



City Council Chamber
735 Eighth Street South
Naples, Florida 34102

City Council Regular Meeting – October 20, 2010 – 8:29 a.m.

Mayor Barnett called the meeting to order and presided.

ROLL CALL..... ITEM 1

Present:

Bill Barnett, Mayor
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
Ron Wallace, Streets & Stormwater Director
Adam Benigni, Planner
Paul Bollenback, Building Services Director
Christine Carrera, Floodplain Coordinator
George Archibald, Traffic Engineer
Gregg Strakaluse, Engineering Manager
David Rivera, Traffic Operations Supervisor
Robert Middleton, Utilities Director

Doug Pareti
Peter Manion
Skip Zink
Will Dempsey
Falconer Jones, III
John Passidomo
Jennifer Hecker

Media:

Jenna Buzzacco-Foerster, Naples Daily News

Other interested citizens and visitors

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

Reverend Doug Pareti, First United Methodist Church.

ANNOUNCEMENTS..... ITEM 3

Fun Time Early Childhood Academy recently received recognition from the Modular Building Institute for its new facility under the permanent education field. Members of its Board of Directors, Peter Manion and Skip Zink, presented a plaque of appreciation to the following staff for their contributions: Planning Director Robin Singer, Streets & Stormwater Director Ron Wallace, and Building Services Director Paul Bollenback.

- SET AGENDA (add or remove items)..... ITEM 4**
***MOTION** by Sorey to **SET THE AGENDA** removing **Item 6-I** (resolution opposing Amendment 4) from the Consent Agenda for separate discussion; and adding **Item 20** (resolution regarding Tourist Development Tax). This motion was 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**
(8:35 a.m.) None.

CONSENT AGENDA

- APPROVAL OF MINUTES..... ITEM 6-a**
September 13, 2010 Workshop, September 15, 2010 Regular Meeting and September 15, 2010 Special Meeting; as submitted.
- SPECIAL EVENTS ITEM 6-b**
1) Folk and Art Event – Collier County Museum – Naples Depot – 01/08/11.
- RESOLUTION 10-12775 ITEM 6-c**
A RESOLUTION APPROVING THE 2011 TOURISM AGREEMENT BETWEEN COLLIER COUNTY AND THE CITY OF NAPLES FOR FISCAL YEAR 2010 CATEGORY “A” CITY OF NAPLES PROJECTS; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE. Title not read.
- RESOLUTION 10-12776 ITEM 6-d**
A RESOLUTION APPROVING A SOUTH FLORIDA WATER MANAGEMENT DISTRICT FISCAL YEAR 2010 WATER SAVINGS INCENTIVE PROGRAM COOPERATIVE FUNDING AGREEMENT; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE. Title not read.
- RESOLUTION 10-12777 ITEM 6-e**
A RESOLUTION APPROVING SOUTH FLORIDA WATER MANAGEMENT DISTRICT LOCAL GOVERNMENTAL AGREEMENT NO. 4600002211 ACCEPTING GRANT MONEY TO CONSTRUCT AQUIFER STORAGE AND RECOVERY (ASR) EXPLORATORY WELL NO. 3 AND CONSTRUCT THE GOLDEN GATE CANAL INTAKE STRUCTURE; AUTHORIZING THE MAYOR TO EXECUTE THE LOCAL GOVERNMENT AGREEMENT; AND PROVIDING AN EFFECTIVE DATE. Title not read.
- RESOLUTION 10-12778 ITEM 6-f**
A RESOLUTION APPROVING A FEDERALLY FUNDED SUBGRANT AGREEMENT WITH THE STATE OF FLORIDA, DIVISION OF EMERGENCY MANAGEMENT (AGREEMENT NO. 11HM-3E-09-21-02-024), ACCEPTING GRANT MONEY TO INSTALL QUICK CONNECT GENERATOR RECEPTACLES ON 67 ELECTRICAL CONTROL PANELS SERVICING CITY SEWER PUMP STATIONS; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE. Title not read.
- RESOLUTION 10-12779 ITEM 6-g**
A RESOLUTION APPROVING AN AGREEMENT WITH THE FLORIDA LEAGUE OF CITIES (“THE LEAGUE”) TO ENABLE THE LEAGUE TO RESEARCH AND COLLECT UNPAID, ESCAPED OR DELINQUENT BUSINESS TAXES FROM INSURANCE COMPANIES DOING BUSINESS IN NAPLES FOR A FEE; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE. Title not read.
- ITEM 6-h**
APPROVING THE 2010 FLOODPLAIN MANAGEMENT ANNUAL PROGRESS REPORT.

RESOLUTION 10-12780ITEM 6-i
A RESOLUTION APPROVING A RIGHT-OF-WAY PERMIT APPLICATION TO MARINO PARKING SYSTEMS, INC. FOR CENTRAL VALET SERVICE IN THE FIFTH AVENUE SOUTH BUSINESS DISTRICT PURSUANT TO CITY OF NAPLES BID 004-09; AUTHORIZING THE CITY MANAGER TO EXECUTE THE RIGHT-OF-WAY PERMIT APPLICATION; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 10-12781ITEM 6-j
A RESOLUTION ACKNOWLEDGING THE ELECTION OF WILLIAM FEDAK TO THE BOARD OF TRUSTEES OF THE POLICE OFFICERS RETIREMENT TRUST FUND FOR THE BALANCE OF A TWO-YEAR TERM EXPIRING MARCH 31, 2011; AND PROVIDING AN EFFECTIVE DATE. Title not read.

APPROVING A PROPOSED CITY COUNCIL 2011 MEETING SCHEDULE..... ITEM 6-k
MOTION by Sulick to APPROVE CONSENT AGENDA except Item 6-l (resolution opposing Amendment 4); seconded by Finlay 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

RESOLUTION 10-12782 ITEM 6-l
A RESOLUTION OF THE CITY COUNCIL OF NAPLES, FLORIDA OPPOSING AMENDMENT 4, AN AMENDMENT TO THE FLORIDA CONSTITUTION THAT WOULD FORCE VOTERS TO DECIDE ALL CHANGES TO A CITY OR COUNTY'S COMPREHENSIVE PLAN; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (8:35 a.m.)
Council Member Price explained that he had requested this item be removed from the Consent Agenda (see Item 4 above) to allow public input.

Public Comment: (8:36 a.m.) None.

MOTION by Price to APPROVE RESOLUTION 10-12782 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 Item 8 was considered prior to Item 7 pending arrival of the petitioner.

RESOLUTION 10-12783 ITEM 8
A RESOLUTION REAPPROVING THE PRELIMINARY AND FINAL PLAT FOR THE PROPERTY LOCATED AT 600 GULF SHORE BOULEVARD NORTH AND OWNED BY 600 GULF SHORE BOULEVARD NORTH LLC, AS PREVIOUSLY APPROVED IN RESOLUTION 10-12670 TO PROVIDE AN EXTENSION OF TIME FOR RECORDING THE PLAT; REPEALING RESOLUTION 10-12670; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (8:38 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, Finlay, Barnett and Sorey/familiar with the site but no contact; and Price, Sulick and Heitmann/visited the site but no contact. Planner Adam Benigni briefly reviewed the above request, noting that one of the signatories had been unavailable during the 14 business days allowed for filing of a plat in the public record and therefore this request was submitted for a time extension; staff recommended approval, he added.

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

MOTION by Sorey to APPROVE RESOLUTION 10-12783 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).

RESOLUTION 10-12784 ITEM 7
A RESOLUTION DETERMINING VARIANCE PETITION 10-V9 FROM SECTION 58-236 OF THE CODE OF ORDINANCES, CITY OF NAPLES, TO ALLOW A POOL TO BE LOCATED IN THE NORTHEAST CORNER OF THE PROPERTY 5'2" FROM THE NORTH/FRONT PROPERTY LINE WHERE 25'0" IS REQUIRED AND 6'2" FROM THE EAST/FRONT PROPERTY LINE WHERE 20'0" IS REQUIRED AND TO ALLOW THE POOL EQUIPMENT TO BE LOCATED 5'0" FROM THE EAST/FRONT PROPERTY LINE WHERE 20'0" IS REQUIRED IN THE R1-7.5 RESIDENCE DISTRICT ON PROPERTY LOCATED AT 486 THIRD AVENUE NORTH, OWNED BY STUART AND JOAN SCHARAGA, MORE FULLY DESCRIBED HEREIN; SUBJECT TO THE CONDITIONS LISTED HEREIN; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (8:37 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 and Sorey/visited the site and spoke with the petitioner's agent; Finlay, Price, Sulick and Heitmann/visited the site but no contact; and Barnett/familiar with the site but no contact. Planning Director Robin Singer provided details of the request as contained in her memorandum dated October 4 (Attachment 1), noting staff and the Planning Advisory Board's (PAB's) recommendation for denial.

Falconer Jones III, agent for the petitioner, provided photographic renderings of the existing home (copies of which are contained in the file for this meeting in the City Clerk's Office) and a revised proposed site plan (labeled A2 / Attachment 2). It was noted that this site plan reflects revisions both recommended on October 15 by the PAB and pursuant to public input on that date. He explained that the pool is now proposed for positioning farther west on the site thereby limiting the variance request to one front yard setback on the north; originally another had been requested to the east, which is also considered a front yard on the subject corner lot, he said. The location for the pool equipment had also been altered. The request was further amended as reflected in the motion below following additional discussion.

Public Comment: (9:06 a.m.) None.

MOTION by Heitmann to APPROVE RESOLUTION 10-12784 amended as follows: Title: "...property 7'2" 5'2" from the north/front...and 6'2"...is required...and...located 4'6" from the south/side east/front property line where 7'6" 20'0" is required..."; Section 1: "...granted in accordance with Proposed Site Plan A2 prepared by Falcon Design, dated October 15, 2010, a copy of which is on file in the City Clerk's Office,...property 7'2" 5'2" from the north/front...and 6'2"...is required...and...located 4'6" 5'0" from the south/side east/front property line where 7'6" 20'0" is required..." ; and in First Whereas clause: "...on the front and side setbacks...". This motion was seconded by Price and carried 4-3, all members present and voting (Sorey-no, Price-yes, Saad-yes, Sulick-no, Heitmann-yes, Finlay-no, Barnett-yes).

It is noted for the record that titles to both Items 9-a and 9-b were read; however, Item 9-b will be considered during second reading of the ordinance (9-a) on November 3, 2010.

ORDINANCE (First Reading)..... ITEM 9-a
AN ORDINANCE DETERMINING EASEMENT VACATION PETITION 10-EV1 TO VACATE THOSE PORTIONS OF THE AQUALANE SHORES UNIT NO. 2 PLAT APPLICABLE TO THE SUBJECT PROPERTY IN CONNECTION WITH THE REPLAT OF THE PROPERTY, AS REFLECTED ON THE PROPOSED KREMER ESTATE REPLAT, MORE FULLY DESCRIBED HEREIN; SUBJECT TO THE CONDITIONS LISTED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

RESOLUTION ITEM 9-b
A RESOLUTION DETERMINING PETITION 10-SD6 FOR SUBDIVISION/REPLAT APPROVAL FOR THE PLAT OF THE KREMER ESTATE LOCATED AT 960 17TH AVENUE SOUTH; AND PROVIDING AN EFFECTIVE DATE. Titles read by City Attorney Robert Pritt (9:10 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/familiar with the site and spoke with the petitioner's agent; Finlay and Price/visited the site but no contact; Barnett/familiar with the site and spoke with subject area residents; Sulick/visited the site and spoke with neighbors; Heitmann/familiar with the site, spoke with neighbors and attended Aqualane Shores Association Board Meeting; and Sorey/familiar with the site, spoke with the petitioner's agent and neighbors, and received numerous e-mails. Planning Director Robin Singer provided a brief overview of the reconfiguration of the four lots which results in all fronting on 17th Avenue South, and also noted the various vacations to allow the proposed replat. She further explained that the City Attorney had recommended that the originally platted stub-end be re-vacated to clear future title of the property and that this consideration should be as an ordinance due to the fact that the 1956 vacation had also been approved by ordinance; the subdivision petition will be considered upon second reading of the aforementioned ordinance on November 3, she added. Ms. Singer then clarified that any drainage easements to be vacated are to be replaced with alternates and that staff recommended approval.

Attorney Will Dempsey, agent for the petitioner, pointed out that each of the four proposed lots would conform to zoning requirements and that all vestiges of the original Aqualane Shores plat would be removed. In addition, no deed restrictions of record exist that impact the lot dimensions as proposed. During a review of the history of the property, Mr. Dempsey indicated that the original 1956 vacation had allowed the construction of one home with the remainder of the property green space; the current request would result in lots similar in size and configuration to surrounding parcels. Mr. Dempsey noted both the Planning Advisory Board (PAB) recommendation for approval and his on-going, constant contact with the President of the Aqualane Shores Association who had also indicated support. He then confirmed for Council Member Heitmann that title to the boat slip reflected on the replat (a copy of which is contained in the file for this meeting in the City Clerk's Office) would be attached to the larger of the newly formed lots (Lot 3) and that no boathouse exists; however, Ms. Singer pointed out that a boat lift could be installed but no boathouse constructed due to the fact that the slip lies along a property line. Mrs. Heitmann said that while she had received numerous negative comments from neighbors, the matter of the replat had not been raised during the Aqualane Shores board meeting she had attended. Director Singer assured her that provision of utilities would not change, and Council Member Price pointed out that four homes could in fact be constructed within the present configuration. In addition, he said that the new plat would not cause further impact to the neighborhood, and in fact offer improved stormwater management; Vice Mayor Sorey agreed.

City Attorney Pritt advised that no compensation could be exacted by the City when property is vacated as it either originally belonged to the public, or was held by a private owner prior to being granted to the City. Attorney Dempsey then clarified for Council Member Finlay that while zoning would allow density of 6 units per acre, density of an approximate 1.67 per acre was being requested. In addition, he confirmed that a configuration proposed some five years before had been withdrawn due to questions regarding the aforementioned 1956 vacation.

Public Comment: (9:38 a.m.) None.

MOTION by Sorey to APPROVE THIS ORDINANCE at First Reading 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 is noted for the record that Items 10-a and 10-b were read and considered concurrently.

RESOLUTION 10-12785 ITEM 10-a
A RESOLUTION AMENDING THE 2010-11 BUDGET APPROVED BY ORDINANCE 10-12760 TO PROVIDE FUNDING FOR STORMWATER QUALITY MONITORING AND REPORTING; AND PROVIDING AN EFFECTIVE DATE.

CLERK'S TRACKING #10-00033 ITEM 10-b
APPROVING AN AGREEMENT FOR STORMWATER QUALITY SAMPLING, ANALYSIS AND REPORTING AT VARIOUS LOCATIONS THROUGHOUT THE CITY: \ VENDOR: MACTEC ENGINEERING AND CONSULTING, INC. \ COST: \$130,722.30 \ FUNDING: STORMWATER PROFESSIONAL SERVICES. Title of resolution read by City Attorney Robert Pritt (9:39 a.m.). Streets & Stormwater Director Ron Wallace explained that an initial study had addressed only lakes but that additional testing sites had been added to aid in identifying contributing areas to stormwater pollutants. These include the City's various pump station wet wells, conveyance systems and outfalls. Sampling is to be done on a quarterly basis thereby allowing seasonal data to contribute to the information needed for the City to meet the numeric nutrient criteria soon to be implemented by the state. Mr. Wallace assured Council that Mactec would be providing baseline data upon which decision-making could move forward in addressing stormwater quality issues City-wide.

Public Comment: (9:46 a.m.) None.

MOTION by Sorey to APPROVE RESOLUTION 10-12785 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).

MOTION by Sorey to APPROVE THIS ITEM (10-b) 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).

ORDINANCE 10-12786 ITEM 11
AN ORDINANCE AMENDING THE CITY OF NAPLES COMPREHENSIVE PLAN TO UPDATE THE CITY OF NAPLES CAPITAL IMPROVEMENTS ELEMENT OF THE COMPREHENSIVE PLAN PURSUANT TO FLORIDA STATUTES SECTION 163.3177(3)(b); PROVIDING FOR TRANSMITTAL TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS AND OTHER REQUIRED REVIEW AGENCIES; PROVIDING FOR INCLUSION IN THE CITY OF NAPLES COMPREHENSIVE PLAN; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (9:46 a.m.), who explained that Section 163.3177(3)(b)(2), Florida Statutes, allows annual updates to the City's Capital Improvements Element of the Comprehensive Plan to be approved on a single reading and therefore action that day would be final. Planning Director Robin Singer noted that this action had been in response to the possible approval of Amendment 4 (which would require any Comprehensive Plan amendment to be approved by referendum). She also clarified for Council Member Price that figures reflected for funding of projects had been taken directly from the Capital Improvement Program (CIP) documents. City Manager William Moss said that the City should consider removing this element from its Comprehensive Plan altogether due to the fluidity of funding for projects.

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

MOTION by Saad to ADOPT ORDINANCE 10-12786 as submitted; seconded by Price and carried 6-1, all members present and voting (Finlay-yes, Heitmann-no, Price-yes, Saad-yes, Sorey-yes, Sulick-yes, Barnett-yes).

ORDINANCE 10-12787 ITEM 12
AN ORDINANCE AMENDING THE CITY OF NAPLES COMPREHENSIVE PLAN; DELETING THE NEIGHBORHOOD ACTION PLANS; AMENDING VARIOUS ELEMENTS TO STREAMLINE THE PLAN; DELETING OBSOLETE POLICIES; CORRECTING LEVEL OF SERVICE DEFICIENCIES, AND CLARIFYING DENSITY REQUIREMENTS; PROVIDING FOR TRANSMITTAL TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS AND OTHER REQUIRED REVIEW AGENCIES; PROVIDING FOR INCLUSION IN THE CITY OF NAPLES COMPREHENSIVE PLAN; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (9:51 a.m.). Planning Director Robin Singer noted that in addition to the amendments outlined in her memorandum dated October 7 (Attachment 3), the language should reflect that the City shall adopt Collier County's LOS (level of service) standard for state roadways located within the City. This affects the Transportation and Concurrency Management elements, she explained, and had been confirmed with the FDOT (Florida Department of Transportation) by George Archibald, City Traffic Engineer, who then reported that the County's LOS ("E", rather than the FDOT's "D") allows the City greater flexibility with regard to the future of US 41 within the City's boundaries. The County annually monitors capacity, Ms. Singer added.

Referencing Ms. Singer's memorandum (see Attachment 3), Vice Mayor Sorey expressed concern that the DCA (Department of Community Affairs) had recommended retaining the policy and objectives in the Public Facilities and Water Resources Element (#3 of memorandum).

Public Comment: (9:57 a.m.) **Jennifer Hecker, representing the Conservancy of Southwest Florida**, recommended language changes to Objective 4 of the Water Resources element (see Attachment 4). Council Member Sulick however took issue with Ms. Hecker's recommendation to replace the term "lakes" with "flowing waters" as this may result in an increase in the number of water bodies regulated by the numeric nutrient criteria. Mrs. Sulick pointed out that the City has already demonstrated its commitment to water quality, but the language must be sufficiently broad to allow the latitude necessary to further this goal. Vice Mayor Sorey agreed and recommended that Ms. Hecker's comments be provided to staff for future consideration but not included within the Comprehensive Plan without additional research and discussion. Streets & Stormwater Director Ron Wallace stressed that the City's lakes are in reality stormwater retention basins and function as such, but the Conservancy's recommendations would impose a stringent mandate of reducing pollutants by 25% within 5 years should these figures be placed in the document, he said; the City's goal is to meet such a reduction but it should not be made a mandate, he clarified. Additionally, he pointed out that implementation of the BMAP's (Basin Management Action Plan's) referenced by Ms. Hecker had been delayed by the State (FDEP/Florida Department of Environmental Protection) and County due to the uncertainty of the final criteria to be mandated by the EPA (Environmental Protection Agency). There remain too many unknowns to amend the language making it more specific, Mr. Wallace cautioned, and Director Singer added that more discussion would occur at upcoming workshops, with action early next year.

Both Council Members Price and Heitmann each indicated that they would not support the proposed ordinance with Mr. Price stressing that the City's commitment to the Neighborhood Action Plans had not changed but again, due to the possible enactment of Amendment 4, they were to be removed from the Comprehensive Plan to ensure that each plan remained under the

control of individual neighborhoods and not the entire City by referendum. He further noted his prior concern regarding the removal of a LOS for community beaches, pointing out that some LOS should remain for this category and Mrs. Heitmann agreed. Director Singer then assured Council Member Sulick that density had not been amended in the “D” Downtown District but had been assigned to the portion of that district east of Goodlette-Frank Road.

MOTION by Sorey to ADOPT ORDINANCE 10-12787 amended as follows: in the Transportation (Policy 1-3) and also the Concurrency Management System (Policy 1-1) Elements, Goals, Objectives and Policies: “...state roads within the City limits (US 41) shall be consistent with the State County LOS E.”. This motion was seconded by Saad and carried 5-2, all members present and voting (Finlay-yes, Heitmann-no, Saad-yes, Sorey-yes, Price-no, Sulick-yes, Barnett-yes).

RESOLUTION 10-12788 ITEM 13
A RESOLUTION CREATING A NEW NEIGHBORHOOD ACTION PLAN DOCUMENT TO INCORPORATE THE ACTION PLANS OF THE NEIGHBORHOODS THROUGHOUT THE CITY; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (10:13 a.m.) Planning Director Robin Singer explained that this item would establish a new Neighborhood Action Plan document to incorporate the history and action steps of those which had previously been a part of the Comprehensive Plan (see Item 12 above). The plans would no longer be limited to a two per year amendment cycle or be subject to a referendum should Amendment 4 be adopted by the State. She said that staff intends to meet with neighborhood associations on an annual basis to determine whether updates are warranted, and City Attorney Pritt recommended that the effective date coincide with the ordinance (see Item 12 above). Additionally, in response to concerns voiced by Council Member Sulick, a section was included requiring a public hearing prior to changes to the resolution.

Public Comment: (10:22 p.m.) None.

MOTION by Sorey to APPROVE RESOLUTION 10-12788 amended as follows: “Section 2: No changes to this resolution shall be made unless a public hearing has been conducted.”; and (original) Section 2 Section 3: “This resolution shall take effect immediately upon the effective date of Ordinance 10-12786 adoption at second reading.”. This motion was seconded by Price and unanimously carried, all members present and voting.

Recess: 10:24 a.m. to 10:38 a.m. It is noted for the record that the same Council Members were present when the meeting reconvened.

CLERK’S TRACKING #10-00034 ITEM 14-a
AWARDING A CONTRACT FOR CHEMICALS TO BE USED BY THE WATER AND WASTEWATER TREATMENT PLANTS \ QUICKLIME \ VENDOR: CHEMICAL LIME COMPANY OF ALABAMA, LLC, LAKELAND, FLORIDA \ COST: \$1,964,012.40.

CLERK’S TRACKING #10-00035 ITEM 14-b
AWARDING A CONTRACT FOR CHEMICALS TO BE USED BY THE WATER AND WASTEWATER TREATMENT PLANTS \ SODIUM HYDROXIDE \ VENDOR: ALLIED UNIVERSAL CORPORATION, MIAMI, FLORIDA \ COST: \$16,494. (Funding for both chemicals is budgeted in the Water Sewer Fund – Water Plant Chemicals and Wastewater Plant Chemicals.) (10:38 a.m.) Utilities Director Robert Middleton indicated that costs for the chemicals fluctuate and therefore a one-year contract is normally sought.

Public Comment: (10:39 a.m.) None.

MOTION by Price to APPROVE BOTH ITEMS 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 10-12789 ITEM 15
AN ORDINANCE RELATING TO WATER BILLING; AMENDING SUBSECTION (e) AND DELETING SUBSECTION (i) OF SECTION 30-37, BILLING, FOR THE PURPOSE OF CORRECTING BILLING ON ALL ACCOUNTS TO BI-MONTHLY AND ELIMINATING COLLECTION PROVISION REGARDING ACCOUNTS IN THE JOINT SERVICE AREA OF UNINCORPORATED COLLIER COUNTY; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (10:40 a.m.).

Public Comment: (10:41 a.m.) None.

MOTION by Price to ADOPT ORDINANCE 10-12789 as submitted; seconded by Sorey and unanimously carried, all members present and voting (Finlay-yes, Heitmann-yes, Price-yes, Saad-yes, Sorey-yes, Sulick-yes, Barnett-yes).

ORDINANCE 10-12790 ITEM 16
AN ORDINANCE REPEALING ARTICLE III, TELECOMMUNICATIONS RIGHTS-OF-WAY FEES, OF CHAPTER 12 OF THE CODE OF ORDINANCES, CITY OF NAPLES, AS THE FEES PROVIDED FOR THEREIN ARE UNCOLLECTABLE PURSUANT TO THE CREATION OF THE COMMUNICATIONS SERVICES TAX SIMPLIFICATION LAW; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (10:41 a.m.).

Public Comment: (10: 41 a.m.) None.

MOTION by Sorey to ADOPT ORDINANCE 10-12790 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).

RESOLUTION 10-12791 ITEM 17
A RESOLUTION APPOINTING ONE MEMBER TO THE CARVER FINANCE BOARD OF DIRECTORS FOR A THREE-YEAR TERM COMMENCING OCTOBER 20, 2010, AND EXPIRING OCTOBER 19, 2013; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (10:41 a.m.).

Public Comment: (10:42 a.m.) None.

MOTION by Saad to APPROVE RESOLUTION 10-12791 APPOINTING LODGE MCKEE; 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).

RESOLUTION 10-12792 ITEM 18
A RESOLUTION ADOPTING AMENDED POLICIES AND PROCEDURES FOR THE CITIZENS' POLICE REVIEW BOARD; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (10:43 a.m.). City Clerk Tara Norman provided a brief history and explained that the policies and procedures of the CPRB (Citizens' Police Review Board) must be reviewed every three years. Amendments had been made to improve and clarify processes, and the CPRB recommended approval, she added.

In addition, a public comment item was added to the CPRB meeting agenda to follow "Other Business" and under "Inquiries/Complaints", language regarding hearing of complaints was amended as reflected in the motion below. Additionally, City Attorney Pritt stated that while the

Police & Emergency Services Department was to be separated into Police and Fire Departments, any necessary changes to the document under discussion could await the next review process.

Public Comment: (10:51 a.m.) None.

MOTION by Price to APPROVE RESOLUTION 10-12792 amended as follows: Agenda /Meeting Format (1): Public Comment to follow Other Business; and Inquiries/Complaints (1): “Complaints shall be heard within will not be heard more than one hundred twenty (120) days...”. This motion was 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 (First Reading)..... ITEM 19
AN ORDINANCE RELATING TO THE NAPLES FIREFIGHTERS’ PENSION AND RETIREMENT SYSTEM; AMENDING SUBSECTION (9) OF SECTION 29-232, REQUIREMENTS FOR RETIREMENT; CREATING A NEW SECTION 29-245, SUPPLEMENTAL SHARE PLAN RETIREMENT BENEFIT, OF THE CODE OF ORDINANCES, CITY OF NAPLES; FOR THE PURPOSE OF AMENDING THE 13TH CHECK RETIREMENT BENEFIT AND PROVIDING FOR A SUPPLEMENTAL SHARE PLAN RETIREMENT BENEFIT FOR ELIGIBLE FIREFIGHTERS; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (10:51 a.m.). Assistant City Manager Roger Reinke provided a brief history of this issue as contained in his memorandum dated October 4 (Attachment 5), and confirmed that the amount of the additional check would equal a retiree’s usual monthly amount. In addition, he pointed out that no excess premium tax funds should be expected until revenue accrues to over \$1.6-million.

Public Comment: (10:55 a.m.) None.

MOTION by Price to APPROVE THIS ORDINANCE at First Reading 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).

RESOLUTION 10-12793 (Added Item / see Item 4 above) ITEM 20
A RESOLUTION OF THE CITY COUNCIL OF NAPLES, FLORIDA, PROVIDING ITS SUPPORT FOR YEAR-ROUND DESTINATION ADVERTISING, SUPPORT FOR A FIFTH PERCENT OF TOURIST DEVELOPMENT TAXES FOR THIS PURPOSE, OPPOSITION TO THE REALLOCATION OF THE CURRENT FOUR PERCENT OF THE TOURIST DEVELOPMENT TAX, AND REQUEST TO PROVIDE ADDITIONAL FUNDING FOR BEACH RENOURISHMENT AND BEACH PARK FACILITIES. Title read by City Attorney Robert Pritt (10:56 a.m.) who noted that the resolution should reflect “cent” rather than “percent” throughout; Council agreed. Vice Mayor Sorey expressed appreciation to Council for its support and Council Member Price noted his intent to abstain (see Form 8-B appended hereto as Attachment 6). Council Member Saad requested that “encourages” be amended to reflect “strongly requests” thereby reflecting Council’s support of beach renourishment funding as a priority over its support of advertising. Council Member Finlay pointed out that support of the fifth cent of taxation evolved from the need to fully fund beach renourishment while enabling year-round advertising.

Public Comment: (11:05 a.m.) None.

MOTION by Sorey to **APPROVE RESOLUTION 10-12793** amended as follows: “...~~percent~~ cent...” throughout the document; second Whereas: “...the Naples City Council **strongly requests** ~~encourages~~...”; reversing order of Third and Fourth Whereas clauses; reversing order of Section 1 and 2; and new Section 1: “That the Collier County Board of Commissioners **be strongly requested** ~~encouraged~~ to allocate...”. This motion was seconded by Finlay and carried 5-1-1 (Finlay-yes, Heitmann-no, Price-abstain, Saad-yes, Sorey-yes, Sulick-yes, Barnett-yes). (See Attachment 6, Form 8-B Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers.)

PUBLIC COMMENT
(11:06 a.m.) None.

CORRESPONDENCE AND COMMUNICATIONS.....
(11:06 a.m.) Vice Mayor Sorey commended City Manager William Moss for obtaining reimbursement from BP for materials purchased by the City in response to the company's oil spill in the Gulf of Mexico. In addition, he noted the completion of weir #3 in the Golden Gate Canal (GGC) which will allow rehydration of Henderson Creek and retention of more water with greater control of its flow into Naples Bay. Council Member Heitmann noted the passing of Ida Thompson. Council Member Finlay questioned whether the Mooring Line Drive bridge renovations could be expedited, requesting that he be notified should the completion date be moved forward.

ADJOURN
11:09 a.m.

Bill Barnett, Mayor

Tara A. Norman, City Clerk

Minutes prepared by:

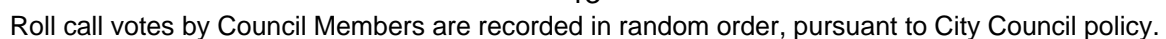
Vicki L. Smith, Technical Writing Specialist

Minutes Approved: 11/17/10

City of Naples

**NAPLES CITY COUNCIL AGENDA MEMORANDUM****Regular Meeting Date: October 20, 2010**

Agenda Section:	Regular	Prepared By: Robin D. Singer, Planning Director
Agenda Item:	7	Date: October 4, 2010 Department: Planning
		Legislative <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/>
SUBJECT: A Resolution determining Variance Petition 10-V9 to allow a pool and pool equipment at 486 3 rd Avenue North.		
SUMMARY: Consideration of a Resolution determining Variance Petition 10-V9 from Section 58-236 of the Code of Ordinances to allow a pool to be located in the northeast corner of the property 5'2" from the north/front property line where 25' is required and 6'2" from the east/front property line where 20' is required and to allow the pool equipment to be located 5' from the east/front property line where 20' is required in the R1-7.5 Residence District on property located at 486 3 rd Avenue North. In that this is a Quasi-Judicial matter, disclosures and the swearing in of those giving testimony are required.		
BACKGROUND: The petitioner wishes to install a pool in the northeast corner of the property, adjacent to the existing covered lanai. The proposed pool location would be located in the northeast corner of the property 5'2" from the north/front property line where 25' is required and 6'2" from the east/front property line where 20' is required and to allow the pool equipment to be located 5' from the east/front property line where 20' is required in the R1-7.5 Residence District. Staff's analysis finds that the request is inconsistent with Specific Criteria 1, 3, 4, 6 and 7. There is no apparent hardship, the requested variance is not the most practical and logical solution and requesting a pool in the required front yard is not consistent with the intent of the Code.		
File Reference: Variance Petition No. 10-V9 Petitioner: Stuart Scharaga Agent: Falconer Jones III, Falcon Design Inc. Location: 486 3 rd Avenue North Zoning: R1-7.5 Single Family		
On July 16, 2010, a total of 65 letters were mailed to all property owners located within 500 feet of the subject property. A total of eight (8) responses have been received in opposition to the request. On September 8, 2010, the Planning Advisory Board voted 7-0 to deny this request.		
RECOMMENDED ACTION: Deny the Resolution determining Variance 10-V9 based on inconsistency with the criteria.		
Reviewed by Department Director Robin D. Singer	Reviewed by Finance N/A	Reviewed by City Manager A. William Moss
City Council Action:		





NAPLES CITY COUNCIL AGENDA MEMORANDUM

Regular Meeting Date: October 20, 2010

Agenda Section:	Prepared By: Robin Singer, Planning Director	
Regular	Date: October 7, 2010 Department: Planning	
Agenda Item:	Legislative <input checked="" type="checkbox"/>	Quasi-Judicial <input type="checkbox"/>
12		
SUBJECT:		
Adopt an Ordinance on Second Reading amending the City of Naples Comprehensive Plan, deleting the Neighborhood Action Plans, amending various elements to streamline the Plan, deleting obsolete policies, correcting level of service deficiencies and clarifying density requirements.		
SUMMARY:		
City Council is asked to consider an Ordinance on Second Reading amending the City of Naples Comprehensive Plan, deleting the Neighborhood Action Plans, amending various elements to streamline the plan, deleting obsolete policies, correcting level of service deficiencies and clarifying density requirements.		
BACKGROUND:		
<p>The proposed amendments to the City's Comprehensive Plan, approved on First Reading by City Council on June 2, 2010, will remove objectives and policies that have previously been placed in the Plan but are not required to meet the statutory requirements for the Plan. Most of the policies targeted in the Future Land Use Element were placed in the Plan as part of the 1998 Comprehensive Plan update and many changes have since been made to the City's codes to implement these policies. Removing these policies does not diminish the importance of the concepts outlined in the Plan because they have been addressed elsewhere. The policies to be removed are not required under Florida Statutes. Changes to elements other than the Future Land Use Element have been recommended by other City departments. The proposed changes also include removing the Neighborhood Action Plans from the Comprehensive Plan and creating a separate neighborhood planning document.</p> <p>The Department of Community Affairs' (DCA) Objections, Recommendations and Comments report contained four main objections. The report, with responses from City staff, is attached. The objections can be summarized as follows:</p> <ol style="list-style-type: none"> 1. There was concern about density and intensity in the Fifth Avenue Overlay district being determined by parking. It has been this way since the inception of the Mixed Use Land Use and mimics the limitation of the Fifth Avenue South Special Overlay District. However, the policies have been revised in the element proposed for adoption to apply a density and intensity limit based on the three story height limitation and a unit size of 1000 square feet. 2. The plan was internally inconsistent as to the level of service standard for County roads. George Archibald has made necessary changes to the elements proposed for adoption. 3. DCA had concerns about the elimination of a policy and an objective in the Public Facilities and Water Resources Element and recommended that the policy and objective be retained. The revised elements will retain these policies with minor modifications. Other changes may occur with the next Evaluation and Appraisal Report. 		

City of Naples



NAPLES CITY COUNCIL AGENDA MEMORANDUM

Regular Meeting Date: October 20, 2010

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Agenda Item:

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BACKGROUND (cont.):

4. The removal of the Neighborhood Action Plans from the Comprehensive Plan would eliminate two action steps regarding water quality in canals and an exchange of water between Clam Bay and Venetian Bay. Those action steps will be retained as policies in Public Facilities and Water Resources Element of the Comprehensive Plan.

Changes made to the plan based on the ORC report have been highlighted.

The Planning Advisory Board voted 6-0 to recommend approval of the petition at their May 12, 2010 meeting.

City Council continued this item from the October 6, 2010 Regular Meeting to allow for proper advertising.

RECOMMENDED ACTION:

Adopt an Ordinance on Second Reading amending the City of Naples Comprehensive Plan; delete the Neighborhood Action Plans; amending various elements to streamline the Plan; deleting obsolete policies; correcting level of service deficiencies, and clarifying density requirements; providing for transmittal to the Florida Department of Community Affairs and other required review agencies; and providing for inclusion in the City of Naples Comprehensive Plan.

Reviewed by Department Director
Robin Singer

Reviewed by Finance
N/A

Reviewed by City Manager
A. William Moss

City Council Action:

#11 HECKER

**CONSERVANCY COMMENTS ON
CITY OF NAPLES OBJECTIVE 4 LANGUAGE CHANGES**

(JENNIFER HECKER), HERE ON BEHALF OF THE CONSERVANCY
OF SOUTHWEST FLORIDA AND OUR MORE THAN 6,000 MEMBERS,
REGARDING THE PROPOSED CHANGES TO THE PUBLIC
FACILITIES AND WATER RESOURCES ELEMENT OBJECTIVE 4
LANGUAGE. ~~WE~~ WE SUPPORT THE CITY'S INTENTION TO REDUCE
POLLUTION BY 25% BY 2015, AND REQUEST THAT SUCH A
POLLUTION REDUCTION GOAL AND TIMELINE REMAIN.

our first suggestion
~~HOWEVER, WE WOULD SUGGEST THAT THE TARGET NOT BE~~
RESTRICTED TO ONLY STORMWATER POLLUTANT LOADS, BUT
THE LANGUAGE REVISED TO ADDRESS THE TOTAL POLLUTANT
LOAD - WHICH INCLUDES POLLUTION LOADS FROM OTHER
SOURCES AS WELL. ~~WITH~~ WITH THE CITY OF NAPLES ALREADY
PROACTIVELY IMPLEMENTING MORE STRINGENT STORMWATER
AND FERTILIZER REGULATIONS, IT NOW NEEDS TO TAKE A
BROADER LOOK AT OTHER POTENTIAL SOURCES OF POLLUTION
FROM THE NAPLES BAY WATERSHED - BOTH INSIDE AND OUTSIDE
CITY LIMITS. ~~DIRECT~~ DIRECT WASTEWATER OR RECLAIMED WATER
DISCHARGES AS WELL AS OTHER POLLUTION SOURCES SHOULD
BE EVALUATED TO DETERMINE TO WHAT DEGREE THEY MIGHT BE
CAUSING OR CONTRIBUTING TO DOWNSTREAM IMPAIRMENT. ~~THIS~~

*Inversely, we would
not support extending
the timeline as proposed.
but believe the
following recommenda-
tions, would still
provide a realistic
measurable goal
while maintaining
the City's leadership
in addressing
water quality.*

IS USUALLY DONE BY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION IN A PROCESS CALLED BASIN MANAGEMENT ACTION PLANNING. ^{In Basin Management Plans, FDEP conducts pollutant load modeling to assess ~~various~~ pollutant sources and determine the relative pollutant load reductions to meeting the common target.} HOWEVER, FDEP ISN'T IMPLEMENTING THIS PROCESS IN COLLIER COUNTY AT THIS TIME.

THIS IS PROBLEMATIC FOR COMMUNITIES LIKE NAPLES, WHO ARE LEFT TRYING TO RESTORE THE WATER QUALITY OF A DOWNSTREAM WATERBODY - RECEIVING POLLUTION INPUT FROM WATERBODIES OUTSIDE THEIR JURISDICTION. ^(cost sharing the effort to derive where existing pollution is coming from) BASIN MANAGEMENT ACTION PLANNING WOULD HAVE REQUIRED ALL MUNICIPALITIES IN THE NAPLES BAY WATERSHED TO WORK TOGETHER TO COLLECTIVELY REACH THE WATER QUALITY - WITH EACH BEING BOTH FISCALLY AND DIRECTLY RESPONSIBLE FOR ITS PROPORTIONAL SHARE OF THE REDUCTION. BASIN MANAGEMENT ACTION PLANS ARE ALSO ADOPTED BY SECRETARIAL ORDER AND SO ARE DIRECTLY BINDING AND ENFORCEABLE BY FDEP AS A NEUTRAL ENTITY.

WE UNDERSTAND THE CITY'S DESIRE TO REMOVE LAKES FROM THE LANGUAGE AS MANY ARE ACTUALLY STORMWATER DETENTION PONDS USED FOR POLLUTION CONTAINMENT AND THEREFORE, NOT SUBJECT TO WATER QUALITY REGULATIONS. WE WOULD SUGGEST HOWEVER THAT THE WORD LAKES BE REPLACED WITH THE WORD "FLOWING WATERS" TO ENCOMPASS

CANALS, CREEKS AND RIVERS FLOWING INTO THE BAY. THIS WOULD MAINTAIN CONTINUED EMPHASIS ON POLLUTION SOURCE CONTROL/~~ELIMINATING~~ THE WORD LAKES AND NOT REPLACING IT WITH FLOWING WATERS TO ENCOMPASS THE UPSTREAM WATERWAYS FLOWING INTO THE BAY WOULD CREATE POLICY THAT WOULD ALLOW LOWER WATER QUALITY EXPECTATIONS UPSTREAM THAN DOWNSTREAM – LESSENING SOURCE CONTROL AND MAKING IT MORE DIFFICULT TO ACHIEVE DOWNSTREAM WATER QUALITY GOALS.

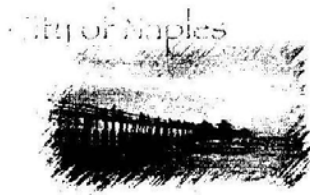
IN CONCLUSION, THE CONSERVANCY URGES THE CITY OF NAPLES TO MAINTAIN ITS CURRENT OBJECTIVE 4 LANGUAGE WITH THE EXCEPTION OF CHANGING THE WORD “STORMWATER “ TO “TOTAL” AND CHANGING “LAKES” TO “FLOWING WATERS”.~~WE~~ WOULD ALSO RECOMMEND THAT THE CITY COUNCIL INDICATE ITS SUPPORT FOR A BASIN MANAGEMENT ACTION PLAN TO BE DONE FOR NAPLES BAY.~~THESE~~ ACTIONS WILL EXEMPLIFY THE DEEP COMMITMENT THAT THIS COUNCIL HAS TO RESTORING NAPLES BAY IN A TIMELY MANNER, AS WELL AS ASSIST IT IN REACHING IT BAY CLEAN-UP GOALS. THANK YOU.



NAPLES CITY COUNCIL AGENDA MEMORANDUM

Regular Meeting Date: October 20, 2010

Agenda Section:	Regular	Prepared By: Roger Reinke, Assistant City Manager
Agenda Item:	19	Date: October 4, 2010 Department: City Manager
		Legislative <input checked="" type="checkbox"/> Quasi-Judicial <input type="checkbox"/>
SUBJECT: First Reading of an Ordinance Amending the Naples Firefighters' Pension and Retirement System.		
SUMMARY: City Council is asked to consider an Ordinance on First Reading amending the Naples Firefighters' Pension and Retirement System to provide for a one time supplemental retirement benefit and a supplemental share plan retirement benefit, funded by excess premium tax revenue, and as provided in the current labor contract with the International Association of Firefighters.		
BACKGROUND: On June 17, 2009, City Council approved Resolution 09-12476 ratifying and confirming the labor contract between the City of Naples and the Professional Firefighters of Naples, International Association of Firefighters (IAFF), Local 2174, for the period from October 1, 2008 through September 30, 2011. This labor contract included a "stop and restart" of pension benefits that was implemented on September 2, 2009 with the approval on Second Reading of Ordinance 09-12517. The "stop and restart" of pension benefits increased the amount of state premium tax revenue that the City can use to fund the fire pension from a maximum of \$775,809 to a maximum of \$1,668,662. The ratified labor contract includes a provision to apply the excess premium tax revenues accumulated prior to the "stop and restart" to provide initial funding for a "share plan" created by active fire pension plan members. The accumulated excess premium tax revenue consists of premium tax revenue received by the City prior to the "stop and restart", in excess of \$775,809 annually, and is restricted to provide for increased benefits. The share plan is considered an increased benefit and provides a method of allocating the excess premium tax revenues to pension plan members. The ordinance has been reviewed by Attorney Pedro Herrera for Sugarman and Susskind, the law firm retained by the Pension Board, and Jim Linn, the City's pension attorney. An actuarial impact statement has been prepared by the plan actuary and the ordinance will be transmitted to the Florida Division of Retirement. The plan actuary has determined the accumulated excess revenue is \$682,045.94. The plan members have elected to share \$18,328.88 of this total with former firefighters who retired prior to March 31, 2000. These members will receive a one-time supplemental check equal to their current monthly retirement benefit. The remaining \$663,717.06 will provide the initial funding for the share plan and will be distributed in equally proportionate shares based upon a formula approved by the bargaining unit members and calculated by the plan actuary. A Memorandum of Understanding detailing agreement between the City and the Union on the supplemental retirement benefit and the share plan retirement benefit has been executed.		



NAPLES CITY COUNCIL AGENDA MEMORANDUM

Regular Meeting Date: October 20, 2010

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Agenda Item:

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FUNDING SOURCE:

Accumulated excess premium tax revenue.

RECOMMENDED ACTION:

Approve an Ordinance on First Reading amending the Naples Firefighters' Pension and Retirement System to provide for a one time supplemental retirement benefit and a supplemental share plan retirement benefit funded from excess premium tax revenue as provided in the current labor contract with the International Association of Firefighters.

Reviewed by Department Director
Roger Reinke, Assistant City Manager

Reviewed by Finance
Ann Marie Ricardi

Reviewed by City Manager
A. William Moss

City Council Action:

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS	
LAST NAME—FIRST NAME—MIDDLE NAME PRICE Gary Benjamin	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE COUNCIL
MAILING ADDRESS 3125 LEEWARD LN	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY NAALES FL COUNTY	NAME OF POLITICAL SUBDIVISION: NAALES
DATE ON WHICH VOTE OCCURRED OCTOBER 20, 2010	MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTEE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies, under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; and

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
 - The form must be read publicly at the next meeting after the form is filed.
- IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:
- You must disclose orally the nature of your conflict in the measure before participating.
 - You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, GARY B. PRICE II, hereby disclose that on October 20, 20 10.

(a) A measure came or will come before my agency which (check one)

- ☒ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☐ inured to the special gain or loss of my relative, _____;
- ☐ inured to the special gain or loss of _____, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

IN THE EVENT THAT THE MESA, AZ PROPOSITION 420 FAILS, THE CHICAGO CUBS MAY CONSIDER RELOCATING THEIR SPRING TRAINING FACILITY TO COLLIER COUNTY. MY FIRM, FIFTH AVE. LANDVISAHS HAS PLAYED A KEY ROLE IN THIS EFFORT. WE MAY ASK THE TDC OF COLLIER COUNTY TO CONTRIBUTE SOME OF THE BED TAX TO THE CUBS PROJECT.

10/20/10
Date Filed

[Signature]
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.