT TO AN EXISTING SEAWALL AT 1 TENTH AVENUE SOUTH, SUBJECT TO THE CONDITIONS SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Public Hearing: Opened - 9:26 a.m. Closed - 9:39 a.m.

Bruce Green, agent for the petitioner, addressed Council and answered questions about the project. He noted that this was adjacent to property on which the City is planning to do a similar project. In response to a question from Mr. Rothchild, John McCord, City Engineer, noted that this was in keeping with other requests the City has approved in the past.

MOTION: To ADOPT the resolution as presented.

*** *** ***

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S E N T
			Y E S	N O	
Anderson			X		
Richardson		X	X		
Rothchild			X		
Schroeder			X		
Thornton	X		X		
Wood			X		
Billick (7-0)			X		
Anderson	X		X		
Richardson		X	X		
Rothchild			X		
Schroeder			X		
Thornton			X		
Wood			X		
Billick (7-0)			X		

CITY OF NAPLES, FLORIDA

City Council Minutes

Date January 5, 1983

	M O T I O N	S E C O N D	VOTE		A B S E N T
			Y E S	N O	
<u>PUBLIC HEARING and Second Reading of Ordinances</u>					
<u>ORDINANCE 83-4180</u>					
AN ORDINANCE RELATING TO RATES FOR WATER SERVICE, AMENDING SECTION 26-8, ENTITLED "RATE SCHEDULE", OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO REVISE THE RATE STRUCTURE FOR WATER SERVICE RATES.					
Title read by City Attorney Rynders.					
Public Hearing: Opened - 9:40 a.m. Closed - 9:41 a.m. No one to speak for or against.					
MOTION: To <u>ADOPT</u> the ordinance as presented on Second Reading					

<u>ORDINANCE 83-4181</u>					
AN ORDINANCE RELATING TO RATES AND CHARGES FOR SEWER SERVICE, AMENDING SECTION 11-3.3, ENTITLED "SEWER SERVICE - RATES AND CHARGES", OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO REVISE THE RATE STRUCTURE FOR SEWER SERVICE RATES AND CHARGES.					
Title read by City Attorney Rynders					
Public Hearing: Opened - 9:42 a.m. Closed - 9:43 a.m. No one present to speak for or against.					
MOTION: To <u>ADOPT</u> the ordinance as presented on Second Reading.					

<u>FIRST READING OF ORDINANCES</u>					
<u>ORDINANCE 83-</u>					
AN ORDINANCE AMENDING SECTION 12-47, "SCHEDULE OF LICENSE TAXES", OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, BY AMENDING SUBSECTION (73), "FORTUNETELLER", AND BY ADDING A NEW SUBSECTION THERETO, ENTITLED "ASTROLOGER"; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO REMOVE "ASTROLOGER" FROM THE "FORTUNETELLER" CLASSIFICATION OF THE OCCUPATIONAL LICENSE TAX SCHEDULE AND TO ESTABLISH A SEPARATE CLASSIFICATION, FEE AND REQUIREMENTS FOR AN ASTROLOGER.					
Title read by City Attorney Rynders.					
Bob Mulligan, Naples resident and astrologer, addressed Council and expressed his opposition to the ordinance as written. He noted his opinion that the associations mentioned in the ordinance regarding accreditation were not a proper criteria. He further stated his objections to the moral character requirement as stated in the proposed ordinance. He noted some court opinions that he felt indicated that the large fee for fortune tellers and a lower fee for astrologers was unconstitutional. It was the consensus of Council that City Attorney Rynders check out the statements made by Mr. Mulligan. Mr. Rothchild voiced his objections to removing astrologers from the fortune tellers' category and lowering their fee. Gilbert Weil, citizen spoke in opposition to the ordinance.					
MOTION: To <u>APPROVE</u> the ordinance on First Reading.					

Anderson				X	
Richardson				X	
Rothchild				X	
Schroeder	X			X	
Thornton				X	
Wood		X		X	
Billick				X	
(7-0)					
Anderson				X	
Richardson				X	
Rothchild				X	
Schroeder		X		X	
Thornton	X			X	
Wood				X	
Billick				X	
(7-0)					
Anderson				X	
Richardson				X	
Rothchild				X	
Schroeder				X	
Thornton				X	
Wood				X	
Billick				X	
(4-3)					

CITY OF NAPLES, FLORIDA

City Council Minutes

Date January 5, 1983

	M O T I O N	S E C O N D	VOTE		A B S E N T
			Y E S	N O	
<u>FIRST READING OF ORDINANCES (Cont)</u>					
<u>ITEM 8 (Cont)</u>					
<u>---ORDINANCE 83---</u>					
ITEM 8-b					
AN ORDINANCE READOPTING SECTION 15-01(a) OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, RELATING TO MISDEMEANOR LAWS OF FLORIDA; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO READOPT CURRENT MISDEMEANOR LAWS OF THE STATE OF FLORIDA.					
Title read by City Attorney Rynders.					
City Attorney Rynders explained the background of this proposed ordinance as outlined in his memorandum dated December 30, 1982 (Attachment #3). In response to a question from Mr. Rothchild, the City Attorney agreed that it would be a good practice to follow the state legislation each year and readopt whatever is necessary.					
MOTION: To APPROVE the ordinance on First Reading.					

<u>RECONSIDERATION OF VARIANCE PETITION NO. 82-V12</u>					
Pursuant to Council action at Regular Meeting of December 15, 1982.					
Mayor Billick noted that it was his understanding that the request was for Council to reconsider this matter because there wasn't an entire Council present on November 17, 1982, when it failed on a 3-3 vote. Mr. Schroeder indicated his opinion that that was the end of the matter. Attorney William Donovan, representing the petitioner, Brian Beardsley, addressed Council in support of the request. In response to a question from Mr. Thornton regarding any new evidence, Mr. Donovan stated that he wished to discuss other ways to approach the matter. Mayor Billick noted that Mr. Richardson would not be present on January 19, 1983.					
MOTION: To RECONSIDER Variance Petition No. 82-V12 at a date yet to be determined.					

<u>DISCUSSION/ACTION WITH REFERENCE TO ADOPTION OF FORMAT FOR PREPARATION OF ADVISORY BOARD MINUTES AND PROCEDURE FOR PREPARATION OF ADVISORY BOARD AGENDAS. Requested by City Manager.</u>					
<u>ITEM 10</u>					
<u>---RESOLUTION 83---</u>					
ITEM 10-a					
A RESOLUTION ADOPTING A FORMAT FOR PREPARATION OF MINUTES BY ALL CITY ADVISORY BOARDS AND COMMITTEES; AND PROVIDING AN EFFECTIVE DATE.					
Title read by City Attorney Rynders.					
<u>---RESOLUTION 83---</u>					
ITEM 10-b					
A RESOLUTION ADOPTING A PROCEDURE FOR PREPARATION OF MEETING AGENDAS OF ALL CITY ADVISORY BOARDS AND COMMITTEES; AND PROVIDING AN EFFECTIVE DATE.					
Title <u>not</u> read.					

Anderson Richardson
Rothchild
Schroeder
Thornton
Wood
Billick
(7-0)

Anderson Richardson
Rothchild
Schroeder
Thornton
Wood
Billick
(5-2)

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S E N T
			Y E S	N O	
<p>---RESOLUTION 83-___ (Cont) <u>ITEM 10-a (Cont)</u> ---RESOLUTION 83-___ (Cont) <u>ITEM 10-b (Cont)</u></p> <p>In response to a question from Mr. Anderson and Mr. Rothchild, City Manager Jones noted that he had discussed these matters with the department heads that coordinate the various boards, and he did not have written comments from the chairmen of the boards. Mr. Schroeder indicated his approval of the new format. Mr. Rothchild noted that he would like to have samples of minutes as they are now prepared for comparison. Glen Mackay, Chairman of the Parks & Recreation Advisory Board, noted his objections to the new format and the guidelines concerning the agendas as per the City Manager's memos dated December 30, 1982 (Attachments #4 and #5). It was his opinion that many items came up just prior to a meeting that required action even though they were not on the agenda. He also objected to noting the time that board members were not at the meeting table. At Mr. Anderson's request, City Manager Jones said he would circulate the proposals to the various boards and return with their comments.</p> <p><u>MOTION:</u> To <u>ADOPT</u> resolution pertinent to Item 10-a(WITHDRAWN)</p> <p><u>MOTION:</u> To <u>TABLE</u> action on both Item 10-a and Item 10-b until City Manager Jones checks with the boards involved and returns with recommendations.</p> <p>*** *** ***</p> <p>---RESOLUTION 83-4182 <u>ITEM 11</u></p> <p>A RESOLUTION APPOINTING CHARLES E. THOMAS TO THE BOARD OF TRUSTEES OF THE CITY OF NAPLES RETIREMENT SYSTEM; AND PROVIDING AN EFFECTIVE DATE.</p> <p>Title read by City Attorney Rynders.</p> <p>Mr. Rothchild noted that Tom Hoffman, incumbent member whose term had expired, was approaching early retirement but he had told Mr. Rothchild that he did not plan to take early retirement and would like to be reappointed. In response to a question from Mr. Schroeder, City Manager Jones noted that he had not interviewed the applicants, but that he was familiar with all of them.</p> <p><u>MOTION:</u> To <u>ADOPT</u> the resolution as presented appointing Charles Thomas to the Board of Trustees of the City of Naples Retirement System.</p> <p>*** *** ***</p>	<p>Anderson Richardson Rothchild Schroeder Thornton Wood Billick</p>	<p>X</p> <p>X</p>	<p>X</p> <p>X</p>	<p>N O</p> <p>V O T E</p> <p>X X X X X X</p>	<p>(7-0)</p>
<p>Anderson Richardson Rothchild Schroeder Thornton Wood Billick</p>	<p>X</p> <p>X</p>	<p>X X X X X X</p>	<p>X X X X X X</p>	<p>X X X X X X</p>	<p>(7-0)</p>
<p>Anderson Richardson Rothchild Schroeder Thornton Wood Billick</p>	<p>X</p>	<p>X X X X X X</p>	<p>X X X X X X</p>	<p>X X X X X X</p>	<p>(7-0)</p>

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S E N T
			Y E S	N O	
Anderson			X	X	
Richardson	X			X	
Rothchild				X	
Schroeder				X	
Thornton				X	
Wood				X	
Billick				X	
(7-0)					
Anderson				X	
Richardson	X			X	
Rothchild				X	
Schroeder		X		X	
Thornton				X	
Wood				X	
Billick				X	
(7-0)					
Anderson		X		X	
Richardson				X	
Rothchild				X	
Schroeder				X	
Thornton				X	
Wood		X		X	
Billick				X	
(7-0)					

---RESOLUTION 83-4183

ITEM 12

A RESOLUTION ACCEPTING THE PROPOSAL OF POST, BUCKLEY, SCHUH & JERNIGAN, INC. TO PERFORM PROFESSIONAL ENGINEERING DESIGN SERVICES RELATING TO RESURFACING AND DRAINAGE IMPROVEMENTS TO ELEVENTH AVENUE SOUTH, BETWEEN THIRD STREET SOUTH AND EIGHTH STREET SOUTH; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Council reviewed the information in the memorandum dated December 9, 1982 from City Manager Jones and prepared by City Engineer John McCord. The City Manager and the City Engineer answered various questions pertaining to this information. In response to a question from Mr. Schroeder, City Manager Jones noted that a portion of the City Manager's salary and some of the other overhead and salary of other staff members had not been included in figuring the City's cost to do this work. Mr. Schroeder indicated his opinion that all these costs should be included for a true comparison.

MOTION: To ADOPT the resolution as presented.

*** *** ***

---RESOLUTION 83-4184

ITEM 13

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A CONTRACT WITH BRUCE GREEN & ASSOCIATES, INC., RELATING TO ENGINEERING SERVICES FOR THE PUBLIC WORKS AREA DEVELOPMENT PLAN; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Council discussed the contract as attached to the resolution and to the memorandum from City Manager Jones dated December 28, 1982 (Attachment #6). The City Manager stated that it was his understanding that it was a "cost not to exceed" agreement and that the purchase order would read that way. Bruce Green, representing his firm, noted that this had not been his understanding, but that he would prefer the lump sum. Mr. Schroeder moved that the motion to adopt the resolution, made by Mr. Richardson and seconded by himself, be amended to include "total cost not to exceed \$44,174.00 plus a fixed fee of \$7,241.00", to which Mr. Richardson agreed.

MOTION: To ADOPT the resolution as amended, adding "at a total cost of \$44,174.00, plus a fixed fee of \$7,241.10" to Section 1.

*** *** ***

---RESOLUTION 83-4185

ITEM 14

A RESOLUTION APPOINTING A PHYSICIAN TO PROVIDE MEDICAL SERVICES FOR CITY EMPLOYEES PERTAINING TO JOB-RELATED INJURIES, DETERMINATION OF PHYSICAL ABILITY TO PERFORM DUTIES, ELIGIBILITY FOR DISABILITY RETIREMENT AND PRE-EMPLOYMENT PHYSICALS, PURSUANT TO SECTION 2.12 OF THE CITY CHARTER; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

MOTION: To ADOPT the resolution as presented appointing Dr. Edmund C. Weidner as City Physician.

*** *** ***

CITY OF NAPLES, FLORIDA

City Council Minutes

Date January 5, 1983

COUNCIL MEMBERS	M	O	T	I	O	VOTE		A
						Y	N	
	N	D	S	O	S	O	S	S

PURCHASING

ITEM 15

---RESOLUTION 83-4186

ITEM 15-a

A RESOLUTION AWARDING THE BID FOR REMOVAL AND DEWATERING OF SLUDGE FROM THE CITY OF NAPLES WASTEWATER TREATMENT PLANT POLISHING POND; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

MOTION: To ADOPT the resolution as presented.

---RESOLUTION 83-4187

ITEM 15-b

A RESOLUTION AWARDING THE BID FOR ONE VERTICAL TURBINE HIGH SERVICE PUMP TO BE USED AT WATER TREATMENT PLANT #2; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

In response to questions from Council, Stewart Unangst, Purchasing Agent, explained in what way Worthington Pump, the apparent low bidder, had not met the specifications.

MOTION: To ADOPT the resolution as presented.

ADJOURN: 11:52 a.m.

Janet Cason

Stanley R. Billick
Stanley R. Billick, Mayor

Janet Cason
City Clerk

Ellen P. Marshall
Ellen P. Marshall
Deputy Clerk

These minutes of the Naples City Council approved on 01-19-83

Anderson
Richardson
Rothchild
Schroeder
Thornton
Wood
Billick
(7-0)

X

X
X
X
X
X
X
X

Anderson
Richardson
Rothchild
Schroeder
Thornton
Wood
Billick
(7-0)

X

X
X
X
X
X
X
X

Supplement Attendance List - Regular Meeting 01/05/83

Reverend Max Cadenhead
Mr. & Mrs. Craig Kiser
Egon Hill
Lloyd Sarty
Herb Anderson
Bruce Green

Robert Bell
Bob Galloway
Peter Michaelson
William Shearston
Gilbert Weil
Ed Kant
Mary Springrose

Glenn Mackay
Bob Mulligan
Bill Donovan
Jim McGrath
Anita Utter
Walter Olson

News Media

Scott Stewart, TV-9
Lynn Levine, TV-9
Jerry Pugh, TV-9
Jeff Leen, Miami Herald

Tish Gray, Naples Star
Denes Husty, News Press
James Moses, Naples Daily News
Gary Arnold, WEVU-TV 26

Other interested citizens and visitors



City of Naples

MEMO

TO: HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL
FROM: CITY MANAGER FRANKLIN C. JONES
SUBJECT: GRANT APPLICATION - CITY DOCK
DATE: DECEMBER 30, 1982

As you know, we have applied for a Florida Department of Natural Resources grant to assist in the funding for the municipal dock. This week we received notice that our application could not be acted upon because of a lack of permits from the U.S. Army Corps of Engineers and the Florida Department of Environmental Regulation. Because we had a previously approved permit and because those two agencies were reviewing a new permit application, we have requested that the Department of Natural Resources reconsider the status of our application and allow us to return it for action or extend the submittal period so that we could resubmit following affirmative action on our permit applications.

I expect to receive the preliminary design plans and cost estimates from our consultants during the first week of January. I will distribute those to you and keep you posted on the grant situation.

Sincerely,

Franklin C. Jones
City Manager

FCJ/tan

*City of Naples*

--- MEMO ---

TO: HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL
FROM: CITY MANAGER FRANKLIN C. JONES
SUBJECT: ADOPTION OF STATE MISDEMEANOR LAWS
DATE: DECEMBER 30, 1982

BACKGROUND: In order for the City to incorporate the current misdemeanor laws of the State of Florida into our code of ordinances, it is necessary for the City Council to adopt an ordinance. Such an ordinance was adopted in 1979 to incorporate the misdemeanor laws in effect at that time.

Since that time there have been numerous amendments to the Florida Statutes; therefore, in order to have these enforced as part of our code and to receive the fines levied by the courts for offenses, the Council must again adopt the current misdemeanor laws. As an example, one change has been the inclusion of bad check offenses as misdemeanor violations. These violations are currently being prosecuted under the state law and fines are not being forwarded to the City. By readopting the State misdemeanor laws, we would be entitled to approximately \$6,000 in fines for this type of prosecution each year.

RECOMMENDATION: I recommend that Council enact this ordinance which would serve to bring us into a current position with the State misdemeanor laws and we will schedule to do this again when major changes are made in the Florida Statutes.

Respectfully submitted,

Franklin C. Jones
Franklin C. Jones
City Manager

FCJ/tan



City of Naples

--- MEMO ---

TO: HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: CITY MANAGER FRANKLIN C. JONES

SUBJECT: ADAPTATION OF CITY COUNCIL FORMAT TO
ADVISORY BOARD MINUTES

DATE: DECEMBER 30, 1982

BACKGROUND: When the City Council adopted a new format for preparation of minutes they indicated that it would also be appropriate for the City's boards and committees to utilize this format for their minutes. In addition to ad hoc boards and committees, this policy would apply to the following standing boards:

Board of Appeals
Contractor's Examining Board
Parks & Recreation Advisory Board
Planning Advisory Board
General, Fire and Police Pension Boards

We have researched each standing board's minutes and find that the City Council format could be easily adapted to each and recommend that the Council take action to officially implement it. Attached is a sample showing how each of the various minutes would appear (Attachment I).

In addition, to provide better public notice of the matters to be considered by each board and committee, I am bringing to Council guidelines which would make agenda preparation uniform throughout City government. This proposal is covered in the second part of this agenda item.

ANALYSIS: The following points are now used as a guide in preparation of City Council minutes and are recommended for City boards and committees. While some of these bodies are required by City ordinance to include certain elements in their minutes, these guidelines are not in conflict with them. Some are based on statutory requirements (indicated *) while others are designed to incorporate other useful information.

Attendance

1. Members listed as present or absent.*
2. Name of individual taking the minutes.*
3. Names of as many spectators as possible.
4. Names and addresses of speakers.
5. Names and titles of City staff members (listed separately).
6. Names of news media representatives and their affiliations (listed separately).
7. Times board members leave and return to the room while the meeting is in session.

Mayor and Council
December 30, 1982
Page 2

Discussion

While reference to the discussion is not a legal requirement, it is usually desirable. Detail depends upon the needs of each board. For example, summarization of Planning Advisory Board discussions may not be appropriate because it would eliminate subtleties which may otherwise appear when question-and-answer exchanges are shown chronologically. It is frequently important to relay the nature of such discussions to City Council as part of materials provided with the Planning Advisory Board's recommendations.

Speakers

Another desirable element is a listing of speakers' names and addresses as well as the firm, group or individual each speaker represents. If this information is not brought out in the discussion, the board chairman may, of course, request it for the record or sign-in slips similar to those used by the County Commission could be provided at each meeting.

Swearing-In

Minutes must show when an oath is administered, to whom it is administered and by whom.*

Action

Minutes must contain both the action proposed and the action taken.* Roll call votes are not mandatory if the individual taking the minutes can accurately record each member's vote. Although voices are normally recorded on tape, roll call votes assure that an accurate vote count is made.

CONCLUSIONS AND RECOMMENDATIONS: Based on the above points, I recommend that the City Council adopt this format for preparation of all board and committee minutes. In conjunction with providing each board with this policy, I plan to hold a briefing session for clerical personnel from each department which prepares minutes. For your additional information, attached is a list of procedures which we will provide at that time (Attachment II).

Respectfully submitted,



Franklin C. Jones
City Manager

FCJ/tan
encs.



City of Naples

--- MEMO ---

TO: HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL
 FROM: CITY MANAGER FRANKLIN C. JONES
 SUBJECT: GUIDELINES FOR AGENDA PREPARATION -
 CITY ADVISORY BOARDS AND COMMITTEES
 DATE: DECEMBER 30, 1982

BACKGROUND: Each City advisory board or committee publishes an agenda listing matters to be considered; some boards are required by ordinance to provide various forms of public notification of upcoming proceedings. There is, however, no uniform policy for publication of meeting notices and agendas. In addition there is no uniform procedure for placing an item before these groups other than some ordinance requirements. By adopting such a procedure the Council would provide the public with more ready access to the proceedings of each group.

CONCLUSIONS & RECOMMENDATIONS: I recommend that the following policy be adopted by the Council for preparation and publication of advisory board and committee agendas:

1. Agenda items for the next meeting of each City advisory board or committee must be submitted to the secretary of the board (or his/her designee) by noon, one week prior to the meeting. These requests should be in writing and outline the nature of the matter to be discussed.
2. Agendas must be placed for public review in the City Clerk's office a minimum of three days prior to the meeting.
3. Matters not on the published agenda may not be taken up but must be placed on the next available agenda. Exceptions are those items of correspondence or communications which come from outside the membership. These items may be reviewed but no action taken unless placed on a subsequently published agenda.

These guidelines will not hamper the group's ability to conduct its business but will assure that individuals interested in or affected by its recommendations are informed. The City Clerk's Office will be used as a clearinghouse for agendas, minutes and other information pertaining to these groups.

Respectfully submitted,

Franklin C. Jones

Franklin C. Jones
 City Manager

FCJ/tan



City of Naples

--- MEMO ---

TO: HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL
 FROM: CITY MANAGER FRANKLIN C. JONES
 SUBJECT: PUBLIC WORKS AREA DEVELOPMENT PLAN/
 CONTRACT FOR PROFESSIONAL SERVICES
 DATE: DECEMBER 28, 1982

BACKGROUND

On November 3, 1982, City Council passed a resolution ranking the firm of Bruce Green & Associates, Inc. first in the selection for professional services required to complete the Public Works Area Development Project. With this action the City Manager was directed to negotiate a fee with this firm for the services required based on the scope of work.

ANALYSIS

The firm of Bruce Green & Associates, Inc. was asked to submit a proposal to the City on a cost plus fixed fee basis. After several meetings we were able to agree on rate per discipline and the fixed fee (i.e., profit). The final proposal submitted by Bruce Green, of which I find acceptable, is as follows:

Total A/E Costs -	\$44,174.00*
Total Fixed Fee	<u>7,241.00</u>
Total Fee	\$51,415.00

*\$44,174.00 is based upon agreed rates per hour times the estimated number of hours to accomplish the required services.

CONCLUSION AND RECOMMENDATIONS

Based on previous experience with Bruce Green's firm and my opinion that the fees proposed are reasonable, I respectfully request authorization to execute a contract with Bruce Green & Associates, Inc. for the services required.

Respectfully submitted,

Franklin C. Jones

Franklin C. Jones
City Manager

Prepared by:

Mark W. Wiltzie
Mark W. Wiltzie

Assistant to the City Manager