



City of Naples

Regular Meeting Nov. 2, 1983

City Council Chambers
735 Eighth Street South
Naples, Florida 33940

-SUBJECT-	Ord. No.	Res. No.	Page
<u>ANNOUNCEMENTS</u>			
-MAYOR BILLICK - noted he had signed a lending document for the <u>City Dock</u> funding			1
-CITY MANAGER JONES - discussed scheduling a time for interviews with <u>financial advisors</u> for the <u>bond issue</u> for the <u>waste-water treatment plant expansion</u> and to receive a report from <u>Camp Dresser & McKee</u> re <u>golf course contracts</u> for the reuse of treated effluent			1
<u>APPROVAL OF MINUTES</u> - 10/19/83 - Regular Meeting			2
<u>RESOLUTIONS</u>			
-Accept bid for utility relocation - Pine Ridge Road construction		83-4365	2
-Approve contract with Post, Buckley, Schuh & Jernigan re CIP street project		83-4366	2
-Approve Nonconformity Pet. 83-N2 - M & T Enterprises, 7th Av No and U.S. 41 (Gray Drugs)		83-4368	3
-Approve Variance Petition 83-V3 and Special Exception Pet. 83-S3 Macedonia Church - <u>PETITIONER REQUESTED REMOVAL FROM THE AGENDA.</u>		REMOVED	3
-Approve extension of building permit - Bayside Villas		FAILED	4
<u>PURCHASING</u>			
-Award bid - Safety equipment		83-4367	3
<u>DISCUSSION</u>			
-Review need for a sidewalk at <u>St. Ann School</u> re Special Exception Pet. 81-S12			4
-Discussion of formula for rate increase used by <u>Palmer Cablevision</u>			4
-Mr. Rothchild made a statement re <u>City Dock</u> funding			5

City Council Chambers
735 Eighth Street South
Naples, Florida 33940



Time 9:04 a.m.

Date November 2, 1983

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

ROLL CALL: Present: Stanley R. Billick ITEM 2
Mayor

R. B. Anderson
Lyle S. Richardson
Harry Rothchild
Wade H. Schroeder
Randolph I. Thornton
Kenneth A. Wood (arrived 9:30 am)
Councilmen

Also present:

Franklin C. Jones, City Manager	Stewart Unangst, Purchasing Agent
David W. Rynders, City Attorney	
Roger J. Barry, Community Development Director	William Savidge, Public Works Director
Mark Wiltsie, Assistant to the City Manager	Steve Cramer, Chief Planner
John R. McCord, City Engineer	Ellen P. Marshall, Deputy Clerk

See Attachment #1 - Supplemental Attendance List

INVOCATION - Lt. Don Vick, Salvation Army ITEM 1

ANNOUNCEMENTS ITEM 3

MAYOR BILLICK - noted that he had signed a lending document in connection with the City Dock and expected to sign the construction contract in the near future. ITEM 3-a

CITY MANAGER JONES - noted that a workshop meeting would be scheduled for Tuesday, November 15, to interview financial consultants in connection with the bond issue for the wastewater treatment plant expansion and to receive a report from Camp Dresser & McKee (CDM), consultants for the wastewater treatment plant expansion and effluent disposal projects. He noted that the interviews could take 2-1/2 to 3 hours and that action on choosing a financial advisor was anticipated for the Regular Meeting to be held November 16. Mr. Anderson noted that he would not be present on Tuesday, November 15, and asked that the CDM report be rescheduled for Wednesday or Thursday. Mr. Schroeder suggested that the report from CDM be scheduled for sometime during the early part of the Regular Meeting on November 16 so that the information would be aired via the television coverage to the citizens. Inasmuch as there was action anticipated in choosing a financial consultant, Mr. Anderson suggested those interviews be held after the Regular Meeting and then a Special Meeting called after the interviews. Mr. Rothchild suggested having the interviews on Tuesday, November 15, and the CDM report during the television coverage of the Regular Meeting on November 16. Mr. Rothchild noted a memorandum written by Mr. Anderson concerning the discharge of effluent into Naples Bay, a copy of which is on file in this meeting's packet in the City Clerk's office. City Manager Jones advised that CDM would be addressing that memo in their presentation.

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	

COUNCIL MEMBERS	MOTION	S E C O N D	VOTE		A B S E N T
			Y E S	N O	
-----CONSENT AGENDA-----					
<p>Mayor Billick noted the items in the Consent Agenad and Mr. Rothchild asked that Items 4, 5 and 7 be removed from the Consent Agenda.</p>					
<p>---RESOLUTION 83-4365 ITEM 6</p>					
<p>A RESOLUTION ACCEPTING THE BID OF BONNESS INCORPORATED TO PERFORM UTILITY RELOCATION WORK IN CONJUNCTION WITH THE RECONSTRUCTION OF PINE RIDGE ROAD; AND PROVIDING AN EFFECTIVE DATE.</p>					
<p>Title not read.</p>					
<p>MOTION: To <u>ADOPT</u> the resolution as presented in the Conset Agenda.</p>					
Anderson			X		
Richardson					
Rothchild					
Schroeder	X				
Thornton					
Wood					X
Billick					
-----END CONSENT AGENDA-----					
<p>APPROVAL OF MINUTES - 10/19/83 - Regular Meeting ITEM 4</p>					
<p>Mr. Rothchild noted his objection to the sentence beginning at the bottom of page 4: "City Manager Jones referred him to Council's direction at an April 1982 meeting at which time Council accepted his recommendations, and one was to install some turnouts for vehicles to park off the street when visiting the machines." He wished to go on record that he "disagreed with the implications of that sentence in these minutes." In response to a question from Mr. Rothchild about when the vending machine ordinance would come to Council, City Manager Jones noted that he had circulated a proposed ordinance to property owners' associations and anticipated receiving their input in time for a December meeting. It was the consensus of Council to APPROVE the minutes of the Regular Meeting held October 19, 1983 as presented.</p>					
<p>*** *** ***</p>					
<p>---RESOLUTION 83-4366 ITEM 5</p>					
<p>A RESOLUTION AUTHORIZING THE ISSUANCE OF A PURCHASE ORDER AND THE EXECUTION OF A CONTRACT RELATING TO ENGINEERING SERVICES FOR CERTAIN STREET IMPROVEMENT PROJECTS; AND PROVIDING AN EFFECTIVE DATE.</p>					
<p>Title read by City Attorney Rynders.</p>					
<p>Mr. Anderson and Mr. Rothchild questioned the compensation covered by Attachment C (Attachment #2) of the Post, Buckley, Schuh & Jernigan contract. City Manager Jones responded that these would be extra costs for service requested by the City and chargeable to a particular project and that they would be limited. He did not anticipate many instances where they would occur.</p>					
<p>MOTION: To <u>ADOPT</u> the resolution as presented.</p>					
Anderson				X	
Richardson				X	
Rothchild				X	
Schroeder			X	X	
Thornton	X			X	
Wood					X
Billick				X	
<p>(6-0)</p>					
<p>*** *** ***</p>					
<p>Mr. Wood arrived - 9:30 a.m.</p>					
<p>*** *** ***</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	
<p><u>PURCHASING</u> <u>ITEM 7</u></p> <p>---<u>RESOLUTION 83-4367</u></p> <p>A RESOLUTION AWARDED THE BIDS FOR THE CITY'S ANNUAL REQUIREMENTS FOR SAFETY EQUIPMENT; AUTHORIZING THE CITY MANAGER TO ISSUE PURCHASE ORDERS THEREFOR; AND PROVIDING AN EFFECTIVE DATE.</p> <p>Title read by City Attorney Rynders.</p> <p>City Manager Jones noted the information in his memorandum dated November 1, 1983 (Attachment #3) which explained that one low bidder declined to honor his bid. He further stated that this would result in a \$15.00 increase in costs which he would attempt to collect from the bidder who declined.</p> <p><u>MOTION:</u> To <u>ADOPT</u> the resolution with the amended attachment as per City Manager's Jones recommendations.</p> <p>*** *** ***</p>					
Anderson		X		X	
Richardson				X	
Rothchild				X	
Schroeder		X		X	
Thornton				X	
Wood				X	
Billick				X	
(7-0)					
<p><u>COMMUNITY DEVELOPMENT DEPARTMENT/NAPLES PLANNING ADVISORY BOARD</u> <u>ITEM 8</u></p> <p>---<u>RESOLUTION 83-4368</u> <u>ITEM 8-a</u></p> <p>A RESOLUTION AUTHORIZING EXPANSION OF A NONCONFORMING STRUCTURE AT THE NORTHEAST CORNER OF U.S. 41 AND SEVENTH AVENUE NORTH (FORMERLY WINN-DIXIE STORE), SUBJECT TO THE CONDITIONS ENUMERATED HEREIN; AND PROVIDING AN EFFECTIVE DATE.</p> <p>Title read by City Attorney Rynders.</p> <p>Mario LaMendola, representing the petitioner, addressed Council and noted that he and the developer were working with the City staff to reach an acceptable plan for the stormwater runoff.</p> <p><u>MOTION:</u> To <u>ADOPT</u> the resolution subject to a final plan for stormwater retention being approved by the staff.</p> <p>*** *** ***</p>					
Anderson			X	X	
Richardson				X	
Rothchild				X	
Schroeder		X		X	
Thornton				X	
Wood				X	
Billick				X	
(7-0)					
<p>---<u>RESOLUTION 83-</u> <u>ITEM 8-b</u></p> <p>A RESOLUTION GRANTING A VARIANCE FROM THE PROVISIONS OF SECTION 6(8)(B) OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, AND GRANTING A SPECIAL EXCEPTION TO PERMIT CONSTRUCTION OF A SIX (6') FOOT HIGH CHAIN LINK FENCE IN THE REQUIRED SIDE AND REAR YARD SETBACK AREAS AT THE MACEDONIA BAPTIST CHURCH, 1003 3RD AVENUE NORTH, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.</p> <p>Title not read.</p> <p>Mayor Billick read a part of a letter from the Macedonia Church (Attachment #4) in which they asked to withdraw this item from the Agenda. <u>It was the consensus of the Council to remove the item from the Agenda.</u></p> <p>*** *** ***</p>					

COUNCIL MEMBERS

M	S		A
O	E	Y	B
T	C		S
I	O		E
O	N		N
N	D		T

COUNCIL ACTION WITH REFERENCE TO THE INSTALLATION OF A SIDEWALK ALONG THE NORTH PROPERTY LINE OF ST. ANN SCHOOL LAST CONSIDERED BY CITY COUNCIL AT THE REGULAR MEETING OF OCTOBER 7, 1981, IN CONJUNCTION WITH SPECIAL EXCEPTION PETITION NO. 81-S12 RELATIVE TO CONSTRUCTION OF AN 18-SPACE ON-SITE PARKING LOT. CONSIDERATION DIRECTED BY RESOLUTION 3856. ITEM 9

Mayor Billick noted the information in a memorandum from City Manager Jones dated October 26, 1983 and it was the consensus of Council that no sidewalk would be required.

*** *** ***

---RESOLUTION 83--- ITEM 10

A RESOLUTION AUTHORIZING EXTENSION OF THE BUILDING PERMIT FOR BAYSIDE VILLAS, LOCATED AT 1100 NINTH STREET SOUTH; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Harry Bedinghaus, petitioner, presented himself to Council to speak in support of his petition. Mayor Billick noted that the permit had expired and he did not believe an expired permit could legally be renewed. Mr. Bedinghaus responded that he had not known about the time limitation on the permit and that it had been economically prudent for him to defer further construction on additional buildings. He further noted that Collier County had extended building permits because of economic conditions. Mr. Anderson confirmed with Community Development Director Barry that there had been changes in the Building Code since the permit was issued, and that was one reason for requiring a new permit and another review of the building plans. City Attorney Rynders pointed out that extending this permit would set a precedent inasmuch as economic hardship was not one of the City's criteria for extension. Mr. Schroeder read into the record a statement from City Manager Jones' memorandum dated October 24, 1983: "Increased costs of building materials or supplies or financial hardship shall not be considered by the building official as cause for continuation of the building permit." Mr. Rothchild stated that it was his opinion that the permit should show when it expires.

Anderson				X
Richardson				X
Rothchild			X	
Schroeder	X			X
Thornton		X		X
Wood				X
Billick				X
(1-6)				

MOTION: To ADOPT the resolution as presented.

*** *** ***

CORRESPONDENCE & COMMUNICATIONS

Werner Haardt, citizen, voiced his objections to the formula used by Palmer Cablevision to increase rates. City Manager Jones confirmed that Palmer surveys other existing cablevision companies periodically and adjusts their rates accordingly; then the rates are administratively approved by the City Manager as specified in the franchise agreement. City Attorney Rynders added that the surveys are audited, not Palmer's operating expenses, and that the franchise agreement was non-exclusionary. Mr. Anderson commented on the poor cable TV reception he has experienced at his home. City Manager Jones noted that the franchise agreement specified that the City may request Palmer to obtain an independent firm to survey the service provided. Citizen Egon Hill added that the process of setting rates was very complicated and both the City and the County had agreed to the formula in the franchise agreement several years ago.

*** *** ***

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	

Mr. Thornton left - 10:15 a.m.

Mr. Rothchild read a prepared statement (Attachment #5) concern-
ing the funding for the City Dock suggesting that slip rental be
determined and approved by Council prior to finalization of the
bank loan.

Mr. Schroeder left - 10:20 a.m.

Mr. Rothchild's statement further suggested that interest be
paid on the money obtained from the Capital Improvement Program
funds. Mayor Billick responded that the income from the slip
rentals would go on long after the money had been repaid to the
Capital Improvement Program thereby negating the requirement for
interest. He further noted that the new dock would be an asset
to the City for many years.

ADJOURN - 10:23 a.m.

Stanley R. Billick
Stanley R. Billick, Mayor

Janet Cason
Janet Cason
City Clerk

Ellen P. Marshall
Ellen P. Marshall
Deputy Clerk

These minutes of the Naples City Council approved 11/16/83

Supplemental Attendance List - Regular Meeting 11/02/83

Lt. Don Vick
Charles Andrews
Tish Gray
Sam Aronoff
Egon Hill

Mario LaMendola
Jerry Eckert
Charles Long
Walter Olson
Ed Hannam
Mark Moran

Bob Galloway
Jim McGrath
Bruce Evans
Marshall Davenport
Werner Haardt

News Media:

Jim Forner, TV-9
Jerry Pugh, TV-9

Matt Spina, Naples Daily News

Susan Gardner, TV-9

Other interested citizens and visitors.

POST, BUCKLEY, SCHUH & JERNIGAN, INC.
 Consulting Engineers and Planners
 4970 Tamiami Trail North
 Naples, Florida 33940
 (813) 261-7275

ATTACHMENT C - COMPENSATION

The computation of Breakeven Cost Multiplier (Exhibit 1) and the Multiplier Rate Schedule (Exhibit 2) were utilized to determine breakeven hourly rates for the professional services specified.

I. METHOD OF COMPENSATION

A. Survey and Design Services: The CITY agrees to compensate the ENGINEER for the professional services called for under Attachment B, Section I.A. through I.C. of this agreement in an amount not to exceed \$61,893.98 and in accordance with Exhibit 3, summarized below:

EXHIBIT 3 - SUMMARY

<u>Section</u>	<u>Project</u>	<u>Fee</u>
3.1	Galleon Drive	\$ 36,255.49
3.2	13th Avenue South	7,800.85
3.3	5th Street South	3,505.73
3.4	7th Street South	8,745.17
3.5	Bowline Bend	5,586.74
	TOTAL FEE	\$ 61,893.98

B. Additional Services: Services authorized by Attachment B, Sections II.A. and II.B. plus any services authorized by the CITY other than those specifically listed in Attachment B shall be considered additional services for which the CITY shall compensate the ENGINEER based on a fee to be negotiated at the time such additional services are required. Such additional services shall include but are not limited to the following:

1. Services described in Attachment B, Sections II.A. and II.B.

2. Additional services shall also include revisions to work previously performed that are required because of a change in the data or criteria furnished to the ENGINEER, or a change in the scope or concept of the project, initiated by the CITY.

C. Out-Of-Pocket Expenses: The CITY shall reimburse the ENGINEER for all out-of-pocket expenses directly chargeable to the project, at actual cost incurred, plus a service charge of 10% (ten percent). Such charges shall be itemized and included in the monthly invoices and shall be submitted and paid as provided for such invoices. Typical reimbursable expenses include travel, lodging, meals and travel expenses when traveling on the CITY'S behalf, identifiable communication expenses, identifiable reproduction costs, computer machine time charges, survey supplies, and special accounting expenses not applicable to general overhead.

II. INVOICE PROCEDURE

The ENGINEER shall submit invoices to the CITY for work accomplished during each calendar month; the amount of each monthly invoice shall be based on services rendered during the invoicing period and in accordance with the compensation schedule. Such invoices shall be submitted by the ENGINEER as soon as possible after the end of the month in which the work was accomplished and shall be due and payable by the CITY upon receipt. The CITY agrees that unpaid monthly invoices shall accrue interest based on the rate of 12% (twelve percent) per annum, after they have been outstanding/unpaid for 30 days after invoice date.

Initials of Signatories: PEB For the ENGINEER For the CITY
Date: 10-7-83 Date: _____



City of Naples

--- MEMO ---

TO: HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: CITY MANAGER FRANKLIN C. JONES

SUBJECT: SAFETY EQUIPMENT (ANNUAL CONTRACT), BID NO. 83-48

DATE: NOVEMBER 1, 1983

BACKGROUND

On November 1, 1983, Mr. Gerald Bourgeois, owner of Safety First Company, Naples, Florida informed the City Purchasing Agent by telephone that his company would be unable to honor his bid prices for item #2 (hard hats) and item #4 (work gloves, long cuff). Mr. Bourgeois stated that his company would suffer a loss if awarded these 2 items only. This bid was awarded on an item-by-item basis and was so stated in the bid documents.

ANALYSIS

Based on this information, we are recommending the following changes in our original memo to City Council.

<u>ITEM NO.</u>	<u>ITEM</u>	<u>VENDOR</u>	<u>PRICE</u>	<u>PREVIOUS PRICE</u>	<u>PERCENTAGE INCREASE (DECREASE)</u>
2.	Hard Hats	Ranwill Safety Products Eaton Park, FL.	2.90/ea.	2.82/ea.	2.8
4.	Work Gloves, Long Cuff	Orlando Safety Supply Orlando, FL.	14.50/dz.	17.55/dz.	(17.4)

On item #2, (hard hats), two (2) companies submitted identical bid prices. We are recommending Ranwill Safety Products based on a quicker delivery time and a lower minimum order requirement.

On item #4, (work gloves, long cuff), the recommended vendor submitted a bid price that was identical to Safety First Company.

The items recommended in this memo meet our specifications.

RECOMMENDATION

Based on this revised recommendation, we may expect to expend \$6,145.00 during the life of this contract. This is an increase of \$15.00 over the original estimated amount.

Respectfully submitted,

Franklin C. Jones
Franklin C. Jones,
City Manager

Prepared by: *SKU*
Stewart K. Unangst, Purchasing Agent

Concurrence: *FW*
Frank W. Hanley, Finance Director

SKU/kw

ALBION

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ITEM 8-B

ATTACHMENT #4

Macedonia M. B. Church
1003 3rd Avenue North
Naples, Florida 33940

October 28, 1983

Gentlemen:

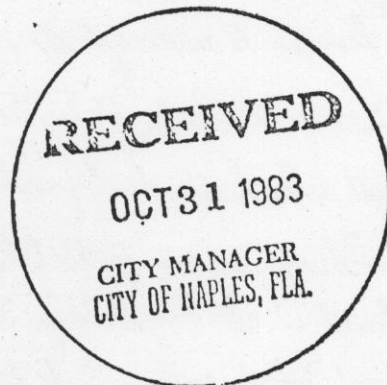
The Board Members of Macedonia Missionary Baptist Church would like to thank you for beautifying the grounds around the church.

We would like to withdraw our request for a fence to be erected around the church, as we know longer need such a fence due to your considerable effort to make the area so nice and pleasant for the neighborhood.

Once again the members of the Macedonia M. B. Church would like to thank you.

Thank you

Alma Williams
Clerk



Nov. 6, 1983

Yesterday Frank Jones told me that he expects to have a loan closing with Naples Federal in the next week or ten days. This information is disturbing to me - for several reasons:

1. The City Council has not yet approved a schedule of slip rental fees. This would appear to be essential in order to determine whether the revenue from the dock operation is sufficient to meet the monthly loan payments.
2. The approximately \$200,000 needed to supplement the \$600,000 loan is to be taken from the Capital Improvement Program funds. Since we are repaying a bond issue which provided the excess C.I.P. funds it seems only fair and logical that any money taken from this fund should be repaid with interest. As I understand it Frank Jones has some doubt about the necessity to have this money returned with interest.
3. Since the resolution authorizing the \$600,000 loan specifically provided for repayment by revenues generated by the dock operation only, it is imperative that we determine whether the full amount of the loan, i.e. 797,400 can indeed be repaid from these revenues. The resolution also specifically provided that the taxing power of the City could not be used to repay this construction loan.
4. Assuming the full cost of the construction was to be borrowed at the same rate as the \$600,000 loan the monthly payments would be \$8,200 or \$98,400 per year. Our loan payments would exceed even the most favorable projections of income from the dock. This is a clear indicator of financial irresponsibility and will not be condoned. Since the delay of a loan closing until this discrepancy is resolved if indeed it can be.

The manipulation of the figures in connection with this proposed dock loan would never get the approval of an independent outside auditor. There are a number of interested citizens who are following, with great interest, the developments in connection with this proposed loan. There is no reason for the City of Naples to be other than frank and honest in all our dealings. The proposed loan arrangement with Naples Federal appears to be deficient in this respect.

Unless and until these questions can be resolved within the restrictions of the resolution authorizing the \$600,000 loan I submit that a loan closing is premature.

Henry R. ...