



City of Naples

-SUBJECT-	Ord. No.	Res. No.	Page
<u>ANNOUNCEMENTS</u>			
-MAYOR BILLICK - None			1
-CITY MANAGER JONES - introduced Jim Chaffee, new Utilities Director			1
<u>APPROVAL OF MINUTES</u> - Special Meeting, 12/06/85			1&2
Regular Meeting, 12/18/85			
Special Meeting, 12/27/85			
<u>PURCHASING</u>			
-Award bid for automatic rubber seated check valve		86-4900	1&2
-Award bid - annual contract-auto parts		86-4901	1&2
-Waive bids - 3 dumpster scooters - Trident		86-4902	2
<u>RESOLUTIONS</u>			
-Auth. City Engineer Gerald L. Gronvold and Utilities Director Jim Chaffee to participate in <u>ICMA</u>		86-4903	2
-Commemorate 50th anniversary - <u>Keewaydin Club</u>		86-4904	2
-Approve <u>dredging</u> DR 85-13, bet. 1300 & 1422 Galleon Dr - Fitzgibbon		86-4905	2&4
- <u>POSTPONE ACTION</u> - <u>Dredging</u> DR 85-6, 20 Fifth Av So - Toendury		86-	3
-Auth. Change Order #7 - Twin Construction, Inc. - <u>W.W.T.P.</u> - <u>expansion</u>		86-4906	4
-Auth. to waive bids for utility relocation work - <u>4-laning Airport Road</u>		86-4907	4
-Approve installation of <u>sidewalk modifications</u> - 643-663 5th Av So		86-4908	5
-Ratify 3-year contract - <u>AFSCME</u>		86-4909	5
<u>ORDINANCES</u> - <u>First Reading</u>			
-Approve ordinance to readopt current state misdemeanor laws	86-		4
<u>DISCUSSION</u>			
-Employee Recognition Ceremony			1
-Review and <u>ADOPT</u> 84-85 annual audit			5&6
-Discuss sale of parking permits			6
-Discuss participation of Mayor & Councilmen in Naples General Pension Plan			7

City Council Chambers
735 Eighth Street South
Naples, Florida 33940



Time 9:05 a.m.
Date January 15, 1986

Mayor Billick called the meeting to order and presided as Chairman					
ROLL CALL:	Present:	ITEM 2	COUNCIL MEMBERS	VOTE	
				Y	N
			M	S	A
			O	E	B
			T	C	S
			I	O	E
			O	N	N
			N	D	O
				S	T
	Stanley R. Billick Mayor				
	R. B. Anderson William E. Barnett William F. Bledsoe Lyle S. Richardson Wade H. Schroeder Councilmen				
Also present:	Franklin C. Jones, City Manager David W. Rynders, City Attorney Mark W. Wiltsie, Assistant City Manager James L. Chaffee, Utilities Director Gerald L. Gronvold, City Engineer	Christopher L. Holley, Community Services Director Stewart K. Unangst, Purchasing Agent Ellen P. Weigand, Deputy Clerk Norris C. Ijams, Fire Chief			
See Supplemental Attendance list - Attachment #1					
<u>INVOCATION:</u>	Councilman R. B. Anderson	<u>ITEM 1</u>			
***	***	***			
<u>EMPLOYEE RECOGNITION CEREMONY</u>		<u>ITEM 3</u>			
Recognition of City employees for years of service.					
Mayor Billick and City Manager Jones distributed certificates honoring the years of service to the eligible employees present (Attachment #2).					
***	***	***			
<u>ANNOUNCEMENTS</u>		<u>ITEM 4</u>			
<u>Mayor Billick</u>	- None	<u>ITEM 4-a</u>			
<u>City Manager Jones</u>	- introduced the new Utilities Director, James L. Chaffee.	<u>ITEM 4-b</u>			
-----CONSENT AGENDA-----					
<u>APPROVAL OF MINUTES</u>	- Special Meeting, 12/06/85 Regular Meeting, 12/18/85 Special Meeting, 12/27/85	<u>ITEM 5</u>			
***	***	***			
<u>PURCHASING</u>		<u>ITEM 6</u>			
<u>RESOLUTION 86-4900</u>		<u>ITEM 6-a</u>			
A RESOLUTION AWARDING THE BID FOR ONE (1) CHECK VALVE TO BE USED AT WATER PLANT #2; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.					
Title not read.					
***	***	***			
<u>RESOLUTION 86-4901</u>		<u>ITEM 6-b</u>			
A RESOLUTION AWARDING THE BID ESTABLISHING AN ANNUAL CONTRACT FOR THE PURCHASE OF AUTOMOTIVE PARTS; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.					
Title not read.					
***	***	***			

	COUNCIL MEMBERS	M O T I O N	S E C O N D	Y E S	N O	A B S E N T							
<u>CONSENT AGENDA (Cont)</u>													
<u>---RESOLUTION 86-4902</u> <u>ITEM 6-c</u>													
A RESOLUTION AUTHORIZING THE PURCHASE OF THREE (3) REFUSE SCOOTERS FOR THE SOLID WASTE DIVISION; WAIVING THE REQUIREMENT FOR COMPETITIVE BIDDING THEREON; AND PROVIDING AN EFFECTIVE DATE.													
Title not read.													
<u>---RESOLUTION 86-4903</u> <u>ITEM 7</u>													
A RESOLUTION AUTHORIZING CITY ENGINEER GERALD L. GRONVOLD AND UTILITIES DIRECTOR JAMES L. CHAFFEE TO PARTICIPATE IN THE DEFERRED COMPENSATION PLAN THROUGH THE INTERNATIONAL CITY MANAGEMENT ASSOCIATION RETIREMENT CORPORATION; PROVIDING THAT THEY SHALL BE EXEMPTED FROM PARTICIPATING IN THE RETIREMENT SYSTEM OF THE CITY; AND PROVIDING AN EFFECTIVE DATE.													
Title not read.													
In response to questions from Mr. Anderson concerning Agenda Item 6-c, the purchase of refuse scooters, City Manager Jones explained that the staff planned to test this make of scooter against the Cushman scooters they had purchased in the past because of the difficulty in obtaining replacement parts for the Cushmans. Mr. Anderson stated his preference for competitive bidding.													
<table border="0" style="width:100%"> <tr> <td style="width:65%"> MOTION: To <u>APPROVE</u> the minutes and to <u>ADOPT</u> the resolutions as presented. </td> <td style="width:15%; vertical-align: top;"> Anderson Barnett Bledsoe Richardson Schroeder Billick </td> <td style="width:5%; text-align:center; vertical-align: middle;">X</td> <td style="width:5%;"></td> <td style="width:5%;"></td> <td style="width:5%;"></td> <td style="width:5%;"></td> </tr> </table>							MOTION: To <u>APPROVE</u> the minutes and to <u>ADOPT</u> the resolutions as presented.	Anderson Barnett Bledsoe Richardson Schroeder Billick	X				
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-----END CONSENT AGENDA-----													
<u>---RESOLUTION 86-4904</u> <u>ITEM 8</u>													
A RESOLUTION COMMENDING THE KEEWAYDIN CLUB ON THEIR FIFTIETH ANNIVERSARY; AND PROVIDING AN EFFECTIVE DATE.													
Resolution read in its entirety by Councilman Anderson.													
Representing the Keewaydin Club, George Gaynor thanked Council for their expression of commendation on behalf of himself and his wife who was unable to be present.													
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*** *** ***													
-----ADVERTISED PUBLIC HEARINGS-----													
<u>---RESOLUTION 86-4905</u> <u>ITEM 9</u>													
A RESOLUTION AUTHORIZING DREDGE AND FILL ACTIVITIES IN A RUNAWAY BAY, GALLEON DRIVE SECTION, PORT ROYAL; SUBJECT TO THE CONDITIONS ENUMERATED HEREIN; AND PROVIDING AN EFFECTIVE DATE.													
Title read by City Attorney Rynders.													
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COMMENTS

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ADVERTISED PUBLIC HEARINGS (Cont)

RESOLUTION 86-

ITEM 10

A RESOLUTION GRANTING A VARIANCE FROM THE CITY'S MOST RESTRICTIVE COASTAL CONSTRUCTION SETBACK LINE TO PERMIT CONSTRUCTION OF A WAVE ENERGY ABSORBING ROCK REVETMENT AT 20 FIFTH AVENUE SOUTH; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Public Hearing: Opened - 9:28 a.m. Closed - 9:55 a.m.

Mr. Barnett moved adoption of the resolution, seconded by Mr. Anderson. Q. Grady Minor, petitioner's engineer, noted the loss of the extensive landscaping near the beach during the violent summer storms and asked that Council approve their revetment plan to stabilize the shoreline so they could forward it to Department of Natural Resources (DNR). He said it was his understanding the DNR would consider this construction seaward of the coastal construction setback line due of the heavy armoring with vertical seawalls found in the Naples area. In response to questions from Mr. Anderson, Mr. Minor noted that this would cover 150 feet of Gulf front. Mr. Schroeder suggested that City Manager Jones and City Attorney Rynders propose an amendment to the ordinance to authorize the Engineering Department to permit or deny these requests with the petitioner coming to Council only to appeal the Engineering Department's decision. City Manager Jones responded that the public hearing process satisfied a requirement of DNR. John McCord, citizen, addressed Council and reviewed a request the petitioner had made for a privacy wall during the time he had been City Engineer (Attachment #3). He also noted that the Beach Study committee had recommended against armoring any beach unless it was to soften an existing vertical-face concrete seawall. He recalled the situation surrounding the Pevely Dairy property which was a very narrow strip of land without seawalls and that DNR did not permit the rock revetment, even to protect upland property. It was his opinion that DNR would consider the request, but would not approve it, adding that construction similar to that in the petition should not be permitted to protect landscaping. He further said he did not feel the existence of a vertical seawall south of the property should be considered in this decision. He asked that Council follow the policy he said he believed had been followed for the past several years and asked that this petition be sent back to staff. City Engineer Gronvold said that while he was not an expert in coastal engineering, he would stand behind his recommendation of approval. Mr. McCord presented pictures in support of his opinion. Mr. Anderson stated his understanding of the policy not to armor the beach where there was a long stretch without seawalls, but expressed his opinion that the seawall on the property south of this site adversely affected the unprotected beach. Mr. Schroeder asked City Manager Jones to invite an expert coastal engineer from DNR to address Council on this subject. Mr. Barnett said he felt he needed more information and withdrew his motion to approve. It was the consensus of Council to postpone this until the City Manager brings it back with more information. At the suggestion of Councilmen, Mayor Billick asked the City Manager to have someone from DNR come to address Council about coastal construction variances.

-----END ADVERTISED PUBLIC HEARINGS-----

COUNCIL MEMBERS

RESOLUTION 86-4908 ITEM 14

A RESOLUTION APPROVING THE INSTALLATION OF A BRICK SIDEWALK IN FRONT OF THE FIFTH AT PARK PLAZA BUILDING LOCATED AT 643-663 FIFTH AVENUE SOUTH; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney.

Petitioner Bruce Kixmiller reviewed his request and showed the paving brick that was proposed and that had been installed by the same contractor the petitioner has hired. Mayor Billick noted that this would be approved pending the petitioner's complying with the performance bond provision and City Attorney Rynders noted that a question of liability was always present with any sidewalk.

MOTION: . To ADOPT the resolution as presented.

*** *** ***

Anderson	X	X
Barnett		X
Bledsoe		X
Richardson		X
Schroeder	X	X
Billick		X
(6-0)		

RESOLUTION 86-4909 ITEM 15

A RESOLUTION RATIFYING AND CONFIRMING THE CONTRACT BETWEEN THE CITY OF NAPLES AND DISTRICT COUNCIL NO. 79 OF THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES FOR THE PERIOD JANUARY 1, 1986 THROUGH DECEMBER 31, 1988; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

City Manager Jones reviewed some of the changes as noted in his memorandum dated January 9, 1986 (Attachment #4) and commended the staff members and members of the bargaining unit who worked on the negotiations.

MOTION: To ADOPT the resolution as presented.

*** *** ***

Anderson		X
Barnett	X	X
Bledsoe		X
Richardson	X	X
Schroeder		X
Billick		X
(6-0)		

PRESENTATION OF THE 1984-85 ANNUAL AUDIT ITEM 16
BY ROGERS, WOOD, HILL, STARMAN & GUSTASON, P.A.

Auditor Ron Wood reviewed the audit as presented (copy of which is on file in the City Clerk's office) and commented favorably on the fiscal status of the City. He noted the Certificates of Conformance received in the past from Government Finance Officers Association and that this audit was being submitted in anticipation of being awarded another. Mr. Schroeder noted items not reflected in the audit such as inflation and the fact that property values had increased. Citizen J. Sandy Scatena questioned the accuracy of the audit, because he said he felt that the operating budget did not clearly portray anticipated expenditures. He pointed out the projected expenditures for City Manager Jones' schooling he said should have been shown in the budget and asked how the availability of funds could be certified. Finance Director Hanley responded that he had previously cited for Mr. Scatena the section in the City Charter that identifies how availability of funds is certified. Mr. Scatena read a letter from a certified public accountant (Attachment #5) that he said supported his contention that the budget did not reflect proper appropriations for the City Manager's School & Training account. He said he felt the City's auditor should have questioned the procedure. Citizen John McCord asked how the funds transferred from the Contingency Fund were reflected in the audit. City Manager Jones stated that they were included in total appropriated amounts for department expenditures. Mr. McCord noted that the ad valorem tax revenues exceeded expectations by approximately \$121,000 and asked if this surplus would be rebated back to the taxpayers. Mr. McCord suggested that the auditor use graphs and charts so that ordinary citizens can understand the audit and questioned the increase in operating costs of nearly \$1-million dollars. Mr. Schroeder

COUNCIL MEMBERS

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PRESENTATION OF THE 1984-85 ANNUAL AUDIT ITEM 16
BY ROGERS, WOOD, HILL, STARMAN & GUSTASON, P.A. (Cont)

compared inflation and the increases in the cost of utilities, the number of customers served and increases in wages mandated by union contracts, which he felt were directly related to the increased cost of operations. City Manager Jones noted that the audit format had been created over the years to present the information in a manner readily understood by people in the financial arena. He noted its value when issuing bonds. Citizen Harry Rothchild indicated his dissatisfaction with the manner in which both the budget and the audit were compiled and approved.

MOTION: To APPROVE the audit as presented.

*** ***

Citizen Charles Andrews suggested limiting discussion on the next two items, at least by candidates for office.

Citizen Arnold Lamm asked that there be no limitation on discussion for anyone.

*** ***

BREAK: Recessed - 11:29 a.m. Reconvened - 3:09 p.m.
All six members of Council present.

*** ***

REQUEST BY J. SANDY SCATENA AND MARGARET ITEM 17
SCATENA FOR DISCUSSION WITH REFERENCE
TO THE SALE OF PARKING PERMITS
IN THE FIFTH AVENUE SOUTH SHOPPING DISTRICT

Citizen J. Sandy Scatena, owner of a business on Fifth Avenue South, addressed Council (Attachment #6) concerning the proposed increase in the charges for permit parking in the Fifth Avenue South shopping district. He noted the memo from the City dated December 3, 1985 and stated his belief that this had not been sufficient notice to the permit holders. He then noted the memo deferring implementation of the program and a breakdown of the number of spaces in the City's permit parking lots. He objected to the City selling 219 parking permits for 202 parking spaces and whether this Council would have time to act on this matter. Mayor Billick responded that changes in permit parking had been handled administratively in the past, but that the staff would review it and will send recommendations to the Council. City Manager Jones explained that permit parking had been under-utilized and the City had sold extra parking permits to make better use of the spaces. He stated that the staff would meet with representatives from the business area while working on an over-all parking plan. Citizen Jim McGrath suggested that an increase in parking permits may not be necessary at this time and asked that any funds raised be spent in the area where the permit parking is located.

*** ***

Councilman Anderson left the Council Chamber-3:35 p.m.

*** ***

Anderson X
Barnett X
Bledsoe X
Richardson X
Schroeder X
Billick X
(6-0)

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REQUEST BY HARRY ROTHCHILD FOR DISCUSSION WITH ITEM 18
REFERENCE TO PARTICIPATION BY THE MAYOR AND
CITY COUNCIL IN THE CITY OF NAPLES GENERAL PENSION PLAN

At the request of Mayor Billick, City Attorney Rynders reviewed his memorandum (Attachment #7 - attachments to which are on file in the meeting packet in the City Clerk's office) and noted the State Statute which he said mandated that the City provide a pension plan for elected officials. He noted that the Pension Board had determined that the Mayor and Councilmen were City employees and therefore eligible to participate in the General Pension Plan. Mayor Billick pointed out that Mr. Rothchild had known of the inclusion of council members in the pension plan for the past two years and referred to City Manager Jones' memo to Mr. Rothchild dated December 20, 1983 (Attachment #8) which outlined the Council pensions. He also noted a letter regarding pensions to Mr. Rothchild from Florida League of Cities dated April 2, 1982 (Attachment #9). Mr. Rothchild, however, maintained that he never received the City Manager's December 20th memo and continued to express his feeling that the matter of including the Council in the General Pension Plan should have been brought before the Council for action. Mr. Rothchild reviewed the following: the procedure for posting agendas for meetings; the agenda for the Pension Board meeting of December 7, 1983; the minutes of that meeting; the resolution the Board subsequently approved authorizing Council to participate; and Ordinance 1890 establishing the General Pension Plan. He also noted that City Attorney Rynders had cited the threshold of a 20 hour work week in order to be eligible to participate in the General Pension Plan and the determination of the Board that councilmen do work 20 hours a week. He noted that the buy-back permitted would apply to Councilmen Anderson, Schroeder and Richardson in addition to retired Councilman Thornton. He expressed his belief that posting the agenda of the Pension Board meeting did not give the public proper notice of the meeting; that the determination of the Board should have been brought before Council; and that the determination that council members were employees of the City was erroneous; and, therefore, inclusion of the Council members in the pension plan was, in his estimation, illegal. He noted that ex-Councilman Thornton was receiving a pension 38 days after the inclusion of the Council members by paying \$1,818.87 to buy back his eight years of service in addition to the \$4,082.45 contributed by the City to cover his past service. City Attorney Rynders maintained that the Pension Board acted within its authority to make such a determination and stated his interpretation of the Florida Statute mandating a pension plan for elected officials. It was a question of policy whether to put them in the General Pension Plan, set up a different one for them or to rely on the alternative proposed by the State, he said. Past Councilmen Arnold Lamm, Philip Morse, Gilbert Blanquart and Jim McGrath spoke in opposition to the inclusion of Council members in the General Pension Plan. They said they felt it was either illegal or unethical. They said they did not agree that Council members were employees of the City and felt that the public should have had more input. Citizen J. Sandy Scatena also expressed his opinion that Council members should not be included in the General Pension Plan. Mr. Schroeder reviewed Ordinance 1890 and pointed out the sections he said supported the action taken by the General Pension Board. Mr. Rothchild further noted that the ordinance provides that an employee returning from the armed services could buy back only five years of service, but Mr. Thornton had "bought back" eight years.

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CORRESPONDENCE & COMMUNICATIONS - None

*** *** ***

ADJOURN: 5:08 p.m.

Stanley R. Billick, Mayor

Janet Cason
City Clerk

Ellen P. Weigand
Deputy Clerk

Supplemental Attendance list - Regular Meeting, January 15, 1986

Charles Andrews
 Jim Flagler
 Tish Gray
 John McCord
 George Gaynor
 Tim Dunford
 Robert Galloway
 Q. Grady Minor
 Kim Anderson-McDonald
 Herb Anderson

John Cipolla
 Robert Russell
 Gina Hahn
 William Johnson
 Edwin J. Putzell, Jr.
 Jim McGrath
 Gilbert Weil
 Gilbert Blanquart
 Bruce Kixmiller
 Jeanne Brooker
 Lillian M. Easterling

Philip Morse
 Mr. Stanford
 Calhoun Smith
 Ron Wood
 J. Sandy Scatena
 Harry Rothchild
 Mr. & Mrs. Arnold Lamm
 Mr. & Mrs. Robert Schroer
 Ed McMahan
 Mr. & Mrs. John Graver

News Media

Ed Solberg, TV-9
 Jay Wilder, TV-9
 Hillary Hutchison, TV-9

Lori Rozsa, Miami Herald
 Mark Hart, News Press
 Gary Arnold, WEVU TV-26

Chuck Curry, Naples Daily News
 Maggie Minarich, Naples Star
 Curt Johnson, WEVU TV-26

Other interested citizens and visitors.

EMPLOYEE RECOGNITION PROGRAM

July 1, 1985 through December 31, 1985

-----FIVE YEARS-----

<u>Name</u>	<u>Department</u>	<u>Entry Date</u>	<u>Current Classification</u>
Carl A. Weigand	Community Development	8/15/80	Zoning Enforcement Inspector
*Emiliano Padron	Engineering	9/18/80	Service Worker III
Sydney B. Green	Police	7/31/80	Communications Operator
Michael A. Leiter	Police	9/29/80	Police Officer
Ronald L. Mosher	Police	9/29/80	Police Officer
*Walter Powell	Solid Waste	12/29/80	Equipment Operator III
William L. Crawford	Utilities	10/20/80	Wastewater Plant Operator II
John P. Pettay	Utilities	8/11/80	Meter Reader
*Niles L. Blackmore	Utilities	8/19/80	Water Plant Operator III
Lanny P. Seward	Utilities	12/03/80	Water Plant Operator II
*George H. Cawley	Engineering	7/14/80	Service Worker III

-----TEN YEARS-----

<u>Name</u>	<u>Department</u>	<u>Entry Date</u>	<u>Current Classification</u>
*Sandra R. Exum	Fire	10/06/75	Administrative Clerk II
*Norris C. Ijams	Fire	10/27/75	Fire Chief
William Williams	Police	10/20/75	Police Officer
Bobby J. Miller	Utilities	10/08/75	Service Worker II

* - PRESENT

-2-

-----FIFTEEN YEARS-----

<u>Name</u>	<u>Department</u>	<u>Entry Date</u>	<u>Current Classification</u>
Eugene Brown	Community Services	10/05/70	Crew Leader I
Jeff Bryant, Jr.	Solid Waste	7/07/70	Welder
Alvin Hendley	Solid Waste	10/05/70	Crew Leader III
* Benjamin Haywood	Solid Waste	10/21/70	Equipment Operator III
* Clarence Booker	Utilities	9/02/70	Crew Leader III
* William T. Pittman	Utilities	9/02/70	Utilities Coordinator
Lonnie L. Small	Utilities	9/02/70	Crew Leader III
* Lawrence Watkins	Utilities	9/14/70	Utility Plant Maintenance Technician

-----TWENTY YEARS-----

<u>Name</u>	<u>Department</u>	<u>Entry Date</u>	<u>Current Classification</u>
*Ira McCoy	Utilities	11/29/65	Crew Leader III

* - PRESENT

City Council Chambers
735 Eighth Street South
Naples, Florida 33940



Time 9:05 a.m.

Date April 17, 1985

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

ROLL CALL:

Present: Stanley R. Billick ITEM 2
Mayor

- R. B. Anderson
- William E. Barnett
- William F. Bledsoe
- Lyle S. Richardson
- Wade H. Schroeder
- Kenneth A. Wood
- Councilmen

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
Barnett				X	
Bledsoe				X	
Richardson			X	X	
Schroeder		X		X	
Wood				X	
Billick (6-1)				X	

RESOLUTION 85-4716

ITEM 9

A RESOLUTION GRANTING A VARIANCE FROM THE CITY'S MOST RESTRICTIVE COASTAL CONSTRUCTION SETBACK LINE TO PERMIT CONSTRUCTION OF A WOOD AND MASONRY PRIVACY WALL AT 20 FIFTH AVENUE SOUTH, SUBJECT TO THE STIPULATIONS SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Public Hearing: Opened - 10:42 a.m. Closed - 10:52 a.m.

Mr. Anderson moved adoption of the resolution as presented, seconded by Mr. Barnett. Mr. O. Grady Minor, representing the petitioner, noted their acceptance of condition a) in the proposed resolution (Attachment #6), but asked that condition b) be amended to allow remnants of the existing timber bulkhead wall to remain for a long enough period to insure that plantings in that area were stable. He asked Jerry Walkup of Smallwood Landscaping to distribute a sketch of the landscaping plan illustrating their intentions. He further mentioned adding some fill for the plantings; however, City Engineer McCord noted that a request to add fill had not been included in the material for this public hearing. Mayor Billick stated that this request should go through normal channels and that the petitioner will have to come back with that request. After further discussion, Mr. Anderson withdrew his motion and Mr. Barnett withdrew his second. City Attorney Rynders suggested amending condition b) to read, "The remnants of the timber bulkhead wall front the Gulf side of the petitioner's property is to be removed in its entirety by October 1, 1986." Mr. Anderson, however, stated his opinion that the timbers should be removed now.

MOTION: To ADOPT the resolution as amended above.

RESOLUTION NO. _____

A RESOLUTION GRANTING A VARIANCE FROM THE CITY'S MOST RESTRICTIVE COASTAL CONSTRUCTION SETBACK LINE TO PERMIT CONSTRUCTION OF A WOOD AND MASONRY PRIVACY WALL AT 20 FIFTH AVENUE SOUTH, SUBJECT TO THE STIPULATIONS SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, following a public hearing and taking into consideration the recommendation of the City staff and comments of interested parties, the City Council has determined that a variance from the City's most restrictive coastal construction setback line should be granted, subject to the stipulations contained herein, to permit construction of a wood and masonry privacy wall.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NAPLES, FLORIDA:

SECTION 1. That a variance is hereby granted from the City's most restrictive coastal construction setback line to permit construction of a wood and masonry privacy wall at 20 Fifth Avenue South, subject to the following conditions.

- a) The wall should be redesigned such that no structural columns or pilasters are present Gulfward of the City's Setback Line. This area of the wall should be of break away design above existing ground elevations.
- b) Prior to construction start of a redesigned privacy wall, the remnants of the timber bulkhead wall fronting the Gulf side of the petitioner's property is to be removed in its entirety.

SECTION 2. That local approval is hereby granted for the issuance of a permit by the state for construction gulfward of the state's coastal construction control line.

SECTION 3. This resolution shall take effect immediately upon adoption.

PASSED IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF NAPLES, FLORIDA, THIS _____ DAY OF APRIL, 1985.

Stanley R. Billick Mayor

ATTEST:

Janet Cason
City Clerk

APPROVED AS TO FORM AND LEGALITY BY


David W. Rynders,
City Attorney



AGENDA ITEM #15
1/15/86

City of Naples

--- MEMO ---

TO: HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: CITY MANAGER FRANKLIN C. JONES

SUBJECT: AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL
EMPLOYEES (AFSCME), DISTRICT COUNCIL NO. 79, LOCAL
2017/CONTRACT RATIFICATION

DATE: JANUARY 9, 1986

BACKGROUND: The general bargaining unit, AFSCME, and the City began negotiations in October 1985. After several productive negotiating sessions, an agreement was reached. The amended contract was ratified by union members on Friday, January 3, 1986. This bargaining unit represents 250 of the City's employee work force.

ANALYSIS: The recent negotiations between the City and the bargaining unit were very productive and responsive to the needs of the union. The following are the major changes to the existing contract:

(1) Article 4, Union Representatives

Union representatives shall be admitted to mutually-agreed upon locations to contact management as long as they have the proper written authorization form.

Union representatives shall be allowed to meet with new employees and their supervisors for a short period of time to explain options regarding their relationships with the bargaining unit.

(2) Article 5, Prohibition of Strikes

Defined "lockouts" as denying the employees access to work to pressure employees to accept employer's terms and conditions of employment.

(3) Article 8, Grievance Procedure

Time allotted for filing Step 1 grievances was expanded from 5 to 7 work days. Union representatives will be invited to attend and observe disciplinary action grievances at Steps 2 and 3 involving members of the AFSCME Bargaining Unit.

(4) Article 9, Jury Duty

Revised to require written verification of jury duty attendance by the employee and include paid leave when an employee is subpoenaed in connection with the "Employee Watch Program".

Mayor & Council
January 9, 1986
Page 2

(5) Article 11, Basic Work Week and Overtime Compensation

Removed compensatory time provision, and provided that optional overtime shall be offered in order of seniority. Removed the word "confined" from the stand-by pay provision.

(6) Article 13, Sick Leave

Employees, upon voluntary termination, shall receive 80 hours of pay, if they have 15 years of service and 500 hours of sick leave accrued.

(7) Article 15, Working Out-Of-Classification

Revised to prevent the altering of the level of work assignment for the express purpose of circumventing working out-of-class pay.

(8) Article 16, Holidays

Added President's Day

(9) Article 25, Wages

Provides for general increases effective 4/01/86 - 3%; 1/01/87 - 3.5%; and 1/01/88 - 4%. Performance increases shall range from 0 to 3% with 1% awarded for satisfactory rating. Fifteen year employees at the maximum of their pay range may, upon recommendation of the department head and approval of the City Manager, exceed their pay grade maximum by the approved amount of the performance increase. Performance increases shall be effective the same date as general increases.

(10) Article 28, Entire Contract

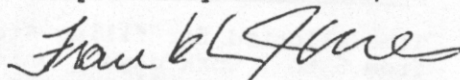
Reopens the pension issue on July 1, 1986 to entertain any recommendation of the General Pension Board.

(11) Letter of Understanding

Replaces the City Manager position of the General Pension Board with a bargaining unit member.

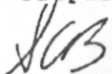
CONCLUSIONS AND RECOMMENDATIONS: In our opinion the proposed contract between the City and AFSCME is fair for the employees and sound from a management perspective. I respectfully request City Council adopt a resolution ratifying the attached three-year contract with the AFSCME Bargaining Unit.

Respectfully submitted,



Franklin C. Jones
City Manager

Prepared by:



Steven C. Brown
Personnel Director

SCB/ca

certified public accountant

1170 Third Street South, Suite 11
Naples, Florida 33940

(813) 649-0015

December 16, 1985

Mr. J. Sandy Scatena
2990 Binnacle Drive
Naples, Florida 33940

Dear Mr. Scatena:

At your request I have reviewed certain documents relating to the 1985-86 budget of the City Manager's Department within the City of Naples Annual Budget.

Based on these documents and other information presented by you, it would appear that the amount budgeted for the sub-account (#480), School and Training Expense, is inaccurate.

The indications, based on the evidence you presented me, are that approximately \$3,900 will be spent for one employee to attend Barry University for the 1985-86 Semester which is the amount actually spent by the City during the 1984-85 year. The amount budgeted (\$1,000) for this account is inadequate to cover even this one expenditure.

I am unaware of any possible reasons for this apparent inaccuracy. However, if I can be of further assistance please feel free to call.

Sincerely,

David T. Webster

David T. Webster, CPA

DTW:df

City Council Meeting - January 15, 1986

Good Morning, Mr. Mayor and City Councilmen:
 For the Record! My name is G. Sandy Scatena
 and I reside at 2990 Buinacle Drive.

When do 2 wrongs make A right? For example,
 the Airlines over-sell tickets on their airplanes -
 therefore, the City of Naples can over-sell Parking
 Permits.

Many years ago, during the Eisenhower Administration,
 we had a Secretary of Defense called Mr. Wilson,
 who had been the former Chairman of the General
 Motors Corporation. He made the following
 well-known statement. "What is good for
 General Motors is good for the Country." Are
 we to believe that what is good for the Airlines
 is good for the City of Naples?

Is the City of Naples so desperate for money
 that it must perform the dishonest Act of
 selling more parking permits than they legally
 have spaces for? They have sold 219 Parking
 Permits for the 202 parking spaces that are
 available for permit holders. This action by
 those in charge of over-selling these parking
 permits is unconscionable! Practices like
 these - must stop.

Mr. Mayor - why should such a dishonest Act be allowed in our wonderful city? If we, the citizens of Naples, cannot trust our city government to treat us honestly whom can we trust?

We must demand higher moral and ethical standards from those in charge of our city government. It is very difficult for those at the top to admit they made a mistake. But those in charge must accept the responsibility of their actions.

2990 Binnacle Drive
Naples, Florida
January 8, 1986

Mr. Franklin C. Jones, City Manager
735 8th Street, So.
Naples, Florida

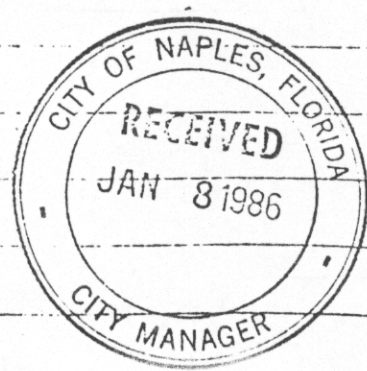
Dear Mr. Jones:

As established owners of A retail business on 5th Ave, So., we respectfully request that an item be placed on the City Council Agenda for the Council Meeting on Wednesday, January 15, 1986 as follows: Discussion regarding the 202 Parking Spaces sold to Permit Holders on the Lower City Parking lots in the Fifth Ave. So. Area. Also, the selling by the City of Naples, of 219 Parking Permits when only 202 Permitted Parking Spaces are available.

Sincerely,
Laurie Scatena
Margaret Scatena

HAND DELIVERED
ON WEDNESDAY, JANUARY 8, 1986
AT 11:49 A.M.

Carol Anderson





City of Naples

735 EIGHTH STREET, SOUTH - NAPLES, FLORIDA 33940

DEPARTMENT OF FINANCE

M E M O

TO: ALL PARKING PERMIT HOLDERS

FROM: Karen Wilson, Accountant *(KW)*

SUBJECT: RATE INCREASE FOR QUARTERLY PARKING

DATE: December 3, 1985

This notice is to inform you of a rate increase which will become effective January 1, 1986. Due to an increased cost of maintenance of the area lots and planned capital improvements over the next four years, the cost of permit parking will increase from \$10.00 per quarter to \$30.00 per quarter. Since these permits are payable in advance, \$20.00 is due from each permit holder before December 16, 1985 to reserve their place for the first quarter of 1986. Should anyone decide not to keep their permit, please notify us at 649-3420 by December 16, 1985 and we will refund their \$10.00. If we have not heard from someone by December 16, we will assume they did not want to keep their permit and we will refund their \$10.00 automatically.

Any inquiries regarding the waiting lists for each lot, availability of spaces in the lots, or the procedures mentioned in this memo can be directed to me in Finance. Any other inquiries should be directed to the City Manager's office at 649-3455.



City of Naples

--- MEMO ---

TO: HOLDERS OF CITY PARKING PERMITS

FROM: FINANCE DIRECTOR FRANK W. HANLEY

SUBJECT: DELAY IN IMPLEMENTATION OF RATE INCREASE

DATE: DECEMBER 12, 1985

Because of difficulty in implementing the increase in parking rates to \$30 per quarter as of January 1st, we will be deferring this increase until April 1st, the beginning of the second quarter of 1986.

We will forward appropriate notice at that time.

Frank W. Hanley
 Frank W. Hanley
 Finance Director

	BEFORE CHANGE	AFTER CHANGE	10/85	TOTAL SPACES
Lot # 1	46	61	121	121
Lot # 2	42	56	108	108
Lot # 3	50	64	92	92
Lot # 4	8	21	21	21
	146	202	342	TOTAL SPACES

342 TOTAL SPACES
 202 PERMIT AS OF 10/85

 146 2-Hour FEE

LOT	Prior to 10/83	10/83	10/85
1	46	52 (61)	67
2	42	48 (56)	62
3	50	55 (64)	69
4	8	8 (21)	21
		202	219

Bonnie Buildings

Total spaces in each lot
 Lot 1 121 spaces
 Lot 2 108 spaces
 Lot 3 92 spaces
 Lot 4 21 spaces

 Total 342 parking spaces
~~202~~ 219 spaces

City To Hike Parking Permit Fees by 200%

Exhibit No. 6

By CHUCK CURRY
Staff Writer

City parking permit holders have been given a three-month reprieve from a 200-percent increase in fees, according to Naples Assistant City Manager Mark Wiltzie.

The increase is being implemented to help pay for improvements to city parking lots over the next four years.

WILTZIE SAID the higher permit cost also would encourage Fifth Avenue South employees to use the parking spaces provided by their companies. That will leave more spaces available in the city lots for workers whose employers do not provide parking.

In a letter dated Dec. 3, permit holders were told they had less than two weeks to renew their permits or lose them. City officials say they would have no trouble finding buyers of unrenewed permits.

"I believe I have 150 on the waiting list for these lots," Wiltzie said. "If we have not heard from someone by Dec. 16, we will assume they did not want to keep their permit," Karen Wilson, a city accountant, said Dec. 3.

The short notice brought complaints to City Hall and the initial deadline of Dec. 16 was extended to April 1.

2/1

Delay in fee hike called politically motivated

By MARK HART
News-Press Bureau

NAPLES— A Naples mayoral candidate charged Tuesday that a recent city decision to delay an increase in fees for downtown parking permits appears to be politically motivated.

Mayor candidate J. Sandy Scatena made the charge regarding a increase from \$10 to \$30 per quarter for each of 202 permits for business district parking spaces. The increase is now scheduled to take effect April 1.

In a Dec. 3 letter from the city, permit holders were notified about the increase, then scheduled to take effect Jan. 1. The letter gave them until Dec. 16 to pay the additional \$20 for the first three months of 1986.

However, a city letter to the permit holders dated Dec. 12 said that the increase was being delayed until April 1 "because of difficulty in implementing the increase."

Scatena, a vocal critic of City Hall, said he met with Assistant City Manager Mark Wiltzie and City Attorney David Rynders to discuss the increase Dec. 9 after he received complaints about it from city residents.

Scatena said the timing of the decision to delay the increase was suspect based on his Dec. 9 discussions with the officials and because the city election will be Feb. 4.

Wiltzie flatly denied the charge of political motivation, although conceding that the short notice of the increase prompted the delay.

He said it was a coincidence that on Dec. 9, when he met with Scatena, he also was fielding several calls from permit holders concerned about the short notice of the increase.

"In response to their concerns, we changed the date," Wiltzie said, adding that the decision was in no way related to the city election's being on Feb. 4.

3/1

Naples Delays Action On Parking Fee Hike

A 200-percent increase in Naples' parking permit fees has been put on hold by Mayor Stanley Billick, who said Wednesday the issue must be brought before the City Council for a public hearing.

An increase from \$10 to \$30 per quarter, or \$40 to \$120 annually, was announced to permit holders in letters sent out two weeks ago.

THE FIRST letter, which said the new fees would take effect on Jan. 1, was updated in recent days — putting off the effective date for three months.

Increases in parking fees were to be used to help defray the cost of a four-year, \$178,000 program to renovate the city's four public parking lots in the Fifth Avenue South shopping district.

Billick said he first read about the parking fee increase in a Tuesday newspaper article.

Although the city staff has the right to make administrative decisions such as permit fee increases, Billick said he thought it best to bring the issue before councilmen and the public.

Billick said his decision does not mean the increase will not occur.

"It's not the dollars involved. That type of thing is so sensitive. Procedure is everything. It's important how you handle these things," Billick said.

Reserved spots in the Fifth Avenue South area parking lots are so popular that nearly 150 people are on a waiting list for permits. Currently, 202 permits are issued for spaces in the four city lots.

CITY WORKERS next summer will begin renovations to four lots in the Fifth Avenue South area. Wiltzie said the program will cost \$178,000, with one lot being renovated each summer.

The \$40 annual fee — or \$10 charge every three months — for each of 200 permits hasn't been changed since the 1960s, Wiltzie said. "Ten dollars doesn't even cover the cost of having the (permit) forms printed, much less maintenance," Wiltzie added. The city also pays for a parking lot monitor who writes citations and a clerk at City Hall to process violations. Fee increases should help offset at least some of the administrative costs of the parking program, Wiltzie said. More money will be generated once the lots are renovated, he said. More parking spaces will be added.

At the City Council meeting - Wednesday, December 18, 1985 - Mayor Billica you made the following

"Last night I read in the Naples Daily News about a 200% increase in our parking fees for our permit parking. That's a staff recommendation. That's a matter of some delicacy. We are getting some input on it and if the council agrees with me, I think we will withhold implementing that decision until the council has had the opportunity to review it.

MEMORANDUM

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
FROM: DAVID W. RYNDERS, CITY ATTORNEY
DATE: NOVEMBER 27, 1985
RE: PENSION PROGRAM FOR MAYOR AND CITY COUNCIL

Attached to this memorandum are copies of:

1. The December 7, 1983, agenda for the City of Naples General Pension Board.
2. A set of minutes of said meeting.
3. A resolution adopted at said meeting determining that the Mayor and Councilmen were members of the City's pension plan.
4. A memorandum from Mr. Frank Hanley dated December 14, 1983, regarding pension buy-back requirements for Councilmen.
5. Ordinance No. 1890 establishing the General Pension Program for the City of Naples.
6. Florida Statutes Section 112.048 whereby the Florida Legislators directed cities to provide a system of retirement for elected officials.
7. Resolution No. 83-4227 setting a uniform procedure for posting notice off Board meetings.

These documents reflect with precision the adoption of a pension program for the Mayor and City Council under direction from the Florida Legislature. Florida Statutes state: "(1) The intent of the Legislature is to authorize and direct each city and town to provide a system of retirement for elected officials,..." Section 112.048 F.S. (emphasis added).

Under this direction the question arises as to the applicability of the existing general pension plan to the Mayor and Councilmen. Section 10 of Ordinance No. 1890 establishing the membership requirements for the pension plan states that:

"The membership of the retirement system shall include all persons who are in the employ of the City and all persons who become employed by the City..."

Certain exceptions are provided in subsection (b).

Subsection (d) then states:

In any case of doubt as to the membership status of any person the Board (of Trustees) shall decide the question within the meaning of the provisions of this ordinance.

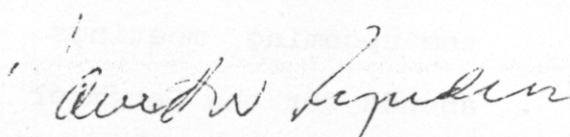
On December 7, 1983, the Board of Trustees decided precisely that question. Determining that the Mayor and Councilmen were members of the retirement system, the Pension Board adopted the resolution attached to the minutes. This determination is fully supported by the facts. The Mayor and City Council are automatically subject to all social security deductions, health and life insurance deductions as well as withholding tax, all indicating that for salary and compensation purposes the Mayor and Councilmen have always been treated as employees.

In February, 1983, the City Council adopted a uniform policy for the posting of agendas for meetings of all City boards so as to advise the public and various media about the upcoming meetings. See Resolution No. 83-4227. The agenda for the December 7, 1983, Pension Board meeting was posted in the City Clerk's office, specifically in the press

room where such notices are regularly posted, for one (1) full week prior to the meeting. Thus, all legally required notice to the public of the public meeting was provided. The meeting and the decisions made at that meeting are therefore legal and binding respectively.

Mr. Hanley's memorandum of December 14, 1983, indicates the amounts of money required for buy-back of previous years service to be credited for pension purposes.

In summary, the State Legislature has directed cities to provide pension plans for their elected officials. The City of Naples has adopted a reasonable and prudent pension program for its employees which provides for the Board of Trustees to make determinations in case of doubt as to the membership of particular persons in the pension plan. The Board of Trustees, at a regular meeting, duly noticed as required by law, made a reasonable and logical determination that the Mayor and Councilmen were members of the pension plan. The pension plan has since been applied equitably to the Mayor and Councilmen. No legal problems can be found about the acts of the Legislature, the City Council or the Board of Trustees in connection with these issues. Therefore, it is my opinion that the matter has been satisfactorily and legally resolved.



David W. Rynders
City Attorney



City of Naples

--- MEMO ---

TO: COUNCILMAN ROTHCHILD
FROM: CITY MANAGER FRANKLIN C. JONES
SUBJECT: PARTICIPATION BY COUNCIL IN GENERAL PENSION PLAN
DATE: DECEMBER 20, 1983

At the meeting of December 7, the General Pension Board confirmed that members of the City Council are also members of the retirement system under our current ordinance provisions. Therefore, beginning January 1, 1984, 3% will be deducted from your paycheck for contribution to the system.

The Board also determined that members of the current Council may receive credit for total time served by purchasing that credited service in a manner similar to employees with interrupted service referred to in Section 18-31(b).

Since you were elected in 1980, you have earned over three years of credited service. In order to buy back this credited service in the pension plan, we have calculated a total payment of \$1,017.74 which consists of \$922.50 principal and \$95.24 interest. This is based on a rate of 5.5%. (Interest for credited service prior to 1979 was calculated at a rate of 5%.) The total salary on which these contributions are based is \$30,750.00. The pay-back figures quoted above are good through the end of the year; at that point, additional interest will be due.

If you would like additional information on our computations, please let me know.

Sincerely,

Franklin C. Jones
City Manager

FCJ/tan

FLORIDA LEAGUE OF CITIES, inc.

201 WEST PARK AVENUE - POST OFFICE BOX 1757
TALLAHASSEE, FLORIDA 32302 - TELEPHONE 904/222-9684

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MAYOR, ATLANTIC BEACH

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COMMISSIONER, DANIA

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COUNCILMAN, PERRY

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MAY JAYTONA BEACH

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ALE PRINTUP
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COUNCIL PRESIDENT, JACKSONVILLE

ERMANDO E. LACASA
VICE MAYOR, MIAMI

OB MARTINEZ
MAYOR, TAMPA

HARLES L. "CHUCK" FISHER
VICE MAYOR, ST. PETERSBURG

RICHARD A. MILLS
COMMISSIONER, FORT LAUDERDALE

ALE G. BENNETT
MAYOR, HIALEAH

ICKIE E. GROSSMAN
COMMISSIONER, HOLLYWOOD

LL FREDERICK
MAY ORLANDO

UF .. MEYERSON
MAYL MIAMI BEACH

JAMES R. FORD
COMMISSIONER, TALLAHASSEE

PAST PRESIDENTS

L. PLUMMER, JR.
COMMISSIONER, MIAMI

April 2, 1982

Councilman Harry Rothchild
600 Regatta Road
Naples, FL 33940

Dear Councilman Rothchild:

Below is a list of cities which offer elected officials membership under the city pension system, the Florida Retirement System or a special city plan. All of these cities are in the surveyed 10-25,000 population range, except for Hialeah, West Miami, Tampa, Tallahassee and Sunrise which also cover elected officials in their plans.

	<u>City Plan</u>	<u>FRS</u>	<u>Special Plan</u>
	Belle Glade	Altamonte Springs	South Miami
	Casselberry	Longwood	Tampa
	Dania	New Smyrna Beach	
	New Port Richey	Sanford	
	Oakland Park		
	Ormond Beach		
	Wilton Manors		
	West Miami		
	Tallahassee		
	Sunrise		
	Hialeah		

(NOTE: Total cities surveyed: 51)

All Counties, of course, are under the FRS but commissioners may opt out of the system. Under FRS, all paid city employees are covered for pension benefits; therefore all elected officials who receive a salary are eligible. I will forward a list of cities currently enrolled in FRS as soon as I receive it. If I may be of assistance in the future, please do not hesitate to contact me.

Yours Truly,
Carol Marchner
Carol A. Marchner
Labor Mgt.
Relations Service

