



City of Naples

City Council Chamber
735 Eighth Street South
Naples, Florida 34102

City Council Regular Meeting - December 7, 2011 - 8: 30 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 (left 4:01 p.m.)
Samuel Saad, III (arrived 8:32 a.m.)
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
Adam Benigni, Planner
Robin Singer, Planning Director
Joe Boscaglia, Parks & Parkways Superintendent
David Lykins, Community Services Director
Paul Bollenback, Building Services Director
Robert Middleton, Utilities Director
George Archibald, Traffic Engineer
Gregg Strakaluse, Streets & Stormwater Director
Denise Perez, Human Resources Director
Lori Parsons, Risk Manager
Penny Taylor
Peter Tuffo
Reg Buxton

Michael Harper
Judith Chirgwin
Franny Kain
Jim Smith
Lois Bolin
Lavern Norris Gaynor
John Passidomo
Charles Thomas
Jim Boula
Barbara Walker
Tony Ridgway
Thomas Lykos
Sandra Buxton
Jayne Skindzier

Media:

Kristine Gill, Naples Daily News
Other interested citizens and visitors

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

Reverend Michael Harper, Naples Community Hospital.

It is noted for the record that Council Member Saad arrived at 8:32 a.m. during Item 3 below.

ANNOUNCEMENTS.....ITEM 3

Lavern Norris Gaynor accepted the original framed drawing of a childhood pet by her father, Lester Norris; the artwork will be displayed in the Norris Community Center (a printed copy of the drawing is contained in the file for this meeting in the City Clerk's Office). Mayor Barnett then read a proclamation of recognition relative to the Make-A-Wish Foundation which was accepted by Sandra Buxton.

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

MOTION by Sorey to SET THE AGENDA removing Items 6-a-2 (Farmers Market) and 6-d (right-of-way permit for valet parking) from the Consent Agenda for separate discussion. 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

(8:39 a.m.) (It is noted for the record that documentation submitted by speakers is contained in the file for this meeting in the City Clerk’s Office.) **Franny Kain, Executive Director of Fun Time Early Childhood Academy**, urged Council’s support of the River Park Community Pool replacement as the children attending Fun Time are provided free water safety and swim lessons each summer; this life-saving instruction is not available to them anywhere else, she concluded. **Thomas Lykos, representing CBIA (Collier Building Industry Association)**, submitted its written requests to the City with regard to lowering the Building Services Department’s \$5-million reserve with the hiring of additional personnel which, in CBIA’s opinion, is much needed. This would also expedite the permitting process, he said, and requested that should questions arise, Kathy Curatolo, also with CBIA, would be available to provide answers and/or additional input. **Judith Chirgwin, 112 Tenth Avenue South**, noted that the Naples Town Meeting group would be requesting permission to hold its January 2012 meeting in Council Chamber. Similar to last year, the intent is to provide a forum for the public to interact with candidates for City Council and Mayor, she said (see Page 8 for discussion of request).

It is noted for the record that following Item 5 above, a subsequent motion was proffered to set the agenda, adding Item 11 (reconsideration of a variance), which is reflected below.

MOTION by Price to ADD ITEM 11 (consider a reconsideration of Variance Petition 11-V7) TO THE AGENDA; 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).

CONSENT AGENDA

APPROVAL OF SPECIAL EVENTS.....ITEM 6-a

- 1) Annual Naples Daily News ½ Marathon - Gulf Coast Runners - Cambier Park - 01/15/12.
- 2) “Open Air” Farmers Market - removed from Consent Agenda for separate discussion - see below.
- 3) Annual Naples Cultural Heritage Celebration - City of Naples - River Park Community Center - 02/18/12.

RESOLUTION 11-13002.....ITEM 6-b

A RESOLUTION APPROVING THE NAPLES URBAN FORESTRY PLAN FOR THE YEAR 2012 AS REQUIRED IN SECTION 38-1 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES; AND PROVIDING AN EFFECTIVE DATE. Title not read.

CLERK’S TRACKING #11-00045ITEM 6-c

AWARDING A CONTRACT TO PROVIDE REPLACEMENT PARTS FOR A BELT PRESS IN THE WASTEWATER TREATMENT PLANT: \ VENDOR: KOMLINE-SANDERSON ENGINEERING CORPORATION, PEAPACK, NEW JERSEY \ COST: \$79,878 \ FUNDING: CIP 12M12 - BELT PRESS IMPROVEMENT.

RESOLUTION 11-13003.....ITEM 6-e

A RESOLUTION APPROVING THE COMMUNITY DEVELOPMENT BLOCK GRANT AGREEMENT BETWEEN COLLIER COUNTY AND THE CITY OF NAPLES ACCEPTING GRANT FUNDS FOR PARKING IMPROVEMENTS LOCATED ON THE SOUTH SIDE OF FIFTH AVENUE NORTH BETWEEN TENTH STREET NORTH AND GOODLETTE-FRANK ROAD; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE. Title not read.

MOTION by Finlay to APPROVE CONSENT AGENDA except Item 6-a-2 and Item 6-d; 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

“OPEN AIR” FARMERS MARKET**ITEM 6-a-2**
THIRD STREET SOUTH MERCHANTS ASSOCIATION - THIRD STREET SOUTH FROM BROAD AVENUE SOUTH TO 13TH AVENUE SOUTH - 01/07/12, 01/21/12, 02/04/12, 02/18/12, 03/03/12, 03/24/12, 04/07/12 AND 04/21/12. (8:47 a.m.) (See Attachment 1 appended hereto / excerpted text from November 15 memorandum from Community Services Director David Lykins regarding Item 6-a-2.) In response to Council Member Price, Mr. Lykins clarified that the Third Street South Merchants Association had amended its request for a waiver of the booth fees only, indicating that it would be responsible for the \$260 per event fee for one police officer to be assigned to the street. He further confirmed for Mr. Price that should 50 booths be utilized for each event the waiver would now total \$4,000.

Council Member Finlay stated that while he would support the booth fee waiver, he questioned the continued taxpayer subsidy for such events being held on public property. Tony Ridgway, representing the Association, provided Mr. Finlay with a brief overview of the methodology utilized relative to the types of merchants allowed to participate as well as the number of similar vendors. He explained that the intent was to limit the number of similar services or wares per each event and City Attorney Robert Pritt assured Mr. Finlay that no liability should exist for the City with such a policy imposed by an event organizer. Mr. Ridgway also characterized the event as more of a social environment than a business place and pointed out that the Third Street Merchants pay their fair share of taxes and do not ask much of the City in return. The community enjoys the event, he said. Council Member Price then stated that he however took issue with the City being asked to partially subsidize the event, although not all appear to be welcome to participate.

Barbara Walker, Neopolitan Enterprises, noted that the Association has agreed to fund the police officer which is the only out-of-pocket expense by the City, and is due to the street closure. When the year-round market is held in a nearby parking lot, no police officer is necessary, she added. She also clarified that space is limited to a maximum of 50 booths which dictates the careful selection of vendors. All must provide proof of insurance and attendance is mandatory; the Association must also provide insurance when the market is held in the street. Vendors are charged \$100 per 26-week season and the Association funds advertising, set-up and clean-up from the \$5,000 per season vendor fee collections; of this, \$2,000 is paid to the City for the above referenced police officer, she added. Ms. Walker further elaborated by citing competition for vendors from other markets of this type and therefore participants will be lost should booth fees become too onerous. Should the fees not be waived, the Association will no longer hold the market due to lack of funding. In response to Council, Ms. Walker explained that farmer’s markets throughout the country are either subsidized or totally sponsored by governmental entities due to their contribution to the community and are actually under a separate booth fee structure. Council Member Price agreed, although he questioned the continued subsidy of the event. Ms. Walker however urged that the fees be waived for the current series of markets and that any review of booth fees occur early in 2012 thereby allowing the Association time in which to consider future market seasons. Council Member Sulick suggested that the matter of booth fees be referred back to the Community Services Advisory Board (CSAB) for discussion and recommendations; Council concurred.

Public Comment: (8:53 a.m.) **Penny Taylor, 995 13th Street North**, stated that she believes the aforementioned farmer’s market attracts Collier County residents into the City and that the Association’s selection practices for vendors is an apparently effective marketing tool; she urged approval of the requested waiver.

While praising the event, Council Member Saad echoed Council Member Price’s concern with

regard to use of public space and monies for an event in which participation is limited by the organizer. He however agreed that booth fees should be fair and that research should be undertaken to determine a schedule that reflects fairness. Vice Mayor Sorey stated his ongoing objection to booth fees for all events.

MOTION by Sulick to APPROVE ITEM 6-a-2 waiving booth fees for current request with understanding that petitioner shall fund cost of police presence. This motion was 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). Consideration of amending booth fees deferred to Community Services Advisory Board (CSAB).

RESOLUTION 11-13004.....ITEM 6-d

A RESOLUTION APPROVING RIGHT-OF-WAY PERMIT APPLICATION 2011-21 TO MARINO PARKING SYSTEMS, INC. FOR CENTRAL VALET SERVICE IN THE FIFTH AVENUE SOUTH BUSINESS DISTRICT; AUTHORIZING THE CITY MANAGER TO EXECUTE THE RIGHT-OF-WAY PERMIT APPLICATION; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (9:20 a.m.). Council Member Heitmann explained that she had requested separate discussion due to her concern that a private organization would, without a contract, be managing a public right-of-way. Mrs. Heitmann then noted that valet service along Fifth Avenue South had been requested by merchants prior to the second City-owned parking garage being constructed. Assistant City Manager Roger Reinke clarified that the Community Redevelopment Agency (CRA) had in fact managed the valet service in the past while also enforcing its own restrictions. The requested permit would instead allow the Fifth Avenue South Business Improvement District (FASBID) to manage the service and the City to customarily enforce the restrictions of the right-of-way permit. Should the City continue to manage the valet service, staff reductions would become an issue and the request for proposal (RFP) process would be an additional burden to taxpayers, he said. In response to Council Member Saad, Mr. Reinke indicated that \$1,200 or less in revenue had been realized by the City from the service.

A brief discussion of signage for the valet service followed during which Council Member Price expressed concern with the number of signs, particularly those at Fifth Avenue South and Park Street. Council Member Saad agreed, especially with the one to be located within the intersection at Fifth Avenue South and Eighth Street. Mr. Saad recommended therefore that this sign be placed within the crosswalk, at the end of the double-yellow line; this would allow left turns without vehicles having to navigate around the sign; Traffic Engineer George Archibald agreed. Mr. Archibald further noted that the permit contains a clause whereby the risk and liability of the signage is fully with the permittee, not the City. Council Member Sulick advised that the sign to be located at the Fifth Avenue Parkway and US 41 added to the existing sign pollution of that area.

Council Member Heitmann inquired as to the need for a contract with the FASBID, but Mr. Archibald explained that a right-of-way permit creates no rights but is merely permissive; the City retains control in this manner. Mrs. Heitmann also questioned the location for parking by the valet service, and he clarified that it must not involve public parking spaces; a private lot(s) would be utilized. City Manager William Moss added that the FASBID would realize the profit from the service, not the City, and Council Member Saad maintained that the City would actually save by not having to enter into the above referenced RFP process.

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

MOTION by Sorey to APPROVE RESOLUTION 11-13004 with condition that no signage be placed within intersections; seconded by Saad and carried 6 -1, all members present and voting (Finlay-yes, Heitmann-no, Saad-yes, Sorey-yes, Price-yes, Sulick-yes, Barnett-yes).

RESOLUTION 11-13005.....ITEM 7
A RESOLUTION DETERMINING VARIANCE PETITION 11-V8 TO ALLOW A RESTAURANT TO OCCUPY A BUILDING (APPROXIMATELY 4,625 SQUARE FEET) AND TO ALLOW APPROXIMATELY 1,500 SQUARE FEET OF OUTDOOR DINING ON THE PROPERTY WITH 22 PARKING SPACES WHERE 52 PARKING SPACES ARE REQUIRED, SAID PROPERTY OWNED BY OLDE CHURCH 811, LLC, LOCATED AT 811 SEVENTH avenue south and MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (9:38 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/visited the site, spoke with the petitioner's agent and members of the public; Finlay and Sulick/visited the site and spoke with the petitioner/s agent; Price/visited the site and spoke with the petitioner and petitioner's agent; Barnett/familiar with the site but no contact; Heitmann/familiar with the site and spoke with the petitioner's agent and members of the public; and Sorey/visited the site, involved in the process of the Celebration Church to purchase the subject property and spoke with the petitioner and petitioner's agent. Planner Adam Benigni provided a brief overview of the petition as contained in his November 16 memorandum (Attachment 2), noting that staff and the Planning Advisory Board (PAB) recommended approval.

Attorney John Passidomo, agent for the petitioner, utilized an electronic presentation (a printed copy of which is contained in the file for this meeting in the City Clerk's Office) during which he reviewed the history of the 65-year-old structure, one of the first churches constructed in Naples , as well as future plans for its conversion to a restaurant. He assured Council that the architectural character of the structure would be retained.

A brief discussion of a historic designation for the structure followed during which Lois Bolin (sworn separately), representing Naples Backyard History, pointed out that the City's program of placing bronze placards at historic sites could easily accomplish such a designation. Her group intends to begin tours to the 17 current sites around the City, she said, noting that the City does not have legislation relative to historic preservation. Mr. Passidomo indicated that the petitioner would most certainly agree to the aforementioned designation.

Council then considered adding a condition regarding the variance remaining in effect so long as the structure retains its historical character, but City Attorney Pritt noted that Section 2(3) accomplishes that intent.

MOTION by Sorey to APPROVE RESOLUTION 11-13005 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).

Recess: 10:09 a.m. to 10:23 a.m. It is noted for the record that the same Council Members were present when the meeting reconvened.

RESOLUTION 11-13006.....ITEM 8
A RESOLUTION APPROVING A PROFESSIONAL SERVICES/CONSTRUCTION MANAGER AT-RISK AGREEMENT WITH MANHATTAN CONSTRUCTION (FLORIDA), INC., FOR CONSTRUCTION OF A MUNICIPAL SWIMMING POOL AT 451 11TH STREET NORTH; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (10:23 a.m.). Community Services Director David Lykins provided clarification of his November 22 memorandum as contained in his December 5 submittal (Attachments 3 and 4, respectively), noting the final guaranteed maximum price of \$1,615,506 versus the originally approved \$1,500,000. The

amended cost is due to the following additional elements:

- Demolition - \$29,247 (via CIP #12G11);
- Flood panels - \$26,500 (CIP #12I07 / which are mandatory per Federal Emergency Management Agency (FEMA) flood requirements); and
- Concrete pool deck - \$59,759 (Unfunded / interlocking pavers were originally proposed but daily maintenance would prove cost prohibitive over the long-term).

Two elements are to be excluded:

- Ceramic tile in bathrooms - \$13,525; and
- Site lighting for nighttime activities - \$33,642 (infrastructure will be installed should it later be deemed a necessity).

Mr. Lykins then pointed out that the lift station for the site had been replaced by the Utilities Department earlier this year and no additional work was required. Stacked masonry blocks would be used instead of cast-in-place piers and perimeter walls, and site work ground improvements, landscaping and irrigation, fire sprinkler and alarm system elements remain in the project. Elements continuing to be excluded are window treatments, appliances, site furnishings, storage cabinetry, back-up generator, security system, sound system and wall sconces, although some of these items, such as a washer and dryer, lifeguard stands and cabinetry will be reused from the City's existing inventory. He concluded by saying that the contractor would be ready to commence in January with completion by June.

Public Comment: (10:36 a.m.) **Penny Taylor, 995 13th Street North**, stated that she believed the project had too many unknowns and that it should be scaled down to provide a pool for the neighborhood and a place for swimming lessons for the children. In response to Council Member Price, she explained that one of her key concerns is that the pool will be built and then no staffing (lifeguards) will be available to allow the pool to remain open for use a greater number of days than currently; funding for this is the issue, she said. Director Lykins then clarified for Miss Taylor that staff had provided an estimated annual cost for operating the pool of \$250,000 and that while the cost of the construction management is included within the above referenced maximum total cost, architectural fees are not; nevertheless, funding for the latter has already been 80% allocated as that firm has one more element to complete for the project. Manhattan Construction (Florida) Company, Inc. (formerly Kraft Construction) has lowered its 4.75% construction manager at-risk fee to 4.5% (\$65,455), Mr. Lykins added.

Council Member Finlay noted his support of the project, with the amended elements as cited by Mr. Lykins above, saying that he hoped the new facility will last as long as the current 50-year-old structure.

Director Lykins clarified that the total cost for the concrete deck is \$109,854, noting that the \$59,759 above referenced is in addition to the cost of the originally planned pavers (\$15,095); Peter Tuffo, representing Manhattan, agreed.

Council Member Price maintained his position that while he supported the project, he remained disapproving of the design. The current pool should be replaced with a similar structure, he said, which could be constructed for \$900,000 and would not necessitate the level of staffing for safe operation as the design under discussion; \$2.4-million will be needed for its operating costs over the next ten years, he added. Referencing prior City Council meeting minutes, he advised that Council had originally approved a \$1-million budget which should be adhered to. Vice Mayor Sorey then explained that the increased cost had been in response to requests from the community for amenities and certain features to be incorporated into the facility; operating costs will be funded from the General Fund. A commitment was made to the community to construct the new facility and with the amenities added, anticipating that it will attract all residents, he concluded.

In response to Council Member Sulick, Director Lykins explained that no entrance fee has been charged at the pool nor is anyone denied access. Mrs. Sulick noted her support of the project although pointing out that operational costs for the old facility in recent years had included expensive repairs necessary to its continued functioning.

Council Member Heitmann expressed her disappointment with the design of the pool as well as the projected cost of operation, questioning its future success. Council Member Saad explained that he had had experience with City-owned pools and offered to work with staff with regard to programming, suggesting that a pool pass concept be considered.

Mr. Tuffo then confirmed Mr. Lykins' figures relative to the cost of the pool and the motion below was proffered.

MOTION by Saad to APPROVE RESOLUTION 11-13006 amended as follows:

Section 1: "...in the amount of \$1,616,000 \$1,500,000." This motion was seconded by Finlay and carried 5-2, all members present and voting (Price-no, Sorey-yes, Sulick-yes, Saad-yes, Finlay-yes, Heitmann-no, Barnett-yes).

ANNUAL CITY MANAGER PERFORMANCE REVIEW.....ITEM 9

(11:07 a.m.) Council provided various comments regarding the performance review of City Manager William Moss, all commending him for his service to the City. (It is noted for the record that written evaluations are on file in the Human Resources Department when submitted.)

Recess: 11:18 a.m. to 11:19 a.m. It is noted for the record that the same Council Members were present when the meeting reconvened.

CONSIDERATION OF VARIANCE PETITION 11-V7 RECONSIDERATION.....ITEM 11

(11:19 a.m.) City Attorney Robert Pritt provided a brief review of the reconsideration process as established by Resolution 98-8218 (a copy of which is contained in the file for this meeting in the City Clerk's Office), noting that the request had been forthcoming from Council Member Saad. Should Council decide to reconsider the above referenced petition, the hearing would be scheduled for January 18, 2012. Mr. Saad then explained that while he was unsure whether he would support the petition upon reconsideration, he had met with the petitioner and found merits to the issue which he wished to bring to Council's attention; to do so it is necessary that the reconsideration be approved, he said. In response to Council Member Price, he indicated that he had become aware of other, unkempt property in the neighborhood. As the petitioner's request would result in no outward change of appearance, only the form of ownership, he said that he believed such action would avoid properties remaining unmarketable and at times falling into disrepair; the petition merits further consideration, he concluded. Mr. Price maintained that he could not support reconsideration as he felt it had been duly vetted.

Attorney Jayne Skindzier, petitioner's agent, urged support of the reconsideration thereby allowing additional information to be provided pertinent to the necessity of the variance.

Council Member Finlay agreed with the reconsideration process, and similar to Council Member Saad, said that additional information should at least be heard. Mr. Pritt agreed, noting that reconsideration would allow a complete legal analysis as to whether the City had applied its own laws property and also avoid a costly appeal process should the petitioner wish to litigate.

Public Comment: (11:33 a.m.) None

MOTION by Saad to RECONSIDER VARIANCE PETITION 11-V7 DURING THE JANUARY 18, 2012 REGULAR MEETING; seconded by Barnett and carried 6-1, all members present and voting (Finlay-yes, Heitmann-yes, Price-no, Saad-yes, Sorey-yes, Sulick-yes, Barnett-yes).

City Attorney Pritt indicated that proper noticing of the reconsideration hearing would be forthcoming by staff. In response to Vice Mayor Sorey, Council agreed that discussion be

scheduled following the February election with regard to issues raised in conjunction with this petition, including zero lot lines and fee simple ownership for multifamily structures.

PUBLIC COMMENT.....

(11:40 a.m.) None.

CORRESPONDENCE AND COMMUNICATIONS.....

(11:40 a.m.) Council Member Finlay requested that the November Collier County Coastal Advisory Committee presentation relative to beach renourishment issues pertinent to the City be brought before Council. Council Member Price provided a pension update on the ranking of pension plans recently disseminated by Collins Institute which is deemed to be inaccurate. He also commended the efforts of Council and employees to address economic difficulties in recent years. Council Member Sulick noted the recent correspondence from the Fifth Avenue South Business Improvement District (FASBID) indicating receipt of its 501(c)3 designation, praising its promotional activities as well as the City's Christmas Parade. Council Member Heitmann also commended staff and residents with regard to the Christmas Parade and received consensus that staff re-examine intersection/crosswalk improvements at Fifth Avenue South and Third Street. She further noted Council's receipt of Florida League of Cities resolutions for the upcoming legislative session and its request for support with regard to legislation addressing pension sustainability. Vice Mayor Sorey noted the possibility of a changing policy among state agencies pertaining to the environment, especially with regard to the concept of year-round beach renourishment while maintaining safe sea turtle nesting areas. He then received an update on the amended Federal Emergency Management Agency (FEMA) flood plain maps and confirmation that structures must be built to existing regulations until the maps are officially finalized. City Clerk Tara Norman reminded Council of her impending retirement and indicated that the recruitment process for her replacement was scheduled for discussion during the January 17 workshop.

Council then addressed the submittal by Judith Chirgwin during public comment above (see Item 5 / a copy of the document is contained in the file for this meeting in the City Clerk's Office) , reaching consensus that her request for a town hall candidate forum in Council Chamber be denied per the policy for the use of that facility.

Recess: 12:19 p.m. to 12:59 p.m. It is noted for the record that the same Council Members were present when the meeting reconvened except Council Member Saad who returned at 1:04 p.m. during consideration of Item 10 below.

ZERO-BASED BUDGETING.....ITEM 10

DEPARTMENTAL ZERO-BASED BUDGET PRESENTATIONS WILL SUMMARIZE CURRENT AND PAST BUDGETED EXPENDITURES, CHANGES IN PERSONNEL, ESTIMATED COST OF FUNCTIONS, ACTIVITIES, AND SERVICES, HOW BUDGETS MAY BE REDUCED BY 10%, WHAT SERVICES WOULD BE OFFERED IF 10% ADDITIONAL FUNDING WERE AVAILABLE, AND WHAT ARE THE FUTURE REQUIREMENTS FOR NEW FACILITIES. (12:59 p.m.) (It is noted for the record that this item is continued from the November 14 workshop; the City Manager's Department presentation as well as the Natural Resources Division was discussed at that time.)

City Clerk's Department

City Clerk Tara Norman utilized an electronic presentation to provide her department's overview (a printed copy of which is contained in the file for this meeting in the City Clerk's Office /

excerpted text of the presentation is appended hereto as Attachment 5).

Following her presentation, Mrs. Norman clarified for Council Member Price that public record requests vary greatly in complexity and the amount of time involved in providing the information to the requestor; all requests are however entered into the department's tracking system although state public records law contains a provision whereby the requestor may remain anonymous. Internal requests and those of Council Members are however not tracked, she added. City Manager William Moss also noted that many of the requests come from entities gathering information for marketing purposes, such as building permits, which provide contact data for contractors. Mayor Barnett then added that all requests must be met or litigation could follow. In response to Vice Mayor Sorey, Mrs. Norman explained that every effort is made to recoup the costs of the requests should they be somewhat involved, copies of documents are charged a per sheet cost and should they be sent out for copying, the exact amount for that service is also passed on to the requestor. With regard to staff time, an hourly rate is charged if more than an hour is involved, she said.

Mrs. Norman clarified for Council Member Finlay that while Collier County does in fact use court reporters for their Board of Commissioners meeting minutes and then adopts the transcripts as its official record, she cautioned that most municipalities use internal staff and summary minutes as a full transcript is then open to constant interpretation as to what occurred. She further advised Council Member Saad that the audio/video recordings of meetings are not the official record and that they have a 2½-year retention per state law. In addition, Mrs. Norman indicated that she would defer to the City Attorney for an opinion as to whether the audio/video recording could become the official record of a meeting. Addressing Mr. Saad's question as to why those requesting public records are not merely directed to the City's website where many documents are available, Mrs. Norman said that at times this is done but, per state law, the City is nevertheless required to provide the documents. She cautioned that should permanent records be stored electronically, at some point in the future that data may become unreadable if it is not constantly migrated to the next level of technology. This is the reasoning behind retaining permanent records in paper and/or microfilm form even though the information is stored and therefore accessible electronically, she stressed. Mr. Saad then suggested that several functions be handled by the City Attorney's office, namely finalization of legislation and its codification and recordation of documents. Mrs. Norman also explained that the Records Management Center is for storage of intermediate retention documents, three to ten years, not for those frequently accessed; each department is considered the custodian of its own records, she said.

A brief discussion of the election process followed during which Mrs. Norman noted that during years when no presidential primary coincides, it is then in fact her responsibility to coordinate that function. She is required to be the filing officer for City candidates and the Supervisor of Elections fee is approximately \$20,000 to \$30,000 for years when services are rendered for City elections.

In response to Council Member Sulick, Mrs. Norman reiterated that only a statutory per page maximum can be charged and not the act of copying a document nor redacting information considered exempt or confidential. She then explained for Council Member Heitmann that a records manager assists with policies, works with each department on record keeping procedures, and stores and disposes records for the entire organization; the City has never had such a position although she has attempted to fill those needs, she added. She further clarified that should some of her department's functions be de-centralized, efficiencies may be lost, agreeing with Mr. Moss that agenda preparation is one of these functions. Mrs. Norman pointed out that at one time Council agenda and packet preparation had indeed been

under her supervision but since direct communication with the City Manager is paramount to this function, it had been reorganized under that department.

Vice Mayor Sorey questioned whether it would be cost effective to outsource scanning of all documents, and Mrs. Norman recommended that her staff continue to scan as time permits; she also indicated that despite scanning of materials, some record searches involve a very diverse group of documents with varying dates of origination. She and her staff continue to aid other departments in meeting the state records retention requirements and the only manner in which to ascertain the level of the compliance would be to conduct a comprehensive inventory, something that would prove difficult with current reduced staffing levels throughout the City, she said. As an alternative, each department could be asked to provide a self-inventory and then recommendations could be made based upon that data. A records program must be legally defensible and have consistency, Mrs. Norman concluded, noting that some entities are agreeing to out of court settlements due to difficulty or cost of producing requested records.

Mrs. Norman then confirmed for Vice Mayor Sorey that action minutes have proven adequate for the boards and committees which have also begun meeting less frequently with shorter meetings. City Council, Planning Advisory Board (PAB) and Design Review Board (DRB) minutes remain full summary and comprehensive, she said.

Finance Department

Finance Director Ann Marie Ricardi utilized an electronic presentation (a copy of which is contained in the file for this meeting in the City Clerk's Office, excerpted text of which is appended hereto as Attachment 6). During review of reporting requirements, Vice Mayor Sorey requested that she provide a list of those mandated by other governmental entities which are most likely unnecessary.

Ms. Ricardi then confirmed for Vice Mayor Sorey that should utility billing be converted from bi-monthly to a monthly cycle, a small value would be added to the cash flow and predicted alower arrears rate. She also agreed to provide Council with an update as to the success rate of the Grants Coordinator, and Mr. Sorey expressed support for the proposed interactive voice response system for utility payments via credit card. Ms. Ricardi also assured Mr. Sorey that the issues with parking meter collections would be addressed by purchasing new heads for the electrically-read meters and thereby meeting auditing requirements; the purchase is scheduled during the current budget cycle.

The City's business tax was briefly discussed as to the amount of revenue generated versus the cost of processing, and City Manager Moss noted that the application for the license is the trigger for zoning review. Vice Mayor Sorey suggested that a workshop discussion be scheduled in the future to address this function as well as reimbursement for any costs realized by the City for the establishment of special assessment districts. Ms. Ricardi indicated that the purchasing function is in fact included in the effort to benchmark and involved in the benchmark consortium the City recently entered into.

In response to Council Member Finlay, Ms. Ricardi explained that staff does not spend a great amount of time with regard to delinquent billing once the bill is generated. She noted that should a customer's water service be curtailed due to non-payment, it is reinstated the same day the bill is paid; this has proven to be the best incentive for payment of past due bills, she added. A \$26.00 fee is charged when service is disrupted but nothing is charged for reconnection; Mr. Finlay urged that this be reconsidered. Under state statutes, the City can only hold a property owner accountable for a utility billing so long as the property is not leased to another person. Once the City is informed that a tenant occupies a structure, the tenant, not the property owner, is responsible. Laws governing county utility billing differ as the billing remains

in the property owner's name, she said, and Council indicated interest in discussing this further at a later date. Mr. Moss also noted that a resident's utility bill has risen 43% over the past few years (both water and sewer rates were increased) which would account for a portion of the total billing more than 90 days past due. Additionally, Ms. Ricardi explained that until she began her tenure with the City in 2004, once customers indicated that they were moving or would be gone for summer season, even base fees were no longer charged. While no longer the case, this would have additionally increased the amount of outstanding accounts. The City never writes off such debt per the Code of Ordinances and therefore the \$44,000 in the uncollectable account; of the nearly one-half of outstanding accounts under liens or in collections, most will be collected but it will take time, she added. Mr. Finlay requested a workshop discussion of delinquent billing and establishing a policy for writing off bad debt.

A brief discussion ensued with regard to fully automating meter reading during which it was noted that further research would be needed; many residents have spoken against it as they support continued monitoring of meters and lines by staff.

Ms. Ricardi explained for Council Member Heitmann that the City's billing information is sent to a local firm for printing and mailing; this firm handles all local governmental billing and are also available on-line for review. Another firm tracks the payments from special assessment districts and reports to the Collier County Tax Collector at a cost of \$500 per quarter per assessment district which is paid by the district. City Manager Moss confirmed for her that the Grants Coordinator position should be reviewed for cost/benefit due to the lowered availability of such funding and since many departments are seeking their own grants. Mrs. Heitmann then cautioned that the business tax referenced above be maintained due to the recently approved home office provision. Mrs. Heitmann also asked whether the financial report could be provided to Council quarterly rather than monthly.

Council Member Price requested that no later than September 2012 staff provide Council with a list of useless reports that could be eliminated, including those mandated by the state so that the City could petition its representatives for relief. The items listed under 10% reduction (see Attachment 6, Page 4) should be pursued, as well as the telephone payment system.

Recess: 3:03 p.m. to 3:15 p.m. It is noted for the record that the same Council Members were present when the meeting reconvened except Council Member Saad who returned at 3:21 p.m.; discussion of Item 10 continued and Council Member Price left the meeting at 4:01 p.m.

Planning

Utilizing an electronic presentation, Planning Director Robin Singer reviewed her department's budget. (A printed copy of the presentation is contained in the file for this meeting in the City Clerk's Office and excerpted text is appended hereto as Attachment 7.) In response to Council Member Finlay, Ms. Singer explained that permit applicants must be given a flat fee and potential timeframe for approvals; some costs, such as advertizing, are totally recouped, she added. However, careful consideration is always undertaken prior to increasing any fees, Ms. Singer said. Vice Mayor Sorey noted his agreement with user-based fees, when applicable, thereby avoiding those costs being underwritten by taxpayers; he urged that research continue in that regard. Ms. Singer then confirmed for Mr. Sorey that submittals are both electronic and documentary. Mr. Sorey stated this should also be reviewed, and City Manager Moss assured Mr. Sorey that concurrency would be a future topic of discussion for Council.

Council Member Price proposed the elimination of level of service (LOS) reviews by the Community Services Advisory Board (CSAB) and the Planning Advisory Board (PAB) as this

function is required of City Council.

Ms. Singer then advised Council Member Heitmann that her recent meeting with representatives of the Southwest Florida Regional Planning Council (SFRPC) had focused upon what projects it could aid the City with, such as the re-designation of US 41, although they had taken note of other questions by staff regarding concurrency and impact fees.

Mr. Moss noted that perhaps Council should further discuss various processes prior to more refined recommendations from staff, such as the variance review process. The Board of Appeals and Adjustments should also be included, Vice Mayor Sorey added, and Council Member Sulick indicated that fence and wall waivers could be processed administratively, although setbacks should remain within the purview of City Council. City Manager Moss agreed, reiterating that further discussion is necessary.

Human Resources

Human Resources Director Denise Perez also utilized an electronic presentation (a printed copy of which is contained in the file for this meeting in the City Clerk's Office and excerpted text from which is appended hereto as Attachment 8). She explained for Vice Mayor Sorey that the recent wage and salary analysis, including the updated job descriptions, was as yet uncompleted; it is hoped that it will be presented to Council in January, she said. She further assured him that any staff time dedicated to public records requests is tracked and reported to the City Clerk's Office in a timely manner. Mr. Sorey suggested that converting to electronic record keeping for this department should also be scheduled for discussion; Council Member Price agreed although Council Member Sulick expressed concern with privacy issues associated with electronic storage. Ms. Perez agreed with the cautionary comment, especially with regard to personnel records and information that must be redacted prior to being made public.

ADJOURN.....
4:02 p.m.

Bill Barnett, Mayor

Tara A. Norman, City Clerk

Minutes prepared by:

Vicki L. Smith, Technical Writing Specialist

Minutes Approved: 02/15/12

Attachment 1 / Page 1 of 1

Excerpted text from November 15 memorandum from Community Services Director David Lykins (a copy of the memo in its entirety is contained in the file for this meeting in the City Clerk's Office):

Item #2 – “Open Air” Farmers Market: “Open Air” Farmers Market hosted by Third Street South Merchants Association, between the hours of 7:30 a.m. until Noon along Third Street South from Broad Avenue South to Thirteen Avenue South. This request is additional to the weekly Farmers Markets staged on private property in the parking lot behind Tommy Bahamas throughout the year.

BACKGROUND (cont.):

The event request consists of approximately 50 booths with exhibitors selling produce, flowers, and other similar products and will include a closure of Third Street South from Broad Avenue South to Thirteenth Avenue South from 6:30 a.m. until 1:00 p.m. on the following dates (all Saturdays):

January 7, 2012 and January 21, 2012
February 4, 2012 and February 18, 2012
March 3, 2012 and March 24, 2012
April 7, 2012 and April 21, 2012

Parking for each event will include the Plaza Parking Garage and within numerous parking lots scattered throughout Third Street South Shopping District. Anticipated attendance for each event is approximately 500.

A letter from the Third Street Merchants Association (Exhibit A) is presented to City Council requesting consideration for the waiver of labor costs and booth fees. Based on current fee structures, charges in the amount of \$760 would be billed to the association for each event:

1. 1 Officer is assigned for 6.5 hours at a total cost of \$260 per each event
2. Assuming a total of 50 booths participate, \$500 in booth fees (\$10/booth)
3. Third Street South Association is responsible for barricades and associated costs

City Council approved a request from the Third Street South Association for the waiver of labor costs and booth fees for “Open Air” Markets in 2009 and 2010.

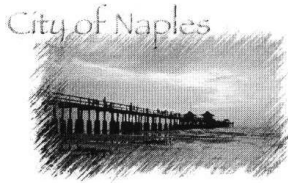
“Open Air” Farmers Market: City Council authorization for closure of Third Street South between Broad Avenue and Thirteen Avenue South between the hour of 6:30 a.m. until 12:30 p.m.; City Council consideration for a waiver of Naples Police Department personnel costs and event booth fees for a combined total of 8 events (approximately \$6,080) - January 7, 2012, January 21, 2012, February 4, 2012, February 18, 2012, March 3, 2012, March 24, 2012, April 7, 2012, and April 21, 2012 event dates.



NAPLES CITY COUNCIL AGENDA MEMORANDUM

Regular Meeting Date: December 7, 2011

Agenda Section: Regular	Prepared By: Adam A. Benigni, Sr. Planner Date: November 16, 2011 Department: Planning
Agenda Item: 7	Legislative <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/>
SUBJECT: Resolution determining Variance Petition 11-V8 for the property located at 811 7 th Avenue South.	
SUMMARY: City Council is asked to consider a resolution determining a variance from Section 50-104 of the Code of Ordinances which requires one (1) parking space per 100 square feet of gross floor area for restaurants and from Section 56-126 of the Code of Ordinances which requires three (3) parking spaces per 1,000 square feet of outdoor dining area in order to allow a restaurant to occupy an approximately 4,625 square foot building and allow approximately 1,500 square feet of outdoor dining on a property with 22 parking spaces where 52 parking spaces are required. In that this is a Quasi-Judicial matter, disclosures and the swearing in of those giving testimony are required.	
BACKGROUND: The building on the subject property was opened in 1946 as the First Baptist Church of Naples. In the early 1970s, the Church moved to a new location outside of the City limits. The property was then acquired by Senior Friendship Centers of Southwest Florida in 1984. Senior Friendship Centers is a non-profit network of centers in Southwest Florida that meet the health and wellness needs of older adults. The Friendship Health Clinic Collier (part of the Senior Friendship Centers network) was established in 1985 and was located at the subject property for nearly 25 years until relocating to its present location on Pine Ridge Road. The property was purchased by the current owner, Olde Church 811, LLC, in June 2011. The current owner wishes to open a restaurant at the location; however, the parking requirement for restaurants in the C2, General Commercial zoning district is 1 space per 100 gross square feet and the parking requirement for outdoor dining area is 3 spaces per 1,000 gross square feet. The building is approximately 4,625 square feet in area and the proposed outdoor dining area is 1,500 square feet; therefore, 52 parking spaces would be required. There are only 22 parking spaces existing onsite. The agent for the petitioner submitted a request for approval of a parking needs analysis for the proposed restaurant at this location in October 2011. A parking needs analysis can be considered under the requirements of Section 50-107 of the Code of Ordinances if 1) the particular situation is unique; 2) the operational method is atypical; or 3) the particular use is not listed within this section (50-104). Staff did not accept that the submitted analysis met any of the three requirements listed above as there are many other restaurants in the City and other restaurants in the subject zoning district, the operational method is not anticipated to be atypical of other restaurants and the use, restaurant, is listed in Section 50-104. The parking needs analysis was ultimately denied because the above criteria were not met and it was determined that the legislative intent of Section 50-107 of the Code of Ordinances was not to consider available on-street parking as a means to grant approval of fewer on-site parking spaces.	

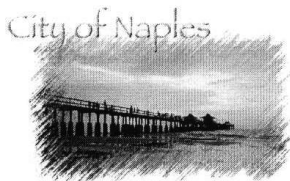


NAPLES CITY COUNCIL AGENDA MEMORANDUM

Regular Meeting Date: December 7, 2011

Page Two

Agenda Item: 7		
<p>BACKGROUND (cont.): A variance is another option to obtain approval of lesser parking requirement. While on-street parking cannot be allocated to this property and parking spaces cannot be purchased from the City's parking garage, the availability of public parking can be taken into consideration with a parking variance. After review of the request under the variance criteria, staff finds that the variance will not negatively affect the health, safety and welfare of the community as there are many public parking options within the vicinity of the subject property.</p> <p>The use as a restaurant is permitted under the C2, General Commercial zoning district and is permitted under Downtown Mixed Use Future Land Use designation. This restaurant will operate no differently, in terms of parking availability, than the restaurants on 5th Avenue South. There is the expectation that patrons will park once and frequent other shopping when they dine at this restaurant. The Planning Department has recently discussed the possibility of extending the boundaries of the Fifth Avenue South Special Overlay District with the Planning Advisory Board and the City Council. In the Overlay District, the parking requirement for commercial uses is 3 spaces per 1,000 square feet and there is no parking requirement for outdoor dining areas. If the boundary is ultimately extended to include this property, there would be no need for a variance as the restaurant would only be required to have 14 parking spaces and there are 22 existing parking spaces onsite.</p> <p>Staff has reviewed the petition and recommends approval of Variance Petition 11-V8 based upon the proposal meeting General Criteria 1 and 2, and Specific Criteria 2, 5, 6, 7, 8 and 9.</p> <p>On November 9, 2011, the Planning Advisory Board recommended approval of this variance petition by a vote of 7 to 0 subject to staff conditions and the condition that the construction and use resulting from the variance will maintain the architectural character of the original building in keeping with the period in which it was built.</p> <p>File Reference: Variance Petition 11-V8 Petitioner: Olde Church 811, LLC Agent: John M. Passidomo, Cheffy Passidomo Location: 811 7th Avenue South Zoning: C2, General Commercial Future Land Use: Downtown Mixed Use</p> <p>RECOMMENDED ACTION: Approve a Resolution granting Variance Petition 11-V8 to allow a restaurant to occupy a building (approximately 4,625 square feet) and to allow approximately 1,500 square feet of outdoor dining on the property with 22 parking spaces where 52 parking spaces are required, said property owned by Olde Church 811, LLC, located at 811 7th Avenue South.</p>		
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: December 7, 2011

Agenda Section: Regular	Prepared By: David M. Lykins, Director Date: November 22, 2011 Department: Community Services
Agenda Item: 8	Legislative <input checked="" type="checkbox"/> Quasi-Judicial <input type="checkbox"/>
SUBJECT: Award an Agreement for Professional Services / Construction Manager at Risk to Manhattan Construction (Florida), Inc. for the construction of a municipal swimming pool in the amount of \$1,500,000.	
SUMMARY: City Council is asked to consider awarding an Agreement for Professional Services / Construction Manager at Risk to Manhattan Construction Company, Inc., (formerly Kraft Construction) of Naples, Florida for the construction of a municipal swimming pool at 451 11 th Street North in the amount of \$1,500,000.	
BACKGROUND: On November 3, 2010, City Council adopted Resolution 10-12800, ranking Kraft Construction Company, Inc., as the most qualified firm for the building of a new municipal swimming pool in the City of Naples. For this project, a Construction Manager (CM) at Risk process was engaged to assist in pre-construction project management support services and will act as the general contractor during the construction process. The CM at Risk has been asked to provide a guaranteed maximum price for the construction of the project, will incur the risk of cost overruns and is responsible for the performance of the construction project, including all trade contractors. The design firm of Borrelli and Partners, Inc. prepared detailed construction drawings, worked with Manhattan throughout the summer, secured competitive trade bids based on desired project components, and achieved a Guaranteed Maximum Price (GMP) for the project of \$1,500,000. The facility concept supported by the neighborhood and approved by City Council includes an integrated facility with a six lane recreational pool suitable for swimming instruction, a learn to swim area, a splash component with interactive components, a water slide, a zero entry access, accessible lift, new mechanical and filtration components and restroom building (Exhibits A & B). Plans have been submitted to the City's Building Department for final construction permit issuance. Construction is anticipated to commence in January and be completed in June 2012.	
FUNDING SOURCE: Funding is allocated in the FY 2012 budget – Account 340.0924.572.6030; CIP 12G03 (River Park Aquatic Facility) in the amount of \$1,500,000.	
RECOMMENDED ACTION: Award a Professional Services Agreement to Manhattan Construction Company, Inc., of Naples, Florida an amount of \$1,500,000 for the construction of a Municipal Swimming Pool and authorize the City Manager to execute the contract.	
Reviewed by Department Director Dave Lykins	Reviewed by Finance Ann Marie Ricardi
Reviewed by City Manager A. William Moss	
City Council Action:	



Memo *Community Services Department*

Parks and Parkways • Recreation • Facilities Maintenance

TO: A. William Moss, City Manager
FROM: David M. Lykins, Community Services Director *DL*
DATE: December 5, 2011
SUBJECT: River Park Pool – Agenda Item 8
December 7, 2011 City Council Meeting – Supplemental Information

The Contract documents associated with the above referenced agenda item raised some questions related to what is and is not included in the pool construction.

The Contract documents include an Exhibit A - 5 pages of Qualifications and Assumptions.

The Contract documents include an Exhibit B - Summary of the total project costs of \$1.5 million equating to a Guaranteed Maximum Price (GMP).

Based on allocated funding, value engineered modifications were made to the types of finishes and selection of materials in order to reduce costs. Modifications are included in the Qualifications and Assumptions list. Priorities were placed on plumbing, mechanical and filtration needs, fire sprinklers, spray elements, and pool structural components.

Two project elements excluded in the GMP total that are funded from an alternate source are as follows.

1. Demolition of the existing pool – Manhattan Construction obtained a better cost for demolition of the existing structure than staff could independently obtain. Staff supports Manhattan Construction performing this service and this element will be funded separately as was previously discussed with City Council.

Each year, Community Services receives funding support in the 5-Year Capital Improvement Program for miscellaneous Facility Renovations and Replacements. This current Fiscal Year, CIP #12G11 includes \$50,000 for such work. It was staff's intention to use a portion of the current year funding for the demolition of the current pool structure, estimated at \$29,247.

2. Aluminum Flood Panels – The structure is designed to meet building codes and will be constructed to accommodate the future use of aluminum flood panels. The flood panels are required to meet FEMA Flood requirements. The cost of the flood panels, \$26,500, will be funded from current Fiscal Year CIP #12I07, Facilities Maintenance Repair and Replacements funded at \$30,000.

Two project elements eliminated from further consideration are as follows.

- A. Ceramic Tile – The bathrooms were initially designed with the use of floor to ceiling ceramic tiles in the restrooms. This was an expense determined by staff to be unnecessary. Alternate

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January 13, 2012

material suggestions were agreed upon between Manhattan Construction and Borrelli, supported by staff. Savings \$13,525

- B. Site Lighting – Sufficient parking lot lighting and facility security lighting is included in the funded project. Staff requested Manhattan Construction provide conduit, an electrical panel and stub out chases if additional nighttime deck lighting or wall sconces may be considered or necessary in the future. Evening programs are not planned and until the facility is operated for a few years, it is unknown if evening programs will ever be planned. Savings \$33,642

The lift station, listed as an exclusion under Qualifications and Assumptions was replaced by the City's Utilities Department earlier this year. No additional work is required.

Stacked masonry blocks will be used in place of cast in place (CIP) piers and perimeter walls. This will have no impact on the final appearance and remains consistent with the conceptual plan.

Other exclusions listed in the Qualifications and Assumptions that remain funded include site work ground improvements, landscaping and irrigation, fire sprinkler and alarm system.

Elements remaining excluded are window treatments, appliances, site furnishings, storage cabinetry, back-up generator, security system, sound system, and wall sconces. Some of these items, such as appliances (washer and dryer), lifeguard stands, storage cabinetry remain in the City's equipment inventory and will be reused from the previous facility.

Pool Deck

The concrete decking and salt finish proposed was initially considered cost prohibitive. The pool deck materials shown in the expense summary include the use of interlocking pavers. The use of pavers eliminated the need of extra deck drains and a cost savings of \$59,759 was achieved as a result.

A disadvantage of pavers for the pool deck is the likely need for additional cleaning in order to maintain a desired appearance and reduce the collection of algae. Also, exposed pavers deteriorate and break over time requiring replacement that may create difficulties in matching products and colorization. Concrete pool decking offers less maintenance requirements, will have a greater lifetime benefit and value as compared to pavers. Staff recommends City Council consideration and support for additional funding for the installation of a concrete deck, although this decision, like the two previous additions, will require additional funding.

Total Expenses for Exclusions

The following three items are not included within the GMP of \$1.5 million.

Demolition	\$ 29,247	Funded CIP #12G11
Flood Panels	\$ 26,500	Funded CIP #12I07
Concrete Pool Deck	<u>\$ 59,759</u>	Unfunded
Total	\$115,506	Adjusted GMP \$1,615,506

The first two items may be funded through the current budget. Funding the concrete pool deck, however, will require a transfer of funds from the General Fund Contingency Account (\$500,000 balance) or another source of funds.

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Excerpted text of 120711r, Item 10 / City Clerk:

Fiscal Years	Personal Services	Authorized Positions	Reduction From Prior Year Positions	Operating Expenses
2007-2008	550,900	8		89,858
2008-2009	607,177	8	3,808	86,050
2009-2010	457,099	6	7,200	78,850
2010-2011	441,446	6	3,140	75,710
2011-2012	457,252	6	19,650	56,060
		2	Overall reduction in period	33,798
	Percentage reduction 2007-2011	25%	Percentage reduction 2007-2011	37%

Personal Services

- In 2009-10 staff reduced from 8 to 6
- Staffing level has remained at 6

Functions

- Non-discretionary
- Centralized
- Difficult to isolate

Non-Discretionary Functions

- Notification of meetings
- Preparation of minutes
- Keeping of official records
- Recordation of documents
- Conduct of elections

Centralized Functions

- Finalization of ordinances and resolutions
- Coordination of recruitment and appointment of board/committee members
- Minute preparation for boards and committees

Difficulty in Isolating Functions

- Staffing level requires sharing of responsibilities and cross-training
- Ability to respond to needs of the organization requires that duties be shifted from time to time (i.e. mapping project, tabulation of survey results, etc.)
- Variation in number and complexity of public records requests

10% Reduction in Operating Expenses

- Approximately \$50,000
- Half Position and Some Operating

Outsource or Consolidation

Records Management Center saves \$25,000 per year in rental storage

Easement research for GIS saves outsourcing title searches

Use of court reporters – costly and lowers level of service provided by summary minutes

Use of court reporters – staff unavailable to perform meeting record keeping and support functions

Excerpted text of 120711r, Item 10 / Finance Department:

Five Year Comparison

	07-08	08-09	09-10	10-11	11-12
General Fund Personal Services	1,474,930	1,638,428	1,537,296	1,547,732	1,475,864
Water Sewer Fund Personal Svc	0	0	158,301	150,837	167,003
	1,474,930	1,638,428	1,695,597	1,698,569	1,642,867
General Fund Operating Expenses	238,289	257,245	210,358	173,016	154,937
Water Sewer Fund Operating	0	0	31,536	40,410	78,066
	238,289	257,245	241,894	213,426	233,003
TOTAL EXPENSES	1,713,219	1,895,673	1,937,491	1,911,995	1,875,870
			9.4% increase since 07-08		
TOTAL POSITIONS	23.8	22.8	22.8	23.8	22.8

JOB TITLE	07-08 Adopted	08-09 Adopted	09-10 Adopted	10-11 Adopted	11-12 Adopted
ACCOUNTING					
Finance Director	1	1	1	1	1
Comptroller	1	1	1	1	1
Budget & Investment Manager	1	1	1	1	1
Accounting Manager	1	1	1	1	1
Pension & Financial Accountant	1	1	1	1	1
Finance Analyst	2	2	2	2	2
Accounting Clerk III	1	1	2	2	2
Accounting Clerk II	1	1	0	0	0
Grants Coordinator	0	0	1	1	1
Administrative Coordinator	1	1	1	1	1
Service Worker I (30 hours)	0.8	0.8	0.8	0.8	0.8
	10.8	10.8	11.8	11.8	11.8

JOB TITLE	07-08 Adopted	08-09 Adopted	09-10 Adopted	10-11 Adopted	11-12 Adopted
CUSTOMER SERVICE					
Customer Service Manager	1	1	1	1	1
Customer Service Representative	2	2	2	2	2
Billing & Collection Specialist	1	1	1	1	1
Meter Reader (Fund 420)	2	2	3	3	3
Meter Technician	1	1	0	0	0
	7	7	7	7	7
PURCHASING					
Purchasing Manager	1	1	1	1	1
Buyer	1	1	1	1	1
Warehouse Coordinator *	1	1	1	1	0
Administrative Specialist II	1	1	1	1	1
	4	4	4	4	3
Beach Meter Technician	1	1	1	1	1
Accountant	1	0	0	0	0
	2	1	1	1	1

Five Year Staffing Changes

FY08-09 Accountant

- Eliminated in the first set of layoffs. Responsible for managing the billing and collections of special assessments, handling parking tickets and performing one of the monthly bank account reconciliations.

FY 09-10 Grants Manager

- Eliminated from Community Services for FY 2008-09, then City Council approved the position to be added to the City Manager's budget in April 09. For the FY09-10 budget, it was budgeted in the Finance Department.

FY 10-11 Warehouse Coordinator

- Moved from the Finance Department/Purchasing Division to the responsibility and management of the Water Sewer Fund

City Code Directive

The Finance Director "shall be responsible for the proper administration of the financial affairs of the city, subject to the supervision of the city manager."

It identifies these primary areas (in brief)

1. Maintain General accounting
2. Budgetary control
3. Keeping separate accounts for each item
4. All purchasing activities
5. Collecting customer fees

(1) and (3) Financial Reporting and General Accounting

- Prepare CAFR
- Prepare Monthly Financial Report
- Prepare Annual Budget

- Prepare Five Year CIP
- Prepare other financial reports, such as sustainability reports
- Manage and track the fixed assets of the city
- **(2) Compliance and Internal Controls**
 - Travel Approval and Reconciliation
 - Purchasing Card Tracking and Reconciliation
 - Ensure budgetary compliance and review variances
 - Field visits/Petty Cash/Other
 - Process past due collections and liens
 - Prepare mandated reports (see following list)
 - Track and comply with GASB changes, budget ordinances, state laws, etc.

Mandated Report Examples

State Revenue Sharing, Local Highway Finance Report, Qualified Public Depository, DR420, DR422, (multiple other Budget reports) Sales Tax, Grants closeouts, Unemployment Tax, Building Code, Confiscated Property, Abandoned Property, IRS Taxes, Social Security Wage Report, Fuel Tax Refund, IRS US Government Survey, CAFR, Budget, CIP, Annual Pension Report

- **(4) Assist in the acquisition of goods and services**
 - Issue bids, RFPs and RFQs
 - Review, approve and process requisitions
 - Prepare contracts
 - Sell surplus goods
 - Research grants
 - Issue and track the usage of Purchasing Cards
- **(5) Cash Management**
 - Receive and count all money received into the City (cashier) including website, phone, lockbox, mail and counter
 - Read the meters and prepare the bimonthly bills for 18,000 customers for Water, Sewer, Stormwater and Solid Waste.
 - Send out Miscellaneous bills (Special duty, dock, code violations, etc)
 - Reconcile bank accounts
 - Coordinate billing and/or collections of special assessments
 - Pay all city bills
 - Prepare and process Payroll
 - Pension Fund Management
 - Issue Debt (As needed)
 - Monitor investments and investment opportunities.
- **Customer Service**
 - Assist customers with Water/Sewer bills or account changes
 - Assist customers with business tax receipts
 - Assist customers who want beach parking stickers
 - Assist customers who were ticketed for parking
 - Assist employees who want to retire
 - Process Estoppels

Costs of Each Function

Financial Reporting/ General accounting (\$202,000)
 Ensure Budgetary control and regulatory Compliance (\$144,000)
 Assist in the procurement of goods and Services (\$347,000)
 Cash Management (\$751,000)
 Customer Services (\$428,000)

Currently Outsourced

- Printing and Mailing of Utility Bills
- Investment Management
- Special Assessment Tax Rolls
- Sale of surplus property (govdeals.com)
- Collections of past due utility bills and parking tickets
- Bond Counsel and Bond Financial Advisor

Could be Outsourced

Note there may be consequences:

- Meter Reading (such as Collier County or FPL)
- Purchasing (such as Collier County)
- Grants Research (Vendor gets a percentage)
- Printing Payroll or Accounts Payable checks.
- Entire Accounting Department (such as Severn Trent or CH2M Hill)

Could be Eliminated

Several functions done by the Finance Department could be eliminated, or decentralized, although there are consequences.

- **Collections of Business Tax**
- **Budget Document.**
- **Monthly financial report**
- **Travel Monitoring.**
- **Special Assessments.**
- **Beach Stickers.**
- Grants Coordination
- Procurement Verification

If 10% were cut

\$180,000 is equivalent to more than 2 full time positions.

Because many of our positions have mandated responsibilities, the only areas considered for elimination would be those that provide supplemental or higher levels of service or internal control. These include:

- **Grants applications and tracking.** The City Finance Department provides professional assistance for obtaining grants and for following through with grants compliance, including non-departmental items such as the BP Oil spill, CDBG, DEP, the Coastland Mall project, Alternative Fueling stations and FEMA. Can result in compliance violations or decreased grants.
- **Purchasing verification** The Purchasing Division has reduced its volume of bids and RFPs due to the increased bid threshold. The internal controls in purchasing could be reduced while still *processing* the acquisition goods and services.

If 10% were added

Would not all be needed

1. Interactive Voice Response System for utility bills
2. Monthly utility billing
3. Accountant or Financial Analyst position

Excerpted text of 120711r Item 10 / Planning:

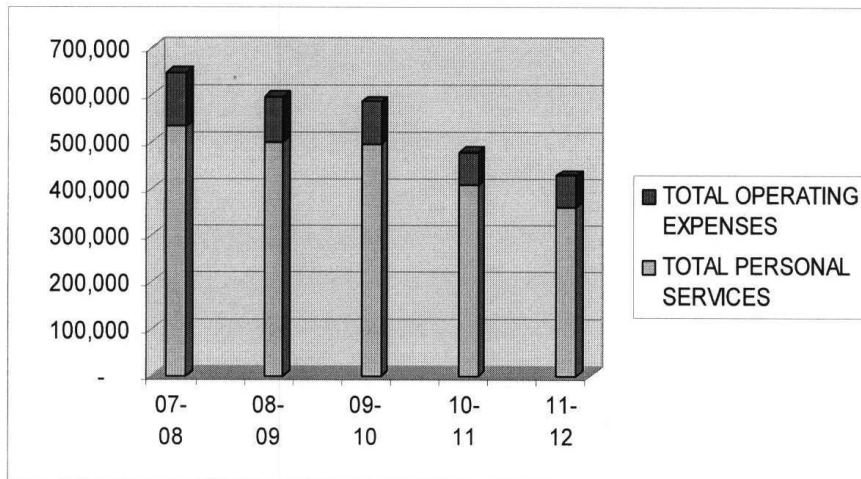
Introduction

The Planning Department is primarily charged with long range planning (Comprehensive Plan) and administration of the Land Development Code through plan review and petition processing.

Five Year Budget

- Personnel reduced 50% with a 32% budget reduction since 07-08
- Operating budget reduced 42%
- Actual costs reduced 39%

PLANNING DEPARTMENT - 5 year budgeted history					
	ADOPTED	ADOPTED	ADOPTED	ADOPTED	ADOPTED
	BUDGET	BUDGET	BUDGET	BUDGET	BUDGET
ACCOUNT DESCRIPTION	07-08	08-09	09-10	10-11	11-12
PERSONAL SERVICES					
TOTAL PERSONAL SERVICES	532,980	498,573	494,945	406,598	361,239
OPERATING EXPENSES					
TOTAL OPERATING EXPENSES	115,187	97,925	89,679	71,180	66,740
TOTAL EXPENSES	\$648,167	\$596,498	\$584,624	\$477,778	\$427,979



PLANNING DEPARTMENT - 5 year Staffing history					
JOB TITLE	07-08	08-09	09-10	10-11	11-12
PLANNING & ZONING					
Planning Director	1	1	1	1	1
Planning Administrator	0	0	1	0	0
Senior Planner	0	0	0	1	1
Planner II *	3	3	2	1	0.5
Planner I	1	0	0	0	0
Planning Technician	1	0	0	0	0
Sr. Administrative Specialist	1	1	1	1	1
TOTAL POSITIONS	7.0	5.0	5.0	4.0	3.5
*Half budgeted in the Building Fund starting in FY11-12					

Departmental Functions

- SAC/FASAC eliminated
 - PAAC added
 - Zoning permit review added
 - Possible new duties as a result of CRA losing a position
1. Overseeing the orderly development of the City in accordance with the comprehensive plan, as adopted by the City Council.
 2. Processing petitions, including but not limited to variances from the zoning ordinances; providing evaluations and recommendations concerning such petitions.
 3. Consulting with citizens, developers and contractors regarding pending construction and development projects.
 4. Administering to the Planning Advisory Board.
 5. Proposing, evaluating and processing amendments to the comprehensive plan, the Land Development Code and any other land development regulations.
 6. Administering assigned boards and committees, such as the design review board, the Public Art Advisory Committee and providing technical assistance to the Community Redevelopment Agency. Enforcement of all comprehensive plan, zoning and other land development regulations in the Code of Ordinances
- Zoning information and interpretations
 - Business Tax Receipts
 - Zoning letters
 - General zoning questions at counter
 - Pre-application meetings
 - Zoning plan review
 - Review of all new construction and additions
 - Signs
 - Pools
 - Interior tenant bay improvements
 - Docks
 - Processing of planning petitions
 - Pre-application meetings
 - Petition intake, log in
 - Advertising and agenda preparation
 - Distribution to other departments
 - Notice and posting

- Review and report preparation
- Ordinance and resolution preparation
- Presentation
- Billing for advertising
- Text amendments
 - Meetings with City Council, boards, committees
 - Ordinance preparation
 - Special Advertising
 - Public Hearings
- Comprehensive Plan administration
 - Compliance with Statutes
 - Annual updates
 - 7 year reporting
- Level of Service Report
 - Annual compilation of other departments' reports
 - Presentation
- General administration
 - Budget preparation
 - Purchasing
 - Personnel administration

10 % Reduction in Expenditures

- Reduction equal to \$42,798
- Cannot come from Operational Expenses
- Eliminate a position
- Reduce salaried to hourly

10 % Increase in Expenditures

- Scanning planning documents
- Zoning permit review

Out-Sourcing and Eliminating Functions

- Zoning vs. Planning functions
 - Fluctuations in petition activity
 - Responsive and available to public
 - Aware of community issues
- Board of Appeals and Adjustments

Facilities – Planning Department

- Shared facility located at 295 Riverside Circle
- Inter-departmental coordination
- Proximity to City Hall and City Council Chambers

Excerpted text of 120711r, Item 10 / Human Resources:

Mission Statement

The mission of the Human Resources Department is to provide quality customer-driven human resources services for the City's most valuable assets, its employees, by ensuring that the City recruits, recognizes and retains the best talent possible to deliver quality public services to the citizens and visitors of Naples.

Five Year Comparison Department Expenses

ACCOUNT DESCRIPTION	ADOPTED BUDGET 07-08	ADOPTED BUDGET 08-09	ADOPTED BUDGET 09-10	ADOPTED BUDGET 10-11	ADOPTED BUDGET 11-12
PERSONAL SERVICES					
General Fund Personal Services	\$639,024	\$566,035	\$458,198	\$386,171	\$404,729
Risk Management Fund Personal Services	\$202,997	\$127,469	\$120,716	\$122,574	\$126,724
Employee Benefit Fund Personal Services	--	--	--	--	--
TOTAL PERSONAL SERVICES	\$842,021	\$693,504	\$578,914	\$508,745	\$531,453
OPERATING EXPENSES					
General Fund Operating Expenses	\$131,569	\$89,108	\$61,787	\$68,705	\$68,762
Risk Management Fund Operating Expenses	\$2,805,722	\$2,814,926	\$2,596,560	\$2,813,656	\$3,022,819
Employee Benefit Fund Operating Expenses	\$6,371,024	\$6,386,177	\$6,155,521	\$5,755,333	\$6,160,578
TOTAL OPERATING EXPENSES	\$9,308,315	\$9,290,211	\$8,813,868	\$8,637,694	\$9,252,159
TOTAL EXPENSES	\$10,150,336	\$9,983,715	\$9,392,782	\$9,146,439	\$9,783,612

Five Year Comparison Number of Employees

POSITIONS FUNDED	ADOPTED BUDGET 07-08	ADOPTED BUDGET 08-09	ADOPTED BUDGET 09-10	ADOPTED BUDGET 10-11	ADOPTED BUDGET 11-12
NUMBER OF POSITIONS GENERAL FUND	7.0	6.0	5.0	4.0	4.0
NUMBER OF POSITIONS RISK MANAGEMENT FUND	2.0	1.0	1.0	1.0	1.0
TOTAL POSITIONS	9.0	7.0	6.0	5.0	5.0

**Five Year Staffing Changes
FY 2008-09**

- **Eliminated Labor Relations Manager (General Fund) and Safety Inspector (Risk Fund)**
 - **Labor Relations Manager:** Lead management negotiator with City's four Unions; developed, updated and maintained personnel policies & procedures; handled employee disputes and grievances; investigated complaints; maintained City's pay and classification plan.
 - **Safety Inspector:** Responded to and investigated all employee, citizen, and property damage incidents; prepared and distributed incident reports; compiled investigation data (photos, crash reports); developed safety policies/procedures; coordinated safety training.

City Code Directive

Key Responsibilities of the Human Resources Department:

1. Develop and Enforce Personnel Policies & Procedures
 2. Negotiate and Oversee Collective Bargaining Agreements
 3. Administer and Propose Labor and Recruitment Programs
 4. Direct Recruitment and Employment Activities
 5. Direct the Employee Benefits Program
 6. Direct the Risk Management Program
 7. Direct and Oversee Employee Relations Issues
 8. Assist/Support the Finance Department in facilitation of payroll
1. Develop and Enforce Personnel Policies and Procedures: \$55,962
 - a. Personnel Policies & Procedures Manual – 27 Sections; includes Safety Manual
 - b. Legal compliance of many Federal, State and Local Laws
 - Title VII of the Civil Rights Act
 - Fair Labor Standards Act
 - Age Discrimination in Employment Act
 - Family & Medical Leave
 - Americans with Disabilities
 - Veterans Preference and Uniformed Services Employment and Re-Employment Rights Act
 - Immigration Laws (Form I-9 and E-Verify)
 - Florida Statutes 112, 119, 440, 447
 - Collective bargaining agreements; etc.
 - d. Administrative policies and Management policies.
 - e. Assist the City's legal counsel in handling employment related legal actions against the City.
 - f. Annual updates to employees or as revisions made.

(It is noted for the record that there was no subsection c included in the presentation.)
 2. Negotiate and Oversee Collective Bargaining Agreements: \$75,228
 - a. Conduct union negotiations with four Unions (six bargaining units)
 - b. Research market data on wages, benefits and other terms and conditions of employment
 - c. Preparation of proposals and finalize contract language
 - d. Prepare for and participate in impasse process
 - e. Implement/process contractual obligations
 - f. Contract interpretation
 - g. Employee disputes and grievances
 - h. Coordinate/participate in arbitration or mediation hearings
 3. Administer and Propose Labor Recruitment Programs: \$31,719
 - a. Participate in job fairs through colleges/universities
 - b. EEO-4 reporting on gender, race, job function, job category, and salary
 - c. Administer and coordinate recruitment and testing process for fire and law enforcement.
 - d. Conduct market survey and research on labor and employment statistics, consumer price index, and other labor data.
 4. Direct Recruitment and Employment Activities: \$91,289
 - a. Maintain/update position descriptions
 - b. Prepare job posting and advertising notices
 - c. Review applications/minimum qualifications
 - d. Refer applications to departments
 - e. Ensure compliance with Federal and State laws
 - f. Participate in interviewing
 - g. Approve recommendations for hire and conduct background investigations
 - h. Pre-employment physical/drug screens
 - i. New employee orientation
 5. Direct the Employee Benefits Program

Health * Prescription * Dental * Vision * Life * Long Term Disability * Accidental Death & Disability * Third-Party Claims Administration * Stop-Loss Insurance

Mission: to ensure City resources are effectively used to serve its employees, retirees and eligible dependents; striving to design a plan that offers comprehensive benefits at a cost that is competitive to most private plans; and, to provide quality healthcare services in a cost-effective manner; offering innovative, cutting edge benefits and a wellness program.

5. Direct the Employee Benefits Program: \$6,273,216 (includes operating costs)
 - a. Request for Proposals on insurance
 - b. Manage professional service contracts (Benefits Consultant, Third Party Claims Administrator, Actuarial Firm, etc.)
 - c. Research alternate plans, services and programs
 - d. Provide mandated annual notifications to employees
 - e. Prepare and manage program budget
 - f. Monitor and analyze claim data; prepare reports
 - g. Maintain fiscal solvency of program pursuant to F.S. 112.08
 - h. Review, process, approve payments to vendors
 - i. Assist employees with benefit questions and claim resolution
6. Direct the Risk Management and Safety Programs
Property * General Liability * Auto & Collision * Workers Compensation

Mission: to identify, analyze and manage the City's risk and exposure to loss related to the activities of the City, its departments and employees

6. Direct the Risk Management and Safety Programs: \$3,081,357 (including operating costs)
 - a. Request for Proposals on property, liability, and workers compensation insurance
 - b. Manage professional service contracts (Broker, Third Party Claims Administrator, Actuarial Firm, etc.)
 - c. Research alternate plans, services and programs
 - d. Prepare and manage program budget
 - e. Monitor and analyze claim data; prepare reports
 - f. Maintain fiscal solvency of program pursuant to GASB 10
 - g. Review, process, approve payments to vendors
 - h. Ensure compliance with F.S. 768.28 (sovereign immunity and self-insurance risk programs)
 - i. Ensure compliance with F.S. 440 (workers compensation); complete and file necessary documents to appropriate agencies; authorize medical treatment
 - j. Ensure compliance with FEMA requirements for property and flood insurance
 - k. Coordination of coverage between insurance and FEMA recovery in the event of a severe weather event
 - l. Manage litigated and non-litigated tort liability, employment practice liability, law enforcement liability, automobile liability, property damage and workers compensation claims
 - m. Assist claims adjusters and defense attorneys with collection of data and discovery
 - n. Review contract language, recommend insurance coverage limits and issue/maintain certificate of insurance.
 - o. Provide resources to supervisors/managers on safety training
 - p. Monitor employee safety incidents involving property damage/personal injury
7. Direct and Oversee Employee Relations Issues: \$66,695
 - a. Investigate employee complaints involving violations of employment laws and City policies/procedures
 - b. Investigate and/or assist managers in handling employee disputes
 - c. Serve as City representative in unemployment hearings
 - d. Assist City's legal counsel in handling employment related legal actions against the City
 - e. Direct the employee performance planning and evaluation process
8. Assist/Support Finance in Facilitation of Payroll: \$40,244
 - a. Ensure timely implementation of contractual obligations affecting payroll
 - b. Audit timekeeping records for accuracy and compliance with the Fair Labor Standards Act

- c. Maintenance of the Human Resources Information System through SungardPS – new hires, separations, benefit elections, contractual obligations, pay adjustments, departmental changes
- d. Complete state mandated payroll reports – US Dept. of Labor/BLS on current employment data; State of Florida commercial entities requesting SSN (F.S. 119.071); US Census Bureau survey of public employment and payroll for municipalities, counties, and townships

Outsourcing/Consolidation

- Third-Party Claims Administration
- Portions of Pre-Employment Process
- Implementation of Electronic Application Process

Additional Options for Outsourcing/Consolidation

<u>Outsourcing/Consolidation</u>	<u>Consequences</u>
Decentralize to other departments	<ul style="list-style-type: none"> • Additional staff required • Training in labor & employment law • Lose consistency in application of policies/procedures • Increase in liability
Outsource to Collier County or other employment agency or law firm	<ul style="list-style-type: none"> • Lose consistency in application of policies/procedures • Loss of individualized service
Outsourcing all training programs	<ul style="list-style-type: none"> • “Canned” training programs • Unrelated to City’s goals/objectives • Increase in liability

10% Reduction of Expenditures

- Human Resources General Fund (\$47,349)
 - Reduce staff and current programs
 - Eliminate pre-employment physicals/drug screens
 - Eliminate all employee development
 - Eliminate one position
- Employee Benefit Fund (\$616,000)
 - Decrease current benefit levels
 - Increase deductibles and co-insurance
 - Increase employee contributions
 - Eliminate stop-loss insurance
- Risk Management Fund (\$315,000)
 - Reduce amount of insurance provided
 - Increase self-insured retention

10% Increase in Expenditures

- Hire training & development coordinator to create and conduct in-house training programs, including safety
- Advancement in technology – electronic storage of departmental data
- Add and improve wellness programs to encourage healthy lifestyles