



City Council Chamber
735 Eighth Street South
Naples, Florida 34102

City Council Regular Meeting – September 15, 2010 – 8:29 a.m.

Mayor Barnett called the meeting to order and presided.

ROLL CALL..... ITEM 1

Present:

Bill Barnett, Mayor (left 1:55 p.m.)
John Sorey, III, Vice Mayor

Council Members:

Douglas Finlay
Teresa Heitmann
Gary Price, II
Samuel Saad, III
Margaret Sulick

Also Present:

William Moss, City Manager
Robert Pritt, City Attorney
Tara Norman, City Clerk
Roger Reinke, Assistant City Manager
Vicki Smith, Technical Writing Specialist
Robin Singer, Planning Director
Christine Carrera, Floodplain Coordinator
Erica Goodwin, Planner
Adam Benigni, Planner
Joe Boscaglia, Parks & Parkways Superintendent
David Lykins, Community Services Director
Robert Middleton, Utilities Director
Ron Wallace, Streets & Stormwater Director
Michael Leslie, Asst. Community Services Director
Mercedes Puente, Park Manager
Penny Taylor
David Corbin
Brian Fleming
Khristina Greene
Tammie Nemecek

Stephen Schott
David Humphrey
Patrick Daly
Sue Smith
Michael Fernandez
Tim Tassin
Jim Boula
Mary Ann Wallace
Willie Anthony
Warren Adkins, Jr.
Diane Moreland
Chuck Slaght
Emily Thoemke
Al Pell
Terry Romak
John Waller

Media:

Jenna Buzzacco-Foerster, Naples Daily News

Other interested citizens and visitors

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

Father Stephen Schott, St. Ann Catholic Church.

ANNOUNCEMENTS..... ITEM 3

Mayor Barnett read a proclamation designating September 20th through the 24th as 2010 Industry Appreciation Week in the City.

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

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

PUBLIC COMMENT ITEM 5

(8:33 a.m.) None.

CONSENT AGENDA

APPROVAL OF MINUTES..... ITEM 7-a

August 16, 2010 Workshop, August 18, 2010 Regular, September 1, 2010 Special Workshop, and September 1, 2010 Special Meeting; as submitted.

SPECIAL EVENTS ITEM 7-b

1) Heart Walk-A-Thon – Collier County Start! And the American Heart Association – 11/06/10 – (1k and 3.1k walks) - Cambier Park.

2) Thanksgiving Day “Gobble Gobble” Walk/Run – Gulf Coast Runners – 11/25/10 – (4 mile run and 1 mile walk) – The Village at Venetian Bay.

RESOLUTION (Reconsidered and continued to 10/06/10 / see Page 3)..... ITEM 7-c

A RESOLUTION APPROVING A SIGN PERMIT APPLICATION AND A RIGHT-OF-WAY PERMIT APPLICATION FOR INSTALLATION AND MAINTENANCE OF AN INFORMATION SIGN BY THE NAPLES PLAYERS, INC. AT THE SUGDEN PLAZA; AUTHORIZING THE CITY MANAGER TO PROCESS THE APPLICATIONS; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 10-12747 ITEM 7-d

A RESOLUTION APPROVING A LOCALLY FUNDED AGREEMENT BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION AND THE CITY OF NAPLES FOR BRIDGE RAILING ENHANCEMENTS TO THE MOORINGLINE BRIDGE; AUTHORIZING THE FUNDING OF THE ENHANCEMENTS; AUTHORIZING THE MAYOR TO EXECUTE THE LOCALLY FUNDED AGREEMENT; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 10-12748 ITEM 7-e

A RESOLUTION OF THE CITY OF NAPLES ENDORSING THE PROPOSED “RIVER OF GRASS GREENWAY;” AND PROVIDING AN EFFECTIVE DATE. Title not read.

MOTION by Price to APPROVE CONSENT AGENDA as submitted; seconded by Sulick and unanimously carried, all members present and voting (Finlay-yes, Heitmann-yes, Price-yes, Saad-yes, Sorey-yes, Sulick-yes, Barnett-yes).

END CONSENT AGENDA

It is noted for the record that City Council then convened as the City of Naples Board of Appeals for consideration of Item 8 below.

RESOLUTION 10-12749 ITEM 8

A RESOLUTION OF THE NAPLES CITY COUNCIL, SITTING AS THE CITY OF NAPLES BOARD OF APPEALS, DETERMINING VARIANCE PETITION FA10-02 FROM SUBSECTIONS 16-82(3) AND 16-151(2) OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, IN ORDER TO ALLOW THE MOORINGS OF NAPLES PROPERTY OWNERS ASSOCIATION TO BUILD A MEN’S AND WOMEN’S BEACH RESTROOM LOCATED AT 2101 GULF SHORE BOULEVARD NORTH, TO BE NO MORE THAN 258 SQUARE FEET AND APPROXIMATELY 18 INCHES ABOVE THE EXISTING GRADE, WHICH IS BELOW THE REQUIRED BASE FLOOD ELEVATION OF 13.0 NAVD, MORE FULLY DESCRIBED HEREIN; PROVIDING FINDINGS; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (8:33 a.m.). This being a quasi-judicial proceeding, Notary Public Vicki Smith administered an oath to those intending to offer testimony; all responded in the affirmative. City Council Members then made the following ex parte disclosures: Saad/visited

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the site and spoke with numerous residents; Barnett/familiar with the project and spoke with residents; Sulick/familiar with the project but no contact; Heitmann/familiar with the project and spoke with a Moorings Property Owners Association (MPOA) Board Member; and Finlay, Sorey and Price/owners of property within the Moorings development, and Finlay and Price/members of the MPOA although would receive no financial benefit should the petition be approved. Mr. Pritt confirmed that Council Members Finlay and Price would be required to participate in the voting process. Floodplain Coordinator Christine Carrera briefly reviewed the requested variance, noting that, subject to local review, the project had received preliminary Florida Department of Environmental Protection (FDEP) approval; staff also recommended approval, she added. Project Architect Brian Fleming, Fleming and Associates Architects, additionally urged approval.

Public Comment: (8:37 a.m.) None.

MOTION by Price to APPROVE RESOLUTION 10-12749 as submitted; seconded by Saad and unanimously carried, all members present and voting (Finlay-yes, Heitmann-yes, Price-yes, Saad-yes, Sorey-yes, Sulick-yes, Barnett-yes).

It is noted for the record that the City of Naples Board of Appeals reconvened as the City Council following the above consideration of Item 8.

RESOLUTION (see Consent Agenda above for initial consideration) ITEM 7-c
(8:37 a.m.) Council Member Price explained that he had intended to request that Item 7-c (sign request by Naples Players) be removed from the Consent Agenda for separate discussion and therefore requested reconsideration. Following additional discussion of a motion to reconsider, it was noted that the item should be continued to the October 6, 2010, regular meeting so as to allow representatives of the Naples Players to be present; the future item is not to be placed on that meeting's Consent Agenda.

Public Comment: (8:40 a.m.) None.

MOTION by Price to RECONSIDER ITEM 7-c (sign request by Naples Players), REMOVING IT FROM THE CONSENT AGENDA AND CONTINUING THE MATTER TO OCTOBER 6, 2010 REGULAR MEETING FOR SEPARATE DISCUSSION AND ACTION. This motion was seconded by Finlay and carried 5-2, all members present and voting (Sulick-yes, Sorey-no, Finlay-yes, Heitmann-yes, Saad-no, Price-yes, Barnett-yes).

RESOLUTION 10-12750 ITEM 9
A RESOLUTION DETERMINING INDOOR LIVE ENTERTAINMENT PETITION 10-LE6 AND RESIDENTIAL IMPACT STATEMENT PETITION 10-RIS14 WITH AN AFTER 9 P.M. EXTENDED HOURS WAIVER, FOR THE LAZY PARROT LOCATED AT 1100 SIXTH AVENUE SOUTH, UNITS 6 AND 7, MORE FULLY DESCRIBED HEREIN; SUBJECT TO THE CONDITIONS LISTED HEREIN; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (8:42 a.m.). This being a quasi-judicial proceeding, Notary Public Vicki Smith administered an oath to those intending to offer testimony but who had not been previously sworn; all responded in the affirmative. City Council Members then made ex parte disclosures to the effect that no further contact had occurred since the previous September 1 consideration. Planning Director Robin Singer reviewed the request by the petitioner, which had been amended per Council direction at the aforementioned previous consideration. She noted the following changes: Monday and Tuesday were deleted, entertainment would be offered a maximum of four hours per requested day, and the permit would involve indoor live entertainment only which requires closure of doors and windows during performances. Staff therefore recommends approval, she added.

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Vice Mayor Sorey noted the petitioner's intent to waive implementation of extended live entertainment hours via Ordinance 09-12581 and that this should be memorialized as reflected below.

Public Comment: (8:47 a.m.) None.

MOTION by Sorey to APPROVE RESOLUTION 10-12750 amended as follows: Third Whereas: "...Fridays and Saturdays; the petitioner having agreed to the hours set forth herein; and in Section 3-1: "...between 1:00 p.m. and 8:00 p.m. on Sunday, the petitioner having agreed not to avail themselves of the extended live entertainment hours implemented via Ordinance 09-12581." This motion was seconded by Saad and unanimously carried, all members present and voting (Finlay-yes, Heitmann-yes, Price-yes, Saad-yes, Sorey-yes, Sulick-yes, Barnett-yes).

RESOLUTION 10-12751 ITEM 10
A RESOLUTION DETERMINING CONDITIONAL USE PETITION 10-CU8, PURSUANT TO SECTION 58-503 OF THE CODE OF ORDINANCES TO ALLOW THE CONVERSION OF 4,413 SQUARE FEET OF OFFICE SPACE INTO 3 RESIDENTIAL UNITS ON THE THIRD FLOOR OF AN EXISTING COMMERCIAL OFFICE BUILDING IN THE HC, HIGHWAY COMMERCIAL DISTRICT, OWNED BY 800 SEAGATE DRIVE, LLC, LOCATED AT 800 SEAGATE DRIVE, MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EXPIRATION DATE AND AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (8:47 a.m.). This being a quasi-judicial proceeding, Notary Public Vicki Smith administered an oath to those intending to offer testimony but who had not been previously sworn; all responded in the affirmative. With regard to ex parte disclosures all Council Members indicated no contact, while Council Members Saad and Heitmann disclosed familiarity with the site. Council Members Finlay, Price, Barnett, Sulick and Sorey indicated that they had visited the site. Planner Erica Goodwin then provided a brief overview of the item as contained in her memorandum dated August 30 (Attachment 1), noting that staff and the Planning Advisory Board (PAB) both recommended approval.

Architect David Humphrey, agent for the petitioner, explained that the property had recently been acquired and that the renovations were intended to provide housing for the petitioner and one daughter; a third suite was also planned, he added. Discussion followed regarding noise issues when residential units are placed above commercial space, especially in the instant case wherein there is the possibility that third floor suites would be sold in the future. Therefore, it was suggested that the mixed use element of the project be documented. Mr. Humphrey proposed designating the suites as condominiums and including noting the mixed use aspect of the building in the documentation.

Council Member Price said that the proposed use did not adhere to the City's Comprehensive Plan with regard to future land use and therefore such projects would adversely affect the character of their surroundings within the City; Vice Mayor Sorey agreed. Mr. Humphrey pointed out that in certain areas within the community, mixed use development is actually attractive to some and that those desiring a calmer environment would not consider those sites. Council Member Saad noted his support of mixed use as a means to control density and impacts to the environment, although he continued to have concern with future sale of the units; therefore, Architect Humphrey advised that the petitioner would in fact agree to the aforementioned designation as condominium being applied to the units as a condition of approval.

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Council Member Finlay expressed his support of the proposal, citing no apparent negative impacts currently to the surrounding residential community from the abundance of commercial activity in the adjacent areas; Mayor Barnett agreed, adding that replacing existing commercial space with residential is a positive action. While she said she agreed with her colleagues in supporting this particular project, Council Member Heitmann said she could also concur with Council Member Price's observation that the Comprehensive Plan should be consulted when considering such requests.

Rather than a condition relating to form of ownership, Council is allowed to regulate as to use, City Attorney Pritt cautioned, and therefore recommended that the condition require a deed restriction or similar notification be provided to subsequent owners as to the mixed use status of the project. Council Member Price however pointed out that such restrictions had not precluded noise issues repeatedly being brought before Council by Bayfront condominium owners; Council Member Sulick agreed. Council Member Finlay however attributed the problem at least partially to the Council having extended live entertainment hours.

Public Comment: (9:13 a.m.) **Sue Smith, 11th Avenue South**, said that she supported the proposed project and pointed out that this degree of concern should have been extended to past infringement of private property rights.

During further discussion, Architect Humphrey confirmed that required additional fire protection measures would also contribute to soundproofing.

MOTION by Heitmann to APPROVE RESOLUTION 10-12751 amended as follows: adding new Section 2: "A deed restriction or similar notification is required to subsequent owners to the effect that this is a mixed use project in a "HC" Highway Commercial District."; and renumbering subsequent sections. This motion was seconded by Saad and carried 4-3, all members present and voting (Saad=yes, Heitmann=yes, Price=no, Sorey=no, Sulick=no, Finlay=yes, Barnett=yes).

RESOLUTION 10-12752 ITEM 11
A RESOLUTION DETERMINING PETITION 10-SD5 FOR PRELIMINARY AND FINAL PLAT APPROVAL TO REPLAT 10 EXISTING PARCELS INTO 2 PARCELS IN THE D-DOWNTOWN DISTRICT, LOCATED AT 1075 CENTRAL AVENUE, OWNED BY SCRIPPS MEDIA, INC., MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.
Title read by City Attorney Robert Pritt (9:18 a.m.). This being a quasi-judicial proceeding, Notary Public Vicki Smith administered an oath to those intending to offer testimony but who had not been previously sworn; all responded in the affirmative. City Council Members then made the following ex parte disclosures: Saad, Barnett, Sulick and Heitmann/familiar with the site but no contact; Price and Finlay/visited the site but no contact; and Sorey/familiar with the site and spoke with the petitioner's agent. Planner Adam Benigni reviewed the petition as above described, noting that staff and the Planning Advisory Board (PAB) both had recommended approval. He also confirmed for Vice Mayor Sorey that the replat is merely to simplify the existing 10 parcels by creating 2, both of which will conform to zoning requirements for the "D" Downtown District.

Michael Fernandez, agent for the petitioner, requested that the usual 14 business days allowed for plat recordation in the public record be extended to 30 to accommodate collection of the necessary signatures. Vice Mayor Sorey then assured Council Member Finlay that an easement had been promised by the petitioner for the installation of a sidewalk linking the existing portions of the pedestrian system to Fun Time Early Childhood Development Center. In addition, Mr. Fernandez clarified for City Attorney Pritt that the two, newly created parcels, while

under common ownership, are in fact separated by Central Avenue which is considered an existing condition.

Public Comment: (9:25 p.m.) None.

MOTION by Sorey to APPROVE RESOLUTION 10-12752 amended as follows: Section 3: "...~~44~~ 30 business days...". This motion was seconded by Saad and unanimously carried, all members present and voting (Finlay-yes, Heitmann-yes, Price-yes, Saad-yes, Sorey-yes, Sulick-yes, Barnett-yes).

It is noted for the record that Items 12-a and 12-b were read and considered concurrently.

RESOLUTION 10-12753 ITEM 12-a
A RESOLUTION DETERMINING VARIANCE PETITION 10-V10 FROM SECTION 56-91(b)(3)b TO ALLOW A 406 SQUARE FOOT ADDITION TO AN EXISTING 402 SQUARE FOOT GUEST UNIT FOR A TOTAL OF 808 SQUARE FEET WHERE A MAXIMUM OF 450 SQUARE FEET IS ALLOWED ON PROPERTY OWNED BY THOMAS AND MARY PARENT, LOCATED AT 53 BROAD AVENUE SOUTH, MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

RESOLUTION 10-12754 ITEM 12-b
A RESOLUTION DETERMINING PETITION 10-NC3 TO EXPAND A NON-CONFORMING STRUCTURE IN THE R1-10 RESIDENCE DISTRICT TO ALLOW A SUN PORCH AND SITTING ROOM ADDITION IN LINE WITH THE EXISTING FRONT PORCH APPROXIMATELY 26 FEET 3 INCHES FROM THE SOUTH/FRONT PROPERTY LINE WHERE 30 FEET IS REQUIRED AND TO ALLOW THE EXISTING GARAGE STRUCTURE AND GUEST UNIT TO BE ELEVATED TO MEET FLOODPLAIN STANDARDS 3 FEET 11 INCHES FROM THE NORTH/REAR PROPERTY LINE WHERE 25 FEET IS REQUIRED AND 1 FOOT 6 INCHES FROM THE EAST/SIDE PROPERTY LINE WHERE 7 FEET 6 INCHES IS REQUIRED FOR THE PROPERTY OWNED BY THOMAS AND MARY PARENT, LOCATED AT 53 BROAD AVENUE SOUTH, MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (9:25 a.m.). This being a quasi-judicial proceeding, Notary Public Vicki Smith administered an oath to those intending to offer testimony but who had not been previously sworn; all responded in the affirmative. City Council Members then made the following ex parte disclosures: Saad, Barnett and Sulick/familiar with the site but no contact; Finlay/visited the site and spoke with a nearby property owner; Price/visited the site and spoke with the petitioners; Heitmann/familiar with the site and spoke with the petitioner and nearby property owners; and Sorey/visited the site but no contact. Planning Director Robin Singer briefly reviewed the petitions as summarized in her August 30th memorandum (Attachment 2), noting that staff recommended approval as well as the Planning Advisory Board (PAB) with votes of 4-3 and 6-1 (petitions 10-V10 and 10-NC3 respectively) during its August 11 meeting. She confirmed for Vice Mayor Sorey that all garages along the subject alleyway are indeed grandfathered as non-conforming structures.

Tim Tassin, with Design Build of Naples, Inc., and agent for the petitioners, pointed out that the addition to the guest house would occur within its existing footprint, and that all renovations would maintain the 1930's esthetics of the historic area. He then acknowledged to Council Member Price that the west side of the foundation of the main house is failing and would be repaired during the renovation; the on-site parking spaces would remain at grade with only the guest house being elevated, he added.

Council then discussed the need to specify that the requested variances apply only to the current project, not future redevelopment.

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

MOTION by Price to APPROVE RESOLUTION 10-12753 amended as follows: Section 2: "...City Clerk's Office. If this property is redeveloped in the future, the project must comply with prevailing codes." This motion was seconded by Sorey and carried 6-1, all members present and voting (Finlay-yes, Heitmann-yes, Price-yes, Saad-yes, Sorey-yes, Sulick-no, Barnett-yes).

Council Member Sulick attributed her negative vote above to concern with numerous enlargements of older guest houses affecting the spatial perception of historic neighborhoods. While Council Member Finlay agreed, he also pointed out that the subject project would allow the historic ambience to remain while the structures undergo necessary repairs rather than demolition.

MOTION by Price to APPROVE RESOLUTION 10-12754 amended as follows: Section 2: "...City Clerk's Office. If this property is redeveloped in the future, the project must comply with prevailing codes." This motion was seconded by Sorey and carried 6-1, all members present and voting (Finlay-yes, Heitmann-yes, Price-yes, Saad-yes, Sorey-yes, Sulick-no, Barnett-yes).

ORDINANCE (First Reading)..... ITEM 13
AN ORDINANCE RELATING TO PUBLIC ART; AMENDING SUBSECTION 2-582(a) OF THE CODE OF ORDINANCES, CITY OF NAPLES, TO UPDATE AND CLARIFY PROVISIONS OF THE PUBLIC ART ADVISORY COMMITTEE (PAAC); PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (9:38 a.m.). Planning Director Robin Singer explained that this ordinance had been the result of term limits being inadvertently omitted from a prior submission in December 2009. In addition, clarification of the Public Art Advisory Committee (PAAC) members nominated by two local art organizations had been addressed, she added. In a discussion of the provision requiring good standing within the art organization for these members to avoid removal from PAAC, Vice Mayor Sorey, stated that it should be a Council decision as to whether this occurs with any City board or committee member.

Public Comment: (9:44 a.m.) None.

MOTION by Sorey to APPROVE THIS ORDINANCE at First Reading amended at follows: Section 20582(a): "~~...terms described above providing they continue to be members in good standing of their respective organizations. The committee...~~". This motion was seconded by Saad and unanimously carried, all members present and voting (Finlay-yes, Heitmann-yes, Price-yes, Saad-yes, Sorey-yes, Sulick-yes, Barnett-yes).

RESOLUTION 10-12755 ITEM 14
A RESOLUTION DETERMINING VARIANCE PETITION 10-V8 FROM SECTION 58-116(2) OF THE CODE OF ORDINANCES, WHICH REQUIRES A 12.5 FOOT SIDE YARD SETBACK IN THE R1-15A, RESIDENCE DISTRICT, IN ORDER TO ALLOW FOR A 5.1 SQUARE FOOT PORTION OF A SCREEN ENCLOSURE TO ENCROACH APPROXIMATELY 1 FOOT INTO THE REQUIRED 12.5 FOOT SIDE YARD, FOR PROPERTY OWNED BY JOSEPH TOMPKINS AND LOCATED AT 3601 GIN LANE, MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (9:44 a.m.). This being a quasi-judicial proceeding, Notary Public Vicki Smith administered an oath to those intending to offer testimony but who had not been previously sworn; all responded in the affirmative. City Council Members then made the following ex parte disclosures: Saad, Finlay, Barnett and Heitmann/no contact; Sulick/familiar with the site but no contact; Price/visited the site but no contact; and Sorey/visited the site and spoke with a person present at the site. Planner Erica Goodwin provided an overview of the request, noting staff's recommendation of

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approval and that of the Planning Advisory Board (PAB). She also confirmed the inclusion of the condition recommended by the PAB in Section 3 of the resolution, which limits the variance only to the subject screen enclosure with all future development required to be in compliance with zoning and building regulations in place at that time.

Public Comment: (9:47 a.m.) None.

MOTION by Saad to APPROVE RESOLUTION 10-12755 as submitted; seconded by Price and unanimously carried, all members present and voting (Finlay-yes, Heitmann-yes, Price-yes, Saad-yes, Sorey-yes, Sulick-yes, Barnett-yes).

It is noted for the record that Items 15-a and 15-b were read and considered concurrently.

..... **ITEM 15**
AWARDING TWO CONTRACTS FOR CITYWIDE LANDSCAPE MAINTENANCE SERVICES FOR A PERIOD OF ONE YEAR COMMENCING OCTOBER 1, 2010 WITH THE OPTION FOR TWO ADDITIONAL ONE-YEAR RENEWALS (Award of both contracts is contingent upon City Council approval of the FY 2010-2011 budget.):

CLERK'S TRACKING #10-00027 ITEM 15-a
A PERSONAL TOUCH LAWN SERVICES, INC., NAPLES, FLORIDA \ COST: \$560,300 \ FUNDING: COMMUNITY SERVICES – PARK & PARKWAYS DIVISION – OTHER CONTRACTUAL SERVICES; AND

CLERK'S TRACKING #10-00028 ITEM 15-b
GROUND ZERO LANDSCAPING SERVICES, INC., NAPLES, FLORIDA \ COST: \$83,284.24 \ FUNDING: COMMUNITY SERVICES – PARKS & PARKWAYS DIVISION – OTHER CONTRACTUAL SERVICES. (9:48 a.m.) City Manager William Moss noted the combined cost of the two contracts to be approved reflects a \$21,000 decrease from the prior year. Council Member Price commented that the City, also a consumer in the current economy, should anticipate a savings greater than the 3% reflected. Council Member Finlay however indicated that his review of unit pricing had found the proposals more than justified. (It is noted for the record that a copy of the document reflecting unit pricing is contained in the file for this meeting in the City Clerk's Office.) Parks & Parkways Superintendent Joe Boscaglia agreed, explaining that the costs to maintain the level of service demanded by City residents were reasonable, particularly since landscaping sites in the City are maintained weekly.

Vice Mayor Sorey and Council Member Heitmann nevertheless called for a workshop discussion of the aforementioned level of service, including a comparison of the cost for in-house versus outsourcing. Vice Mayor Sorey also suggested that the Gulf Shore Boulevard medians be groomed on a two-week schedule as well as reductions in other landscaped areas; the City could then ascertain residents' reactions, he said. Mr. Boscaglia pointed out that pricing had been requested on a weekly basis in addition to four and six week periods as staff had intended to implement seasonal schedules where possible and especially where plantings may become dormant in cooler weather.

Public Comment: (9:58 a.m.) **Sue Smith, 11th Avenue South**, supported the workshop proposed and also noted that some landscape contractors are over-fertilizing many properties within the City. Mr. Boscaglia then responded to her further concerns about expenditures, pointing out that planting and replacement of plantings is an in-house responsibility, listing numerous reasons why seemingly healthy plants would be removed and/or replaced. He however noted that the level of service demanded by residents dictates many of these decisions. Mrs. Smith maintained that this level of service should be reviewed by the residents, once again urging that a Council review be scheduled.

Discussion followed regarding the history of outsourcing of landscaping services and the bid process involved in selection of the recommended vendors.

MOTION by Sorey to APPROVE THIS ITEM as submitted; seconded by Saad and carried 5-2, all members present and voting (Finlay-yes, Heitmann-no, Price-no, Saad-yes, Sorey-yes, Sulick-yes, Barnett-yes).

Consensus that workshop discussion be scheduled for review of level of service for City landscaping maintenance.

RESOLUTION 10-12756 ITEM 16

A RESOLUTION RELATING TO WATER, IRRIGATION WATER, SEWER AND STORMWATER RATES; AMENDING APPENDIX “A”, FEES AND CHARGES SCHEDULE, OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES TO REFLECT EXISTING ANNUAL RATE ADJUSTMENTS BY INDEX; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (10:16 a.m.), who then clarified that the Code of Ordinances requires that the City’s rates above cited be annually increased by industry standards (see Attachment 3) and become effective October 1, therefore the Code appendix containing fees must be updated.

Public Comment: (10:17 a.m.) None.

MOTION by Saad to APPROVE RESOLUTION 10-12756 as submitted; seconded by Sulick and unanimously carried, all members present and voting (Finlay-yes, Heitmann-yes, Price-yes, Saad-yes, Sorey-yes, Sulick-yes, Barnett-yes).

ORDINANCE 10-12757 ITEM 17

AN ORDINANCE WAIVING THE ANNUAL SOLID WASTE RATE ADJUSTMENT BY INDEX FOR FISCAL YEAR 2010-2011; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (10:17 a.m.).

Public Comment: (10:18 a.m.) None.

MOTION by Sorey to ADOPT ORDINANCE 10-12757 as submitted; seconded by Price and unanimously carried, all members present and voting (Finlay-yes, Heitmann-yes, Price-yes, Saad-yes, Sorey-yes, Sulick-yes, Barnett-yes).

Recess: (10:18 a.m. to 10:32 a.m.) It is noted for the record that the same Council Members were present when the meeting reconvened. It is also noted that while consideration of Item 18 began immediately following the recess, it was suspended to allow Item 6 to proceed. Items 6-a and 6-b were read concurrently and Item 18 is reflected in its entirety following Item 6 below (see Page __)

RIVER PARK COMMUNITY POOL DESIGN DISCUSSION ITEM 6-a
RECEIPT OF A PROGRESS REPORT AND STATUS ON FUNDRAISING EFFORTS OF THE NAPLES AQUATIC FOUNDATION; AND DISCUSSION OF A CONCEPTUAL DESIGN OF THE NEW FACILITY (TENTATIVELY APPROVED OPTION 1) CONTAINING A FOUR TO SIX LANE POOL, SPLASH AREA, AND OTHER AMENITIES; AND CONFIRMING APPROVAL OF A CONCEPTUAL DESIGN IN ORDER TO PROCEED WITH DESIGN AND CONSTRUCTION OF THE NEW RIVER PARK POOL.

RESOLUTION 10-12758 ITEM 6-b

A RESOLUTION RANKING THE TOP THREE ENGINEERING AND ARCHITECTURAL DESIGN FIRMS FOR THE REPLACEMENT OF THE RIVER PARK POOL; APPROVING A CONTRACT WITH THE TOP-RANKED FIRM; AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (10:59 a.m.). City Manager William Moss identified what he described as three key items that were to be presented: 1) a progress report from the Naples Aquatic

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Foundation with regard to Council direction received during the May 19 consideration of the subject project (see Attachment 4 / staff memorandum for this item dated September 3, 2010); 2) design features for the pool complex; and 3) selection of a firm and award of a contract for design services. In addition, he said that staff requires direction as to how to proceed with the actual construction process and would provide recommendations for discussion.

Former Vice Mayor Penny Taylor provided a brief overview of the Naples Aquatic Foundation's efforts in meeting Council's directives above referenced (see Attachment 4). As a resident of Lake Park and one whose family routinely utilizes the River Park facility, she noted her personal interest as well as that of the community, which she pointed out was reflected in the number of persons present that day for this consideration. She said that community interest is reflected also in the fact that \$120,000, or 25% of the goal, had been raised by the Foundation during the summer months, particularly in light of the current economic climate. The Foundation's submittal was not the complete business plan, she explained, although it did reflect significant components developed with input from other organizations, governmental agencies and aquatic professionals. She advised that financial information garnered from other aquatic facilities in the area had not been included for the public record as requested by those entities, as well as noting that the City's current operational costs for the existing facility had not been made available and would in fact be necessary for the development of the requested business plan. Although lacking this information, she said, the document contains the vision and the recommendations necessary for the successful construction of a larger pool that was anticipated to be less of a financial burden on the City within three years of implementation. The group had however identified at least three potential grant opportunities and during its July 31 River Park neighborhood meeting, a survey resulted in support for a six lane pool; the Jasmine Cay community had also provided a petition in support of the facility remaining open year-round, she added.

Pointing out that Lee and Collier Counties had recently been recognized for leading the state in drowning deaths, Miss Taylor reported, urging that the City continue to be instrumental with preventing drowning by maintaining a facility to teach residents to swim, especially the children. The Collier County school administration had expressed an interest in adding swimming classes to its curriculum, she said, and a coalition was developing a County-wide drowning prevention program with current involvement by Naples Community Hospital, the American Red Cross, Collier County and the Southwest Florida Aquatic Foundation.

In summation, Miss Taylor confirmed that the Foundation continues to support an eight-lane pool as it believes this would enable the generation of adequate revenue to substantially lessen, or perhaps eliminate, the financial burden to the City and its taxpayers. The Foundation also urges that the City implement a marketing plan for the new facility, to coordinate with the school system in providing swim lessons, and to become involved in the aforementioned drowning prevention initiative. She then noted the Foundation's continued support of Council in this endeavor and thanked all who had been involved and/or those providing donations over the past 120 days.

While commending Miss Taylor and the Foundation, Council Member Price pointed out that these initiatives could be accomplished in a four- lane pool, and adding that eight lanes had been proposed to allow the use by various groups to generate outside revenue. He said he had projected a loss of \$625,000 over a five-year period with an eight lane pool and \$499,000 with a six lane pool; therefore, such a model is not sustainable for spending an additional \$700,000 for the larger configuration and saving only \$135,000, he maintained. Replacement of the pool to

provide the community with one that meets its needs, not those of outside groups, should be pursued, he said, especially in light of the financial considerations just reviewed; Council Member Sulick agreed.

Although a possible \$200,000 amount had not been realized due to restrictions on school system capital expenditures, Miss Taylor noted that the Superintendent of Schools had expressed support of the use of the facility by various schools should an eight-lane pool be installed; she also explained that payment is currently made by the school system to the YMCA for use of its pool. Although the Foundation fully supports swimming classes, a four-lane pool would limit access by others at those times. In addition, she questioned the expenditure of \$1-million for a pool that would likely be open only 120 days per year.

Community Services Director David Lykins provided a brief history of prior design submittals for the new facility, explaining that they had reflected the results of a survey of the River Park community as to the elements for inclusion. He advised Council Member Saad that the preliminary scheme provided that day (Attachment 5) had been the result of Council direction that a concept be developed at a cost of \$1-million, with a scope of work to include the elements reflected in the original designs; it had therefore been necessary to alter the infrastructure to one body of water supported by one mechanical filtration system, he added. Mr. Saad then took issue with the lack of a detailed business plan having been submitted by the Foundation. Chuck Slaght, also representing the Foundation, explained that a more detailed version of the document was available and would be forwarded later that day (a copy of which is contained in the file for this meeting in the City Clerk's Office). Mr. Saad also voiced strong support for swimming instructional programs.

Council Member Heitmann commended the staff of the River Park Community Center, noting that swimming lessons were currently being provided and urging that the facility remain open year-round and be constructed with eight lanes to generate revenue in order to relieve the City's financial burden. She further stated that the River Park residents, as well as Naples High School students, had expressed interest in utilizing the pool should it be open more often. Additional community meetings should be held, she urged, and more information provided to the neighborhood prior to decision-making. Council Member Sulick however maintained that the issue is ongoing operation and maintenance costs, regardless of the size of the pool; nevertheless, Mrs. Heitmann stated that fundraising efforts by the Foundation should be allowed to continue. Director Lykins explained that unless otherwise directed, the new facility would operate under the current policies and therefore generate similar revenue; the intent of the pool has not been to generate revenue but to serve as a seasonal recreational amenity for the adjacent neighborhood. Park Manager for the River Park facility, Mercedes Puente, clarified that staff attempts to keep the pool open as much as possible, swimming lessons are indeed provided, she added, and stated that additional programs, such as master's swim classes, could be offered although additional funding would be needed.

Council Member Heitmann questioned projected operating and maintenance costs should a larger pool be constructed, however, City Manager Moss stressed that staff had not been directed to prepare such information. Council Member Sulick referenced a letter received from the Chairman of the YMCA Board of Trustees (a copy of which is contained in the file for this meeting in the City Clerk's Office) detailing the expensive nature of operating a competition pool and noted her belief that such a pool would never become financially self-sustaining; the needs of the immediate neighborhood must instead be met, she added.

City Council Regular Meeting – September 15, 2010 – 8:29 a.m.

Council Member Finlay said that use of TIF (Tax Incremental Financing) funding from the City's redevelopment area should move the project into a community-wide consideration, not a neighborhood facility as it was currently being operated. He also pointed out that he would be willing to delay the project on a limited basis to allow additional funding from outside sources. Council Member Saad disagreed, maintaining that the pool had been under discussion for at least three years and Council had agreed to delay the project another 120 days to allow the Foundation time to meet Council's requests (see Attachment 4) which had resulted from the group's proposal for a competition pool. As the requirements had in fact not been met, Mr. Saad stated that no further delay should occur and the City should move forward with a six lane pool.

Public Comment: (12:00 p.m.) **Chuck Slaght, representing the Naples Aquatic Foundation**, explained that a more detailed document than the one submitted was available and that he would forward it that day. (It is noted for the record that a copy of the subsequent document was provided for the file for this meeting in the City Clerk's Office). He however pointed out that the financials reflected in the currently available information did not reflect the use of any funding from the City for operations and maintenance. In addition, he said that to increase the size of a pool from six to eight lanes would involve approximately \$100,000 in construction costs and offered his consulting services pro bono with regard to choosing elements for the facility. The following speakers supported an eight-lane pool: **Emily Thoenke, Naples; Al Pell, 450 Bayfront Place, and Mary Ann Wallace, 485 Spinnaker Court.** **Willie Anthony, 559 14th Street North**, expressed his support for a six lane facility with reasonably sized slides for the children to use safely, and cautioned that the River Park community must be involved in the decision making and their welfare kept to the forefront of priorities when determining the size of the facility. He received clarification that the diagram produced that day merely depicted a preliminary scheme (see Attachment 5) and reflected one possible design scenario of the facility based on the proposed budget. **Khristina Greene, 350 Tenth Street North, #E-1**, questioned whether the use of the term community pool meant just the immediate neighborhoods or encompassed the City and as a member of the River Park community, she further asked how many of those urging the construction of a larger pool had actually utilized the current facility. **Warren Adkins, Jr., President of the River Park Neighborhood Association**, agreed with Mr. Anthony's comments, adding that impacts to his community would increase with the construction of a competition pool; traffic, parking and noise would in fact disrupt the close-in neighborhood.

City Manager Moss reported that staff would recommend that the City proceed with a construction manager at risk process and that details were to be provided later during that meeting; this recommendation will enable staff to meet the project's June 2011 deadline.

Mayor Barnett stated that he considered the pool primarily for the use of the River Park neighborhood, adding that the area is not the right location for a larger facility. He thanked Miss Taylor and the Foundation for its efforts but indicated that he could not support their proposal. Consensus followed supporting the scope of work reflected on Page two of the staff report (see Attachment 4), with no more than six lanes for the pool. (Council Member Finlay dissented, supporting a delay to allow additional fundraising; Council Member Heitmann and Vice Mayor Sorey supported a 6 or 8 lane facility).

Recess: (12:33 p.m. to 12:49 p.m.) It is noted for the record that the same Council Members were present when the meeting reconvened and consideration of Item 6 resumed.

(12:49 p.m.) City Manager Moss continued discussion of Item 6-a, explaining that over the summer months, staff had developed the scope of work above referenced (see Attachment 4,

Page 2, A through H), noting that it had been based upon prior Council discussion and direction, as well as information gathered since the April consideration of the pool's design. It had come to light that, realistically, the City would be unable to construct a facility with a separated area for water slides and a designated splash area due to the \$1-million allocation for the project; separate areas for the aforementioned activities would most likely exceed the budgeted amount by at least \$175,000, he added. The preliminary scheme above referenced (see Attachment 5) reflects a facility with these elements integrated into one combined pool design, thereby allowing use of only one filter system rather than multiple units. He also assured Council that staff would indeed keep the River Park community informed as to the design once it was developed.

Discussion followed as to the specifics of the elements to be included within the design of the new facility. Community Services Director Lykins confirmed that water slides had been requested by the neighborhood and would, like all amenities, be scaled to fit the site and surrounding structures. Council Member Sorey stated that he could not support the preliminary scheme (see Attachment 5) as presented, especially with regard to the singular pool concept. He further expressed concern with only one filtration and pump system as the entire facility would be closed should the equipment fail; Council Member Heitmann agreed. Mr. Moss pointed out that an additional \$200,000 would be needed for redundancy in that regard. Streets & Stormwater Director Ron Wallace added that the allocation for the project will determine the outcome of the design. Staff intends to return with two or three different concepts by January, he continued, although a general scope of work would need to be defined that day to allow the June 2011 completion deadline to be met.

Council Member Finlay voiced concerns regarding the need to close the entire integrated facility should an accidental contamination occur. John Waller, Aqua Dynamics Design Group (firm to work in conjunction with Borrelli & Partners, Inc. with engineering design for pool / Item 6-b), however explained that the preliminary scheme (see Attachment 5) had been designed to fit within the limited space available, integrating the water activity (slides), splash area and pool into one, multifunctional pool and eliminating multiple filtration and piping systems. Most such accidents do not require closure of the facility, he added. He further explained that the filtration system would serve the entire pool, but an additional pump would be utilized for the slide and one for the children's play area. Should the filtration system fail, the entire facility would be taken out of service no matter the number of separate areas although should a pump cease operating, the remaining elements would not be affected.

Discussion of Item 6-b followed. City Attorney Pritt re-reading the resolution's title. City Manager Moss then explained that 18 firms had responded to the RFQ (requests for qualifications) over the summer and, following a brief explanation of the selection process for the top three firms listed on the resolution, he stated that staff recommended its approval.

Public Comment: (1:15 p.m.) **David Corbin, representing David Corbin Architect, PLLC,** ranked as third in the above selection, took issue with the City's selection process which does not provide for local preference. If one of the local firms had been selected, then the fees generated from the project would have remained within the local economy, he said; furthermore, having provided the original designs pro bono, he and his team was therefore already intimately familiar with the project and this knowledge would have saved taxpayers money. In conclusion, he maintained that his comments had been made for Council consideration of future projects for which local firms would be submitting bids, urging consideration of a local preference acquisition policy similar to those in place in other jurisdictions.

In response to Council Member Price, City Manager Moss explained that the rankings had been extremely close and the final order determined only after the conduct of interviews. Mr. Price then expressed support for awarding points for local businesses as noted above; Vice Mayor Sorey agreed, saying that he had intended to broach the subject during Correspondence and Communications (see Page 16).

MOTION by Barnett to APPROVE RESOLUTION 10-12758 as submitted; seconded by Saad and carried 6-1, all members present and voting (Finlay-yes, Heitmann-no, Price-yes, Saad-yes, Sorey-yes, Sulick-yes, Barnett-yes).

It being noted that the above contract is for design services only, City Manager Moss reiterated staff's recommendation that the construction manager at risk process be considered, observing that this method had been successful with the newest parking facility (Sixth Avenue and Eighth Street South). The intent would be for staff to return within four weeks with rankings of firms submitting proposals for this process, which would also include guaranteed maximum costs. Council concurred.

RESOLUTION 10-12759 ITEM 18
A RESOLUTION EXTENDING AN AGREEMENT FOR PROVISION OF LEGAL SERVICES WITH THE LAW FIRM OF ROETZEL & ANDRESS, ROBERT D. PRITT AS LEAD ATTORNEY, FOR A 2 YEAR PERIOD, ENDING SEPTEMBER 30, 2012; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (10:32 a.m.) who then referenced his letter dated September 7 (Attachment 6), pointing out that his fees had not been increased since 2005. In addition, he provided a brief review of prior litigation, noting the current decline thereof and requested a two-year extension of the existing agreement.

Council Member Sulick commended Mr. Pritt and proffered a motion for approval, which Council Member Saad seconded. Following a reference by Council Member Finlay to a report of attorney's fees paid through August 31, 2010 (Attachment 7), Mr. Pritt explained that the report contains a listing of invoices paid for all legal services provided to the City over a five year period. He clarified the criteria for a special project as one involving over ten hours' time and therefore not included under the general services cap of \$270,000 per the subject agreement.

Public Comment: (10:44 a.m.) **Sue Smith, 11th Avenue South**, requested clarification with regard to additional services provided by Mr. Pritt's firm and received a brief overview of its billing procedures. Mr. Pritt further explained that the City's Legal Coordinator provides assistance on much of the general services as well as an increasing amount of paralegal support for litigation; this position is not funded under his agreement but as a City staff position, he added. Mrs. Smith requested that the Legal Coordinator's scope of work as well as salary and benefit details be provided, and Mayor Barnett indicated that this information would be forwarded at a later date.

City Attorney Pritt reiterated for Council Member Heitmann that paralegal work necessary for matters falling under general services, while delegated to the in-house Legal Coordinator for the majority of instances, is in fact funded within his agreement should his firm's staff perform the duties. Referencing the proposed 2010-11 budget document, Council Member Price cited from the City Attorney's section as follows:

- \$270,000 – City Attorney (contract);
- \$160,000 – litigation;
- \$25,000 – labor attorney;
- \$494,770 – total operating expenses; and
- \$603,164 – total expenses.

The above figures result in a total budgeted decrease from the prior year of \$43,618, Council Member Price added. Mayor Barnett then explained for Council Member Heitmann that outside

legal services had been engaged due to the necessity of continued outsourcing of services with a prior in-house attorney. Mrs. Heitmann said that she would nevertheless recommend a discussion of possibly reverting to an in-house attorney so as to determine whether this would be cost effective at this juncture.

It is noted for the record that the portion of Item 18 reflected below occurred following consideration of Item 6.

(1:38 p.m.) During consideration of Item 6 above, City Attorney Pritt indicated that research regarding the above discussion had revealed that \$170 had been spent to date for paralegal support for general services issues, the remainder having been provided by the City's Legal Coordinator.

Vice Mayor Sorey proffered a motion for approval; he however also observed that consideration should be given to scheduling Council agenda items in deference to the cost residents incur for the legal services needed in conjunction with their petitions. He further urged Mr. Pritt to bring forward any suggestions and/or recommendations to Council which could possibly lower costs and/or streamline processes, conducting a workshop if necessary.

Council Member Price continued his one year summary of the City Attorney's fees, stating that he had focused on the following four key points:

- Overall costs for legal services;
- Risk management and its value;
- Value of institutional knowledge to the City; and
- Services involved with Boards Committees, especially Planning Advisory Board (PAB).

He said that close review had revealed that in fact many legal services are not charged to the City, such as telephone calls and meetings with individual Council Members, as well as time spent providing services beyond eight hours per day. With regard to risk management and its value, the possibility of litigation and its cost, is much greater than the annual cost of Mr. Pritt's compensation, he said, which is aided by his institutional knowledge of the City and its prior issues. Upon review of the PAB meetings, including issues considered and recommendations made, Mr. Pritt's participation in these meetings should continue and are well worth the cost, Mr. Price said, adding that he would recommend approval of the two-year contract, noting that he had asked Mr. Pritt to identify another 5% decrease in costs.

MOTION by Sulick to APPROVE RESOLUTION 10-12759 as submitted; seconded by Saad and unanimously carried, all members present and voting (Finlay-yes, Heitmann-yes, Price-yes, Saad-yes, Sorey-yes, Sulick-yes, Barnett-yes).

PUBLIC COMMENT

(1:48 p.m.) **Sue Smith, 11th Avenue South**, stressed the value of institutional knowledge, noting its loss as a result of recent City staff reductions. She also requested that information with regard to Item 18 above be conveyed publicly and expressed concern with the lack of consistent answers, or in some cases lack of response, to questions regarding the municipal airport. Assurance was then given by City Attorney Robert Pritt that the City's ongoing issues with the NAA (Naples Airport Authority), regarding a proposed runway extension and federal preemption, would be made known to the FAA (Federal Aviation Administration) via a letter and a packet of additional information from the City which is to be entered into the record of the NAA meeting to be held that evening, the record then forwarded to the FAA for its consideration. Council Member Saad added that a prior meeting referenced by Mrs. Smith, which had been held at the Norris Community Center and facilitated by the NAA's Attorney had in fact been intended to gather community comments with regard to the NAA's environmental assessment and forwarded to the FAA for evaluation, not for actual dialog with the NAA.

It is noted for the record that Mayor Barnett left the meeting at 1:55 p.m. and Vice Mayor Sorey presided for the remainder of the meeting.

CORRESPONDENCE AND COMMUNICATIONS.....

(1:55 p.m.) (It is noted for the record that documentation referenced throughout this item is contained in the file for this meeting in the City Clerk's Office.) Vice Mayor Sorey made note of the new restrooms provided at the Fishing Pier which had been funded by TDC (Tourist Development Council) monies. He then urged residents to vote in the upcoming election, utilizing absentee ballots if necessary especially noting complexity of issues to be determined. With regard to recent discussion of term limits for the Naples Airport Authority (NAA) members, he observed that a petition to the Legislature would be necessary to implement such an amendment. In addition, he received consensus for a workshop discussion of a local preference acquisition policy (see Item 6 above) similar to that of Collier County, and thanked staff for the recent rescue of a stranded manatee. Council Member Heitmann reported that the Third Street Plaza, recently entered into foreclosure, was in need of maintenance and City Manager William Moss stated that the development was under new management and such issues were being addressed. She then requested a written explanation of a resident's recent complaint with utility billing, as well as a copy of Council Member Price's analysis of the City Attorney's budget (see Item 18 above) and a workshop review of the Annual Water Quality Report generated by Collier County. Mrs. Heitmann also commended staff for its efforts in renovating the site of a recently removed tree within a Sixth Street South median (at Fifth Avenue South); Council Member Finlay agreed. Council Member Sulick noted agreement with consideration being given to local vendors and contractors, especially with projects such as the River Park pool (see Item 6 above) due to the possible need of accessibility in the long term. She also reported vacant lots in need of mowing which are located on Mandarin Road (just north of Pine Court). Reporting on a recent MPO (Metropolitan Planning Organization) meeting, she advised that the County was considering scheduling stops for its public transportation system along Pine Ridge Road and Golden Gate Parkway, which would impact traffic within areas of the City; concerns should be forwarded to the MPO, she added. In response to Mrs. Heitmann, she explained that the structures installed at covered bus stops are costly and level of usage determines which are in fact afforded this amenity. Council Member Price stated that he would be presenting his review of the Naples Art Association's budget in October and recommended that the Naples Players also provide such a report annually. He then suggested that action regarding a prior consensus, involving Council participating in a survey to determine individual preferences with regard to communication methodology, occur during a public meeting in October; Council concurred. Due to concerns with distinguishing the City from other areas within Collier County, he recommended that discussion be scheduled to determine whether interest exists in returning to a prior designation of "Naples on the Gulf" and concurrence was received. Council Member Saad maintained that while he understood the benefits of providing preference to local service providers, he was nevertheless concerned that fiscal responsibility also be kept in mind, as well as noting that a City name change would require a charter amendment.

ADJOURN
2:13 p.m.

Bill Barnett, Mayor

Tara A. Norman, City Clerk

Minutes prepared by:

Vicki L. Smith, Technical Writing Specialist

Minutes Approved: 10/20/10

City of Naples

**NAPLES CITY COUNCIL AGENDA MEMORANDUM****Regular Meeting Date: September 15, 2010**

Agenda Section:	Regular	Prepared By: Erica J. Goodwin, Planner II
Agenda Item:	10	Date: August 30, 2010 Legislative <input type="checkbox"/> Department: Planning Quasi-Judicial <input checked="" type="checkbox"/>
SUBJECT: Resolution determining conditional use approval to allow the conversion of 4413 square feet of office space into a maximum of three (3) residential units on the third floor of an existing commercial office building in the HC, Highway Commercial district, on property located at 800 Seagate Drive.		
SUMMARY: City Council is asked to consider a resolution determining Conditional Use Petition 10-CU8, pursuant to Section 58-503 of the Code of Ordinances, to allow the conversion of 4,413 square feet of office space into a maximum of three (3) residential units on the third floor of an existing commercial office building in the HC, Highway Commercial district, on property located at 800 Seagate Drive. In that this is a Quasi-Judicial matter, disclosures and the swearing in of those giving testimony are required.		
BACKGROUND: The petitioner is seeking conditional use approval to allow no more than three (3) residential units to be constructed within an existing three-story 10,028 square foot commercial building in the HC, Highway Commercial district. The proposed improvements will be strictly interior and will not affect the site, footprint or shell of the building. Section 58-503 of the Code of Ordinances provides for residential dwelling units in the Highway Commercial zoning district as a conditional use when such dwelling units are compatible with a permitted use and are located within the same building or group of buildings as the permitted use. There is currently 10,028 square feet of commercial space on the site and 34 parking spaces. Section 50-104(4) of the Code of Ordinances requires 1 space per 300 square feet of commercial space. There will be 5,615 square feet of commercial space remaining requiring 19 parking spaces. Section 50-104(12)(c) requires residential units located in the HC zoning district to provide two spaces per unit plus visitor parking calculated at one space per ten dwelling units. The petitioner is proposing three (3) residential units, requiring 6 residential spaces plus one visitor space. Therefore, the total number of parking spaces required for the proposed development will be 26 spaces, resulting in a surplus of 8 parking spaces on the site.		
File Reference: 10-CU8 Owner: 800 Seagate Drive, LLC, Charlie Ashby, Managing Member Petitioner: David Humphrey, Humphrey Rosal Architects Location: 800 Seagate Drive Zoning: HC, Highway Commercial District		
On August 11, 2010, the PAB voted 7 to 0 to recommend approval of Conditional Use Petition 10-CU8 to City Council.		

CITY OF NAPLES



NAPLES CITY COUNCIL AGENDA MEMORANDUM

Regular Meeting Date: September 15, 2010

Page Two

Agenda Item:

10

PUBLIC NOTICE/COMMENT:

On July 26, 2010, a total of 31 letters were mailed to all property owners located within 500 feet of the subject property. As of the date of this report, staff has received no responses to the mailing.

RECOMMENDED ACTION:

Adopt a Resolution approving Conditional Use Petition 10-CU8, pursuant to Section 58-503 of the Code of Ordinances to allow the conversion of 4,413 square feet of office space into a maximum of three (3) residential units on the third floor of an existing commercial office building in the HC, Highway Commercial district, on property located at 800 Seagate Drive.

Reviewed by Department Director
Robin Singer

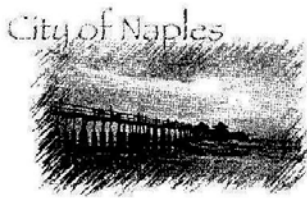
Reviewed by Finance
N/A

Reviewed by City Manager
A. William Moss

City Council Action:

**NAPLES CITY COUNCIL AGENDA MEMORANDUM**Regular Meeting Date: September 15, 2010

Agenda Section:	Prepared By: Robin D. Singer, Director	
Regular	Date: August 30, 2010 Department: Planning	
Agenda Item:	Legislative <input type="checkbox"/>	Quasi-Judicial <input checked="" type="checkbox"/>
12 (a) and (b)		
SUBJECT:		
(a) Resolution determining Variance Petition 10-V10 to allow a 406 square foot addition to an existing 402 square foot guest unit for a total of 808 square feet where a maximum of 450 square feet is allowed; and		
(b) Resolution determining Non-Conformity Petition 10-NC3 to expand a non-conforming structure in the R1-10 Residence District order to allow a sun porch and sitting room addition in line with the existing front porch and to allow the existing garage structure and guest unit to be elevated to meet floodplain standards on property located at 53 Broad Avenue South.		
SUMMARY:		
City Council is asked to consider two resolutions concerning the property located at 53 Broad Avenue South:		
(a) Resolution determining Variance Petition 10-V10 from Section 56-91(b)(3)b to allow a 406 square foot addition to an existing 402 square foot guest unit for a total of 808 square feet where a maximum of 450 square feet is allowed; and		
(b) A Resolution determining Non-Conformity Petition 10-NC3 to expand a non-conforming structure in the R1-10 Residence District order to allow a sun porch and sitting room addition in line with the existing front porch approximately 26'-3" from the south/front property line where 30'-0" is required, and to allow the existing garage structure and guest unit to be elevated to meet floodplain standards 3'-11" from the north/rear property line where 25'-0" is required and 1'-6" from the east/side property line where 7'-6" is required. In that this is a Quasi-Judicial matter, disclosures and the swearing in of those giving testimony are required.		
BACKGROUND:		
The petitioners wish to add a two story sun room and sitting room addition to the front of the house along an existing non-conforming front setback line. At the rear of the property they also would like to elevate the existing guest unit and garage and build a new garage and open patio area below along the existing non-conforming side and rear setback lines. They will be expanding the guest unit into the elevated space that is currently the garage space. This will double the area of the guest unit to 358 square feet above the maximum square footage allowed in the Code. A variance is required to exceed the allowable area of the guest unit and approval of a non-conformity petition is required to expand horizontally and vertically along existing non-conforming setback lines. The structures are contributing structures in the City's Historic District. The greatest impact of the proposed improvements would be at the rear of the structure. Because there is an alley at the rear and the neighbor has a similarly situated garage, the impacts should be minimal to adjacent properties.		



NAPLES CITY COUNCIL AGENDA MEMORANDUM

Regular Meeting Date: September 15, 2010

Page Two

Agenda Item:

12 (a) and (b)

BACKGROUND (cont.):

File Reference: 10-V010 and 10-NC03

Owner: Dr. Thomas and Mary Parent

Petitioner: Dr. Thomas and Mary Parent

Agent: Mr. Tim Tassin, Design Build of Naples, Inc

Location: 53 Broad Avenue South

Zoning: R1-10, Residence District

On July 21, 2010, a total of 44 letters were mailed to all property owners located within 500 feet of the subject property. No responses were received to the mailing. On August 11, 2010, the Planning Advisory Board voted 4-3 to recommend approval of Variance Petition 10-V10 and voted 6-1 to recommend approval of Non-Conformity Petition 10-NC3.

RECOMMENDED ACTION:

(a) Adopt a Resolution approving Variance Petition 10-V10 from Section 56-91(b)(3)b to allow a 406 square foot addition to an existing 402 square foot guest unit for a total of 808 square feet where a maximum of 450 square feet is allowed; and

(b) Adopt a Resolution approving Non-Conformity Petition 10-NC3 to expand a non-conforming structure in the R1-10 Residence District order to allow a sun porch and sitting room addition in line with the existing front porch approximately 26'-3" from the south/front property line where 30'-0" is required and to allow the existing garage structure and guest unit to be elevated to meet floodplain standards 3'-11" from the north/rear property line where 25'-0" is required and 1'-6" from the east/side property line where 7'-6" is required.

Reviewed by Department Director

Robin D. Singer

Reviewed by Finance

N/A

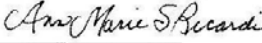
Reviewed by City Manager

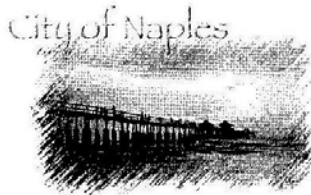
A. William Moss

City Council Action:

City of Naples

**NAPLES CITY COUNCIL AGENDA MEMORANDUM**Regular Meeting Date: **September 15, 2010**

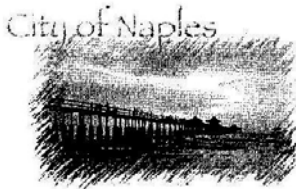
Agenda Section:	Prepared By: Ann Marie S. Ricardi, Director	
Regular	Date: August 31, 2010	Department: Finance
Agenda Item:	Legislative <input checked="" type="checkbox"/>	Quasi-Judicial <input type="checkbox"/>
16		
SUBJECT:		
A Resolution amending appendix "A", Fees and Charges Schedule of the Code of Ordinances to reflect the October 1 updated rates for water, irrigation water, sewer and stormwater services.		
SUMMARY:		
City Council is asked to consider a resolution that will update the code of Ordinances, Appendix A to reflect the updated rates going into effect October 1, 2010 for water, irrigation water, sewer and stormwater.		
BACKGROUND:		
The current rate structure for the City's utilities was designed to support the ongoing operations of the Utilities Department. The rate structure and ordinances were developed assuming annual adjustments would be made. The purpose of an indexed increase is to ensure that the rates stay sustainable, without requiring any major rate increases or rate studies in the near future.		
Sections 30-33(g), 30-177 (b), and 30-259(2) of the City Code of Ordinances provide that water, sewer and irrigation (reclaimed) water rates are to be increased every October 1 by the percentage increase in the Public Service Commission Deflator Index. In March, the Florida Public Service Commission announced that the increase was 0.56%.		
Section 30-343 of the Code of Ordinances provides that stormwater rates shall be increased every October 1 by the percentage increase in the United States Consumer Price Index. The United States Consumer Price Index increased by 1.46% based on the April CPI-U. This percentage represents the difference between the April 2008 and the April 2010 rates (two years), because the April 2009 CPI was a decrease and therefore not applied last year. The next CPI rate to be applied in October of 2011 will be based on the one-year change from April 2010 to April 2011.		
For a typical City customer whose bi-monthly utility bill is around \$175, the bill increase will be approximately \$.95 or less than \$6 annually. For a larger water consumer whose bi-monthly bill is closer to \$475, the increase will be closer to \$2.60 or less than \$16 per year. The resolution shows each rate change.		
RECOMMENDED ACTION:		
Approve a Resolution amending appendix "A", Fees and Charges Schedule of the Code of Ordinances to reflect the October 1 updated rates for water, irrigation water, sewer and stormwater services.		
		
Reviewed by Department Director Ann Marie Ricardi	Reviewed by Finance Ann Marie Ricardi	Reviewed by City Manager A. William Moss
City Council Action:		



NAPLES CITY COUNCIL AGENDA MEMORANDUM

Regular Meeting Date: September 15, 2010

Agenda Section: Regular	Prepared By: David Lykins, Director Date: September 3, 2010 Department: Community Services
Agenda Item: 6 (a)	Legislative <input checked="" type="checkbox"/> Quasi-Judicial <input type="checkbox"/>
SUBJECT: Discussion regarding the replacement of the River Park Pool.	
SUMMARY: City Council is asked to receive a progress report and status on fundraising efforts of the Naples Aquatic Foundation; to discuss a conceptual design for the new facilities for the tentatively approved Option 1 - a recreational facility with 4-6 lanes, splash area, and other amenities; and to confirm approval of a conceptual design in order to proceed with design and construction of the new River Park Pool.	
BACKGROUND: On April 19, 2010 City Council discussed options for the design of a new River Park pool facility and discussed funding. City Council consensus was for staff to modify Option 1 presented on November 18, 2009 and return to City Council with a concept that would construct as much as possible within a budget of \$700,000 to no more than \$1 million. During the City Council meeting of May 19, 2010, City Council received a presentation from David Poorman and others affiliated with the Naples Aquatic Foundation requesting consideration for a competitive swim facility. City Council consensus following the presentation was as follows: <ol style="list-style-type: none"> 1. The Naples Aquatic Foundation was to raise \$500,000 in 120 days 2. Submit business plan depicting income estimates compared to other public swimming facilities 3. Supply incremental cost estimates of a community pool versus a facility as proposed 4. Conduct a community meeting to present Aquatic Foundation proposal to residents On July 31, 2010, the Naples Aquatic Foundation conducted a community meeting with residents of the River Park neighborhood. Staff and members of City Council were present. On August 12, 2010, Warren E. Adkins, Jr., President of the River Park Neighborhood Association prepared a letter summarizing the consensus of residents who attended the meeting. City Council received a copy of the letter including copies of a petition from neighborhood residents regarding their design preferences. Upon conclusion of discussion by residents attending the July 31, 2010 meeting and evaluating on the presentation by the Naples Aquatic Foundation, the Association voted for a 6-lane pool, stating that an 8 or 10 lane pool would create too much of an impact on the community (August 12, 2010 letter from the River Park Neighborhood Association with signed petitions is attached). Staff has not received information from the Naples Aquatic Foundation as to the success of their	



NAPLES CITY COUNCIL AGENDA MEMORANDUM

Regular Meeting Date: September 15, 2010

Page Two

Agenda Item:

6 (a)

BACKGROUND (cont.):

fund-raising activity. The Foundation has been invited to the September 15, 2010 City Council meeting with the anticipation of an update on progress and status.

Absent direction to the contrary, staff will proceed with City Council's conceptual approval and preferences expressed by residents in the neighborhood that includes a recreational pool suitable for swimming instruction, summer camp programs, a splash component, water slide(s) new filtration and restroom building. While original concepts envisioned separated areas for water slides and the splash area, the proposed concept will integrate these into singular combined pool design. This will allow one pump and filter facility rather than multiple mechanical and filtration facilities. Separate facilities will likely exceed the budget by \$175,000 or more.

The proposed design will include the following scope of work:

- A) 25 yard Recreational Pool with four to six lap lanes, a zero entry access, an integral learn-to-swim area, a zero-entry portion (total = approximately 4,500 square feet), outfitted with various child-oriented features such as dump buckets, in-ground fountains, accessible lift, lifeguard stands, lane markers, etc.
- B) A ten to fifteen foot high slide(s) at the recreational pool
- C) Paved pool deck of either finished concrete or pavers as budget permits
- D) Adequate lighting for night use
- E) Continuous site enclosure for security, safety and privacy
- F) Either portable devices or build shading canopies for groups using the pool deck
- G) On-street parking for a to be determined number of cars with drop-off zone
- H) Natural ventilation masonry bathhouse with these areas (approximate)
 - 1) Admissions and administrative office (conditioned air) 100 square feet
 - 2) Lifeguard lounge and screening room (conditioned air) 300 square feet
 - 3) Pool equipment storage 200 square feet
 - 4) Concessions or vending area 100 square feet
 - 5) Recreational pool mechanical equipment room 900 square feet
 - 6) Restrooms with changing/showering areas 800 square feet
required for pools of 5,000-7,500 square feet
 - 7) A single Unisex/family restroom with shower 80 square feet

2,480 square feet

Funding requested in FY 2010-11 Capital Improvement Program for a pool replacement is as follows:

Sample Grant	16,000
Public Service Tax 2009-10	275,000
Public Service Tax 2010-11	159,000
CRA Fund 2009-10	300,000
CRA Fund 2010-11	250,000
Total	1,000,000

City of Naples



NAPLES CITY COUNCIL AGENDA MEMORANDUM

Regular Meeting Date: September 15, 2010

Page Three

Agenda Item:

6 (a)

RECOMMENDED ACTION:

City Council receive a progress report and status on fundraising efforts of the Naples Aquatic Foundation and provide confirmation of the proposed scope of work for the replacement of the River Park Pool.

Reviewed by Department Director

Dave Lykins

Reviewed by Finance

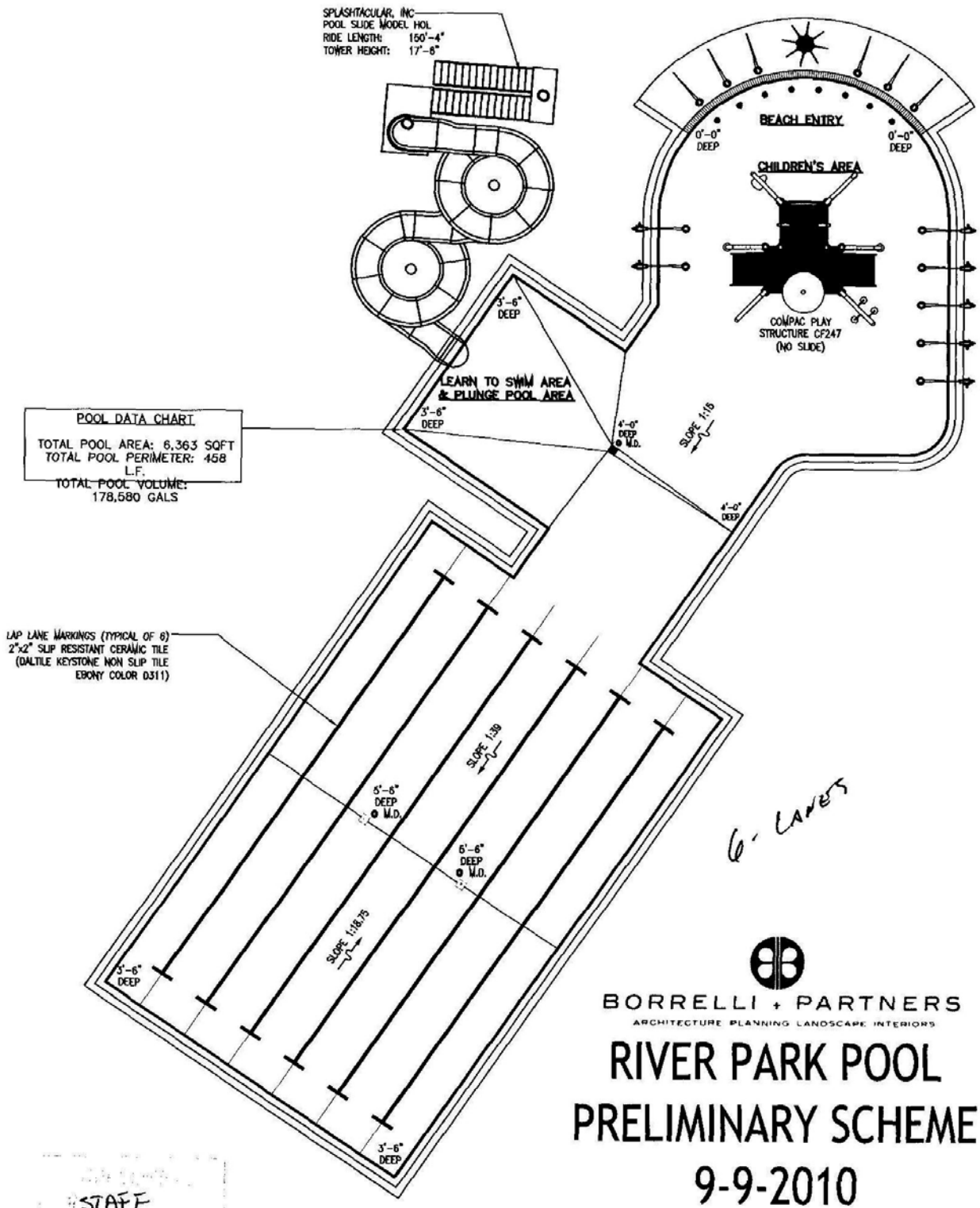
N/A

Reviewed by City Manager

A. William Moss

City Council Action:

ITEM 6 - STAFF





850 PARK SHORE DRIVE
TRIANON CENTRE - THIRD FLOOR
NAPLES, FL 34103
239.649.2714 DIRECT
239.649.6200 MAIN
239.261.3659 FAX
rpntw@ralaw.com

September 7, 2010

Honorable Bill Barnett, Mayor
Naples City Council
City of Naples
735 8th Street South
Naples, Florida 34102

Re: Request for Extension of Legal Services Agreement-2010

Dear Mayor Barnett and City Council:

On behalf of Roetzel & Andress, I request that Naples City Council allow us to continue serving as the City Attorney and law firm for the City of Naples for the upcoming fiscal year and the fiscal year thereafter. We have acted as your City Attorney since 1997 and I have had the honor of acting as your assistant City Attorney 2000-2002, and your City Attorney since 2002.

Both the City and the law firm have made significant investments in the knowledge and skill sets necessary for the defense of the City in litigation, for the prevention of unnecessary risks leading to further litigation and for the smooth and predictable promotion of the City's business in protecting the public health, safety and welfare, and now in providing a part of the corporate memory concerning the legal affairs of the City. That specialized knowledge and experience makes us able to perform services very efficiently and effectively.

I propose an extension of the current agreement for two years and in exchange the law firm will commit to freeze the hourly rates from the 2005 agreement for the period of the extension. Although we did not know in 2005 the future economic challenges for cities, we did recognize that in 2008 and refrained from increasing rates. These are still difficult times for local governments and we believe that the continuing freeze will provide predictability in budgeting for the next two years.

We have held the line on overall legal costs and will continue to do so in the upcoming year with the reduced amounts in the proposed budget for general services. Some of the services such as pension, labor negotiations and workers compensation, are being performed by other law firms and we have little control over those services.

We also perform the risk management defense and other litigation services for the City. As can be seen from the quarterly litigation reports, we continue to have a high degree of success in litigation. This includes some major cases in the civil rights area in federal court that have been resolved as well as the more routine liability cases.

As important, but difficult or impossible to quantify, are the lawsuits that did not occur, due to a combination of skills by the risk management office, the city manager's office, the departments, the City Council, and the law firm. I have practiced preventive law on behalf of local governments for almost 30 years. Preventive law holds that most unsuccessful litigation can be prevented by providing the decision-

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

www.ralaw.com

Honorable Bill Barnett, Mayor
Naples City Council
City of Naples
September 7, 2010
Page 2

makers with accurate and timely legal advice, without being buffeted by political winds, before the decision is made. It is still the call of the elected body, but at least they have the best advice available for evaluation of the proposed action.

While the City is rarely a plaintiff in legal disputes, we were able to assist risk management in recovery of almost \$100,000 in a contract dispute. Cost recovery does not show up in the legal services budget as revenue, but it is a significant advantage to the City regardless of where it is booked.

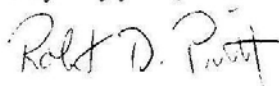
As to general services, in each year since I have been acting as your City Attorney we have stayed below the annual cap on general services, which in a couple of years resulted in my reducing the fee. I have also implemented a policy of not billing for time for general services in excess of 8 hours per day, which has saved the City money on several Council meeting days. I also do not charge for time talking to Council members, because it is important that there be reasonable communication without concern for a "running meter", and because Naples Council members for years have not overused access to the City Attorney.

As I said in my 2008 request, the City of Naples is not just a client to me. It is a commitment, and as far as I am personally concerned, it continues to be my primary commitment. It continues to be a pleasure to work with this Council, the tremendously competent staff, and the citizens of the city.

Therefore, we would respectfully request that the current contract be extended in all respects for a period of two years.

Thank you for your consideration.

Very truly yours,



Robert D. Pritt
Board Certified City, County &
Local Government Lawyer
For the Firm

RDP
Enclosure-Legal Services Agreement

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ATTORNEY FEES PAID BY THE CITY OF NAPLES

As of August 31, 2010

ATTORNEY	FY 06	FY 07	FY 08	FY 09	FY 10	TOTAL	MATTER
Bell, Leeper & Roper, P.A.	0.00	0.00	0.00	976.00	0.00	\$976.00	* Personal Liability
Office of the JCC	0.00	0.00	0.00	1,400.00	100.00	\$1,500.00	* Worker's Compensation
George Helm III, P.A.	13,765.47	28,477.04	18,102.01	26,094.65	24,059.99	\$110,499.16	* Worker's Compensation
Michael Tew	32,017.84	13,571.75	29,538.13	27,771.46	15,830.39	\$118,749.57	* Worker's Compensation
Roberts, Reynolds, Bedard & Tuzzio	0.00	0.00	0.00	0.00	11,966.94	\$11,966.94	Teresa Holl
Bell, Leeper & Roper, P.A.	1,127.55	0.00	0.00	0.00	0.00	\$1,127.55	* Worker's Compensation
Bell, Leeper & Roper, P.A.	1,392.00	0.00	247.00	0.00	0.00	\$1,639.00	* Walburn Allen
Gerald Pierce, P.A.	0.00	22,290.00	0.00	0.00	0.00	\$22,290.00	* A & B Charters
Henderson, Franklin, Starnes & Holt, F	4,406.08	3,639.95	0.00	0.00	0.00	\$8,046.03	* Worker's Compensation
Kevin Jursinski PA	1,631.25	0.00	0.00	0.00	0.00	\$1,631.25	* Joseph Biasella
Lydecker, Diaz, Lee, Behar, Berga	0.00	2,667.91	0.00	0.00	0.00	\$2,667.91	* Deborah O'Donnell
Morgan & Morgan	0.00	21,261.63	0.00	0.00	0.00	\$21,261.63	* Worker's Compensation
Paul Darrow, PA	0.00	0.00	4,250.00	0.00	0.00	\$4,250.00	* Worker's Compensation
PGIT	0.00	0.00	233.00	0.00	0.00	\$233.00	* Walburn Allen
Raymond Shope	0.00	0.00	4,250.00	0.00	0.00	\$4,250.00	* Worker's Compensation
Susan Evans P.A.	1,750.00	0.00	0.00	0.00	0.00	\$1,750.00	* Worker's Compensation
Bryant, Miller & Olive, P.A.	533.55	0.00	58,303.86	34,523.35	0.00	\$93,360.76	Bond Counsel
Richard E. Coates	0.00	0.00	4,252.50	0.00	0.00	\$4,252.50	Nocera Defense
M. J. Rawson, P.A.	0.00	0.00	357.75	530.00	0.00	\$887.75	Code Enforcement
Donald A. Pickworth P.A	0.00	0.00	2,925.00	8,900.00	6,554.85	\$18,479.85	Land Purchase
Oertel, Hoffman, Fernandez	6,662.75	49,089.95	0.00	2,532.50	27,466.50	\$85,751.70	Marina and DEP
State Attorney's Office	0.00	10,050.00	2,150.00	300.00	100.00	\$12,600.00	SOA Legal Services
Allen, Norton & Blue	0.00	4,564.52	0.00	875.10	26,521.24	\$31,960.86	FOP legal service
Lewis Longman & Walker, PA	0.00	0.00	0.00	13,701.78	6,748.35	\$20,450.13	Pension Matters
C. Laurence Kessey	2,546.25	0.00	0.00	0.00	0.00	\$2,546.25	Council Item 11/16/05
Dennis Whalen	2,408.00	1,591.00	0.00	0.00	0.00	\$3,999.00	PAB
Goren, Cherof, Doody, Ezrol PA	14,772.11	0.00	0.00	0.00	0.00	\$14,772.11	Pelican Bay Annexation
Gray Robinson	0.00	7,583.49	0.00	0.00	0.00	\$7,583.49	175/185 Pension Plan
Houck Anderson, P.A.	\$488.25	0.00	0.00	0.00	0.00	\$488.25	Boat Speed
McDonnell Trial Lawyers	18,902.42	1,286.73	0.00	0.00	0.00	\$20,189.15	Taylor Defense - Biasella
Salvatori & Wood	48,976.79	21,376.45	0.00	0.00	0.00	\$70,353.24	Herns Defense - Biasella
Roetzel & Andress	256,608.70	275,499.32	255,293.85	203,522.03	190,417.53	\$1,181,341.43	General Services

ATTORNEY FEES PAID BY THE CITY OF NAPLES

As of August 31, 2010

ATTORNEY	FY 06	FY 07	FY 08	FY 09	FY 10	TOTAL	MATTER
Roetzel & Andress	17,114.62	393.90	2,290.38	0.00	0.00	\$19,798.90	Carver Finance
Roetzel & Andress	0.00	0.00	1,151.50	6,419.00	441.00	\$8,011.50	Collier County - Water & S
Roetzel & Andress	0.00	0.00	0.00	0.00	880.00	\$880.00	News Press
Roetzel & Andress	0.00	9,254.50	49.00	0.00	0.00	\$9,303.50	CPOC annexation
Roetzel & Andress	0.00	4,312.00	490.00	0.00	0.00	\$4,802.00	Keewaydin annexation
Roetzel & Andress	0.00	0.00	3,229.60	0.00	0.00	\$3,229.60	Telecomm
Roetzel & Andress	12,233.50	15,479.00	12,779.50	12,078.50	11,004.00	\$63,574.50	Planning Advisory Board
Roetzel & Andress	0.00	128,745.18	41,832.65	0.00	0.00	\$170,577.83	Pulling
Roetzel & Andress	0.00	0.00	139,157.15	6,485.81	168.00	\$145,810.96	North Naples Fire District
Roetzel & Andress	0.00	0.00	0.00	16,085.95	0.00	\$16,085.95	Sunny Fore
Roetzel & Andress	0.00	0.00	7,165.45	8,661.85	0.00	\$15,827.30	Holloway
Roetzel & Andress	0.00	0.00	953.40	135.00	0.00	\$1,088.40	Sjomeling
Roetzel & Andress	0.00	0.00	2,670.80	24,077.40	0.00	\$26,748.20	Holland, Larry
Roetzel & Andress	125,183.36	58,236.98	17,887.43	4,826.90	0.00	\$206,134.67	FL Fish & Wildlife
Roetzel & Andress	0.00	0.00	0.00	0.00	1,985.10	\$1,985.10	Popka/McGregor
Roetzel & Andress	0.00	0.00	0.00	0.00	1,004.50	\$1,004.50	River Park Bankruptcy
Roetzel & Andress	0.00	0.00	0.00	0.00	1,445.50	\$1,445.50	RSP Family Ltd Bankruptcy
Roetzel & Andress	0.00	0.00	0.00	4,753.00	5,898.25	\$10,651.25	Hoffman, K. Frederick
Roetzel & Andress	3,727.50	0.00	220.50	0.00	15,605.65	\$19,553.65	Naples Airport Authority
Roetzel & Andress	0.00	0.00	11,365.31	0.00	0.00	\$11,365.31	NS & YC
Roetzel & Andress	29,507.50	35,242.10	51,554.29	41,717.50	6,596.50	\$164,617.89	General Labor Matters
Roetzel & Andress	0.00	1,721.00	1,848.55	112.50	10,992.40	\$14,674.45	Lorenzen, Kyle
Roetzel & Andress	0.00	0.00	24,000.00	7,500.00	0.00	\$31,500.00	Bond Issues
Roetzel & Andress	4,587.75	6,540.05	1,372.00	294.00	1,421.00	\$14,214.80	CRA
Roetzel & Andress	0.00	0.00	0.00	0.00	7,944.50	\$7,944.50	Health Fund Issues
Roetzel & Andress	5,482.63	13,634.44	1,964.25	3,216.95	2,911.80	\$27,210.07	Forfeiture
Roetzel & Andress	208.00	0.00	0.00	0.00	0.00	\$208.00	Bernau, D. Lindsay
Roetzel & Andress	0.00	713.00	0.00	0.00	0.00	\$713.00	Collier County
Roetzel & Andress	0.00	852.15	0.00	0.00	0.00	\$852.15	Delinquent Special Assess
Roetzel & Andress	932.15	0.00	0.00	0.00	0.00	\$932.15	Gulsto
Roetzel & Andress	2,125.00	0.00	0.00	0.00	0.00	\$2,125.00	Hurricane Wilma
Roetzel & Andress	5,479.38	26.50	0.00	0.00	0.00	\$5,505.88	Lussy
Roetzel & Andress	3,368.25	8,163.53	0.00	0.00	0.00	\$11,531.78	Pension Boards
Roetzel & Andress	0.00	2,391.96	0.00	0.00	0.00	\$2,391.96	Saunders
Roetzel & Andress	6,094.05	9,262.35	0.00	0.00	0.00	\$15,356.40	Weston
Roetzel & Andress	83,957.17	46,056.24	0.00	0.00	0.00	\$130,013.41	* A & B Charters
Roetzel & Andress	0.00	7,855.55	16,566.64	90.00	0.00	\$24,512.19	* Ada Kane
Roetzel & Andress	50,404.46	6,077.49	0.00	0.00	0.00	\$56,481.95	* Allen Walburn

ATTORNEY	ATTORNEY FEES PAID BY THE CITY OF NAPLES As of August 31, 2010					TOTAL	MATTER
	FY 06	FY 07	FY 08	FY 09	FY 10		
Roetzel & Andress	354.00	0.00	0.00	0.00	0.00	\$354.00	* Auto Liability Bodily Injuri
Roetzel & Andress	1,769.85	11,155.60	1,422.90	0.00	0.00	\$14,348.35	* Betsy Benitez
Roetzel & Andress	94,139.84	106,491.68	0.00	0.00	0.00	\$200,631.52	* Biasella, Joseph
Roetzel & Andress	0.00	0.00	0.00	1,348.20	0.00	\$1,348.20	* David McElvain
Roetzel & Andress	0.00	0.00	9,481.40	0.00	2,525.20	\$12,006.60	* Deteso, Donald
Roetzel & Andress	0.00	0.00	8,803.13	3,385.85	6,601.65	\$18,790.63	* Metzger, Elizabeth
Roetzel & Andress	0.00	0.00	0.00	0.00	3,941.25	\$3,941.25	* Evelyn Lott
Roetzel & Andress	807.85	0.00	0.00	0.00	0.00	\$807.85	* Florian & Suela Spahiu
Roetzel & Andress	0.00	4,875.55	6,164.85	404.00	202.50	\$11,646.90	* Gus Valenta
Roetzel & Andress	0.00	0.00	4,713.00	138.00	0.00	\$4,851.00	* Helen Zurlow
Roetzel & Andress	0.00	0.00	0.00	0.00	14,781.80	\$14,781.80	* Jackie Mackey
Roetzel & Andress	10,887.36	6,522.43	0.00	0.00	0.00	\$17,409.79	* Jeff Pratus
Roetzel & Andress	3,927.97	20,770.86	64,931.64	0.00	0.00	\$89,630.47	* Jeffrey Player - Personal I
Roetzel & Andress	0.00	0.00	0.00	14,773.55	47,133.73	\$61,907.28	* Jennifer Blair
Roetzel & Andress	0.00	0.00	4,351.60	0.00	0.00	\$4,351.60	* Kathrine Zanello
Roetzel & Andress	0.00	0.00	0.00	17,578.02	45,490.92	\$63,068.94	* Joseph Dougherty
Roetzel & Andress	0.00	0.00	0.00	0.00	3,546.50	\$3,546.50	* Karl Lemm
Roetzel & Andress	0.00	3,784.15	0.00	0.00	0.00	\$3,784.15	* Kelly Acuna
Roetzel & Andress	6,006.65	42,164.20	45,986.69	0.00	0.00	\$94,157.54	* Kevin Saunders
Roetzel & Andress	517.75	0.00	0.00	0.00	0.00	\$517.75	* Law Enforcement
Roetzel & Andress	0.00	0.00	0.00	0.00	11,469.75	\$11,469.75	* Michael Anderson
Roetzel & Andress	9,371.65	1,482.35	0.00	0.00	0.00	\$10,854.00	* Marie Lawlor
Roetzel & Andress	0.00	0.00	2,227.50	2,074.50	6,418.60	\$10,720.60	* Patricia Hluzek
Roetzel & Andress	0.00	1,662.50	2,906.50	0.00	0.00	\$4,569.00	* Rose Marie Chorab
Roetzel & Andress	0.00	2,436.00	0.00	0.00	0.00	\$2,436.00	* Victor Loehrer
TOTAL PAID BY THE CITY	\$886,177.25	\$1,019,252.98	\$869,460.71	\$497,283.35	\$520,275.89	\$3,792,450.18	
* Paid by the City's third party administrator on behalf of the City of Naples							
Paid by City	\$567,942.51	\$666,010.10	\$645,264.72	\$401,249.12	\$326,206.67	\$2,606,673.12	
Paid by 3rd Party	\$318,234.74	\$353,242.88	\$224,195.99	\$96,034.23	\$194,069.22	\$1,185,777.06	
	\$886,177.25	\$1,019,252.98	\$869,460.71	\$497,283.35	\$520,275.89	\$3,792,450.18	