



City Council Chamber
735 Eighth Street South
Naples, Florida 34102

City Council Regular Meeting – December 16, 2009 – 8:30 a.m.

Mayor Barnett called the meeting to order and presided.

ROLL CALLITEM 1

Present:

Bill Barnett, Mayor
Penny Taylor, Vice Mayor

Council Members:

Teresa Heitmann
Gary Price, II
John Sorey, III
Margaret Sulick
William Willkomm, III

Also Present:

William Moss, City Manager
Robert Pritt, City Attorney
Tara Norman, City Clerk
Roger Reinke, Assistant City Manager
Vicki Smith, Technical Writing Specialist
Jessica Rosenberg, Deputy City Clerk
Michael Leslie, Asst Dir Community Services
David Lykins, Community Services Director
Ron Wallace, Streets & Stormwater Director
Robert Middleton, Utilities Director
Gregg Strakaluse, Engineering Manager
Robin Singer, Planning Director
Stephen McNerny, Deputy Chief NPDF
Sam Saad

James Perman
Alan Mengel
Lois Bolin
Lou Vlasho
Doug Finlay
Skip Quillen
Rich Ahrens
Laverne Gaynor
John Passidomo
Tony Ridgway
Lisa Swirda

Media:

Jenna Buzzacco-Foerster, Naples Daily News
Other interested citizens and visitors

INVOCATION AND PLEDGE OF ALLEGIANCE.....ITEM 2

City Clerk Tara Norman and Rabbi James Perman, Temple Shalom.

ANNOUNCEMENTSITEM 3

Vice Mayor Taylor and Laverne Gaynor, Grand Marshal, presented awards for best floats in this year's Christmas Parade.

SET AGENDA (add or remove items).....ITEM 4

MOTION by Taylor to **SET THE AGENDA** as submitted; seconded by Willkomm and unanimously carried, all members present and voting (Heitmann-yes, Price-yes, Sorey-yes, Sulick-yes, Taylor-yes, Willkomm-yes, Barnett-yes).

PUBLIC COMMENT.....ITEM 5

(8:45 a.m.) **Lois Bolin, Naples Backyard History**, noted that the winning entries of the gingerbread contest would be on display in City Hall. In addition, a preview display of the exhibit on Naples' working waterfront would also open in Tin City that day; the full display would be open in January. **Skip Quillen, 837 Fifth Avenue South**, requested that the Community Redevelopment Agency (CRA) hold a special session to establish a BID (Business Improvement District) for Fifth Avenue South. City Manager William Moss pointed out, however, that the ordinance allowing the creation of BID's was already in place, therefore, the creation process should be undertaken by the affected business and property owners, not the City. Council Member Price, CRA Chair, noted that a BID had been recommended in the recent report by planning consultant Robert Gibbs and indicated his support for a special CRA meeting in January for further discussion; Vice Mayor Taylor agreed, saying that the creation of a BID would be the first step in reducing dependence on TIF (Tax Incremental Financing) by areas like Fifth Avenue South. Council decided to add this discussion to its CRA meeting scheduled for later that day. **Alan Mengel, 50 Broad Avenue South**, commended the community, and especially Council Member Sorey and his wife, Dolores, for the successful effort to retain the downtown US Post Office (located on Sixth Avenue South). Mr. Sorey thanked Mr. Mengel for his assistance and suggested that Mayor Barnett convey the City's appreciation to Congressman Connie Mack whose office played a pivotal role. Mr. Sorey however cautioned that a continuing effort will be necessary to keep the facility open.

CONSENT AGENDA

APPROVAL OF MINUTES.....ITEM 6-a

November 16, 2009 Workshop and November 18, 2009 Regular Meeting; as submitted.

SPECIAL EVENTS ITEM 6-b

- 1) Open Air Farmers Market (removed for separate discussion / see below).
- 2) Art In The Park (removed for separate discussion / see below).

RESOLUTION 09-12577.....ITEM 6-c

A RESOLUTION APPROVING AN AMENDMENT TO THE SUPPLEMENTAL RETIREMENT PLAN BETWEEN THE CITY OF NAPLES AND NATIONWIDE RETIREMENT SOLUTIONS FOR THE IRS SECTION 415 AMENDMENT; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AMENDMENT; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 09-12578.....ITEM 6-d(1)

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT A FISCAL YEAR 2010-11 GRANT APPLICATION TO COLLIER COUNTY UNDER THE FORMULA ENTITLEMENT COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR PUBLIC POOL FACILITY IMPROVEMENTS IN THE RIVER PARK COMMUNITY; AND PROVIDING AN EFFECTIVE DATE. Title not read.

It is noted for the record that Item 6-d(2) was later reconsidered and subsequently approved with an amended funding amount (see below for further consideration).

RESOLUTION 09-12579.....ITEM 6-d(2)

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT FISCAL YEAR 2010-11 GRANT APPLICATION TO COLLIER COUNTY UNDER ITS DISCRETIONARY COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR PUBLIC POOL FACILITY IMPROVEMENTS IN THE RIVER PARK COMMUNITY; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 09-12580.....ITEM 6-e
A RESOLUTION APPROVING A SUBORDINATION OF EASEMENT INTEREST AND AGREEMENT FOR FACILITY RELOCATION WITH COLLIER COUNTY TO CONSTRUCT A 30-INCH STORMWATER FORCEMAIN WITHIN THE CITY'S 15-FOOT EASEMENT LOCATED ON THE NORTH SIDE OF DAVIS BOULEVARD AND U.S. 41; AUTHORIZING THE MAYOR TO EXECUTE THE SUBORDINATION OF EASEMENT INTEREST AND AGREEMENT FOR FACILITY RELOCATION; AND PROVIDING AN EFFECTIVE DATE. Title not read.

MOTION by Taylor to APPROVE CONSENT AGENDA as submitted; removing Item 6-b(1) and 6-b(2) for separate discussion. This motion was seconded by Willkomm and unanimously carried, all members present and voting (Heitmann-yes, Price-yes, Sorey-yes, Sulick-yes, Taylor-yes, Willkomm-yes, Barnett-yes).

END CONSENT AGENDA

It is noted for the record that final action on the Consent Agenda occurred following deliberation of Item 6-b(1) below.

SPECIAL EVENT ITEM 6-b-(1)
OPEN AIR FARMERS MARKET – THIRD STREET SOUTH MERCHANTS ASSOCIATION – THIRD STREET SOUTH FROM BROAD AVENUE SOUTH TO 13TH AVENUE SOUTH – 01/16/10, 02/20/10, 03/20/10 AND 04/17/10.

Public Comment: (9:00 a.m.) **Tony Ridgway, Third Street South Merchants Association,** reported that the first market, held the prior weekend, had been considered a success by the Third Street merchants. Certain issues such as vendor parking had arisen but would be addressed, he explained, and should the endeavor not be deemed worthwhile, the merchants themselves would curtail it. He therefore urged approval. Council Member Price said that various merchants had expressed to him that parking availability would become an issue if the market were not concluded by 11:00 a.m. when their customers traditionally begin to arrive. He also suggested limiting future events to two in light of the \$5,500 per-event cost to the City. Mr. Price further commented that several merchants had indicated increased sales for the season thus far. Council Member Sorey agreed that the merchants would however be the best decision-makers with regard to the continuance of the event and proffered a motion to approve as submitted, which was seconded by Vice Mayor Taylor.

Mr. Ridgway stated that he would discuss with City Manager William Moss possible means of reducing or eliminating the City's cost altogether. Council Member Sorey clarified his intention that the item be approved as submitted with the caveat that the merchants use their discretion with regard to hours and, should complaints be received, the approval could be revoked.

MOTION by Sorey to APPROVE ITEM 6-b(1) as submitted; seconded by Taylor and unanimously carried, all members present and voting (Heitmann-yes, Price-yes, Sorey-yes, Sulick-yes, Taylor-yes, Willkomm-yes, Barnett-yes).

SPECIAL EVENTITEM 6-b(2)
ART IN THE PARK – NAPLES ART ASSOCIATION (NAA) – PARK STREET – 04/03/10, 11/06/10 AND 12/04/10. Council Member Sorey noted that he had removed this item from the Consent Agenda for separate discussion due to declining attendance, which he in part attributed to the booth fees levied by the City; he therefore proffered a motion to approve, waiving the booth fees for the three events. Vice Mayor Taylor however noted that increasing

these fees to \$35 per booth had resulted from the extensive review of special events undertaken by the Community Services Advisory Board (CSAB) and the City should receive appropriate remuneration. Council Member Sulick agreed, saying that she believed the economy rather than booth fees to be the more significant factor in the lack of success of events. Mr. Sorey nevertheless maintained that the question should be whether the City is willing to support local effort both on the part of businesses and not-for-profit organizations. In response to Mr. Sorey, Community Services Director David Lykins reported that the number of booths for this particular event had decreased by 50%.

Following further discussion of booth fees, Council Member Sorey amended his motion as suggested by Council Member Willkomm.

Public Comment: (9:28 a.m.) None.

MOTION by Sorey to APPROVE ITEM 6-b(2) amending to reflect \$10.00 booth fees; seconded by Price and carried 5-2, all members present and voting (Price-yes, Sorey-yes, Sulick-no, Willkomm-yes, Taylor-no, Heitmann-yes, Barnett-yes).

At the request of Council Member Sorey a consensus was reached that discussion regarding reconsideration of booth fees be scheduled during the January 19 workshop.

RECONSIDERATION OF RESOLUTION 09-12579ITEM 6-d(2)

Vice Mayor Taylor pointed out that an amended resolution had been provided in the supplemental information for the meeting reflecting an increase in the grant application from \$500,000 to \$647,000.

MOTION by Taylor to RECONSIDER RESOLUTION 09-12579; seconded by Price and unanimously carried, all members present and voting (Heitmann-yes, Price-yes, Sorey-yes, Sulick-yes, Taylor-yes, Willkomm-yes, Barnett-yes).

City Attorney Robert Pritt read the title to the resolution (see Page 2 above), noting that it had not changed from the originally submitted resolution.

Public Comment: (9:32 a.m.) None.

MOTION by Taylor to APPROVE RESOLUTION 09-12579 as submitted; seconded by Willkomm and unanimously carried, all members present and voting (Heitmann-yes, Price-yes, Sorey-yes, Sulick-yes, Taylor-yes, Willkomm-yes, Barnett-yes).

ORDINANCE 09-12580.....ITEM 7

AN ORDINANCE RELATING TO LIVE ENTERTAINMENT PERMITS; ADDING PARAGRAPH (5) TO SECTION 56-125(e) OF THE CODE OF ORDINANCES, CITY OF NAPLES, TO EXTEND THE HOURS FOR LIVE ENTERTAINMENT ON THURSDAYS, FRIDAYS AND SATURDAYS; PROVIDING A SEVERABILITY CLAUSE, REPEALER AND SUNSET PROVISIONS; AND AN EFFECTIVE DATE.

Title read by City Attorney Robert Pritt (9:32 a.m.) who then clarified for Council that Section 5 of the subject ordinance states that Section 56-125(e)(5), allowing the extended live entertainment hours, would indeed be automatically repealed should the provision for future review not be met as described in Section 56-125(e)(5)(d).

Public Comment: (9:35 a.m.) None.

MOTION by Price to **ADOPT ORDINANCE 09-12580** as submitted; seconded by Willkomm and carried 5-2, all members present and voting (Heitmann-no, Price-yes, Sorey-yes, Sulick-no, Taylor-yes, Willkomm-yes, Barnett-yes).

CLERK'S TRACKING 09-00029ITEM 8

APPROVING AN AGREEMENT FOR CONSTRUCTION OF STORMWATER IMPROVEMENTS WITHIN BASIN V; AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT: \ VENDOR: MITCHELL & STARK CONSTRUCTION COMPANY, INC., NAPLES, FL \ COST: \$635,570.55 \ FUNDING: CAPITAL IMPROVEMENT PROGRAM 10V26 – BASIN V STORMWATER SYSTEM.

Statement read by City Attorney Robert Pritt (9:35 a.m.). In response to Council Member Heitmann, Streets & Stormwater Director Ron Wallace confirmed that the South Florida Water Management District (SFWMD) grant had indeed been approved and had been forwarded for final signatures. Council Member Sorey added that this funding had been budgeted by the Big Cypress Basin Board prior to October 1; the Board in turn forwards its recommendations to the SFWMD.

Public Comment: (9:37 a.m.) None.

MOTION by Taylor to **APPROVE ITEM 8 (09-00029)** as submitted; seconded by Barnett and unanimously carried, all members present and voting (Heitmann-yes, Price-yes, Sorey-yes, Sulick-yes, Taylor-yes, Willkomm-yes, Barnett-yes).

CLERK'S TRACKING 09-00030ITEM 15

APPROVING AN AGREEMENT FOR CONSTRUCTION OF STORMWATER IMPROVEMENTS WITHIN BASIN V – AREA 2; AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT: \ VENDOR: KYLE CONSTRUCTION, INC., NAPLES, FL \ COST: \$498,160.30 \ FUNDING: CAPITAL IMPROVEMENT PROGRAM 10V26 – BASIN V STORMWATER SYSTEM.

Statement read by City Attorney Robert Pritt (9:38 a.m.). Council Member Willkomm questioned provision for contingencies should unknown conditions arise. Streets & Stormwater Director Ron Wallace confirmed that utility conflicts had been specifically addressed as negotiated on a per-incident basis; this is over and above a line item within the bid regarding other unforeseen conditions amounting to approximately 10% of the estimated cost. Mr. Wallace also pointed out that through competitive bidding, a cost that is approximately 50% less than the original estimates had been realized; therefore, additional funding is available for further work in Basin V.

Public Comment: (9:42 a.m.) None.

MOTION by Willkomm to **APPROVE ITEM 15 (09-00030)**; as submitted; seconded by Taylor and unanimously carried, all members present and voting (Heitmann-yes, Price-yes, Sorey-yes, Sulick-yes, Taylor-yes, Willkomm-yes, Barnett-yes).

ORDINANCE 09-12582.....ITEM 9

AN ORDINANCE RELATING TO MANDATORY IRRIGATION SYSTEM CONNECTIONS; ADDING SUBSECTION (g) TO SECTION 30-252 OF THE CODE OF ORDINANCES, CITY OF NAPLES, TO INCLUDE PROVISIONS TO MAKE CONNECTIONS TO THE RECLAIMED WATER SYSTEM MANDATORY FOR NEW CONSTRUCTION OR UPON SUBSTANTIAL IMPROVEMENT OF A STRUCTURE; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (9:42 a.m.).

Public Comment: (9:43 a.m.) None.

MOTION by Willkomm to ADOPT ORDINANCE 09-12582 as submitted; seconded by Sulick and carried 5-2, all members present and voting (Heitmann-no, Price-no, Sorey-yes, Sulick-yes, Taylor-yes, Willkomm-yes, Barnett-yes).

Council Member Price attributed his negative vote to his continued objection to a mandatory connection policy. In response to Council Member Sulick, City Manager William Moss confirmed that the ordinance reflecting amendments approved on first reading had been provided in the supplemental information provided for that meeting.

RESOLUTION 09-12583.....ITEM 10

A RESOLUTION AMENDING THE 2009-10 BUDGET APPROVED BY ORDINANCE 09-12519 AND CAPITAL IMPROVEMENT PROGRAM TO FUND THE REPLACEMENT OF A FIRE TRUCK FROM THE CAPITAL PROJECT FUND 340, PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Robert Pritt (9:44 a.m.). City Manager William Moss summarized the information regarding this request as contained in the December 16 memorandum by NPDF Deputy Chief Stephen McInerney (Attachment 1). Council Member Price questioned whether an alternative to paying cash had been considered since the fire truck has an expected 20-year life. Mr. Moss stated that short term financing and leasing could be researched prior to the actual bidding process.

Public Comment: (9:48 a.m.) None.

MOTION by Price to APPROVE RESOLUTION 09-12583 as submitted; seconded by Willkomm and unanimously carried, all members present and voting (Heitmann-yes, Price-yes, Sorey-yes, Sulick-yes, Taylor-yes, Willkomm-yes, Barnett-yes).

Council Member Willkomm also received clarification that the truck being retired would be auctioned, its worth estimated at approximately \$10,000.

RESOLUTION 09-12584.....ITEM 11

A RESOLUTION APPROVING A STATE OF FLORIDA GRANT AGREEMENT PURSUANT TO ENVIRONMENTAL PROTECTION AGENCY GRANT AWARDS FOR THE CONSTRUCTION OF THE RIVERSIDE FILTER MARSH; AMENDING THE 2009-10 BUDGET ADOPTED BY ORDINANCE 09-12519; AUTHORIZING THE MAYOR TO EXECUTE THE GRANT AGREEMENT; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (9:50 a.m.).

City Manager William Moss confirmed for Council Member Heitmann that while the project had not been altered, the cost had increased from approximately \$200,000 to \$500,000; Council Member Sorey added that the engineering had however remained unchanged.

Public Comment: (9:51 a.m.) None.

MOTION by Taylor to APPROVE RESOLUTION 09-12584 as submitted; seconded by Sulick and unanimously carried, all members present and voting (Heitmann-yes, Price-yes, Sorey-yes, Sulick-yes, Taylor-yes, Willkomm-yes, Barnett-yes).

CLERK'S TRACKING 09-00031ITEM 12

APPROVING A FIRST AMENDMENT TO AN AGREEMENT FOR THE DELIVERY OF GASOLINE AND DIESEL FUEL AT THE CITY DOCK: \ VENDOR: EVANS OIL COMPANY, LLC, NAPLES, FL \ COST: \$900,000 \ FUNDING: CITY DOCK FUND.

Statement read by City Attorney Robert Pritt (9:51 a.m.). City Manager William Moss clarified

that while annual fuel purchases were expected to remain static at approximately \$400,000, staff recommends that the agreement reflect up to \$900,000 in purchases annually in the hope that sales will exceed the expectation.

Public Comment: (9:52 a.m.) None.

MOTION by Sorey to **APPROVE ITEM 12 (09-00031)** as submitted; seconded by Price and unanimously carried, all members present and voting (Heitmann-yes, Price-yes, Sorey-yes, Sulick-yes, Taylor-yes, Willkomm-yes, Barnett-yes).

APPROVED (see motion below).....ITEM 13
REQUEST BY CITY ATTORNEY ROBERT PRITT TO ACCEPT A CONFLICT WAIVER FOR LEGAL WORK ASSOCIATED WITH A PROPOSED AGREEMENT WITH THE NAPLES ZOO. City Attorney Robert Pritt briefly reviewed his memorandum dated December 6 (Attachment 2) wherein he explained his request for a conflict waiver.

Public Comment: (9:54 a.m.) None.

MOTION by Barnett to **APPROVE CONFLICT WAIVER** as requested; seconded by Willkomm and unanimously carried, all members present and voting (Heitmann-yes, Price-yes, Sorey-yes, Sulick-yes, Taylor-yes, Willkomm-yes, Barnett-yes).

APPROVED (see motion below).....ITEM 14
CONSIDER A PROPOSED SETTLEMENT AGREEMENT REGARDING FEE ARBITRATION PURSUANT TO FLORIDA BAR FEE ARBITRATION RULES – OERTEL, FERNANDEZ, COLE AND BRYANT, P.A. City Attorney Robert Pritt provided a brief history of the legal fee dispute between the City and the law firm of Oertel, Fernandez, Cole & Bryant PA, which had represented the City with regard to the submerged land lease from the State of Florida for the City Dock. Finalization of the lease, he said, had been delayed numerous times due to an ongoing jurisdictional dispute between the Florida Department of Environmental Protection (FDEP) and the Florida Fish & Wildlife Conservation Commission (FWC) resulting in additional costs to the City. Pursuant to the Florida Bar Fee Arbitration Rules, a proposed settlement agreement in the amount of \$20,000 had been reached and he recommended that the City accept.

Public Comment: (10:02 a.m.) None.

MOTION by Sorey to **APPROVE \$20,000 SETTLEMENT OF LEGAL FEE DISPUTE**; seconded by Sulick and unanimously carried, all members present and voting (Heitmann-yes, Price-yes, Sorey-yes, Sulick-yes, Taylor-yes, Willkomm-yes, Barnett-yes).

PUBLIC COMMENT.....
(10:03 a.m.) None.

CORRESPONDENCE AND COMMUNICATIONS.....
(10:03 a.m.) Council Member Price requested information on the local effects of new fire safety codes recently implemented by the state; he also commended Council Member Sorey, staff and the community for the resolution of recent Clam Bay issues. Vice Mayor Taylor praised the unified community effort in retaining its downtown US Post Office (located on Sixth Avenue South / see Item 5 above). Council Member Heitmann questioned whether the permitting agency for ASR (aquifer storage and recovery) wells would accept data from side-wall core sampling (*core samples from the side-wall of bore holes into geological formations*). She further requested that she be allowed to work with the Collier County School Board Superintendent and his staff in pursuing grant funding for the recently proposed River Park pool project. Mrs.

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Heitmann also requested an update on the Fishing Pier restrooms, the condition of ground cover adjacent to the Cambier Park bandshell, and a program to replace streetlights with sea turtle-compatible fixtures. Council Member Sorey reported on the Naples National Art Show shuttle service and noted that the Collier County Board of Commissioners had decided to disband the current advisory board for Clam Bay and utilize the Coastal Advisory Committee (CAC) in this capacity.

ADJOURN
10:16 a.m.

Bill Barnett, Mayor

Tara A. Norman, City Clerk

Minutes prepared by:

Vicki L. Smith, Technical Writing Specialist

Minutes Approved: 01/20/10



NAPLES CITY COUNCIL AGENDA MEMORANDUM

Regular Meeting Date: December 16, 2009

Agenda Section:	Regular	Prepared By: Stephen R. McNerny II, Fire Chief
Agenda Item:	10	Date: December 16, 2009 Department: Police and Fire Department
		Legislative <input checked="" type="checkbox"/> Quasi-Judicial <input type="checkbox"/>
SUBJECT:		
Resolution to approve a budget amendment to add \$675,000 to fund the replacement of a Fire Truck (Engine Co. 9) and to discuss the status of Engine Co. 9 and the Reserve Engine.		
SUMMARY:		
<p>The Fire-Rescue Department is seeking to replace two old and worn out fire trucks (Engine Co. 9 and a Reserve Engine) for a combined total of approximately \$1,235,000.00. It will take approximately 8-12 months to acquire new trucks. This resolution will begin the process to replace Engine Co. 9 with expected delivery in the next fiscal year(FY 2010-11).</p>		
BACKGROUND:		
<p>The Fire-Rescue Department provides emergency fire-rescue services to the residents and guests of the City of Naples on a 24/7 basis. The fire suppression fleet consists of two frontline engine companies, two frontline ladder companies (Quint & Tower) and one ARFF Truck to provide this crucial service. One engine company is designated as a reserve unit.</p> <p>One of the frontline units (Engine Co. 9 – 1500 GPM Pumper w/75-foot aerial) housed at Fire Station No. 1 was placed into service in March of 1991 and will be 19-years old in three months. The original purchase price was \$344,000. Maintenance expenditures in excess of \$608,246 have been required to keep this truck in service as shown in the attached graph. Engine Co. 9 is currently out of service with a blown engine head gasket. The repair is estimate is \$24,000.00. Replacement parts are often not available and sometimes require custom fabrication to keep the truck in service.</p> <p>This truck is frequently out of service for repairs and thus unavailable to provide the emergency firefighting functions. In 2004 alone, this vehicle was out of service for 168 days at the City Garage and over \$59,609.00 was spent to keep it operating. Records indicate that this truck has been out of service for over 33,578.81 hours or 1,399.12 days. This vehicle has spent over 3.83 years out of service at the City Garage and these numbers do not include the current mechanical issue of November 5th, or any downtime spent on repairs at outside vendor locations.</p> <p>The majority of firefighting equipment carried on this vehicle is also 18 plus years old. All recognized standards, manufacturers and maintenance organizations recommend that fire apparatus be used in a front line status for 10-12 years followed by a maximum of three years in reserve status. The recommended standard is exceeded by six and going on seven years. This truck is the oldest frontline unit in service in all of Collier County. Simply stated this 1991 truck is well beyond its service life and should be replaced.</p> <p>The cost to replace this vehicle is in the range of approximately \$675,000 The significant increase in the cost for this type of vehicle is due to the new 2010 EPA emission standards and other technical and safety improvements provided in new fire apparatus.</p>		

City of Naples

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Agenda Item:

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BACKGROUND (cont.):

A second issue pertains to reserve engine company (Pierce 1250 GPM Pumper) that was placed into service in September of 1997 and was purchased new for \$202,000. While six years newer than the 1991 truck identified above, it is in very poor condition and thus only used as a reserve unit. Records indicate that this truck has been out of service for 6,892 hours or 287 days (average of 24 days per year). This reserve unit is placed into service to cover for any one of the five frontline suppression vehicles when repairs or maintenance is performed. This unit basically has 12-year old technology and equipment. Repairs have cost in excess of \$195,628 as identified in the attached graph. The estimated cost to replace this vehicle is approximately \$560,000. Replacement of this vehicle was anticipated in FY 2011-12. The proposed Five-Year Capital Improvement Program, to be considered by City Council in June, 2010 will recommend this vehicle be replaced in FY2010-11.

Other factors regarding the two trucks are as follows:

- Lower fuel efficiency
- A lack of environmental friendly exhaust or Green Technology
- They do not comply with current NFPA or Federal Truck Safety standards and guideline
- They are not equipped with the latest in accident prevention avoidance and driver and passenger safety technology
- They lack reliability and thus hinder life-safety operations and confidence.

It is likely there would be a significant savings in purchasing these two fire trucks for at least the first five years in terms of required maintenance and repair costs as illustrated in the attached graphs. Our overall fleet repair costs have averaged \$215,644 per year for the last 10 years.

The Five-Year Capital Improvement Plan provides for one fire truck to be replaced in 2010-11 and another in FY 2011-12. Staff recommends Engine Co. 9 replacement be ordered this fiscal year with expected delivery in the next fiscal year. However, budgetary requirements do not allow the city to place an order/contract for the truck until funds are available; therefore a budget amendment in the current year is presented for consideration.

FUNDING SOURCE:

Recommended sources of funds is the Fund Balance in the Capital Project Fund (Fund 340).

RECOMMENDED ACTION:

Approve a resolution amending the 2009-10 Budget approved by Ordinance 09-12519 and Capital Improvement Program to fund the replacement of a Fire Truck from Capital Project Fund 340 in the amount of \$675,000.

Reviewed by Department Director
Thomas Weschler

Reviewed by Finance
Ann Marie Ricardi

Reviewed by City Manager
A. William Moss

City Council Action:



A LEGAL PROFESSIONAL ASSOCIATION

MEMORANDUM

850 PARK SHORE DRIVE
TRIANON CENTRE - THIRD FLOOR
NAPLES, FL 34103
239.649.2714 DIRECT
239.649.6200 MAIN
239.261.3659 FAX

TO: Hon. Bill Barnett, Mayor
& Naples City Council

FROM: Robert D. Pritt, City Attorney *RDP*

DATE: December 6, 2009

RE: Conflict Waiver-Zoo Sewer Agreement

CLIENT 016763
MATTER: 0001

A draft agreement for wastewater and related services has been sent to me for review. The draft had shown the County Commission Chair as a signatory. However, upon review and explanation from City staff (Gregg Strackaluse) it appears that the proposed contract is to be with the Naples Zoo.

Our firm does some legal work (not related to this agreement) for the Zoo, and a partner is on the Board (as an unpaid volunteer). In light of those facts, our firm has a conflict with representation of both parties. I understand that the Zoo will waive conflict and I request that Council also waive. I understand that my partners are not participating in the negotiations of this document.

If not, I will arrange for another attorney to review.

RDP
cc: A. William Moss, City Manager

CLEVELAND TOLEDO AKRON COLUMBUS CINCINNATI WASHINGTON, D.C. TALLAHASSEE ORLANDO FORT MYERS NAPLES FORT LAUDERDALE
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