

City Council Chamber
735 Eighth Street South
Naples, Florida 34102

City Council Regular Meeting – September 21, 2011 – 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
Jessica Rosenberg, Deputy City Clerk
Roger Reinke, Assistant City Manager
Vicki Smith, Technical Writing Specialist
Stephen Weeks, Technology Services Director
Denise Perez, Human Resources Director
David Lykins, Community Services Director
Thomas Weschler, Police Chief
Stephen McInerney, Fire Chief
Ann Marie Ricardi, Finance Director
Erica Goodwin, Planner
Robin Singer, Planning Director
Michael Bauer, Natural Resources Manager

Douglas Pareti
Kathryn Taubert
John Passidomo
Sue Smith
Michael Sturgill
Carl Nicholson
Sharon Sturgill
Stanly Pate
James Krall

Media:

Kelly Farrell, Naples Daily News

Other interested citizens and visitors

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

Reverend Douglas Pareti, First United Methodist Church.

ANNOUNCEMENTS..... ITEM 3

Employee Service Awards were presented by various department directors. (It is noted for the record that a list of recipients is contained in the file for this meeting in the City Clerk's Office.)

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

MOTION by Price to SET THE AGENDA withdrawing Item 6-c (fire sprinkler demonstration) from the Consent Agenda for separate discussion; 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
(9:03 a.m.) **Sue Smith, 11th Avenue South**, commended City employees and as a Fifth Avenue South property owner, voiced her continued objection of the Fifth Avenue South Business Improvement District (FASBID) and the resulting special assessment of her property. She then reiterated her stance that as an involuntary member of the FASBID Corporation, she would not accept responsibility for any actions taken by or against this entity. In addition, she pointed out that the assessments vary from \$1.00 to several thousands per folio number and yet all member votes carried the same weight when establishing the FASBID. She added that she would continue her research of the matter.

CONSENT AGENDA

APPROVAL OF MINUTES ITEM 6-a
August 15, 2011 Workshop, September 7, 2011 Regular, and September 7, 2011 Special meeting; as submitted.

APPROVAL OF SPECIAL EVENTS ITEM 6-b
1) City Fest Fall 2011 – Stone Crab Fest – The Old Naples Waterfront Association (Tin City, Bayfront, Bayfront Inn, Crayton Cove, City Dock, Naples Harbor Yacht Club, Kelly’s Fish House, Marine Max, Port-O-Call, Cone Inn and Naples Bay Resort) – various waterfront locations – 10/28/11, 10/29/11 and 10/30/11.

2) New Year’s Eve Fireworks – City of Naples – Fishing Pier – 12/31/11.
(Withdrawn – see Item 4) **ITEM 6-c**

APPROVING A FIRE SPRINKLER DEMONSTRATION AT FLEISCHMANN PARK ON OCTOBER 1, 2011 INVOLVING TWO LIVE FIRE BURNS TO BE SET IN IDENTICAL SIMULATED ROOMS, ONE WITHOUT FIRE SPRINKLERS AND ONE WITH FIRE SPRINKLERS AS PART OF THE FIRE PREVENTION DAY ACTIVITIES.

..... **ITEM 6-d**
APPROVING A PAYMENT FOR REQUIRED SOFTWARE MAINTENANCE AND SUPPORT SERVICES FOR THE POLICE AND FIRE DEPARTMENTS FOR FISCAL YEAR 2011-12: \ VENDOR: VISIONAIR, CASTLE HAYNE, NORTH CAROLINA \ COST: \$78,288.82 \ FUNDING: TECHNOLOGY SERVICES SOFTWARE MAINTENANCE BUDGET.

..... **ITEM 6-e**
APPROVING A PAYMENT FOR REQUIRED SOFTWARE MAINTENANCE AND SUPPORT SERVICES: \ VENDOR: SUNGARD PUBLIC SECTOR (SUNGARDPS), LAKE MARY, FLORIDA \ COST: \$84,245 \ FUNDING: TECHNOLOGY SERVICES / APPLICATIONS SOFTWARE MAINTENANCE.

MOTION by Sorey to APPROVE CONSENT AGENDA except Item 6-c (withdrawn); 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

RESOLUTION 11-12945 ITEM 7
A RESOLUTION DETERMINING PETITION 11-WD1 FOR A WAIVER OF DISTANCE FOR PATES HOUSE OF PRIME RIB IN ORDER TO OBTAIN AN ALCOHOLIC BEVERAGE LICENSE TYPE 4COP TO SERVE BEER, WINE AND LIQUOR FOR CONSUMPTION ON PREMISES WITHIN 400 FEET OF AN ESTABLISHED SCHOOL (NAPLES HIGH SCHOOL) ON PROPERTY OWNED BY COASTLAND CENTER LLC AND LOCATED AT 2048 9TH STREET NORTH, MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (9:08 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 to the effect that while none had had any contact, Saad, Price, Sulick,

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Heitmann and Sorey had visited the site, and Finlay and Barnett were familiar with the site. Planner Erica Goodwin provided a brief overview of the petition as contained in her September 6 memorandum (Attachment 1), clarifying that while the subject property lies 100 feet from the property line of Naples High School, the actual unit containing the subject establishment lies 700 feet from the school; therefore references to 100 feet and 100 yards were both correct, she added.

The petitioner waived comment at that time.

Public Comment: (9:11 a.m.) None.

MOTION by Saad to APPROVE RESOLUTION 11-12945 as submitted; 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).

RESOLUTION 11-12946 ITEM 8

A RESOLUTION DETERMINING CONDITIONAL USE PETITION 11-CU7, PURSUANT TO SECTION 58-623 OF THE CODE OF ORDINANCES, IN ORDER TO ALLOW AN ANIMAL EXHIBIT AS A TOURIST ATTRACTION IN THE C2-A WATERFRONT COMMERCIAL DISTRICT, LOCATED AT 1200 FIFTH AVENUE SOUTH, ALSO KNOWN AS TIN CITY, OWNED BY HERBERT C. POHLMAN, JR., MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EXPIRATION DATE AND AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (9:12 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 and exchanged e-mails with several residents; Finlay/visited the site and spoke with the petitioner; Price, Sulick and Heitmann/visited the site but no contact; Barnett/familiar with the site but no contact; and Sorey/visited the site, Naples Zoo Board Member, and spoke with staff of the American Zoological Association (AZA). Planning Director Robin Singer provided a brief overview of the petition as contained in her August 29 memorandum (Attachment 2), noting that staff recommended approval based on the fact that the C2-A Waterfront Commercial District, in which Tin City is located, allows cultural facilities as a conditional use. Should the educational aspect of the exhibit be deemed a cultural use, the petition may be considered for approval, she explained.

Petitioner Michael Sturgill explained that he and his staff provide the public with the opportunity to learn about alligators, native to Florida and part of its traditions, offering the chance to touch the reptiles; photographs may be taken during the hands-on portion of the experience, he stated. The most important message that visitors are given during visits to the existing US 41 east location is to never feed alligators in the wild nor attempt to approach them. Mr. Sturgill assured Vice Mayor Sorey that while he was not familiar with AZA requirements for handling of wild animals, he has maintained a Florida Fish & Wildlife Conservation Commission (FWC) permit since 1997, further stating that alligators pose no threat of viruses or diseases transmittable to humans. The alligators used in the exhibit are bred in captivity and cannot be released into their natural environment, therefore, upon reaching a size too large for safe handling, Mr. Sturgill reported that his are given to other exhibitors, such as zoos or other family-owned exhibits, due to the longevity of the species (up to 100 years in captivity); he noted that he has never sold one. In addition, he gave a brief synopsis of his presentation utilized during the exhibition of the reptiles.

Ms. Singer confirmed for Council Member Price that the aforementioned FWC permit was in fact contained in the materials provided for this item and allows the petitioner to exhibit throughout

Collier County. Mr. Sturgill added that he has a perfect safety record and is subject to FWC inspections at any time, without prior notice.

Public Comment: (9:22 a.m.) **Kathryn Taubert, 18061 Montalago Court #1, Miromar Lakes, Florida**, referencing her written statement and photographs taken at the petitioner's US 41 east exhibit, objected to the exhibition of the reptiles, saying that she believes the practice borders on exploitation and abuse and could perhaps set a precedent for other communities throughout southwest Florida. (It is noted for the record that copies of the photographs (Exhibits 1 and 2) and her statement (Exhibit 3) are appended hereto as Attachment 3.)

In response to Vice Mayor Sorey, Ms. Singer advised that the Code of Ordinances does not contain a definition of cultural use and City Manager William Moss read the following definition from Wikipedia: "Excellence of taste in the fine arts and humanities, also known as high culture; an integrated pattern of human knowledge belief and behavior that depends upon the capacity for symbolic thought and social learning; a set of shared attitudes, values, goals and practices that characterizes an institution, organization or group." Mr. Sorey disagreed that the petitioner's exhibit would reflect a cultural use or activity and explained that the industry trend is moving away from the handling of animals by the general public; he then proffered a motion for denial which was seconded by Council Member Price. Council Member Heitmann acknowledged that while she respected the petitioner as a well-trained animal handler, she could not agree that an animal exhibit of any kind would be compatible with the current commercial entities located within Tin City. Council Member Sulick added that due to the fact that animal exhibits are not listed in the code, in her opinion they are therefore prohibited within the City and that she would not support the petition. In years past, several residents had petitioned to maintain certain wild animals on their property and their requests had been denied, she pointed out. Mr. Sorey added that Collier County had had to amend its code to permit the Naples Zoo complex.

Council Member Finlay stated that although many still consider zoos exploiters of animals, these facilities provide a public benefit as well as educational opportunities. Alligators are native to Florida and reflective of the history and culture of old Florida that Tin City reflects; the exhibit should therefore be part of that cultural experience, he said. Council Member Saad agreed, saying that the petitioner's exhibit would provide a safe environment in which to learn about the reptiles while drawing more business to the complex; he therefore urged his colleagues to reconsider their opposition. Mayor Barnett also voiced his support, agreeing that the exhibit portrays the old Florida ambience of Tin City.

Council Member Price expressed concern with regard to the availability of parking for Tin City patrons. Director Singer explained that the exhibit would occupy an existing space, not create a new retail area. The submittal of an operating plan, which is to contain details of the pick-up and drop-off of the reptiles, had been included as a condition of approval, she added.

In response to Council Member Saad, Mr. Sturgill provided additional details of his presentation, noting that visitors come from around the world to observe his reptiles. Mr. Sturgill's wife, Joan, and son, Carl Nicholson, who both handle the reptiles, testified to the measures taken to ensure the safety of the alligators as well as the public. Mr. Saad then pointed out that the petitioner operates a small, local, family-owned business and should be provided the opportunity to expand and succeed locally as well. Council Member Price then withdrew his second to the above referenced motion for denial which was then seconded by Council Member Sulick.

MOTION by Sorey to DENY RESOLUTION 11-12946 due to failure to meet neither Code of Ordinances requirements as a conditional use nor the definition of a cultural activity. This motion was seconded by Sulick and FAILED 3-4 (Saad-no, Sulick-yes, Heitmann-yes, Finlay-no, Price-no, Sorey-yes, Barnett-no).

MOTION by Price to APPROVE RESOLUTION 11-12946 as submitted; seconded by Saad and carried 4-3, all members present and voting (Sulick-no, Sorey-no, Finlay-yes, Heitmann-no, Saad-yes, Price-yes, Barnett-yes).

RESOLUTION 11-12947 ITEM 9

A RESOLUTION DETERMINING A DREDGE AND FILL PERMIT TO CONSTRUCT A RIPRAP SHORELINE AND PLACE FILL AT 2020 EIGHTH STREET SOUTH; PROVIDING FINDINGS; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (9:55 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 to the effect that while none had had any contact, Saad, Finlay, Sulick and Sorey had visited the site; and Price, Barnett and Heitmann were familiar with the site. Natural Resources Manager Michael Bauer provided a brief overview as contained in his September 7 memorandum (Attachment 4), adding that this residential dredging permit is the first of its kind to be considered by Council as it concerns a new dredge, not maintenance, as well as the placement of new riprap with back-fill. The current riprap is in poor condition, he explained, adding that the new will be constructed at the platted property line (at mean high water/MHW), 5.8 feet into the existing canal. He also confirmed that the existing cutout for a boat slip is to be back-filled as well and that staff recommends approval.

Council Member Finlay expressed concern that this request, if approved, would set a precedent for waterfront property owners attempting to reclaim land which had been lost due to natural erosion along shorelines; Dr. Bauer agreed.

Attorney John Passidomo utilized an electronic presentation (a printed copy of which is contained in the file for this meeting in the City Clerk's Office) confirming Dr. Bauer's summation of the request. Mr. Passidomo stressed that the petitioner merely wished to reclaim use of his property, as platted; noting that many of the Aqualane Shores properties extend into the canals further than their platted property lines. He also noted that the adjacent property owners had been contacted and that no objection to the project had been forthcoming.

At that time, City Attorney Pritt requested a brief recess to confer with Attorney Passidomo as reflected below.

Recess: 10:04 a.m. to 10:14 a.m. It is noted for the record that the same Council Members were present when the meeting reconvened and consideration of Item 9 continued.

Mr. Passidomo asked that Dr. Bauer offer testimony as to the petitioner's request complying with pertinent criteria. Dr. Bauer provided a synopsis of the process he followed to arrive at his findings in favor of approval, explaining that he had conferred with the Planning and Building Services Directors, who agreed that there was no reason to recommend denial.

Discussion followed regarding the width of the canal and the legality of reclaiming shoreline property once lost to erosion. Dr. Bauer stressed that had the canal been a natural waterbody, he would have recommended denial of the permit and additional reviews and approvals would have been necessary at the state level. He confirmed for the City Attorney that the state had not been contacted in this instance as the dredge involves an artificial waterway and therefore the City does

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not require review by the state. Council Member Sulick advised that she had sought such a permit for her property in Port Royal, also on an artificial waterway, and had been denied due to the interpretation that once lost due to erosion, property along the waterway could not be reclaimed. Council Member Finlay took issue with the petitioner's claim of erosion due to the location of the current riprap. Mr. Passidomo nevertheless maintained that the property owner has the legal right to the use of his entire parcel, as platted.

Council Member Price then questioned whether Section 52-92(b)(1) and (2), of the Code of Ordinances (addressing obstruction of waterways), would apply in the instant case. Both City Attorney Pritt and Attorney Passidomo indicated that the phrase pertaining to obstruction of waterways "as they now exist" refers to the time of the adoption of the legislation not the approval of the plat map. Mr. Pritt added that since the plat was approved by the City, it should be assumed that the property line was in fact acceptable. The state also has legislation regarding obstruction of waterways, he said. Dr. Bauer agreed with this interpretation although he pointed out that it could not be applied to lakes within the City as most had been platted as stormwater detention/retention areas even though some are owned, in part, by the surrounding property owners; most plats reflect that these cannot be filled, he added. In response to Council Member Heitmann, Dr. Bauer clarified that Aqualane Shores has regulations that address the placement of docks in the canals, but not dredging of the canals.

Public Comment: (10:46 a.m.) **Sue Smith, 11th Avenue South**, questioned whether those owning property along the Gulf of Mexico shoreline would be able to reclaim their eroded property. Vice Mayor Sorey reiterated that as a natural waterbody, different regulations and criteria would apply; moreover, the state owns a portion of the beach.

In response to Council Member Heitmann, City Attorney Pritt explained that the resolution (a copy of which is contained in the file for this meeting in the City Clerk's Office) contains standard language that stipulates significant design changes, as determined by staff, must be brought to Council for approval.

Dr. Bauer then pointed out that the width of the subject canal had been platted; no minimum width is mandated and every canal is different, he added. Should a question arise as to the navigability of a canal due to width, Dr. Bauer indicated that he would seek an opinion from the local United States Coast Guard (USCG) representative.

MOTION by Saad to APPROVE RESOLUTION 11-12947 as submitted;
seconded by Sorey and carried 6-1, all members present and voting
(Finlay-yes, Sulick-yes, Heitmann-no, Price-yes, Sorey-yes, Saad-yes,
Barnett-yes).

It is noted for the record that Council Member Heitmann left the meeting at 10:58 a.m. and returned at 11:05 a.m. during consideration of Item 12 below.

CLERK'S TRACKING #11-00038 ITEM 10-a
AWARDING A ONE-YEAR CONTRACT WITH TWO ADDITIONAL ONE-YEAR RENEWALS
TO BASF CORPORATION, SUFFOLK, VIRGINIA – CATIONIC POLYMER \ COST: \$135,000
AND EMULSION POLYMER \ COST: \$24,610 (TOTAL OF \$156,610) – FUNDING: WATER
SEWER FUND – WATER PLANT CHEMICALS AND WASTEWATER PLANT CHEMICALS.
(10:58 a.m.) Utilities Director Robert Middleton provided a brief overview of his September 8 memorandum (Attachment 5), which addresses all four contracts contained under Item 10. He further noted that the cationic polymer cost reflected above had not in fact been the lowest bid as the vendor offering the lowest bid had provided chemicals which created operational problems in City equipment in the past (see Attachment 5 for details). The difference of the two bids for that chemical had been \$2,400, he added.

Vice Mayor Sorey disclosed that he had been one of the founders of Airgas Specialty Products (see Item 10-c below), had previously been a board and executive committee member, and although no longer involved in the company, owns a small amount of its stock.

Public Comment: (11:01 a.m.) None.

MOTION by Sulick to APPROVE THIS ITEM as submitted; seconded by Saad and carried 6-0 (Finlay-yes, Heitmann-absent, Price-yes, Saad-yes, Sorey-yes, Sulick-yes, Barnett-yes).

CLERK'S TRACKING #11-00039 ITEM 10-b
AWARDING A ONE-YEAR CONTRACT WITH TWO ADDITIONAL ONE-YEAR RENEWALS
TO ALLIED UNIVERSAL CORPORATION, MIAMI, FLORIDA – CHLORINE \ COST: \$211,508
AND SULFUR DIOXIDE \ COST: \$6,310 (TOTAL OF \$217,818) – FUNDING: WATER SEWER
FUND – WATER PLANT CHEMICALS AND WASTEWATER PLANT CHEMICALS. (11:02
a.m.)

Public Comment: (11:02 a.m.) None.

MOTION by Saad to APPROVE THIS ITEM as submitted; seconded by Sulick and carried 6-0 (Finlay-yes, Heitmann-absent, Price-yes, Saad-yes, Sorey-yes, Sulick-yes, Barnett-yes).

CLERK'S TRACKING #11-00040 ITEM 10-c
AWARDING A ONE-YEAR CONTRACT WITH TWO ADDITIONAL ONE-YEAR RENEWALS
TO AIRGAS SPECIALTY PRODUCTS, INC., LAWRENCEVILLE, GEORGIA – AMMONIA \
COST: \$48,650 AND TANK LEASE (FOR AMMONIA) \ COST: \$1,200 (TOTAL OF \$49,850) \
FUNDING: WATER SEWER FUND – WATER PLANT CHEMICALS AND WASTEWATER
PLANT CHEMICALS. (11:02 a.m.)

Public Comment: (11:02 a.m.) None.

MOTION by Sulick to APPROVE THIS ITEM as submitted; seconded by Saad and carried 6-0 (Finlay-yes, Heitmann-absent, Price-yes, Saad-yes, Sorey-yes, Sulick-yes, Barnett-yes).

CLERK'S TRACKING #11-00041 ITEM 10-d
AWARDING A ONE-YEAR CONTRACT WITH TWO ADDITIONAL ONE-YEAR RENEWALS
TO CHEMICAL LIME COMPANY OF ALABAMA, LLC, LAKE LAND, FLORIDA – QUICKLIME
\ COST: \$1,888,060.50 \ FUNDING: WATER SEWER FUND \ WATER PLANT CHEMICALS
AND WASTEWATER PLANT CHEMICALS. (11:02 a.m.)

Public Comment: (11:02 a.m.) None.

MOTION by Saad to APPROVE THIS ITEM as submitted; seconded by Sulick and carried 6-0 (Finlay-yes, Heitmann-absent, Price-yes, Saad-yes, Sorey-yes, Sulick-yes, Barnett-yes).

CLERK'S TRACKING #11-00042 ITEM 11
AWARDING A CONTRACT FOR THE PURCHASE OF A RECYCLE TRUCK FOR THE
SOLID WASTE DIVISION: \ VENDOR: STEELE TRUCK CENTER, INC., FORT MYERS,
FLORIDA \ COST: \$239,297 \ FUNDING: CIP 11P01 – RECYCLING TRUCK. (11:02 a.m.)

Utilities Director Robert Middleton briefly reviewed staff's recommendation as contained in his August 26 memorandum (Attachment 6), highlighting that the truck includes a zero-radius body which enables servicing of narrow alleys throughout the City.

Public Comment: (11:04 a.m.) None.

MOTION by Saad to APPROVE THIS ITEM as submitted; seconded by Sulick and carried 6-0 (Finlay-yes, Heitmann-absent, Price-yes, Saad-yes, Sorey-yes, Sulick-yes, Barnett-yes).

It is noted for the record that Council Member Heitmann returned to the meeting at 11:05 a.m. during consideration of Item 12 below.

ORDINANCE (First Reading)..... ITEM 12
AN ORDINANCE WAIVING THE ANNUAL SOLID WASTE RATE ADJUSTMENT BY INDEX FOR FISCAL YEAR 2011-2012; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (11:04 a.m.). City Manager William Moss explained that the waiver had been proposed during budget discussions due to the adequate balance in the Solid Waste Fund.

In response to Council Member Price, Vice Mayor Sorey confirmed that while he supported a reduction in the Solid Waste rate, discussion thereof should occur during workshop budget analysis to be scheduled later in the year.

Public Comment: (11:06 a.m.) None.

MOTION by Sorey 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 11-12948 ITEM 13
A RESOLUTION RELATING TO WATER, IRRIGATION WATER, SEWER AND STORMWATER RATES; AMENDING SECTIONS 30-36, 30-178, 30-259 AND 30-336 OF APPENDIX “A”, FEES AND CHARGES SCHEDULE, OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES TO REFLECT EXISTING ANNUAL RATE ADJUSTMENTS BY INDEX; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (11:06 a.m.). City Manager William Moss provided a brief overview of the resolution as contained in the September 2 memorandum provided by Finance Director Ann Marie Ricardi (Attachment 7).

Public Comment: (11:07 a.m.) None.

MOTION by Saad to APPROVE RESOLUTION 11-12948 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 11-12949 ITEM 14
AN ORDINANCE PERTAINING TO INDUCTION OF MAYOR AND COUNCIL; AMENDING SECTION 2-32 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES TO PROVIDE FOR INDUCTION INTO OFFICE OF NEWLY ELECTED MAYOR AND COUNCIL MEMBERS ON THE FIRST REGULAR COUNCIL MEETING DAY FOLLOWING CERTIFICATION OF THEIR ELECTION; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (11:07 a.m.).

Public Comment: (11:08 a.m.) None.

MOTION by Sulick to ADOPT ORDINANCE 11-12949 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 11-12950 ITEM 15
A RESOLUTION APPROVING, RATIFYING AND CONFIRMING THE CONTRACT BETWEEN THE CITY OF NAPLES AND THE AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES, COUNCIL 79, LOCAL 2017; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (11:08 a.m.). Council Member Saad commended staff and Assistant City Manager Roger Reinke for the spirit of cooperation exhibited throughout negotiations of the various contracts; Council agreed.

Public Comment: (11:09 a.m.) None.

MOTION by Price to APPROVE RESOLUTION 11-12950 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 11-12951 ITEM 16
AN ORDINANCE RELATING TO THE RETIREMENT SYSTEM OF THE CITY OF NAPLES, FLORIDA, AMENDING SECTION 29-66, ESTABLISHED, EFFECTIVE DATE, MERGER OF SYSTEMS; AMENDING SECTION 29-67, DEFINITIONS; AMENDING SECTION 29-111, MEMBERSHIP; AMENDING SECTION 29-113, VOLUNTARY RETIREMENT; AMENDING SECTION 29-114, DEFERRED RETIREMENT (VESTING); AMENDING SECTION 29-115, PENSION AMOUNT; AMENDING SECTION 29-118, MEMBERS' CONTRIBUTIONS OF THE CODE OF ORDINANCES, CITY OF NAPLES; DIRECTING THE CITY CLERK TO FILE A COPY OF THIS ORDINANCE WITH THE DIVISION OF RETIREMENT OF THE FLORIDA DEPARTMENT OF MANAGEMENT SERVICES; PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY AND APPLICABILITY; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (11:10 a.m.).

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

MOTION by Price to ADOPT ORDINANCE 11-12951 as submitted; seconded by Sulick and unanimously carried, all members present and voting (Finlay-yes, Heitmann-yes, Price-yes, Saad-yes, Sorey-yes, Sulick-yes, Barnett-yes).

PUBLIC COMMENT
(11:11 a.m.) **Sue Smith, 11th Avenue South**, expressed concern with the difficulty she said she faced in obtaining information from various City departments. City Manager William Moss urged that all public records requests be submitted to the City Clerk's Office per policy. The Clerk's office then follows its procedure of contacting all pertinent departments and tracking the request, he explained. (See Correspondence and Communications below for further discussion of public records requests.)

CORRESPONDENCE AND COMMUNICATIONS.....
(11:17 a.m.) Council Member Saad urged that all local municipal officers continue to contact their state representatives with regard to police and fire pension reform, noting that he would provide Council with a copy of Florida League of Cities documentation regarding this issue. Council Member Finlay reminded the public that access to interdepartmental City records is best obtained via the City Clerk's Office, urging that this office be the point of submittal of public records requests. In response to Mr. Finlay, City Attorney Robert Pritt confirmed that records requests submitted to the Clerk's Office are expedited and tracked for completeness and efficiency.

Council Member Price referenced the Boston College report that he had emailed to Council (a printed copy of which is contained in the file for this meeting in the City Clerk's Office) regarding a compensation comparison of state and local versus private sector employees, labeling it as an excellent resource. He further urged that Council be cognizant of demands it places upon staff, especially the City Manager, explaining that each request by Council consumes time that might be better spent seeking additional efficiencies throughout the organization.

City Manager William Moss confirmed for Council Member Heitmann that prior utilization plans for the City-owned property on Riverside Circle (current site of the Solid Waste facility) had been presented to Council and could be made available for review. The presentation during that month's workshop had been a result of Council direction to find better use for the property and potentially relocate the Solid Waste facility to the airport. Conceptual approval of the plan via

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consensus, which had included a park and bridge as a southern terminus of the Gordon River Greenway, had been forthcoming from Council to facilitate grants and private fundraising by the Southwest Florida Land Preservation Trust for the project. City Attorney Robert Pritt further explained that formal votes could in fact be taken by Council during a workshop meeting although action is generally reflected by consensus; any formal actions, such as resolutions and ordinances, occur during a regular meeting. The aforementioned consensus had not committed the City to any action nor expenditure of funds, he added.

Vice Mayor Sorey advised that the South Florida Water Management District (SFWMD) is expected to approve the recommendations of the Big Cypress Basin Board with regard to grant funding to the City for its stormwater projects and noted an upcoming meeting with Collier County, the Sheriff's Department, and the School District to discuss natural gas fueling alternatives.

ADJOURN
11:37 a.m.

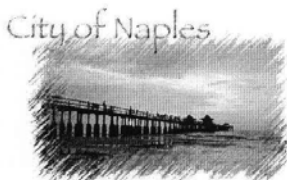
Bill Barnett, Mayor

Tara A. Norman, City Clerk

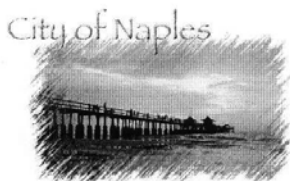
Minutes prepared by:

Vicki L. Smith, Technical Writing Specialist

Minutes Approved: October 19, 2011

**NAPLES CITY COUNCIL AGENDA MEMORANDUM**Regular Meeting Date: **September 21, 2011**

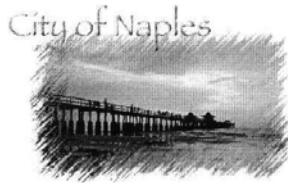
Agenda Section:	Prepared By: Erica J. Goodwin, Planner II	
Regular	Date: September 6, 2011	Department: Planning
Agenda Item:	Legislative <input type="checkbox"/>	Quasi-Judicial <input checked="" type="checkbox"/>
7		
SUBJECT:		
Resolution determining Waiver of Distance Petition 11-WD1 for Pates House of Prime Rib, located at 2048 9 th Street North in the Coastland Center Planned Development.		
SUMMARY:		
City Council is asked to consider a resolution determining Waiver of Distance Petition 11-WD1 for Pates House of Prime Rib, located at 2048 9 th Street North, in the Coastland Center, in order to obtain an alcoholic beverage license within 400 feet of an established school. In that this is a Quasi-Judicial matter, disclosures and the swearing in of those giving testimony are required.		
BACKGROUND:		
Pates House of Prime Rib is a fine dining restaurant that will be located in the Coastland Center at 2048 9 th Street North. The owner wishes to obtain an alcoholic beverage license type 4COP in order to sell beer, wine and liquor for consumption on-premises. Section 56-122(b) of the Code of Ordinances provides that the sale of liquors, wines or beers for consumption on or off the premises shall be prohibited by any licensee where the location of the licensed premises is within 400 feet of any established church or school, without obtaining a waiver from City Council. This distance is measured as the shortest distance between the lot on which the existing church or school is located and the lot on which the alcoholic beverages are to be sold. This property is located approximately 100 feet from the Naples High School property, therefore requiring approval of a Waiver of Distance for the receipt of a liquor license. The hours of operation for Pates are Monday through Sunday from 11:00 a.m. to 11:00 p.m. The tenant space, Unit 0039 on the west end of the mall, was formerly occupied by Ted's Montana Grille.		
File Reference: 11-WD1		
Petitioner: Julstan, LLC DBA Pates House of Prime Rib		
Agent: Stanly W. Pate		
Location: 2048 9 th Street North		
Zoning: Coastland Center Planned Development		
PUBLIC NOTICE:		
On September 1, 2011 a total of 33 letters were mailed to all property owners located within 500 feet of the subject property. A notification letter was also sent to Naples High School, which is located within 400 feet of Pates. To date, Staff has not received any responses to the letters.		
RECOMMENDED ACTION:		
Adopt a Resolution approving Petition 11-WD1 for a Waiver of Distance for Pates House of Prime Rib in order to obtain an Alcoholic Beverage License Type 4COP to serve beer, wine and liquor for consumption on premises within 400 feet of an established school (Naples High School) on property owned by Coastland Center LLC and located at 2048 9 th Street North.		
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: September 21, 2011

Agenda Section:	Regular	Prepared By: Robin D. Singer, Planning Director
Agenda Item:	8	Date: August 29, 2011 Department: Planning
		Legislative <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/>
SUBJECT:		
A Resolution determining Conditional Use Petition 11-CU7 to allow an animal exhibit as a tourist attraction in the C2-A Waterfront Commercial District on property located at 1200 5 th Avenue South, Unit #305, Tin City.		
SUMMARY:		
City Council is asked to consider a Resolution determining Conditional Use Petition 11-CU7 per Section 58-623 of the Code of Ordinances in order to allow an animal exhibit as a tourist attraction in the C2-A Waterfront Commercial District on property located at 1200 5 th Avenue South, Unit #305, Tin City. In that this is a Quasi-Judicial matter, disclosures and the swearing in of those giving testimony are required.		
BACKGROUND:		
<p>Michael Sturgill is the owner and proprietor of Alligator Adventures. He is licensed by the State of Florida Fish and Wildlife Conservation Commission to exhibit alligators. He would like to provide an educational exhibit to include photos taken with his alligators at Tin City. The alligators will only be on the premises when the handlers are present and will be confined to a pen within Unit 305 in the south west corner of the Tin City complex.</p> <p>Animal exhibits are not listed as permitted or conditional uses in the Code (Naples Zoo and the Conservancy are both located outside the City limits). The C2-A Waterfront Commercial district lists art or photography studios as a <u>permitted use</u> and cultural facilities as a <u>conditional use</u>.</p> <p>The District provides that the City may permit, through the review and approval of a conditional use petition, other uses which are similar to and no more intense than those listed. The proprietor considers the use similar to a photography studio as proceeds from photos of visitors with the animals is how the exhibit is supported. Staff did not consider the use to be consistent with an art or photography studio as that seems to be a secondary use. Should the "educational" aspect of the conditional use application be deemed a "cultural" use, then a conditional use petition may be considered.</p> <p>The character of the proposed use is unusual in the City and would not be appropriate in most locations in the City but can be considered uniquely suited to Tin City. Staff has recommended conditions that limit this use to this location and proprietor only and would not necessarily recommend this type of attraction in other areas of the City. Staff has had concerns regarding the safety of this use at this location. The petitioner has provided an evacuation plan to safely remove the animals in the event of an emergency. That plan has been forwarded to the Fire Marshal and Mr. Archibald.</p> <p>On July 13, 2011 the Planning Advisory Board voted 5-1 to recommend approval of this petition. On July 29, 2011 a total of 16 letters were mailed to all property owners located within 500 feet of the subject property. Staff has received one letter of objection.</p>		



NAPLES CITY COUNCIL AGENDA MEMORANDUM

Regular Meeting Date: September 21, 2011

Page Two

Agenda Section:	Prepared By: Robin D. Singer, Planning Director	
Regular	Date: August 29, 2011	Department: Planning
Agenda Item:	Legislative <input type="checkbox"/>	Quasi-Judicial <input checked="" type="checkbox"/>
8		
BACKGROUND (cont.):		
<p>File Reference: 11-CU7 Petitioner: Michael Sturgill Location: 1200 5th Avenue South, Unit #305 Zoning: C2-A Waterfront Commercial</p>		
<p>RECOMMENDED ACTION: Approve the Resolution determining Conditional Use Petition 11-CU7 to allow an animal exhibit as a tourist attraction in the C2-A Waterfront Commercial District subject to the conditions listed.</p>		
Reviewed by Department Director	Reviewed by Finance	Reviewed by City Manager
Robin D. Singer	N/A	A. William Moss
City Council Action:		



SUPPLEMENT
#8 Tahlert EXH 1



SUPPLEMENT
#8 Tahlert EXH 2

Hand out photos

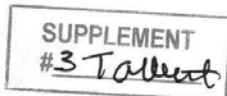
GOOD MORNING, MR. MAYOR AND MEMBERS OF THE COUNCIL. THANK YOU
FOR ALLOWING ME TO SPEAK.

MY NAME IS KATHRYN TAUBERT. I LIVE IN MIROMAR LAKES BEACH AND GOLF
CLUB. WHILE I AM NOT A RESIDENT OF NAPLES. I AM CONCERNED THAT
APPROVAL OF THIS APPLICATION NOT ONLY DOESN'T MEET ITS OWN
OBJECTIVES, BUT WOULD SET A DISTURBING PRECEDENT FOR OTHER
COMMUNITIES IN SW. FLORIDA.

IN THE 60'S I WAS A PROFESSIONAL TRAINER OF WILD ANIMALS: CALIFORNIA
SEA LIONS AND BOTTLE NOSED-DOLPHINS AT SEA ARAMA MARINeworld IN
GALVESTON, TEXAS. MY UNDERGRADUATE EDUCATION WAS IN BIOLOGY.

I'VE STUDIED ANIMAL BEHAVIOR AND BEEN INVOLVED IN ANIMAL WELFARE
ISSUES MOST OF MY ADULT LIFE. *during that time I've*

*learned that education about wild animals
is best left to those facilities best equipped
to handle it safely & humanely*



Item 8 public comment

THE APPLICANT, STATES THAT HIS PURPOSES ARE TO EXPAND HIS RETAIL OPPORTUNITIES AND EDUCATE THE PUBLIC ABOUT ALLIGATORS.

is to provide an educational
cultural
exhibit
to the public

I SUBMIT TO YOU THAT NEITHER OF THESE ARE POSSIBLE IN THE MANNER AND LOCATION WHICH HE PROPOSES.

- 1.) RETAIL: HE INTENDS TO CHARGE \$5.00 PER PHOTOGRAPH. AT TWENTY FIVE PEOPLE DAY, THAT'S A GROSS OF \$125. FACTOR IN HIS COSTS FOR SPACE, GASOLINE TRUCKING THESE ALLIGATORS 80 MILES A DAY MATERIALS, SUPPLIES AND PROMOTION, I DARESAY HIS NET WILL CONSIDERABLY LESS. EVEN IF HE DOUBLED OR TRIPLED THE FEE, HIS OWN APPLICATION SUGGESTS THERE WILL BE NO INCREASE IN RETAIL TRAFFIC AS A RESULT OF THIS DISPLAY.

\$5
x 25
= \$125.00/day

FOR THOSE MERCHANTS WHO THINK IT MIGHT FACILITATE THEIR OWN SALES, I URGE THEM TO CONSIDER THE FACT THAT MR STURGILL'S OWN APPLICATION DENIES ANY NEED FOR INCREASED TRAFFIC OR PARKING, INTIMATING EVEN HE DOESN'T BELIEVE IT WILL INCREASE RETAIL TRAFFIC IN THE MALL. THEY SHOULD ALSO CONSIDER THE POSSIBLIITY, INDEED PROBABILITY, THAT ANIMAL WELFARE ADVOCATES SEEING THIS

DISPLAY WILL BE DISTURBED, AND PERHAPS EVEN TAKE ACTIONS
URGING ITS DISCONTINUANCE, AND, AT THE VERY LEAST, REFUSE TO
PATRONIZE ANY FACILITY THAT ALLOWS SUCH AN EXHIBIT. *new page*
no further sense of thing as in then today, from
2.) EDUCATION, IS A TRANSFER OF KNOWLEDGE, WHICH ASSUMES WHAT *Page*
IS BEING TAUGHT IS THE TRUTH OR WHAT IS AT LEAST THOUGHT TO BE
TRUTH.

I SUBMIT TO YOU THAT THIS (PHOTOS) IS NOT EDUCATION. IT IS
MISLEADING, AND SOME MIGHT SAY BORDERS ON ANIMAL
EXPLOITATION AND ABUSE.

AN ALLIGATORS NATURAL HABITAT DOES NOT INCLUDE BEING HUGGED,
RESTRAINED IN A MALL IN A 600 FT. CONCRETE ENCLOSURE, MUZZLED
WHILE BEING HELD BY ANXIOUS HUMANS, AND HAVING FLASH
PHOTOGRAPHY GO OFF IN THEIR FACES FROM 9AM TILL 10 PM DAILY.

THE APPLICANT AND HIS WIFE ARE NO DOUBT NICE PEOPLE WHO, AS
OUTLINED IN HIS POIGNANT LETTER SUBMITTED WITH THE
APPLICATION, HAVE BENEFITTED SOCIALLY AND PROFESSIONALLY
FROM THEIR ASSOCIATION WITH ALLIGATORS. HE FEELS AFFECTION
FOR THEM, BUT IS, I BELIEVE, MISLEAD IN CALLING THIS EITHER A
SIGNIFICANT RETAIL OR EDUCATIONAL/CULTURAL OPPORTUNITY.

4. SOME WILL SAY WHAT HARM WOULD IT DO?

IF THIS APPLICATION IS APPROVED, WHAT'S NEXT? A PERSON WHO LOVES HIS PYTHONS JUST AS MUCH AS THE APPLICANT DOES HIS ALLIGATORS, WHO WANTS TO SELL PHOTOS OF HIS SNAKES HUGGING PEOPLE, SUITABLY MUZZED AND CORSETED OF COURSE?

THIS MAY SOUND SILLY, BUT WHERE'S THE STATUTORY DIFFERENCE IF THIS APPLICATION IS APPROVED? CONDITIONAL APPROVAL NOTWITHSTANDING, APPROVAL OF THIS APPLICATION IN ANY FORM COULD BE USED TO JUSTIFY ANY SIMILAR ACTIVITY.

IN CONCLUSION:

APPROVAL WOULD SERVE AS A DANGEROUS PRECEDENT FOR A CITY WHICH PRIDES ITSELF ON BEING FIRST CLASS IN THE ARTS, *AND cultural* EDUCATIONAL OPPORTUNITIES FOR ITS RESIDENTS.

THIS APPLICATION DOES NOT MEET THOSE STANDARDS.

is not consistent with the brand of the city

MR. STURGILL AND I AGREE PEOPLE NEED TO BE TAUGHT ~~ABOUT~~ THAT ALLIGATORS ARE NOT THE VICIOUS PREDATORS PORTRAYED.

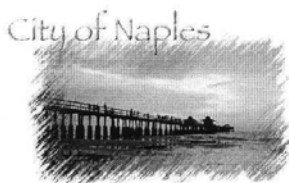
BUT EVEN IF, AS THE APPLICANT BELIEVES, THEY ARE CAPABLE OF
"HAPPINESS AND SADNESS," I CAN'T IMAGINE EVEN HIS ALLIGATORS
WOULD BE "HAPPY" AT THIS. (PHOTOS AGAIN)

EDUCATION OF THIS SORT SHOULD BE DONE ONLY AT FACILITIES MORE
APPROPRIATE FOR IT, WITH APPROPRIATE HABITAT AND WITH
EXAMPLES DEMONSTRATING MORE NATURAL BEHAVIORS. PERHAPS
EVEN INCLUDING THE APPLICANT'S OWN FACILITY AT HIS PROPERTY IN
JEROME FLORIDA. BUT NOT IN A MALL UNDER THE STATED
CONDITIONS.

IF ANYTHING, THAT TEACHES A LACK OF UNDERSTANDING RESPECT
FOR ANIMALS IN THEIR NATURAL OR EVEN CLOSE TO NATURAL STATE,
NEGATING ANY REAL EDUCATIONAL VALUE WHATSOEVER, BORDERS
ON ANIMAL EXPLOITATION AND ABUSE, AND SETS A DISTURBING
PRECEDENT.

I RESPECTFULLY URGE YOU TO VOTE NO ON THE APPLICATION.

THANK YOU FOR YOUR TIME.



NAPLES CITY COUNCIL AGENDA MEMORANDUM

Regular Meeting Date: September 21, 2011

Agenda Section:	Regular	Prepared By: Michael R. Bauer, Natural Resources Manager
Agenda Item:	9	Date: September 7, 2011 Department: City Manager
		Legislative <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/>
SUBJECT: Resolution Granting a Dredge and Fill Permit to construct a riprap shoreline and place fill at 2020 8 th Street South.		
SUMMARY: City Council is asked to consider approval of a Resolution granting a Dredge and Fill Permit to construct a riprap shoreline and place fill at 2020 8 th Street South. In that this is a Quasi-Judicial matter, disclosures and the swearing in of those giving testimony are required.		
BACKGROUND: City Ordinance Section 52-93 states that no filling shall be performed in, upon, or contiguous to any water area of the City until approval of such work has been obtained in accordance with the procedures and requirements set forth therein. The criteria for evaluating the application are that City Council must find that the project does not violate any laws, ordinances, or restrictions; that it does not obstruct or alter the flow of navigable waters; that no biological or ecological impacts will occur; that no harmful or increased erosion will result; and that no injury or damage to adjoining land will occur. The property currently consists of unstable riprap that has allowed the shoreline to erode. This application is for the construction of new riprap revetment in front of the existing riprap and along the platted property line. Living oysters on the existing riprap will be removed and replaced on the surface of the new riprap.		
RECOMMENDED ACTION: Adopt a resolution to approve a Dredge and Fill Permit to construct a new riprap shoreline in front of the existing one and to fill behind it at 2020 8 th Street South.		
Reviewed by Department Director Roger Reinke	Reviewed by Finance N/A	Reviewed by City Manager A. William Moss
Council Action:		



NAPLES CITY COUNCIL AGENDA MEMORANDUM

Regular Meeting Date: September 21, 2011

Agenda Section:	Prepared By: Bob Middleton, Utilities Director	
Regular	Date: September 8, 2011	Department: Utilities
Agenda Item:	Legislative <input checked="" type="checkbox"/>	Quasi-Judicial <input type="checkbox"/>
10		
SUBJECT:		
Award of multiple contracts for the chemicals required for the Water and Wastewater Treatment Plants.		
SUMMARY:		
City Council is asked to consider awarding contracts to the vendors listed below in order to provide chemicals for the Water and Wastewater Plants in the corresponding amounts for a period of one year with the option to renew for two additional one-year renewal periods. Pricing and products are pursuant to City Bid 053-11.		
<u>VENDOR</u>	<u>CHEMICAL</u>	<u>ANNUAL COST</u>
1. BASF Corporation	Cationic Polymer	\$135,000.00
	Emulsion Polymer	<u>\$24,610.00</u>
		\$159,610.00
2. Allied Universal Corporation	Chlorine	\$211,508.00
	Sulfur Dioxide	<u>\$6,310.00</u>
		\$217,818.00
3. Airgas Specialty Products, Inc.	Ammonia	\$48,650.00
	Tank Lease (for Ammonia)	<u>\$1,200.00</u>
		\$49,850.00
4. Chemical Lime Company of Alabama, LLC	Quicklime	\$1,888,060.50
	TOTAL:	<u>\$2,315,338.50</u>
BACKGROUND:		
There are a variety of chemicals that are necessary for the Water and Wastewater Treatment Plants' essential operations to meet water quality requirements.		
Bid 053-11 was publicly advertised on August 3, 2011. Twenty-nine (29) H.T.E. vendors were mailed notices. The City's web service (DemandStar) sent one hundred thirty-eight (138) notices to potential vendors and thirty-seven (37) plan holders. In addition, Bid 053-11 was advertised in the local newspaper. Thirteen (13) vendors responded to the bid. The above listed vendors are the low bidders that have met specifications with the corresponding chemicals.		

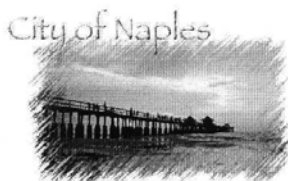


NAPLES CITY COUNCIL AGENDA MEMORANDUM

Regular Meeting Date: September 21, 2011

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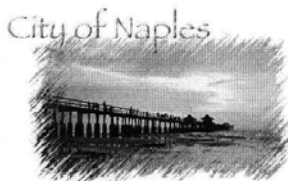
Agenda Item: 10		
<p>BACKGROUND (continued):</p> <p>Four (4) chemical vendors provided bids for cationic polymer. Cationic polymer is used at the Water Treatment Plant to remove color from the finished water. Polydyne, Inc. was the low bidder for cationic polymer and has previously supplied this product to the Water Treatment Plant. However, their product has created excessive foaming and air binding in treatment filters which caused shorter filter runs, improper filtration, and loss of filter media. Polydyne's product is no longer purchased for use at the Water Treatment Plant. BASF Corporation is the second lowest bidder. BASF Corporation is currently providing Cationic Polymer, and staff has been satisfied with their product's performance. The annualized cost of the BASF bid is \$2,400 greater than the Polydyne bid.</p> <p>FUNDING SOURCE:</p> <p>Funding is budgeted in the FY 2012 budget within the Water Sewer Fund; Account 420.2030.533.5280 (Water Plant Chemicals) in the amount of \$2,300,000, and account 420.3040.535.5280 (Wastewater Plant Chemicals) in the amount of \$400,000, for a total of \$2,700,000.</p> <p>RECOMMENDED ACTION:</p> <p>Motion to award contracts to the four (4) vendors stated above in the corresponding amounts for the provision of chemicals required for both the Water and Wastewater Treatment Plants for a period of one year with the option to renew for two additional one-year renewal periods, and authorize the City Manager to execute the contracts. These contracts are contingent on FY 2011-2012 budget allocations.</p>		
Reviewed by Department Director Bob Middleton	Reviewed by Finance Ann Marie Ricardi	Reviewed by City Manager A. William Moss
City Council Action:		



NAPLES CITY COUNCIL AGENDA MEMORANDUM

Regular Meeting Date: September 21, 2011

Agenda Section:	Regular	Prepared By: Bob Middleton, Director
Agenda Item:	11	Date: August 26, 2011 Department: Utilities
		Legislative <input checked="" type="checkbox"/> Quasi-Judicial <input type="checkbox"/>
SUBJECT:		
Award of contract to Steele Truck Center Inc., for the purchase of a Solid Waste Recycling Truck in an amount of \$239,297.		
SUMMARY:		
City Council is asked to consider awarding a contract to Steele Truck Center Inc. of Ft. Myers for the purchase of an automated recycling refuse truck in the amount of \$239,297 for the Solid Waste Division.		
BACKGROUND:		
<p>In October 2010, the Solid Waste Division began a single-stream residential recycling collection program that replaced the 18-gallon recycling carry-out bins with 65-gallon recycling carts. This change in operations has improved efficiencies at the curb and continues to promote and increase customer recycling participation that directly impacts solid waste hauled to the Collier County landfill.</p> <p>Due to the residential recycling program converting to a single stream collection operation, staff now has the ability to collect recyclable material with automated trucks in lieu of manually collecting carts at the curb. The current year has been programmed to purchase an automated recycling truck that has the capabilities to provide collection service within alleyways located in the City. This truck is scheduled to provide recycling service while the existing recycling trucks are removed from service to be retrofitted with automated equipment in the upcoming year. The long term benefits of transitioning to an automated collection service will equate to enhanced collection efficiencies at the curb and reduced staffing levels, overall reducing operational cost.</p> <p>Bid 049-11 was publicly advertised on July 27, 2011. Forty-three (43) H.T.E. vendors were mailed notices, DemandStar sent seventy-six (76) notices to potential vendors, eleven (11) plan holders were mailed a copy of the bid, and the bid was advertised in the Naples Daily News. Three (3) vendors responded to the bid. Palm Peterbilt Truck Centers Inc. and RDK Municipal Truck Center responded with a "No Bid." These vendors could not meet the truck specifications for the dual driver seat or tag axle requirements.</p> <p>The City's large refuse truck fleet has standardized with Mack Trucks for approximately 10-years. The bid specifications required a specialized Mack Truck including a McNeilus automated "zero-radius" body capable of servicing recycling carts within the alleys. Based on the bid requirements, only one bid response was received meeting all specifications.</p> <p>Staff has evaluated the bid proposal submitted by Steele Truck Center Inc. of Ft. Myers, Florida and they have been identified as the low bidder meeting specifications for the purchase of the recycling truck. Steele Truck Centers has previously provided large refuse trucks and service for the City, and staff has been satisfied with their performance and quality of equipment.</p>		



NAPLES CITY COUNCIL AGENDA MEMORANDUM

Regular Meeting Date: September 21, 2011

Page Two

Agenda Item:

11

FUNDING SOURCE:

Funding is allocated in the FY 2011 budget within the Solid Waste Fund – Account 450.1270.534.6070; CIP 11P01 (Recycling Truck) in the amount of \$250,000.

RECOMMENDED ACTION:

Motion to award a contract to Steele Truck Center Inc. of Ft. Myers, Florida in an amount of \$239,297 for the purchase of an automated recycling refuse truck for the Solid Waste Department and authorize the City Manager to execute the contract.

Reviewed by Department Director
Bob Middleton

Reviewed by Finance
Ann Marie Ricardi

Reviewed by City Manager
A. William Moss

City Council Action:



NAPLES CITY COUNCIL AGENDA MEMORANDUM

Regular Meeting Date: September 21, 2011

Agenda Section:	Prepared By: Ann Marie S. Ricardi, Director	
Regular	Date: September 2, 2011	Department: Finance
Agenda Item:	Legislative <input checked="" type="checkbox"/>	Quasi-Judicial <input type="checkbox"/>
13		
SUBJECT:		
A Resolution amending appendix "A", Fees and Charges Schedule of the Code of Ordinances to reflect the October 1, 2011 updated rates for water, irrigation water, sewer and stormwater services.		
SUMMARY:		
City Council is asked to consider a resolution that will update the code of Ordinances, Appendix A to reflect the updated rates going into effect October 1, 2011 for water, irrigation water, sewer and stormwater.		
BACKGROUND:		
The current rate structure for the City's utilities was designed to support the ongoing operations of the Utilities Department. The rate structure and ordinances were developed assuming annual adjustments would be made. The purpose of an indexed increase is to ensure that the rates stay sustainable, without requiring any major rate increases or rate studies in the near future.		
Sections 30-33(g), 30-177 (b), and 30-259(2) of the City Code of Ordinances provide that water, sewer and irrigation (reclaimed) water rates are to be increased every October 1 by the percentage increase in the Public Service Commission Deflator Index. In March, the Florida Public Service Commission announced that the increase was 1.18%.		
Section 30-343 of the Code of Ordinances provides that stormwater rates shall be increased every October 1 by the percentage increase in the United States Consumer Price Index. The United States Consumer Price Index increased by 3.16% based on the April CPI-U. This percentage represents the difference between the April 2010 and the April 2011 rates.		
RECOMMENDED ACTION:		
Approve a Resolution relating to water, irrigation water, sewer, and stormwater rates, amending Sections 30-36, 30-178, and 30-336 of Appendix A, Fees and Charges Schedule, of the Code of Ordinances to reflect existing annual rate adjustments by index.		
<i>Ann Marie S. Ricardi</i>		
Reviewed by Department Director Ann Marie Ricardi	Reviewed by Finance Ann Marie Ricardi	Reviewed by City Manager A. William Moss
City Council Action:		