



# City of Naples

City Council Chamber  
735 Eighth Street South  
Naples, Florida 34102

## City Council Regular Meeting – October 5, 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  
Tara Norman, City Clerk  
Roger Reinke, Assistant City Manager  
Vicki Smith, Technical Writing Specialist  
Thomas Weschler, Police Chief  
David Lykins, Community Services Director  
Robin Singer, Planning Director  
Lori Parsons, Risk Manager  
Denise Perez, Human Resources Director  
Adam Benigni, Planner  
George Archibald, Traffic Engineer  
Christa Carrera, Floodplain Coordinator

Edward Thompson  
Mike Wood  
John Woods  
David Bolduc  
Luellen Young  
Cari Larcomb  
Ellie Krier  
William Kelly  
Linda Oberhausen

**Media:**

Kelly Farrell, Naples Daily News

Other interested citizens and visitors

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

Reverend Dr. Edward Thompson, First Presbyterian Church.

### ANNOUNCEMENTS..... ITEM 3

Mayor Barnett proclaimed October as Domestic Violence Awareness Month in the City of Naples; the proclamation was accepted by Linda Oberhausen on behalf of the Shelter for Abused Women and Children.

It is noted for the record that Council Member Sulick left the meeting at 8:33 a.m. during Item 3 above and returned at 8:36 a.m. during Item 5 below.

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

**MOTION by Sorey to SET THE AGENDA removing Item 6-a(6) (Bayfront New Year's Eve Party), Item 6-c (flood insurance renewal), and Item 6-d (Floodplain Management Annual Report) from the Consent Agenda for separate discussion. This motion was seconded by Price and carried 6-0 (Finlay-yes, Heitmann-yes, Price-yes, Saad-yes, Sorey-yes, Sulick-absent, Barnett-yes).**

**PUBLIC COMMENT** ..... **ITEM 5**  
(8:35 a.m.) **David Bolduc, 2039 Snook Drive**, questioned the practice of fluoridation of the City’s water supply, referencing material he had provided (a printed copy of which is contained in the file for this meeting in the City Clerk’s Office). Citing the September 21 presentation to Council supporting the continued use of fluoride in drinking water, Council Member Price confirmed that he is in fact continuing to research what he characterized as a controversial issue and would return to Council with his findings. **Luellen Young, 2510 11<sup>th</sup> Circle and Cari Larcomb, 2505 11<sup>th</sup> Circle**, both advised Council of excessive vehicle parking in their residential area and Mayor Barnett directed them to contact the City Manager.

**CONSENT AGENDA**

- APPROVAL OF SPECIAL EVENTS** ..... **ITEM 6-a**
- 1) City Fest Fall 2011 Cool Cruisers Car Show and Talent Show – Third Avenue North between Tenth and 11<sup>th</sup> Streets North and the River Park Community Center Courtyard – 10/22/11.
  - 2) City Fest Fall 2011 BID Spooktacular Halloween on Fifth – Fifth Avenue South Business Improvement District (FASBID) – Fifth Avenue South Shopping District – 10/31/11.
  - 3) 40<sup>th</sup> Anniversary Celebration – Ridgway Bar and Grill and Tony’s Off Third – 13<sup>th</sup> Avenue South between Second and Third Streets South – 11/15/11.
  - 4) 39<sup>th</sup> Annual Christmas Walk and Tree Lighting - Fifth Avenue South Business Improvement District (FASBID) – Fifth Avenue South Shopping District – 12/01/11.
  - 5) Holiday Celebration 2011 – McCabe’s Irish Pub and Grill – Sugden Plaza – 12/27/11, 12/28/11, 12/29/11, 12/30/11, 12/31/11 and 01/01/12.
  - 6) Removed from Consent Agenda for separate discussion – see Item 4 above.
  - 7) 36<sup>th</sup> Annual Great Dock Canoe Race – Great Dock Canoe Race, Inc. - Crayton Cove – 05/12/12.
  - 8) BID October Breast Cancer Awareness Month - Fifth Avenue South Business Improvement District (FASBID) – 10/01/11 through 10/31/11.

**RESOLUTION 11-12958** ..... **ITEM 6-b(1)**  
**A RESOLUTION REAPPOINTING TERRY GREEN TO THE CODE ENFORCEMENT BOARD FOR A THREE-YEAR TERM COMMENCING OCTOBER 5, 2011, AND EXPIRING OCTOBER 4, 2014; AND PROVIDING AN EFFECTIVE DATE.** Title not read.

**RESOLUTION 11-12959** ..... **ITEM 6-b(2)**  
**A RESOLUTION REAPPOINTING JAMES MOON TO THE CODE ENFORCEMENT BOARD FOR A THREE-YEAR TERM COMMENCING OCTOBER 5, 2011, AND EXPIRING OCTOBER 4, 2014; AND PROVIDING AN EFFECTIVE DATE.** Title not read.

**(Removed for separate discussion – see Item 4 above)** ..... **ITEM 6-c**

**(Removed for separate discussion – see Item 4 above)** ..... **ITEM 6-d**

**RESOLUTION 11-129560** ..... **ITEM 6-e**  
**A RESOLUTION AMENDING THE 2010-11 BUDGET ADOPTED BY ORDINANCE 10-12761 TO RECORD THE RECEIPT AND DISBURSEMENT OF POLICE AND FIRE PENSIONS/INSURANCE PREMIUM TAX; AND PROVIDING AN EFFECTIVE DATE.** Title not read.

**MOTION by Price to APPROVE CONSENT AGENDA except Items 6-a(6), 6-c and 6-d; seconded by Sorey and unanimously carried, all members present and voting (Finlay-yes, Heitmann-yes, Price-yes, Saad-yes, Sorey-yes, Sulick-yes, Barnett-yes).**

**END CONSENT AGENDA**

**SPECIAL EVENT** ..... **ITEM 6-a(6)**  
**BAYFRONT NEW YEARS EVE PARTY – BAYFRONT, INC. – BAYFRONT – 12/31/11.** (8:43 a.m.) Community Services Director David Lykins provided a brief overview of the proposed event, noting that amplified music is to be provided in the promenade from 6:30 p.m. to 12:30

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a.m., with parking contained within the Bayfront complex as well as utilization of the Bayfront parking garages; comments from Bayfront residents had been received due to the lateness of the event, he added. He clarified for Council that 500 is the estimated attendance. In response to Council Member Sulick, who said that her reason for requesting separate discussion had been concern with the extended hours of the outdoor live entertainment, Mr. Lykins cited Code of Ordinances Section 56-125(e)(5)), which allows such activity to occur outdoors until 12:30 a.m. on New Year's Eve and indoors until 2:00 a.m. Planning Director Robin Singer added that the extended hours for the entertainment in the promenade, as well as the number of anticipated attendees, had been the impetus for staff to bring this item to Council for specific approval.

During additional discussion regarding the possible need of supplementary parking, Council Member Price cautioned that this event be considered as all others since the required parking plan had been submitted and attendance had been estimated. Council Member Heitmann however maintained that new events not be placed on the Consent Agenda, pointing out that noise from frequent events affects residents of mixed use complexes. Vice Mayor Sorey noted that a process is in place for items to be removed from the Consent Agenda for separate discussion, and Mayor Barnett observed that agendas are published giving ample notification of items to be considered by Council. Nevertheless, agreeing with the concern whether enough parking would be available, Mr. Sorey then proffered the motion reflected below.

**Public Comment:** (9:00 a.m.) None.

**MOTION by Sorey to APPROVE THIS ITEM conditioned upon submittal of an overflow parking plan if requested by staff. This motion was seconded by Price and carried 5-2 (Sorey-yes, Price-yes, Saad-yes, Sulick-no, Heitmann-yes, Finlay-no, Barnett-yes).**

Director Lykins agreed to provide Council with the findings of staff with regard to the parking situation for this event and Council Member Heitmann requested that results of the event also be provided to Council. She further requested that first time special events be so noted as such on the Consent Agenda. Council agreed with both of Mrs. Heitmann's recommendations.

**RESOLUTION 11-12961 ..... ITEM 6-c**  
**A RESOLUTION AUTHORIZING THE RENEWAL OF FLOOD INSURANCE ON CITY OWNED PROPERTIES THROUGH AMERICAN BANKERS INSURANCE COMPANY; AUTHORIZING THE CITY MANAGER TO ISSUE PURCHASE ORDERS; AND PROVIDING AN EFFECTIVE DATE.** Title read by City Attorney Robert Pritt (9:03 a.m.). Council Member Finlay indicated that he had requested separate discussion of this item due to the varying premiums of the insured City structures lying within flood zones. Risk Manager Lori Parsons explained that flood insurance premiums are determined largely by a building's base flood elevation and that three of the 12 listed are below the base flood elevation for the area in which they lie; these three do not receive the 20% reduction generated by the Community Rating System (CRS) Program because of this factor, she added. (It is noted for the record that the list of insured structures is contained in the file for this meeting in the City Clerk's Office.) Vice Mayor Sorey pointed out that base flood elevations had been amended following construction of the River Park Community Center.

Ms. Parsons then further pointed out that with the 2009 flood zone amendments, 12 additional structures are currently uninsured and staff intends to make future recommendations regarding their coverage. Vice Mayor Sorey questioned whether the City should await the soon-to-be-adopted flood zone maps prior to any further action on additional buildings, and Flood Plain Coordinator Christa Carrera agreed, pointing out the January or February 2012 release of the new maps; 2005 maps are being utilized and the new maps will reflect different zone

boundaries. Mr. Finlay questioned the wisdom of maintaining flood insurance and Ms. Carrera indicated that, if available, the City must maintain the coverage or the Federal Emergency Management Agency (FEMA) will not fully reimburse losses (per the Stafford Act); flood insurance is administered by the state and therefore the coverage does not undergo a bid process, Ms. Parsons added. In response to the City Attorney's concern regarding no coverage for the 12 additional buildings, City Manager William Moss stated that the amended maps would most probably be available prior to the completion of the process necessary for the additional coverage; Ms. Parsons agreed.

Following a motion for approval, Ms. Parsons advised that should the new maps indicate that insured buildings are no longer within flood zones, then some premiums should be refunded.

**Public Comment:** (9:17 a.m.) None.

***MOTION by Finlay to APPROVE RESOLUTION 11-12961 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).***

**FLOODPLAIN MANAGEMENT ANNUAL PROGRESS REPORT ..... ITEM 6-d**

(9:17 a.m.) Council Member Heitmann indicated that she had requested separate discussion of the item to allow Floodplain Coordinator Christa Carrera to provide a brief overview of the Community Rating System (CRS) Program report (a copy of which is contained in the file for this meeting in the City Clerk's Office). Ms. Carrera then reviewed details as contained in her September 27<sup>th</sup> memorandum (Attachment 1), adding that the City's updates had included its new emergency notification system (Delta Alert), and information on drainage and stormwater improvement projects. During discussion of the floodplain maps appeal, it was noted that approval is anticipated in January or February of 2012, containing 149 panels, 134 of which had been revised (see Item 6-c for additional discussion of maps). A workshop discussion regarding ways in which to increase the City's CRS standing is to be scheduled in the near future, Ms. Carrera said.

Ms. Carrera confirmed that staff would provide notifications to the public of the impending maps with new flood elevations; the maps, as well as other pertinent information, are posted on the City's website, she stated, as well a link to Collier County's which has the timeline for approval of the maps.

**Public Comment:** (9:26 a.m.) None.

***MOTION by Heitmann to ACCEPT REPORT 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 11-12962 ..... ITEM 7**

**A RESOLUTION DETERMINING SITE PLAN WITH DEVIATIONS PETITION 11-SPD1 FOR REDEVELOPMENT OF THE NAPLES PLAZA PUBLIX PROPERTY OWNED BY THE CENTRO HERITAGE NAPLES SC, LLC, LOCATED AT 1981 9TH STREET NORTH AND 1901-2175 9TH STREET NORTH, MORE FULLY DESCRIBED HEREIN; PROPOSING DEVIATIONS TO REAR BUILDING SETBACK, LOT COVERAGE, NUMBER OF PARKING SPACES, MONUMENT SIGN, SIGN SETBACK, FRONT ENTRY SIGNS AND SCREEN WALL; AND PROVIDING AN EFFECTIVE DATE.** Title read by City Attorney Robert Pritt (9:26 a.m.), who then noted amendments to the resolution to correct the name of the petitioner (and reflected in the motion below). 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: Finlay and Sorey/visited the

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site, met with the petitioner, received e-mails and had discussion with a neighbor; Sulick and Heitmann/visited the site, met with petitioner and received e-mails; Barnett/familiar with the site and exchanged e-mail with the petitioner, Saad/visited the site, spoke with a neighbor and received e-mails; and Price/visited the site and received e-mails. Planner Adam Benigni then provided an overview of the petition as contained in his September 21 memorandum (Attachment 2), listing the proposed deviations to the structure built in the 1960's, and noting that staff, the Planning Advisory Board (PAB) and the Design Review Board (DRB) supported approval.

Mike Wood, agent for the petitioner, explained that the impetus for the project is the desire to retain the Publix supermarket within the complex. Additionally, he pointed out that 95% of the deviations in fact currently exist and the project will serve to bring these conditions closer to code requirements. Noting the proposal to retain the same building footprint for the expanded Publix space, Mr. Wood said that the petitioner intends to relocate generators behind a ten-foot wall, compactors and the loading dock to the south end of the building, and install additional landscaping to increase buffering along the alleyway in the rear. Civil Engineer John Woods utilized an electronic presentation to further clarify the proposed project (a printed copy of which is contained in the file for this meeting in the City Clerk's Office) and deviations requested, detailing changes to parking, entrances and signage. A trench drain will be installed under the main entrance (US 41 and Golden Gate Parkway) to alleviate standing water following heavy rainfalls.

Engineer Woods then reviewed landscape improvements extending across the front of the complex along US 41, noting various locations for landscaped islands, and those to the northern end of the complex (near Office Depot) which included trees, landscape islands along Mooringline Drive as well as near the building; he also cited a marked pedestrian crosswalk and a wall to buffer a truck dock in that vicinity. Light poles throughout the plaza will be replaced and the current signage replaced by two monument signs at the main entrance and two pylon signs, one at the new entrance proposed to the north of the main entrance and the other mid-way of the southern one-half of the parking lot along US 41. In addition to a new paint scheme, the entire roof will be replaced and stone veneer added to standing columns, he said.

Petitioner's agent Wood confirmed for Vice Mayor Sorey that Publix has been working closely with the petitioner in maintaining its store at the current location, especially since even with the deviations, the resulting facility will not meet the Publix standard criteria and is therefore considered a one-store prototype; the store will be a mixture of three existing Publix marketing programs, he added. He further confirmed that his group continues to work with City staff to increase the quality of runoff from the property, noting increased greenspace and saying that dry retention may in fact be feasible. City Traffic Engineer George Archibald acknowledged that the 50-foot wide state right-of-way along US 41 is precluded from becoming a dry retention area as had initially been proposed by the petitioner, according to the Florida Department of Transportation (FDOT). During the 1969 US 41 improvements, the state requisitioned the 50-foot wide strip, which had previously been deeded to the City in 1959, he explained, and therefore the state is the owner of the property and can govern use. Nevertheless, discussion continues with the FDOT with regard to the installation of swales in that particular right-of-way, he added. Mr. Sorey urged that staff pursue approval of a water quality feature from the FDOT, recommending that the Natural Resources Manager become involved. Agent Wood then detailed for Mr. Sorey additional improvements to the northern façade, including crown molding to continue the theme from the front facade. In response to Mr. Sorey's concern with the

condition of the alley to the rear of the complex, Planner Benigni indicated that, as a condition of approval, the entire alley will be resurfaced by the petitioner during Phase I.

Engineer Woods then provided details of the new parking plan, which will include ninety degree parking and wider spaces as well as additional landscaping. Further addressing Council Member Saad's concerns with regard to the parking lot, Mr. Woods confirmed that a median will be constructed to divide ingress and egress traffic the entire length of the center entryway as well as adjacent to the outside lanes of this traffic, with stop signs installed at the north and south US 41 entrances (similar to the Coastland Mall entrances) thereby allowing traffic entering from US 41 to have the right-of-way to safely exit that roadway into the shopping complex. He further explained that the latter is a typical FDOT design allowing right turns into and right turns out only at these two entrances, he added. The existing northernmost US 41 entrance near the service station is to be closed, adding to safety and circulation of traffic. In addition, Engineer Woods explained that the petitioner intends to provide public art on the front façade to the left of the main entrance to Publix; paintings or a mural are being considered but must be approved by the Public Art Advisory Committee (PAAC), Planner Benigni added. Mr. Saad then indicated his support of pursuing FDOT approval for water quality features within the above discussed 50-foot right-of-way, and Vice Mayor Sorey noted that should that fail, the petitioner has pledged a 10-foot wide dry retention area the length of the property adjacent to the proposed sidewalk along US 41. In response to Council Member Finlay, Mr. Sorey advised that should the FDOT agree to the use of the right-of-way, design and cost could be determined and funding would possibly be provided by the Big Cypress Basin Board. Mr. Finlay noted his support of the project.

Council Member Price expressed his concern with pedestrian flow in front of the Publix, noting that current conditions are unsatisfactory. Mr. Wood agreed, saying that he had in fact observed various dangers and additional stop signs were being proposed for traffic calming; he also acknowledged that the issue of standing water at the main entrance was a top priority for the petitioner. Mr. Price then also noted his support of the proposed design.

Council Member Sulick characterized the changes in the rear of the complex as the most important in mitigating issues for residents adjacent to the alleyway. The 21-foot setback, landscaping and improvements to the surface of the alley should result in a much quieter atmosphere, she said. She then commended the entire project, agreeing that the FDOT approval for water quality improvements should be sought.

Council Member Heitmann questioned whether the FDOT had been requested to mitigate the flooding issue in the area, and Mr. Archibald indicated that while the FDOT's Enhancement Program might be applicable it would be several years before such funding would be available. He further noted that a major landscape improvement project within US 41 medians (from Seventh Avenue North to Golden Gate Parkway) is scheduled for 2013 which is to be funded via the Metropolitan Planning Organization (MPO) with FDOT enhancement monies; such funding may also be utilized for detention/retention features, he added. City Manager William Moss observed that the FDOT could however be contacted with regard to modifying this project so as to include the water quality feature although the MPO would also need to approve such a change. Addressing the historical flooding at the main entrance of the complex, Mr. Archibald maintained that little could be done to alleviate the staging of stormwater due to high ground water levels during rainy season, although the proposed improvements should speed the drainage of the flooding. Discussion followed regarding the capacity of the state's drainage trunk line under US 41 and Mr. Archibald explained that when studied several years ago, he had found it to be quite large (varying in size in excess of 30 inches to greater than 48 inches) and

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in good condition. It empties into the City's trunk line and should the state's infrastructure be improved, then corresponding improvements to the City's would be necessary. As the lines lie under travel lanes of US 41 the state would be unwilling to pursue improvements, he added. Mrs. Heitmann maintained that such improvements should be researched and Vice Mayor Sorey stated that a capacity issue with the trunk lines has not been established as yet. Mr. Moss pointed out that the subject project involves an existing development and efforts are merely being made to relieve the flooding at the main entrance, not meet current stormwater regulations. Mrs. Heitmann concluded her comments by saying that she considers the requested deviations minor when compared to the benefits of the proposed improvements to the site and that she supports the project.

Council Member Finlay then questioned the timeframe for the closure of the Publix store for the renovations, and Mr. Wood stated that, while driven by permitting, the petitioner's intent is to begin construction by the beginning of April 2012; depending upon weather conditions, Publix is scheduled to reopen by the Thanksgiving or Christmas season at the latest; some final improvements to the parking lot may continue into 2013, he added.

Mayor Barnett commended the petitioner for the project and the effort shown in working with the City to address all concerns.

**Recess: 10:47 a.m. to 10:59 a.m. It is noted for the record that the same Council Members were present when the meeting reconvened and consideration of Item 7 continued.**

In response to City Attorney Pritt, Engineer Woods reviewed his credentials and Mr. Wood, agent for the petitioner, confirmed the name of the parent company to Centro Properties Group, owners of the site (reflected in the motion below) as well as its understanding and agreement to be bound by any decisions made that day by Council. Mr. Pritt further noted that the second Whereas clause of the resolution should be amended to reflect as follows: "~~Centro Properties Group~~ Charles A. Carver and Michael Wood has been authorized by the owner to file this petition; and".

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

**MOTION by Price to APPROVE RESOLUTION 11-12962 amended as follows: "Title and First Whereas: "... Naples SC, LLC, a/k/a Brixmor Property Group, Brixmor LLC and Brixmor Residual Holding LLC, ..."; Second Whereas: "~~Centro Properties Group~~ Charles A. Carver and Michael Wood has been...petition; and"; and Section 2, Conditions 1 and 2: "... FDOT permitting, working in conjunction with City staff." This motion was seconded by Sorey and unanimously carried, all members present and voting (Finlay-yes, Heitmann-yes, Price-yes, Saad-yes, Sorey-yes, Sulick-yes, Barnett-yes).**

Mayor Barnett requested that staff provide monthly updates to the project timeline on the City's website.

**ORDINANCE 11-12963..... ITEM 8-a  
AN ORDINANCE RELATING TO THE D-DOWNTOWN DISTRICT; AMENDING SECTIONS 58-902, 58-904, 58-907, 58-915, 58-916 AND 58-920 OF THE CODE OF ORDINANCES, CITY OF NAPLES, IN ORDER TO ADD TRANSIENT LODGING FACILITIES TO THE LIST OF CONDITIONAL USES, MOVE FEES FOR OPEN SPACE AND PARKING SPACES TO THE FEE SCHEDULE AND TO ESTABLISH A REFUND POLICY FOR OPEN SPACE AND PARKING FEES, PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (11:08 a.m.).**

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

**MOTION by Sorey to ADOPT ORDINANCE 11-12963 as submitted; seconded by Saad and carried 4-3, all members present and voting (Finlay-no, Heitmann-no, Price-yes, Saad-yes, Sorey-yes, Sulick-no, Barnett-yes).**

**RESOLUTION 11-12964 ..... ITEM 8-b**  
**A RESOLUTION ADDING VARIOUS FEES TO CHAPTER 58, ZONING, OF APPENDIX “A”, FEES AND CHARGES SCHEDULE; ADDING SECTIONS 58-907(b)(3), 58-916(a)(2), 58-920(b) AND 58-920(g) TO APPENDIX “A”, FEES AND CHARGES SCHEDULE, OF THE CODE OF ORDINANCES, CITY OF NAPLES FOR THE PURPOSE OF ADDING FEES FOR OPEN SPACE, ON-STREET PARKING ALLOCATION; PAYMENT IN-LIEU-OF PARKING FEE AND REIMBURSEMENT FOR PUBLIC PARKING SPACES; AND PROVIDING AN EFFECTIVE DATE.** Title read by City Attorney Robert Pritt (11:09 a.m.). Council Member Saad expressed concern with the on-street payment for parcels zero to 15,000 square feet in size being charged at \$7,500 per space as possibly deterring redevelopment; it should be returned to no charge, he requested. Planner Adam Benigni pointed out that with the smaller parcels and mixed use construction, the upper story residential units should have on-site parking which leaves the commercial use parking to be addressed. Council Member Sulick stated that parking spaces are nevertheless assets of the City and charging for them had not halted redevelopment in the past. Vice Mayor Sorey agreed and proffered the motion below.

**Public Comment:** (11:18 a.m.) None.

**MOTION by Sorey to APPROVE RESOLUTION 11-12964 as submitted; seconded by Price and carried 4-3, all members present and voting (Finlay-no, Heitmann-no, Saad-yes, Sorey-yes, Price-yes, Sulick-no, Barnett-yes).**

Council Member Saad requested that staff apply the new fee to several 15,000 square foot parcels, factoring in maximum use of each, and provide the results to Council via e-mail.

**REVIEW OF LIVE ENTERTAINMENT ORDINANCE 11-12873 ..... ITEM 9**  
**ORDINANCE 11-12873 CLARIFIED LANGUAGE AND REMOVED CONFLICTS PERTAINING TO THE HOURS OF OPERATION FOR LIVE ENTERTAINMENT AND IS TO BE REVIEWED.** (11:20 a.m.) Planner Adam Benigni provided a brief overview of his September 19 memorandum (Attachment 3), noting that the live entertainment ordinance requires bi-annual review; staff recommended no changes to the current legislation, he stated.

**Public Comment:** (11:22 a.m.) None.

***Discussion only.***

**DISCUSSION OF HOME OCCUPATIONS ..... ITEM 10**  
**DISCUSSION RELATING TO HOME OCCUPATIONS; AMENDING SECTION 56-92, HOME OCCUPATIONS, IN ORDER TO AMEND THE REGULATIONS GOVERNING HOME OCCUPATIONS.** (11:22 a.m.) City Manager William Moss explained that the item had been included on the agenda to allow discussion of the draft ordinance; staff however requested that Council determine whether to waive the requirement for holding a public hearing after 5:00 p.m. when the legislation is presented for the regular adoption process.

**ACCLAMATION by Barnett to WAIVE AFTER 5:00 P.M. HEARING unanimously carried, all members present and voting (Finlay-yes, Heitmann-yes, Price-yes, Saad-yes, Sorey-yes, Sulick-yes, Barnett-yes).**

Planning Director Robin Singer then provided a brief overview of her September 26 memorandum (Attachment 4) which summarized the draft ordinance and noted that the Planning Advisory Board (PAB) had recommended its approval. Mr. Moss added that the submitted document also reflected the incorporation of comments from Council, the PAB, and the Presidents Council following their review of the draft.

Council Member Sulick expressed concern with the need to protect single-family residential neighborhoods, but Ms. Singer explained that little noticeable change is anticipated as the

ordinance will merely allow those activities currently ongoing in private homes as well as allow those individuals to obtain business tax certification (formerly known as home occupation licenses). Mrs. Sulick reiterated her disagreement with amending the code in this instance, particularly in light of the fact that home offices would involve real estate transactions.

Vice Mayor Sorey stated that business practices have changed significantly over time and that he supported the draft ordinance.

Ms. Singer clarified for Council Member Saad that the provision limiting the number of employees not residing on the premises to one is to lessen the impacts of traffic and parking. Mr. Moss added that only one such employee at a time is allowed therefore this does not limit the number of employees an individual may engage in total. Mr. Saad then suggested that the language of that provision be revisited (Section 1, Sec. 56-92(e)(10)). Ms. Singer pointed out that the provision provides an avenue for enforcement should impact become so great that complaints of regularly occurring activity have been observed.

While supporting the proposed legislation, Council Member Finlay questioned whether it could be amended once enacted should issues arise, and City Attorney Robert Pritt cautioned that no public hearing had been scheduled that day but that Council's item was for discussion only.

**Public Comment:** (11:44 a.m.) **William Kelly, PO Box 2584**, stated that, in light of current technology, staff should be commended as being proactive and said that he supported the ordinance. He then requested clarification as to the prohibition of medical offices, noting that often medical transcription is performed within the home with no clients or additional employees necessary. He recommended that the pertinent provision be amended to prohibit the examination of patients rather than the current language (Section 1, Sec. 56-92(d(1))). **Ellie Krier, 1100 Fifth Avenue South**, and representing the Naples Area Board of Realtors, addressed the concerns of Council Member Sulick by stressing that a real estate broker is required to have a commercial address and should not be located within residential areas.

Council Members Heitmann and Price disagreed with the ordinance as an invasion of private property rights. Mrs. Heitmann additionally noted that she anticipated enforcement issues and should the code need updated, the amendments should be kept simple and to the point. Council Member Saad then observed that anyone with electronic equipment other than a computer and/or a telephone, including a fax machine, would be in violation of the code as it stands; it must be updated, he maintained. In response to Mrs. Heitmann's request for more simple language, City Attorney Pritt suggested home occupations are allowed so long as there are no outward indications that a business is being conducted, and so long as the business is registered and business taxes are paid. He used the example of retired business executives who are currently performing some sort of consulting work and generate no outward impact to their residential neighborhood. Vice Mayor Sorey explained that when he had originally broached this topic he had wanted to merely remove the prohibition of home occupations from the code thereby legalizing ongoing activities by residents who are not adversely impacting their neighborhoods.

City Manager Moss then advised that every listed prohibition in the draft had at one time or another been addressed by staff. As the ordinance now stands, nearly all activities as discussed are a violation; the draft legislation allows non-intrusive home occupations and would be enforceable, he concluded. Mayor Barnett agreed, recommending that any constructive comments be forwarded to the City Manager and that a first reading should be scheduled.

Council Member Heitmann proffered a motion not to move forward with the ordinance but received no second.

**Staff to proceed to First Reading of ordinance.**

**ORDINANCE 11-12965..... ITEM 11**  
**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 Manager William Moss (12:03 p.m.).

Public Comment: (12:03 p.m.) None.

**MOTION by Sorey to ADOPT ORDINANCE 11-12965 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).**

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

**RESOLUTION 11-12966 ..... ITEM 12-a**  
**A RESOLUTION APPROVING, RATIFYING AND CONFIRMING THE CONTRACT BETWEEN THE CITY OF NAPLES AND THE FLORIDA STATE LODGE FRATERNAL ORDER OF POLICE, SUPERVISORS' BARGAINING UNIT; AND PROVIDING AN EFFECTIVE DATE.**

Title read by City Attorney Robert Pritt (12:03 p.m.). Assistant City Manager Roger Reinke briefly reviewed his September 30 memorandum, as well as the summary of changes contained within each contract (Attachment 5, 6, and 7 respectively). Mayor Barnett commended the police officers for their cooperation in reaching an acceptable agreement to both themselves and the City; Council concurred.

Public Comment: (12:05 p.m.) None.

**MOTION by Barnett to APPROVE RESOLUTION 11-12966 as submitted; seconded by Sulick and carried 6-1, all members present and voting (Finlay-no, Heitmann-yes, Price-yes, Saad-yes, Sorey-yes, Sulick-yes, Barnett-yes).**

**RESOLUTION 11-12967 ..... ITEM 12-b**  
**A RESOLUTION APPROVING, RATIFYING AND CONFIRMING THE CONTRACT BETWEEN THE CITY OF NAPLES AND THE FRATERNAL ORDER OF POLICE, POLICE OFFICERS' BARGAINING UNIT, COLLIER COUNTY LODGE 38; AND PROVIDING AN EFFECTIVE DATE.** Title read by City Attorney Robert Pritt (12:06 p.m.).

Public Comment: (12:06 p.m.) None.

**MOTION by Barnett to APPROVE RESOLUTION 11-12967 as submitted; seconded by Sulick and carried 6-1, all members present and voting (Finlay-no, Heitmann-yes, Price-yes, Saad-yes, Sorey-yes, Sulick-yes, Barnett-yes).**

**PUBLIC COMMENT.....**  
(12:09 p.m.) None.

**CORRESPONDENCE AND COMMUNICATIONS.....**

12:09 p.m.) Council Member Saad noted his upcoming attendance to a Florida League of Cities finance and taxation committee meeting, following which he intends to provide a summary. Council Member Finlay explained that the owner of an alligator exhibit had submitted a letter due to his belief that the September 7 approval of a Tin City exhibit site was to be reconsidered (a copy of the letter is contained in the file for this meeting in the City Clerk's Office). Mr. Finlay also questioned the status of research regarding the possible outsourcing of street sweeping and requested that staff provide the outcome should a meeting with Collier County regarding local option gas tax allocation impacts be obtained.

City Council Regular Meeting – October 5, 2011 – 8:29 a.m.

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**ADJOURN** .....  
12:11 p.m.

\_\_\_\_\_  
Bill Barnett, Mayor

\_\_\_\_\_  
Tara A. Norman, City Clerk

Minutes prepared by:

\_\_\_\_\_  
Vicki L. Smith, Technical Writing Specialist

Minutes Approved: November 2, 2011



**NAPLES CITY COUNCIL AGENDA MEMORANDUM**

Regular Meeting Date: October 5, 2011

Agenda Section: Consent	Prepared By: Christa Carrera, CFM Date: September 27, 2011 Department: Building
Agenda Item: 6-d	Legislative <input checked="" type="checkbox"/> Quasi-Judicial <input type="checkbox"/>
<b>SUBJECT:</b> Floodplain Management Annual Progress Report	
<b>SUMMARY:</b> City Council is asked to review and receive the Floodplain Management Annual Progress Report.	
<b>BACKGROUND:</b> The Community Rating System (CRS) Program requires an annual progress report pertaining to the City's Floodplain Management Plan be presented to community officials.  On February 17, 2010, City Council adopted Resolution 10-12606 to continue to be part of the county-wide Local Mitigation Strategy (LMS) plan. This plan, which was updated in 2009 and written by Collier County, is designed to create a more disaster-resistant community. This plan is a necessary tool that aids in identifying all types of hazards and allows for participating communities to be eligible to receive pre-disaster and post-disaster federal funding for mitigation purposes. The LMS plan serves as the City of Naples Floodplain Management Plan.  This annual progress report addresses the City's participation in the LMS and gives a detailed report to the CRS for the 2011 recertification process. (A copy of the report is attached.) Recertification is necessary to maintain current class rating of "6" which can provide a 20% discount on flood insurance to City residents that live in a Special Flood Hazard Area.	
<b>RECOMMENDED ACTION:</b> Receive the Floodplain Management Annual Progress Report.	
Reviewed by Department Director Paul Bollenback	Reviewed by Finance N/A
	Reviewed by City Manager A. William Moss
City Council Action:	



**NAPLES CITY COUNCIL AGENDA MEMORANDUM**

**Regular Meeting Date: October 5, 2011**

Agenda Section: Regular	Prepared By: Adam A. Benigni, Sr. Planner Date: September 21, 2011 Department: Planning
Agenda Item: 7	Legislative <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/>
<b>SUBJECT:</b> Resolution determining Site Plan with Deviations Petition 11-SPD1 in order to allow the redevelopment of the Naples Plaza located at 1901 – 2175 9 <sup>th</sup> Street North.	
<b>SUMMARY:</b> City Council is asked to consider a Resolution determining Site Plan with Deviations Petition 11-SPD1 for redevelopment of the Naples Plaza Publix property owned by the Centro Heritage Naples SC, LLC, located at 1981 9 <sup>th</sup> Street North and 1901-2175 9 <sup>th</sup> Street North; proposing deviations to rear building setback, lot coverage, number of parking spaces, monument sign, sign setback, front entry signs and screen wall. In that this is a Quasi-Judicial matter, disclosures and the swearing in of those giving testimony are required.	
<b>BACKGROUND:</b> The Naples Plaza was originally constructed in the early 1960s. At the time of construction, the City's zoning standards were much different than today's standards. Therefore, much of the existing Plaza is considered legally nonconforming in regards to setbacks, number of parking spaces and lot coverage. The owner of the property, Centro Heritage Naples SC, LLC, has proposed to redevelop the existing building occupied by Publix, and formerly Walgreens, and complete various site improvements. The petitioner is proposing to raze the existing Publix building, including the unit formerly occupied by Walgreens, and construct a new Publix store in its place. While the square footage of the new Publix store will be increased over the existing store, the overall square footage of the building will be reduced by 1,394 square feet from what currently exists. The petitioner is also proposing to update the façade of the rest of Plaza, repave and restripe the entire parking lot, add new lighting fixtures, and add new landscaping.  The petitioner proposes the following deviations:	
<ul style="list-style-type: none"> <li>• <u>Rear Building Setback</u> – The existing building setback is 21 feet and the required setback is 100 feet (Section 56-129(e)(3)). The petitioner is requesting a deviation from this requirement in order to maintain the existing setback of 21 feet.</li> <li>• <u>Lot Coverage</u> – The maximum lot coverage permitted for community shopping centers is 25%. The existing lot coverage is approximately 28.4%. The petitioner is requesting a deviation from this requirement in order to maintain the existing lot coverage of 28.4%.</li> <li>• <u>Number of Parking Spaces</u> – The Code requires 5 parking spaces per 1,000 of gross leasable area (GLA). Currently, Naples Plaza has 753 parking spaces – a ratio of 3.7 spaces per 1,000 GLA. The petitioner is proposing to add 82 parking spaces for a total of 835 parking spaces – a ratio of 4.1 spaces per 1,000 GLA. The petitioner is requesting a deviation from the parking requirement of 5 spaces per 1,000 GLA in order to provide a ratio of 4.1 spaces per 1,000 GLA.</li> </ul>	



**NAPLES CITY COUNCIL AGENDA MEMORANDUM**

**Regular Meeting Date: October 5, 2011**

**Page Two**

Agenda Section: Regular	Prepared By: Adam A. Benigni, Sr. Planner Date: September 21, 2011	Department: Planning
Agenda Item: 7	Legislative <input type="checkbox"/>	Quasi-Judicial <input checked="" type="checkbox"/>
<p><b>BACKGROUND (cont.):</b></p> <ul style="list-style-type: none"> <li>• <u>Monument Sign</u> – The Code permits one freestanding/monument sign with a height of 15 feet and a copy area of 120 square feet for community shopping centers. The petitioner is requesting a deviation from this requirement in order to allow for one additional freestanding/monument sign with a height of 15 feet and copy of 100 SF. Sign locations are shown in the submittal.</li> <li>• <u>Sign Setback</u> – Signs are to be setback a minimum of 10 feet from the front property line. The petitioner is requesting a deviation from this requirement in order to place the signs at or near the front property line.</li> <li>• <u>Front Entry Signs</u> – The petitioner is requesting a deviation from the Code in order to allow two front identification signs to flank the main entrance to the Plaza. The signs are proposed to be 7'7" tall, have a copy of 75 SF and have a setback of 5 feet from the property line.</li> <li>• <u>Screen Wall</u> – The Code permits walls outside of the building envelope to be a maximum of 6 feet tall. The petitioner wishes to provide a 10-foot tall wall along the truck dock in order to help abate noise created by truck deliveries.</li> </ul> <p><b>File Reference:</b> 11-SPD1  <b>Petitioner:</b> Centro Properties Group  <b>Agent:</b> Mike Wood, Centro Properties Group  <b>Location:</b> 1901-2175 9<sup>th</sup> Street North  <b>Zoning:</b> HC, Highway Commercial</p> <p>On June 14, 2011 a total of 240 letters were mailed to all property owners located within 500 feet of the subject property. Responses to the mailing are attached. The Design Review Board granted preliminary design review approval of this proposed project at their June 22, 2011 meeting. The Planning Advisory Board reviewed this petition at their July 13, 2011 meeting and continued it to the September 14, 2011 meeting in order to get clarification on access and drainage issues. The PAB voted 6-0 to approve the petition at the September 14, 2011 subject to the conditions recommended by staff and included in the draft resolution.</p> <p><b>RECOMMENDED ACTION:</b>          Adopt a Resolution determining Site Plan with Deviations Petition 11-SPD1 for redevelopment of the Naples Plaza Publix property owned by the Centro Heritage Naples SC, LLC, located at 1981 9<sup>th</sup> Street North and 1901-2175 9<sup>th</sup> Street North; proposing deviations to rear building setback, lot coverage, number of parking spaces, monument sign, sign setback, front entry signs and screen wall.</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: October 5, 2011**

Agenda Section: Regular	Prepared By: Adam A. Benigni, Senior Planner Date: September 19, 2011 Department: Planning
Agenda Item: 9	Legislative <input checked="" type="checkbox"/> Quasi-Judicial <input type="checkbox"/>
<b>SUBJECT:</b> Review of Live Entertainment Ordinance 11-12873 pertaining to the hours of operation for live entertainment.	
<b>SUMMARY:</b> City Council is asked to consider a review of Live Entertainment Ordinance 11-12873 which clarified language and removed conflicts pertaining to the hours of operation for live entertainment.	
<b>BACKGROUND:</b> Per Ordinance 11-12873, City Council is to review the Live Entertainment Ordinance every 6 months.  The changes adopted per Ordinance 11-12873 include the following: <ul style="list-style-type: none"><li>o Outdoor live entertainment: The hours were extended until 12:00 midnight for Thursdays through Saturdays.</li><li>o Indoor live entertainment: The hours were extended until 12:00 midnight for Thursdays through Saturdays.</li><li>o Entertainment on New Year's Eve: Outdoor live entertainment may extend until 12:30 a.m. Indoor live entertainment may extend until 2:00 a.m.</li><li>o City Council review of the live entertainment Ordinance to occur every 6 months.</li></ul>	
The current Live Entertainment Ordinance allows the City Manager to administratively approve live entertainment permits on a bi-annual basis where no more than one verified complaint is recorded against an establishment in a fiscal year within the renewal period. Staff, along with assistance of the Naples Police Department, reviewed 36 live entertainment permits that were due for approval and found that only one establishment had a verified complaint. Council reviews live entertainment permits due for approval only if there are two or more verified complaints in a fiscal year prior to renewal. Per the current Ordinance, each of the permits was approved, effective October 1, 2011 for a two-year period.	
Staff has contacted the Fifth Avenue South Business Improvement District (FASBID) and the Third Street South Association for input regarding importance of live entertainment to their respective business districts. Letters from both associations are included.	
Also attached to this memorandum is the updated live entertainment map, the current live entertainment Ordinance (Section 56-125 of the Code of Ordinances) and Ordinance 11-12873 that shows the most recent changes to the live entertainment regulations.	
<b>RECOMMENDED ACTION:</b> Discussion and direction by City Council.	
Reviewed by Department Director Robin Singer	Reviewed by Finance N/A
City Council Action:	Reviewed by City Manager A. William Moss



**NAPLES CITY COUNCIL AGENDA MEMORANDUM**

**Regular Meeting Date:** October 5, 2011

Agenda Section: Regular	Prepared By: Robin D. Singer, Director Date: September 26, 2011 Department: Planning
Agenda Item: 10	Legislative <input checked="" type="checkbox"/> Quasi-Judicial <input type="checkbox"/>
<b>SUBJECT:</b> Discussion of proposed amendments to the regulation of home occupations.	
<b>SUMMARY:</b> City Council is asked to review a draft ordinance relating to Home Occupations, amending Section 56-92 of the Code of Ordinances, to amend the regulation of home occupations by allowing certain occupations and to determine whether to waive the requirement for holding a public hearing after 5:00 p.m.	
<b>BACKGROUND:</b> In reviewing Text Amendment 11-T2, which allowed for office uses in historic homes, City Council suggested that staff draft more permissive regulations for home occupations. City Council discussed an abbreviated amendment at the May 16, 2011 Workshop. The Planning Advisory Board discussed the issues involved with home occupations at the June 8, 2011 PAB Workshop. Staff met with the Presidents Council, which represents property owner associations, and obtained feedback from the members and their organizations. The PAB reviewed the proposed ordinance at the August 10, 2011 meeting and continued it to allow for further revisions. The PAB voted 6 to 0 to recommend approval of the ordinance at the September 14, 2011 meeting.  The ordinance provides for home occupations while limiting the impacts and maintaining the character of the surrounding residential neighborhood. The ordinance as proposed will allow for non-medical office, artists studios, tutoring and instruction and limited food preparation. The regulations will limit external impacts such as noise, odor, vibration, glare, traffic, signage and advertising. A number of other conditions will apply to limit traffic and deliveries to insure that the residential character of a neighborhood is preserved. The Board did not support extensive visits by employees or clients. The restrictions will allow one employee who does not reside on premises.  The proposed ordinance was drafted with reference to other Florida cities. The ordinance accomplishes the following:	
<ul style="list-style-type: none"> <li>• Clarifies that cleaning service, pool service, nursing, and other contractor and repair services visiting a home does not constitute a home occupation provided the business is licensed elsewhere.</li> <li>• Allows non-medical office, tutoring and instruction, artist studios and limited food preparation as home occupations.</li> <li>• Emphasizes that the primary use of the premises is residential.</li> <li>• Limits traffic and parking impacts.</li> <li>• Prohibits retail and wholesale.</li> </ul>	



**NAPLES CITY COUNCIL AGENDA MEMORANDUM**

Regular Meeting Date: October 5, 2011

Page Two

Agenda Section: Regular	Prepared By: Robin D. Singer, Director Date: September 26, 2011	Department: Planning
Agenda Item: 10	Legislative <input checked="" type="checkbox"/>	Quasi-Judicial <input type="checkbox"/>
<p><b>BACKGROUND (cont.):</b></p> <ul style="list-style-type: none"> <li>• Prohibits storage.</li> <li>• Prohibits vehicular and boat repair and servicing.</li> <li>• Prohibits signage.</li> <li>• Limits noise, vibration, glare, odors and electrical interference.</li> <li>• Limits the use or storage of hazardous materials.</li> <li>• Clarifies that home occupations are accessory uses.</li> <li>• Limits the business to one employee that does not reside on-premises.</li> <li>• Limits advertising.</li> </ul> <p>The Ordinance to adopt Text Amendment 11-T10 requires two hearings. One of the two hearings must be held after 5:00 p.m. unless waived by City Council.</p> <p><b>RECOMMENDED ACTION:</b> Review the draft ordinance relating to Home Occupation, which will amend Section 56-92 of the Code of Ordinances. Direct staff to schedule the Public Hearings with one being held after 5:00 p.m. unless City Council desires to waive the requirement.</p>		
Reviewed by Department Director Robin Singer	Reviewed by Finance N/A	Reviewed by City Manager A. William Moss
City Council Action:		



# Memo

Office of the City Manager

**TO:** A. William Moss, City Manager  
**FROM:** Roger Reinke, Assistant City Manager  
**DATE:** September 30, 2011  
**SUBJECT:** Supplement for October 5, 2011 City Council Meeting –  
Agenda Item 12 (a) and (b)  
Approval and Ratification of Labor Contracts

At their October 5, 2011 meeting, City Council is asked to consider two resolutions approving, ratifying and confirming three year labor contracts, for the period October 1, 2011 through September 30, 2014, between the City of Naples and the Fraternal Order of Police (a) Supervisors' Bargaining Unit and (b) Police Officers' Bargaining Unit, Collier County Lodge 38.

The current labor contracts between the City of Naples and the two Fraternal Order of Police (FOP) bargaining units expire on September 30, 2011. The parties have bargained tentative contracts. On September 30<sup>th</sup>, both bargaining units notified the City that the membership has ratified the contract.

The proposed contracts have been reviewed and approved by the City's Labor Attorney Wayne Helsby, and the proposed pension changes have received legal review by the City's Pension Attorney Jim Linn and actuarial review by the City's Actuary Stephen Palmquist. The contracts, and a summary of the changes to each, are presented for City Council review.

The resolutions approving the labor contracts are also provided. No additional appropriations beyond the approved 2011-2012 Budget are anticipated as a result of these contracts.

It is recommended that City Council (a) adopt a resolution ratifying the three year labor contract, for the period October 1, 2011 through September 30, 2014, between the City of Naples and the Florida State Lodge Fraternal Order of Police Supervisors' Bargaining Unit and; (b) adopt a resolution ratifying the three year labor contract, for the period October 1, 2011 through September 30, 2014, between the City of Naples and the Fraternal Order of Police Officers' Bargaining Unit, Collier County Lodge 38.

*Ethics above all else... Service to others before self... Quality in all that we do.*

Summary of Changes to FOP Sergeants Contract:

1. 3 year agreement: October 1, 2011 thru September 30, 2014
2. Article 16 – Insurance. City agrees to pay 85% of cost of health care. City may contract for alternative plan.
3. Article 12 – Wages.
  - a. Effective October 1, 2012 – Bargaining unit members earning under \$80,000 will receive a 2% increase.
  - b. Effective October 1, 2012 – Bargaining unit members earning more than \$80,000 will receive a one time bonus equivalent to 2% of base pay and payable as soon after October 1, 2012 as administratively practical.
  - c. Longevity begins at 11 years of service; amount of payment is not increased. No additional members eligible in 2012. Intent is to begin payment at 11 years; same as FOP agreement
    1. 11 = \$1500
    2. 12 = \$2000
    3. 13 = \$2500
    4. 14 = \$3000
    5. 15 = \$3500
    6. 16+ = \$4000
  - d. Article may be re-opened by either party between June 1, 2013 and September 30, 2013.
4. Article 13 – Overtime and Hours of Work
  - a. Delete reference to 82.5 hour work period.
  - b. Call back pay is 3 hours – same as detectives.
5. Article 7 – Personal Leave
  - a. Section 7.01 change 20+ Years will accrue 272 annually.

- b. Maximum accrual is 520 hours.
  - c. This mirrors most other city employees on the personal leave plan with no sick leave.
6. Pension. As fully described in Article 31 – Retirement Benefits.
- a. Freeze current benefits effective March 31, 2012.
  - b. New benefits effective April 1, 2012.
    - 1. Reduce multiplier from 3.63% to 3%
    - 2. Vesting increased for new employees from 5 years to 8 years.
    - 3. Calculation of final average salary changed from 3 years to 8 years.
    - 4. Cost Of Living Allowance increases removed.
    - 5. Normal Retirement Age changed for new employees from age 50 or 25 years of service to age 60 or 30 years of service.
    - 6. Deferred Retirement Option Plan offered for up to 5 years. Participants are “at will” employees. Account earnings at 1.3% compounded monthly.

Summary of Changes to FOP Contract:

1. 3 year agreement: October 1, 2011 thru September 30, 2014
2. Article 16 – Insurance. City agrees to pay 85% of cost of health care. City may contract for alternative plan.
3. Article 11 – Wages.
  - a. Effective October 1, 2012 – Bargaining unit members earning under \$70,000 will receive a 2% increase to base pay payable on a biweekly basis
  - b. Effective October 1, 2012 – Bargaining unit members earning more than \$70,000 will receive a one time bonus equivalent to 2% of base pay and payable as soon after October 1, 2012 as administratively practical.
  - c. Article may be re-opened by either party between June 1, 2013 and September 30, 2013.
4. Article 12 – Overtime and Hours of Work
  - a. Delete reference to 82.5 hour work period.
5. Article 8 – Personal Leave
  - a. Section 8.07 delete outdated reference to 453.75 – replace with correct reference - 504.
6. Pension. As fully described in Article 30 – Retirement Benefits.
  - a. Freeze current benefits effective March 31, 2012.
  - b. New benefits effective April 1, 2012.
    1. Reduce multiplier from 3.63% to 3%
    2. Vesting increased for new employees from 5 years to 8 years.
    3. Calculation of final average salary changed from 3 years to 8 years.

4. Cost Of Living Allowance increases removed.
5. Normal Retirement Age changed for new employees from age 50 or 25 years of service to age 60 or 30 years of service.
6. Deferred Retirement Option Plan offered for up to 5 years. Participants are “at will” employees. Account earnings at 1.3% compounded monthly.