



City of Naples

City Council Minutes
Regular Meeting 11/04/87

City Council Chambers
735 Eighth Street South
Naples, Florida 33977

-SUBJECT-	Ord. No.	Res. No.	Page
<u>ANNOUNCEMENTS</u>			
MAYOR PUTZELL: None.			
CITY MANAGER JONES: Advised that the City Council Workshop scheduled for November 11, 1987, had been cancelled due to the Veteran's Day holiday. The next Workshop meeting, he said, would be held on November 25, 1987, at 9:00 a.m.			1
<u>APPROVAL OF MINUTES:</u> October 21, 1987, Regular Meeting			1
<u>PURCHASING</u>			
-BID AWARD annual requirements for pesticides, herbicides and fungicides.		87-5417	2
<u>RESOLUTIONS</u>			
-APPOINT John Sturgis to Planning Advisory Board and Tor Kolflat as alternate.		87-5418	2
-APPROVE contract with McDonnell Douglas for purchase of hardware and software.		87-5423	5-6
-APPROVE contract with Pre-Con for construction of two 5MG water storage tanks.		87-5424	6-7
-APPROVE purchase order for purchase of land on Everglades Boulevard from Vinel W. and Joan B. Clark.		87-5425	7
-APPROVE change order #1 to SEU Construction, Inc., effluent reuse system of the Wastewater Treatment Plant Expansion.		87-5426	7
-APPROVE change order #6 to T. A. Forsberg, Inc., reclaimed water distribution system.		87-5427	
-APPROVE purchase of telemetering equipment.		87-5428	
-APPROVE Quit-Claim Deed to Northgate Village Development vacating part of a utility easement.		87-5429	9
<u>ORDINANCES - First Reading</u>			
-APPROVE authorization to borrow \$138,790 for a computer system from Barnett Bank.	87-		5
<u>ORDINANCES - Second Reading</u>			
-ADOPT bond issue Water and Sewer Revenue Bonds, Series 1987, for \$3,600,000.	87-5419		2-3
-ADOPT Section 23-15(B) providing for the installation of three hour, on-street parking meters.	87-5420		3
-ADOPT Section 23-16(A) to provide for a fine of \$6.00 for violation of Article IV, Parking Meters.	87-5421		4
-ADOPT Section 23-9(O) prohibiting parking in a space designated for permit parking only.	87-5422		4
<u>DISCUSSION/ACTION</u>			
-Residences Versaille petition for reinstatement of building permits.			9-1
-Bayside Hotel Corporation for reinstatement of building permits.			10-
-Beach Operations Agreement with Collier County.			11

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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-McDonald				X	
Barnett				X	
Bledsoe		X		X	
Crawford				X	
Graver				X	
Richardson		X		X	
Putzell (7-0)				X	

---ORDINANCE NO. 87-

ITEM 11

AN ORDINANCE OF THE CITY OF NAPLES PROVIDING FOR THE ACQUISITION OF CERTAIN CAPITAL EQUIPMENT; AUTHORIZING THE BORROWING OF \$138,790 FOR THAT PURPOSE; AUTHORIZING THE DELIVERY OF A PROMISSORY NOTE TO EVIDENCE OF THE OBLIGATION OF THE CITY TO PAY SAME FROM SOURCES OTHER THAN AD VALOREM TAXATION; FIXING THE FORM, DATE, MATURITY, AND INTEREST RATE WITH RESPECT TO SUCH NOTE; AUTHORIZING FURTHER OFFICIAL ACTION IN CONNECTION WITH THE DELIVERY OF SUCH NOTE; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Manager Jones.

Finance Director Hanley explained that Council had previously directed staff to negotiate a Loan Agreement for the purchase of a computer system from Barnett Bank. City Manager Jones noted that the bank has requested this ordinance because there had not been a specific pledge of monies and to ensure their tax deductibility.

In response to Mr. Graver, Mr. Hanley advised that cigarette taxes, State revenue sharing monies, etc. could be used to repay the loan.

MOTION: To APPROVE the ordinance as presented at first reading.

*** *** ***

---END FIRST READINGS---

---RESOLUTION-NO. 87-5423

ITEM 12

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A CONTRACT WITH MCDONNELL DOUGLAS COMPUTER SYSTEMS COMPANY FOR THE PURCHASE OF HARDWARE AND SOFTWARE FOR THE POLICE DEPARTMENT; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Manager Jones.

Finance Director Hanley advised that staff recommends approval of a Sales Agreement with McDonnell Douglas Computer Systems Company in the amount of \$100,392. The original concept, he said, was to transfer the existing mainframe computer from Finance to the Police Department; however, upon careful study, staff realized that a more powerful computer was needed for the police. Mr. Hanley pointed out that staff had reviewed systems used in other cities and have found the McDonnell Douglas computer the most recommended.

In response to Mayor Putzell, Mr. Hanley advised that this system included a fire dispatch program, emergency medical program, hose testing program, etc. City Manager Jones added that the computer would also be compatible to that in Finance and provide a back-up of the full system.

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COUNCIL MEMBERS	MOTION	S E C O N D	VOTE		A B S E N T
			Y E S	N O	
Anderson-McDonald			X		
Barnett		X	X		
Bledsoe			X		
Crawford			X		
Graver			X		
Richardson	X		X		
Putzell (7-0)			X		

Mr. Crawford said that he was impressed with the computer's "user friendliness" and asked what the annual maintenance cost would be. Mr. Hanley advised that it would cost approximately \$5,200 per year for service and maintenance.

MOTION: To APPROVE the resolution as presented.

*** **

UTILITIES

ITEM 13

---RESOLUTION NO. 87-5424

Item 13-a

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE CONTRACTS BETWEEN THE CITY OF NAPLES AND PRE-CON INC. AND CARDINAL CONTRACTORS, INC., RELATING TO THE CONSTRUCTION OF TWO 5MG WATER STORAGE TANKS; AUTHORIZING THE CITY MANAGER TO ISSUE PURCHASE ORDERS THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Cardinal Contractors, Inc.
\$1,067,000

Pre-Con Corporation
\$1,409,380

Title read by City Manager Jones.

Utilities Director Chaffee advised that funding for these two water storage tanks was included in the Capital Improvement Program (Projects 87-109 and 87-118). Mayor Putzell referred to a letter dated October 23, 1987, from Boyle Engineering Corporation regarding certain criteria which must be met by Cardinal Contractors, Inc. (Attachment #3). Mr. Chaffee said that Cardinal was aware of the requirements and had agreed to the same.

Mrs. Anderson-McDonald referred to a letter received from The Crom Corporation (Attachment #4) and asked Mr. Chaffee to comment. In response, Mr. Chaffee explained that because Pre-Con was the low bidder by \$85,000 and had met all the City's requirements, staff recommended that the bid be awarded to them. Mr. Vernon Lynch, Boyle Engineering Corporation, supported the staff's recommendation although he admitted that he had not previously worked with Pre-Con. Mrs. Anderson-McDonald referred to the sealing process patented by Crom and asked if Pre-Con's work would be comparable; staff and Boyle Engineering reiterated their recommendations to award the bid to Pre-Con.

After a brief discussion comparing Crom and Pre-Con's experience and workmanship, Utilities Director Chaffee reiterated that although Crom does excellent work, Pre-Con had met the City's requirements and was the low bidder. Mr. Bledsoe asked if Pre-Con would be bonded to which Mr. Chaffee advised that they would. He pointed out that there was a one-year warranty for each tank.

In response to Mr. Graver, Mr. Lynch advised that the procedure Pre-Con used was similar to that used

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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>by Crom prior to its new patented process. Mr. Lynch further stated that he was not familiar with Crom's new technique.</p> <p>MOTION: To <u>APPROVE</u> the resolution as presented.</p> <p>*****</p> <p>---<u>RESOLUTION NO. 87-5425</u> Item 13-b</p> <p>A RESOLUTION AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER IN CONJUNCTION WITH THE PURCHASE OF LAND ON EVERGLADES BOULEVARD, MORE PARTICULARLY DESCRIBED HEREIN, FROM VINEL W. CLARK AND JOAN B. CLARK, WHICH SITE WILL HOUSE ONE WELL AND THE PROPOSED STANDBY GENERATION BUILDING AND EQUIPMENT IN THE EAST GOLDEN GATE WELLFIELD; AND PROVIDING AN EFFECTIVE DATE.</p> <p>Title read by City Manager Jones.</p> <p>Utilities Director Chaffee explained that staff recommends purchase of this property for the placement of three wells. Mayor Putzell asked if a title search had been completed; Mr. Chaffee advised that the City Attorney had already obtained one and that a warranty deed would also be provided.</p> <p>In response to Mr. Crawford, Mr. Chaffee commented that the property was approximately 2-1/2 acres and with the placement of these wells would bring the City's water capacity to 24-million gallons.</p> <p>MOTION: To <u>APPROVE</u> the resolution as presented.</p> <p>*****</p> <p>---<u>RESOLUTION NO. 87-5426</u> Item 13-c</p> <p>A RESOLUTION AUTHORIZING THE ISSUANCE OF CHANGE ORDER NO. 1 TO SEU CONSTRUCTION, INC., FOR EXTRA WORK REQUIRED OF THE CONTRACTOR TO MEET THE CONDITIONS ENCOUNTERED IN THE FIELD IN CONJUNCTION WITH THE CONSTRUCTION OF THE EFFLUENT REUSE SYSTEM OF THE WASTEWATER TREATMENT PLANT EXPANSION; AND PROVIDING AN EFFECTIVE DATE.</p> <p>Title read by City Manager Jones.</p> <p>Utilities Director Chaffee advised that this Change Order was necessitated by unknown field conditions encountered during construction.</p> <p>Mayor Putzell suggested that Section 1 of the resolution be amended to read: as set forth in the October 16, 1987, letter from Camp, Dresser & McKee, Inc.</p> <p>MOTION: To <u>APPROVE</u> the resolution with the following amendment to Section 1: as set forth in the October 16, 1987, letter from Camp, Dresser & McKee, Inc.</p> <p>*****</p>	<p>Anderson-McDonald</p> <p>Barnett</p> <p>Bledsoe</p> <p>Crawford</p> <p>Graver</p> <p>Richardson</p> <p>Putzell (7-0)</p>	<p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p>	<p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p>	<p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p>	<p></p> <p></p> <p></p> <p></p> <p></p> <p></p> <p></p>
<p>Anderson-McDonald</p> <p>Barnett</p> <p>Bledsoe</p> <p>Crawford</p> <p>Graver</p> <p>Richardson</p> <p>Putzell (7-0)</p>	<p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p>	<p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p>	<p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p>	<p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p>	<p></p> <p></p> <p></p> <p></p> <p></p> <p></p> <p></p>
<p>Anderson-McDonald</p> <p>Barnett</p> <p>Bledsoe</p> <p>Crawford</p> <p>Graver</p> <p>Richardson</p> <p>Putzell (7-0)</p>	<p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p>	<p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p>	<p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p>	<p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p>	<p></p> <p></p> <p></p> <p></p> <p></p> <p></p> <p></p>

CITY OF NAPLES, FLORIDA

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COUNCIL MEMBERS	MOTION	SECTION	VOTE		ABSENT
			Y	N	
<p>---RESOLUTION NO. 87-5427 Item 13-d</p> <p>A RESOLUTION AUTHORIZING THE ISSUANCE OF CHANGE ORDER NO. 6 TO T. A. FÖRSBERG, INC. OF FLORIDA IN CONJUNCTION WITH THE RECLAIMED WATER DISTRIBUTION SYSTEM TO PROVIDE AN IRRIGATION SYSTEM FOR THE MOORINGS PARK AND BEAR'S PAW SERVICES; AND PROVIDING AN EFFECTIVE DATE.</p> <p>Title read by City Manager Jones.</p> <p>Utilities Director Chaffee explained that this Change Order was to install an extension to the reclaimed water distribution system for Moorings Park and Bear's Paw. In response to Mayor Putzell, Mr. Chaffee pointed out that competitive bids were not necessary as this was an on-going contract which had previously been submitted for bid.</p> <p>Mr. Richardson asked when the system was anticipated to be on-line to which Mr. Chaffee estimated approximately January 12, 1988.</p> <p><u>MOTION:</u> To <u>APPROVE</u> the resolution as presented.</p> <p style="text-align:center">*****</p>					
Anderson-McDonald			X		
Barnett			X		
Bledsoe		X	X		
Crawford			X		
Graver			X		
Richardson	X		X		
Putzell			X		
(7-0)					
<p>---RESOLUTION NO. 87-5428 Item 13-e</p> <p>A RESOLUTION AUTHORIZING THE PURCHASE OF ADDITIONAL TELEMETERING EQUIPMENT FROM A PREVIOUSLY-AWARDED BIDDER FOR THE WASTEWATER TREATMENT DIVISION, UTILITIES DEPARTMENT; WAIVING THE REQUIREMENTS FOR COMPETITIVE BIDS THEREON; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.</p> <p style="text-align:center">STA-CON, Inc. Apopka, Florida \$118,696</p> <p>Title read by City Manager Jones.</p> <p>Utilities Director Chaffee commented that staff had negotiated an extension of the contract with STA-CON, Inc. This extension resulted in a three-year cost savings to the City. In response to Mr. Graver, Mr. Chaffee advised that the City's telemetry equipment has saved approximately 45 man hours per week and alerted staff to 440 potential alarms in the water system; 50 of which required field work.</p> <p>Mayor Putzell asked about water main work currently being completed on Gordon Drive to which Mr. Chaffee explained that the contractor, Institutorm, Inc., was placing slip lines inside the sewer pipes to keep them from collapsing. This action prevents the need of digging in citizen's yards to repair the lines, he said.</p> <p><u>MOTION:</u> To <u>APPROVE</u> the resolution as presented.</p> <p style="text-align:center">*****</p>					
Anderson-McDonald			X		
Barnett			X		
Bledsoe		X	X		
Crawford			X		
Graver			X		
Richardson	X		X		
Putzell			X		
(7-0)					

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>RESOLUTION NO. 87-5429</u> Item 13-f</p> <p>A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A QUIT-CLAIM DEED TO NORTHGATE VILLAGE DEVELOPMENT, VACATING A PART OF UTILITY EASEMENT MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.</p> <p>Title read by City Manager Jones.</p> <p>Utilities Director Chaffee advised that the petitioner has asked the City to vacate a portion of a utility easement. This vacation will allow for the proper development of the Northgate Village plat and the necessary utility easements deeded to the City. Mr. Chaffee pointed out that the Quit-Claim Deed and the plat would be recorded simultaneously to assure that the easements are properly documented.</p> <p>Mayor Putzell referred to Section 2 of the resolution and suggested that it be amended to specify which Northgate Village plat.</p> <p><u>MOTION</u>: To <u>APPROVE</u> the resolution with an amendment in Section 2 specifying which Northgate Village plat.</p> <p>*** *** ***</p> <p><u>PETITIONS FOR REINSTATEMENT OF BUILDING PERMITS</u> <u>ITEM 14</u></p> <p style="text-align:right"><u>Item 14-a</u></p> <p>RESIDENCES VERSAILLES (CONTINUED FROM REGULAR MEETING OF SEPTEMBER 16, 1987).</p> <p>City Manager Jones noted the petitioner had requested that this item be postponed until the November 18, 1987, meeting (Attachment #5). Attorney James Siesky, representing the petitioner, explained that his client was proposing a possible solution to the dispute: reduce the building to three stories and extend the time limit of the permit to accommodate such construction. Residences Versailles proposed this solution, he said, so that it did not have to "retrace" its steps to apply for the necessary variances and permits. Architect Robert Forsythe supported the developer's new design and asked Council for its approval.</p> <p>Mrs. Anderson-McDonald pointed out that it was Council's responsibility to determine whether there was just cause for the revocation of the Residences Versailles building permit, not to review possible site plans for a new structure. Attorney Siesky said that the only other alternative to this dispute was litigation. Mayor Putzell, however, pointed out that Council's responsibility was to uphold the laws of the City which in this case was to determine whether the permit had been properly withdrawn because of suspension or abandonment of the project.</p> <p>Mr. Bledsoe asked why the petitioner refused the City Attorney's request for depositions. Attorney</p>					
Anderson-McDonald				X	
Barnett				X	
Bledsoe	X			X	
Crawford				X	
Graver		X		X	
Richardson				X	
Putzell (6-0)				X	X

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evidence of sufficient off-site work to warrant reinstatement of the permit.

MOTION: To APPROVE reinstatement of the Bayside Hotel Corporation's building permit with a completion date of June 15, 1988.

*** *** ***

ITEM 15

DISCUSSION ACTION WITH REFERENCE TO BEACH OPERATIONS AGREEMENT WITH COLLIER COUNTY. (CONTINUED FROM REGULAR MEETING OF OCTOBER 21, 1987).

City Manager Jones advised that the Interlocal Agreement had been reviewed and edited by the County. The County expressed a desire to review budgets, he said, and has further requested that decals be issued to Collier County and City residents for a \$1 fee.

Mayor Putzell pointed out that it has been the City's contention to provide beach parking free-of-charge to City residents because they have previously carried the total tax burden for maintenance of the beaches and beach end parking lots. City Manager Jones suggested that Police Volunteers be situated in centrally located areas, such as Coastland Mall, to distribute the decals. Residents would need to present a valid driver's license or voter's registration plus vehicle registration, he said.

Mr. Tom Olliff, representing the County, advised that the County conceptually approves the Agreement; however, it wants a budget estimate of this year's proposed revenue and expenses.

Mayor Putzell asked about handicap parking to which Mr. Jones replied that it would be free to any handicapped driver. Mr. Jones further advised that staff has been working towards finalizing a budget. The beach operations budget will necessitate changes in the ordinance regarding meter rates and times, he said. Staff recommends the hours of operation at the beachends to be from 8:00 a.m. to 11:00 p.m.

Mr. Crawford asked if the time limit could be decreased on the meters. City Engineer Gronvold explained that the meter's inside mechanism could be adjusted to accommodate a different time limit.

It was the consensus of Council to proceed with the Interlocal Agreement between the City and County as presented to the Council at this meeting.

*** *** ***

CORRESPONDENCE AND COMMUNICATIONS: None

*** *** ***

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-McDonald			X		
Barnett			X		
Bledsoe	X		X		
Crawford					X
Graver			X		
Richardson		X	X		
Putzell			X		
(6-1)					
Anderson-McDonald					
Barnett					
Bledsoe					
Crawford					
Graver					
Richardson					
Putzell					
			C O N S E N S U S		

ATTACHMENT #1

SUPPLEMENTAL ATTENDANCE LIST

Reverend Rick Morrell
 W. W. Haardt
 Larry Green
 Yvon Rumerchene
 Herb Anderson
 Monique MacGlothlin
 Willie Anthony

Sarah Sauer
 Charles Andrews
 Vernon Lynch
 Ed Beekman
 Bruce Green
 Robert Galloway
 Hubert Howard

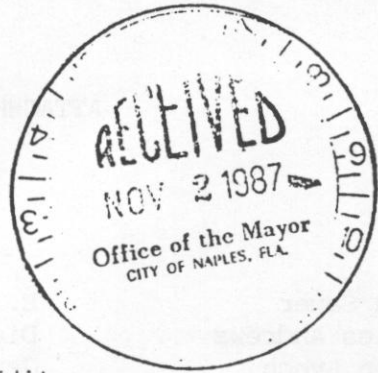
E. R. Wagner
 Dick Tucker
 Jean P. Agniel
 Lee Layne
 Ed McMahon
 Robert Schroer

Other interested citizens and visitors.

NEWS MEDIA

Donna Winn, Palmer TV-10
 William Upham, Naples Times
 Beverly Cameron, WINK-TV
 Bob Goldberger, WBBH-TV

Marty Bonvechio, Naples Daily News
 Gary Arnold, WEVU-TV 26
 Lori Rosza, Miami Herald
 Ron Rauch, WEVU-TV



J. Sandy Scatena
 2990 Binnacle Drive
 Naples, Florida 33940

October 26, 1987

Alan M. Horton, Editor
 Naples Daily News
 1075 Central Avenue
 Naples, Florida 33940

Re: Letter to the Editor

An Open Letter to the Mayor and City Council:

The proposed 300% increase in parking meter fines on Fifth Avenue South will drive (pardon the pun) customers away from shopping in the downtown area where there are parking meters. Any customer who gets a ticket and must pay a \$6.00 fine will surely think twice before he comes to downtown Naples to shop again. Just keep in mind what happened in Fort Myers when the parking meter fines were raised to \$5.00. Today- downtown Fort Myers is no longer a viable shopping area.

I would greatly appreciate, Mr. Mayor and City Council members, if you would explain the reason there are parking meters on Fifth Avenue South, and adjacent streets in downtown Naples and none in the Third Street South Shopping Area?

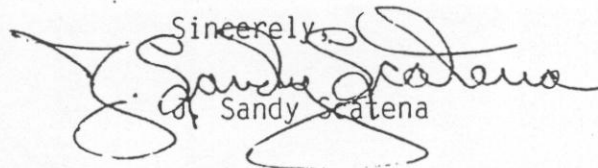
Please do not pass this parking meter ordinance as it is presently written because it is most unfair to the merchants and their customers and the professional offices and their customers who shop and do business in downtown Naples.

I respectfully request that you consider changing this proposed ordinance as follows: Free Parking- 3 hours maximum- Violators subject to a \$6.00 fine.

If you make these changes, you will achieve the following objectives:

- 1) Show fairness to the retail merchants and professionals on Fifth Avenue South and adjacent streets. This area is the only area in Naples that has parking meters; certainly a detriment to the business people and their customers.
- 2) You will then not have to spend \$5,000.00 to change the existing parking meters to 3 hours- a substantial savings to the City.
- 3) You would resolve the problem of employee's parking all day in front of businesses because after 3 hours of free parking the violators would be subject to a \$6.00 fine.

Sincerely,


 J. Sandy Scatena

Boyle Engineering Corporation

Suite 201
2125 First Street
Fort Myers, Florida 33901

engineers|planners|surveyors

813 / 337-3838

CITY OF NAPLES
Mr. James L. Chaffee, PE
Utilities Director
735 Eighth Street South
Naples, FL 33940

October 23, 1987

Water Storage Tanks Project - Contract No. 1/Recommendation
for Award - City Bid #88-14

We have attached the bid tabulation compiled on the basis of information received from the City for the three bids opened on October 22, 1987. On all three bids the mathematics were reviewed and appear to conform to the prices and total base bids as submitted, with no errors detected.

On the basis of the total base bids submitted and confirmed above, Cardinal Contractors, Inc. is the apparent low bidder. We contacted the references provided by Cardinal, as well as the engineers involved in the referenced projects, and received positive comments regarding Cardinal. We therefore have no knowledge of previous difficulties with this firm which would preclude the City from awarding this project to Cardinal.

We recommend the City award the North Naples and East Naples Water Storage Tank Sites project, Contract No. 1 - General Construction, to Cardinal Contractors, Inc. /This award by the City should be contingent upon the understanding by Cardinal that some of the supplier's names referenced in their bid package constitute substitutions to those named in the specifications and may or may not be allowed pending shop drawing reviews. The outcome of substitution reviews will not constitute allowable changes in the contract bid price.

BOYLE ENGINEERING CORPORATION



Eddie D. Edwards, PE
Managing Engineer

FM-N15-101-00/smc

Boyle Engineering Corporation

Suite 201
2125 First Street
Fort Myers, Florida 33901

engineers|planners|surveyors

813 / 337-3838

CITY OF NAPLES
Mr. James L. Chaffee, PE
Utilities Director
735 Eighth Street South
Naples, FL 33940

October 23, 1987

Water Storage Tanks Project - Contract No. 1/Recommendation
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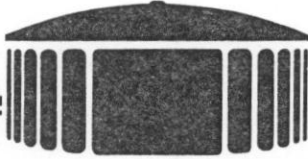
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BOYLE ENGINEERING CORPORATION



Eddie D. Edwards, PE
Managing Engineer

FM-N15-101-00/smc



THE CROM CORPORATION

Prestressed Composite Tanks

Stephen W. Pavlik, President
 Theodore R. Crom, P.E.
 R. Bruce Simpson
 H. E. Puder
 James A. Neff, P.E.
 Lars Balck, Jr., P.E.
 Charles S. Hanskat, P.E.
 Raymond A. Girard, P.E.
 Samuel O. Sawyer, P.E.
 Richard L. Bice, P.E.

November 2, 1987

William F. Bledsoe, Councilman
 City of Naples
 City Hall
 735 Eighth Street South
 Naples, Florida 33940

Subject: City of Naples
 Water Storage Tanks Project
 Contract No. 2
 N. Naples and E. Naples Storage Tanks

Dear Councilman Bledsoe:

Before the contract is awarded on the water storage reservoirs for the City, I respectfully request that you allow me to point out certain item before you make your decision.

The Crom Corporation has been in business since 1952 and has built seven tanks for the City. We have always endeavored to produce the highest quality tank available and to follow up our work with service.

We are now faced with a situation that gives us a new challenge: to preserve our quality and service to our clients, and at the same time to be competitive enough to obtain work. We hope that the City can help us by awarding us this contract.

Some of the items I would like to point out to you are:

1. The low bidder, Precon Corporation, has not built, in its own company name, five tanks of comparable size. Although the principal in that company may claim that kind of experience, it is the construction company that builds and guarantees the tank, not an individual. The company is required to exert considerable effort using a staff of trained and experienced personnel to properly construct a project of this magnitude.
2. The Crom Corporation has a full time safety and training department that educates its field personnel in tank construction techniques and instills in them the virtues of quality construction. The construction of a 160' diameter dome is not something to be taken lightly. Formwork fabrication must be done by experienced people.

William F. Bledsoe, Councilman

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November 2, 1987

3. The stresses generated at the floor-wall joint of a tank of this size are considerable. The Crom Corporation in conjunction with the University of Florida developed and patented a combination bearing pad and waterstop to accommodate the connection at the base of the wall. The Precon Corporation has attempted to copy our design but has not generated design data on the product's behavior nor has the product been used in a tank anywhere close to the volume of the two tanks under consideration.
4. The Crom Corporation worked on development of the state-of-the-art method of sealing the joints between the sheets of steel shell diaphragm, which is incorporated in our composite wall. Precon also copied this technique. We were, however, able to protect ourselves by obtaining the patent rights to this process. Precon was then forced to use the outdated caulking method, which it has used only on structures much shallower than the Naples tanks. The Naples tanks are tall and will experience considerably higher hydraulic pressures.
5. The City has included in the design of this tank architectural treatment to enhance the appearance of the tanks. It takes skilled craftsmen, such as we have, to produce the desired finishes required for this architectural treatment. Precon Corporation has never built a tank with architectural treatment.
6. The guarantee on the tanks is only as good as the company that offers the guarantee. The Crom Corporation has been in business since 1952 and has an excellent reputation for producing excellent work and standing behind its work. Precon Corporation is a company that has been in business for less than five years and is basically run by one individual.

It is not our style to be negative, and in fact as a company we emphasize the positive in all that we do. It is not surprising that our bid was 5% higher than Precon. We would anticipate that the City expects these tanks to last for at least 50 years. If these tanks are not built with the best available construction standards, the best equipment, the best people and quality control, the City may eventually spend much more than the small initial cost savings. The Crom Corporation guarantees that the City will receive more in quality and service than is represented in the difference in the bids. We hope that you will consider this when you make your decision on November 4 and will recommend that the tanks be awarded to The Crom Corporation, a company that has served you well in the past. We have enclosed our brochure and record of

William F. Bledsoe, Councilman

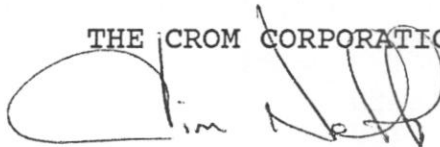
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experience which shows some of the work that we have done and lists the tanks that we have built. Please let us know if you have any questions or if there is anything more we might be able to do to help our cause.

Very truly yours,

THE CROM CORPORATION



James A. Neff, P.E.
Vice President

JAN:bjs
Enclosure

SIESKY AND LEHMAN, P.A.
ATTORNEYS AT LAW

JAMES H. SIESKY
CHARLES C. LEHMAN
PHILIP J. FAIRMAN

791 TENTH STREET SOUTH, SUITE B
NAPLES, FLORIDA 33940-6725
TELEPHONE (813) 963-8357

November 4, 1987

Mr. Franklin Jones
City Manager
735 8th Street South
Naples, Florida 33940

Dear Frank:

Subject: Residences Versailles Project

The Developer of the project Residences Versailles has authorized me to propose a possible solution to the ongoing dispute as to the validity of its building permit. However, I believe that it is important for both the City of Naples and Residences Versailles that the City Attorney participate in the identification of legal issues and other issues which need to be addressed by any solution. Consequently, I request that Council's consideration of this matter be postponed until November 20, 1987. This postponement would permit the possible presentation of a thoroughly considered solution.

Thank you for attention to this matter. If you wish to discuss this matter with me further, please contact me at your convenience.

Very truly yours,

/s/

James H. Siesky

JHS/ss

cc: Mrs. Monique MacGlothlin



City of Naples

MEMO

TO: HON. MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: DAVID W. RYNDERS, CITY ATTORNEY

DATE: NOVEMBER 1, 1987

RE: INVESTIGATION OF THE LE VERSAILLES HOTEL BUILDING
PERMIT REINSTATEMENT APPLICATION

I have had the opportunity of reviewing work records concerning labor performed at the Le Versailles Hotel, together with the construction contract between Turner Construction Company and Residences Versaille, Inc. and associated documents. In addition, several conversations with Mr. Siesky and personnel at Turner Construction Company have taken place with results as indicated below. The following is a recitation of the factual background involving progress of work at Le Versailles:

Beginning in May 1987, GLC construction installed approximately 50 of 450 necessary pilings and stopped work. Following the termination of GLC's work on the site, Mrs. MacGlothlin apparently requested Seaboard Construction Company to undertake the work. Seaboard Construction Company did not execute a contract with Mrs. MacGlothlin or Residences Versaille. Seaboard is a subsidiary of Turner Construction Company, which has subsequently taken over and contracted to complete the hotel. Apparently, because Turner has a contract for the construction, Turner has been billed by Seaboard for its labor, though no contract between Turner and Seaboard exists for any part of the work.

Seaboard placed one man on the site beginning on or about the first of July, 1987. This man was paid for a full week's work for each of four weeks until the first of August, 1987, when he was replaced by another gentleman who was paid for a few days of work every week through the first week of September. His labor and the labor of the gentleman preceding him in July consisted mainly of some shoveling around the foot of the few

pilings that were previously installed by GLC Construction Company.

Insofar as we have been able to determine no contract exists for the demolition of the existing structures on the hotel site; and this work is specifically excluded from the construction contract with Turner.

No offsite engineering or architectural work has been performed in connection with the hotel project since April, 1987. All of the value engineering performed and described briefly to the Council was accomplished prior to July and incorporated into the July 30, 1987, contract between Residences Versailles, Inc. and Turner Construction Company.

Apparently, the pilings installed by GLC Construction were tested by Law Engineering. However, the test results were never pick up from Law Engineering and have not been reviewed or analyzed for purposes of making any necessary corrections.

The contract between Turner and Versailles provides that work shall be commenced upon issuance of a Notice to Proceed by the owner and acceptance of same by the contractor. No Notice to Proceed has been issued in this contract. The contract indicates that completion time will take approximately 12 months from the Notice to Proceed. The contract also specifically requires the owner to perform a number of obligations before Turner's responsibilities begin:

1. The owner must have the value engineering cost savings suggestions incorporated into the final design by the architect. This architectural work has not begun.
2. The owner shall provide builders risk insurance. We have not been able to obtain an answer from Mr. Siesky as to whether this builder's risk insurance has been in place. Turner had not yet been advised that the insurance has been acquired.
3. The owner is required to furnish the contractor satisfactory evidence of sufficient financing to complete the project. This evidence has not been provided to the contractor yet. Mrs. MacGlothlin has advised Turner that her source of financing won't close on the loan until the building permit question is resolved. One must obviously conclude from this that the financing was not in place through June, July and August, prior to the revocation of the building permit.

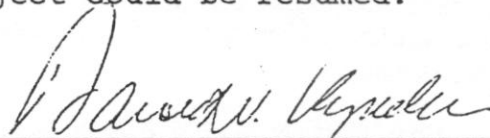
In order to resolve some of these questions, I requested that Mr. Siesky agree to taking depositions of Turner Construction Company or other personnel who might have personal knowledge and records relating to the matter. Mr. Siesky absolutely refuses any cooperation in connection with this. My conversations with Turner, therefore, have been purely informal.

It cannot be overlooked that the many months of delay have now made it impossible for the project to be completed within the 18 month period of the building permit. To obtain a new permit under current zoning restrictions would require a redesign of the hotel to relocate all rooms at a three-story level or below. Considerable architectural work remains to be done on this project in any event as is evidenced by the contract with Turner Construction; and, consequently, it does not appear as if this reduction in height of the hotel is an impossible or extraordinary hardship.

At the November 4, 1987, City Council meeting, which I will be unable to attend because of the rescheduling of the Troy trial for that time, the petitioner may address the above issues. My recommendation would be to have a notary public swear in any witnesses.

In the absence of completely new facts regarding the above issues, it is apparent that construction of the project had been suspended both legally and practically and that such suspension has continued for a sufficient period that the project cannot now be completed within the time specified in the building permit. Next, it appears that the reason for the suspension of said work was the apparent inability of the owner to obtain satisfactory timely financing. As you are aware, lack of adequate financing is not, under our Code, good cause for reinstatement of the permit.

Unless some other good cause is shown by the Petitioner, it does not appear that grounds exist for reinstatement of the permit. A revised plan for a hotel not exceeding three-stories would be necessary before the project could be resumed.



David W. Rynders
City Attorney



November 4, 1987

Honorable Kim Anderson-McDonald
Councilwoman
City of Naples
735 Eighth Street, South
Naples, FL 33940

Subject: City Council Agenda Item 14
(Petitions for reinstatement of building permits)

Dear Mrs. Anderson-McDonald:

During the past two years the Old Naples Association has gone on record before the City Council of its opposition to the construction of the Residence Versailles and Bayside Hotel in their respective five-story configurations at their designated sites in the approach flight path of the Naples Airport.

Further, it has been our Association's view that traffic impacts on an already overcrowded U.S. 41 at the Gordon River area with the realization of these hotels as currently planned will make a difficult traffic situation worse in the area, particularly in season.

Today the Old Naples Association wishes to voice its objection to the respective petitions for reinstatement of the building permits of these proposed hotels, noting that the City and County residents and thousands of travelers and tourists who travel the Gordon River East Trail are painfully aware of the substantial inaction and neglect of these hotel premises for over two years.

On behalf of the Old Naples Association, I would respectfully request that this letter be placed on the record. Thank you for your considerations of our opinions in this matter.

Sincerely,

David C. Weigel
President, Old Naples Association

DCW/dp

cc: All Council Members