



City of Naples

City Council Chamber
735 Eighth Street South
Naples, Florida 34102

City Council Regular Meeting - May 2, 2012 - 8:28 a.m.

Mayor Sorey called the meeting to order and presided.

ROLL CALL.....ITEM 1

Present:

John F. Sorey III, Mayor
Gary Price II, Vice Mayor

Council Members:

Bill Barnett
Douglas Finlay
Teresa Heitmann
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
Robert Middleton, Utilities Director
Stephen Weeks, Technology Services Director
Thomas Weschler, Police Chief
Denise Perez, Human Resources Director
Charlotte Smith, HR Admin. Coordinator
Paul Bollenback, Building Services Director
David Lykins, Community Services Director
Stephen McInerney, Fire Chief
Roger Jacobsen, Code & Harbor Manager
Ann Marie Ricardi, Finance Director
Adam Benigni, Planner
Robin Singer, Planning Director
Erica Goodwin, Planner
Tamika Seaton, Public Information Officer
John Dunnuck, Purchasing Manager
Andy Holland, Stormwater Operations Supervisor
Michael Bauer, Natural Resources Manager
James Fox

Marc Gherardi
Clarence Tears
Michelle Avola
Charles Thomas
Lise Sundria
Lou Vlasho
William Kelly
Jim Boula
Henry Kennedy
Matthew Kragh
Jim Zimmerman
William Meek
James Krall
Wafaa Assaad
James Melican
John Cardillo
Wayne Arnold
Gloria Kovacs
David Ball
James Hughes

Media:

Kristine Gill, Naples Daily News
Other interested citizens and visitors

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

Father Marc Gherardi, St. Ann's Catholic Church.

ANNOUNCEMENTS.....ITEM 3

(8:30 a.m.) Council Member Sulick indicated her intent to donate the remainder of her election campaign funds to the City, asking that it be earmarked for landscaping of the Broad Avenue South linear park area. Employee Service Awards were then presented by various department

heads (a list of recipients is contained in the file for this meeting in the City Clerk's Office) and Mayor Sorey read the following proclamations: Salvation Army Week (May 13 to 19); Bicycle Awareness Month (May) and Bike to Work Week (May 14 to 18); Water Reuse Week (May 20 to 26). He also introduced the City's new Public Information Officer, Tamika Seaton.

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

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

PUBLIC COMMENT.....ITEM 5

(9:14 a.m.) **Jim Zimmerman, representing Keep Collier Beautiful**, noted the success of the recent cleanup, pointing out that a coastal effort is scheduled for September 15.

CONSENT AGENDA

APPROVAL OF MINUTES.....ITEM 6-a

March 19, 2012 Workshop and March 21, 2012 Regular Meeting: as submitted.

RESOLUTION 12-13114.....ITEM 6-b-1

A RESOLUTION REAPPOINTING DONA ERKENBECK TO AT-LARGE SEAT 2 OF THE CITIZENS POLICE REVIEW BOARD FOR A THREE-YEAR TERM COMMENCING MAY 20, 2012, AND EXPIRING MAY 19, 2015; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 12-13115.....ITEM 6-b-2

A RESOLUTION REAPPOINTING ROSLYN KATZ TO THE COMMUNITY SERVICES ADVISORY BOARD FOR A THREE-YEAR TERM COMMENCING ON MAY 1, 2012 AND EXPIRING APRIL 30, 2015; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 12-13116.....ITEM 6-b-3

A RESOLUTION REAPPOINTING LINDA BLACK TO THE COMMUNITY SERVICES ADVISORY BOARD FOR A THREE-YEAR TERM COMMENCING MAY 7, 2012 AND EXPIRING APRIL 30, 2015; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 12-13117.....ITEM 6-b-4

A RESOLUTION REAPPOINTING ALAN RYKER TO THE COMMUNITY SERVICES ADVISORY BOARD FOR A THREE-YEAR TERM COMMENCING MAY 17, 2012 AND EXPIRING APRIL 30, 2015; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 12-13118.....ITEM 6-b-5

A RESOLUTION REAPPOINTING PAMELA STEWART TO THE COMMUNITY SERVICES ADVISORY BOARD FOR A THREE-YEAR TERM COMMENCING JUNE 18, 2012, AND EXPIRING APRIL 30, 2015; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 12-13119.....ITEM 6-b-6

A RESOLUTION REAPPOINTING RENEE ZEPEDA TO THE DESIGN REVIEW BOARD FOR A THREE-YEAR TERM COMMENCING JUNE 1, 2012, AND EXPIRING MAY 31, 2015; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 12-13120.....ITEM 6-b-7

A RESOLUTION REAPPOINTING ANNABEL DREW TO THE CODE ENFORCEMENT BOARD FOR A THREE-YEAR TERM COMMENCING MAY 7, 2012 AND EXPIRING MAY 6, 2015; AND PROVIDING AN EFFECTIVE DATE. Title not read.

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

END CONSENT AGENDA

Recess: 9:17 a.m. to 9:22 a.m. It is noted for the record that the same Council Members were present when the meeting reconvened.

JOINT MEETING WITH PLANNING ADVISORY BOARD (PAB).....ITEM 7

JOINT MEETING WITH THE PAB TO DISCUSS THE FOLLOWING AND ANY ADDITIONAL

TOPICS THAT MAY ARISE: REZONING IN THE COMMUNITY REDEVELOPMENT AGENCY (CRA) AREA; ESTABLISHMENT OF A CRAYTON COVE OVERLAY DISTRICT; AND SUBDIVISION REGULATIONS - ZERO LOT LINE AND SINGLE FAMILY WITHIN MULTI-FAMILY DISTRICTS. (9:22 a.m.) Planning Director Robin Singer introduced the three main topics for discussion as reflected in her April 20 memorandum:

- Establishment of a Crayton Cove Overlay District to address parking and other issues relative to the redevelopment of the area and modification of the Third Street Overlay district to address parking.
- Modification of the subdivision regulations to address zero lot line splits to allow fee simple ownership of townhouses and attached villas. Council has also requested discussion of amending development standards within multi-family districts to allow row-homes with reduced side setbacks.
- Both Council and PAB have previously discussed the expansion of the Fifth Avenue South Special Overlay District and possible rezoning to other districts in the area (map of proposed areas for expansion appended hereto as Attachment 1).

Discussion of each topic followed and direction to the PAB and Planning staff, via consensus, was forthcoming as reflected below:

1. Redevelopment area:

- Input from redevelopment area stakeholders should be obtained first;
- Develop recommendations for a strategic plan for the Fifth Avenue South Special Overlay District, being cognizant of intensity of use for Parcel "A" (see Attachment 1); and
- Develop recommendations for unified parking plan, exploring the possibility of entire redevelopment area being allowed to purchase parking spaces located in the parking garage thereby avoiding underlying zoning amendments.

2. Crayton Cove:

- Contact stakeholders for input relative to future redevelopment of the area.

3. Third Street Overlay District:

- Contact stakeholders for input and staff to perform another parking study in March 2013 reflecting same information as March 2010 study;

4. Subdivision regulations:

- Zero lot lines - (units with common walls resulting in fee simple ownership of each unit)-return to Council with draft legislation permitting common wall construction.

Recess: 11:51 a.m. to 12:01 p.m. It is noted for the record that the same Council Members were present when the meeting reconvened and Item 7 continued.

Public Comment: (12:02 p.m.) **Matthew Kragh, 975 Sixth Avenue South, Suite 200,** recommended that for construction of row homes, which reduce density with each project, external setbacks be maintained and then internally lessen them to a maximum of 7.5 feet for each structure.

Discussion continued with additional consensuses as follows:

- Row homes - proceed with review of row home construction.

Public Comment: (12:22 p.m.) **Henry Kennedy, Naples,** observed that three major topics had been included in the discussion and that decision-making had proceeded prior to public comment. He continued by saying that the issue on Fifth Avenue South has been and will continue to be parking. The code should not be amended. **Jim Boula, 702 Broad Avenue South,** did not respond when called. **William Kelly, PO Box 2584,** agreed with Mr. Kennedy's comments, adding that it appears that the new rules of procedure for City Council meetings minimize public comment. He further stated that alleys are intended for service and should not be utilized as the front entrance to homes or for parking.

Recess: 12:28 p.m. to 1:00 p.m. It is noted for the record that the same Council Members were present when the meeting reconvened.

**(Discussion only).....ITEM 8
FIFTH AVENUE SOUTH BUSINESS IMPROVEMENT DISTRICT (FASBID) ANNUAL
REPORT PRESENTATION.** (1:00 p.m.) Fifth Avenue South Business Improvement District (FASBID) Executive Director Lise Sundria utilized an electronic presentation to review the FASBID 2011 Annual Report, an audited financial statement and tax documents, also for 2011. (It is noted for the record that a printed copy of the presentation as well as other documents referenced are contained in the file for this meeting in the City Clerk’s Office.) She also noted that the FASBID Board of Directors was requesting to retain the current assessment of 2.0 mills for 2013.

In response to Council Member Finlay, Ms. Sundria explained that ongoing discussions are occurring with the goal of developing a common vision for the future of the area. This vision will include the desired mix of businesses, she said, noting that there are currently only seven retail vacancies; in the past this number had been as high as 25. She then confirmed that the project involving flowers for the street would include maintenance by the FASBID and its president, Lou Vlasho, added that the project would be brought to Council for approval. Ms. Sundria further explained for Council Member Heitmann that the plans for a shuttle and a public art program were in the early stage of development; the art program would be coordinated between the FASBID and the Public Art Advisory Committee (PAAC), she added.

Council then commended the FASBID for choosing Ms. Sundria as its Executive Director and the work she has performed thus far.

**ORDINANCE (First Reading).....ITEM 9
AN ORDINANCE RELATING TO CONDITIONAL USES FOR THE HIGHWAY COMMERCIAL
DISTRICT; ADDING SUBSECTION (19) TO SECTION 58-503 OF THE CODE OF
ORDINANCES, CITY OF NAPLES, FOR THE PURPOSE OF ADDING FUNERAL HOMES,
WITH OR WITHOUT CREMATORIES, TO THE LIST OF CONDITIONAL USES IN THE HC,
HIGHWAY COMMERCIAL DISTRICT; PROVIDING A SEVERABILITY CLAUSE, A
REPEALER PROVISION AND AN EFFECTIVE DATE.** Title read by City Attorney Robert Pritt (1:47 p.m.) Planner Adam Benigni introduced the ordinance as reflected in his agend memorandum (Attachment 2), noting its intent is to allow funeral homes as conditional uses in the “HC” Highway Commercial District. He explained that they are currently allowed in both the “D” Downtown and “C2” General Commercial District although crematoriums are prohibited in the latter. Mayor Sorey indicated that those without a crematorium should be a permitted use while businesses planning a crematorium should come before Council as a conditional use request; this would allow review of the location and impacts to surrounding areas, he added. He disclosed a conversation with developers interested in building a funeral home in the City which would partner with area churches. The one in the City would be utilized as a visitation center and another, located in Collier County, with crematorium services available. The developer however had questioned the City’s prohibition on crematoriums when just across US 41, Collier County permitted the use. Mr. Benigni agreed that Mayor Sorey’s proposal would be an acceptable process, adding that his research into crematoriums revealed that they are very discreet with permitting through the state mandatory. Council Member Sulick indicated her objection to amending the City’s code to match that of the County and stated that crematoriums should not be allowed within the City whatsoever.

Vice Mayor Price said that he was concerned due to the nature of the business as well as the traffic and parking impacts. Planner Benigni assured him that these issues would be reviewed during the conditional use process; Mayor Sorey indicated that he would support both alternatives, with and without crematoriums, as conditional uses, thereby assuring Council’s review. Mr. Price maintained his opposition to the use within the City.

Council Member Finlay noted that a funeral home had existed on US 41 near his home for many years with no discernable impact to his neighborhood, saying that he supported the ordinance. In response to Council Member Heitmann, Mr. Benigni stated that staff had been directed to draft the text amendment, reiterating his research into crematoriums had resulted in staff's recommendation for approval. Mrs. Heitmann advised that she agreed with Vice Mayor Price's concerns and could not support the ordinance.

City Attorney Pritt then listed permitted and conditional uses as contained in the Code of Ordinances for Council's consideration.

Public Comment: (2:07 p.m.) **Henry Kennedy, Naples**, urged denial of the ordinance due to his belief that funeral homes would not enhance the ambience of the City.

Council Member Barnett stated that a funeral home had existed for many years on US 41 north. Most services are conducted in a church or other facility, he said, not at the funeral home and that he therefore supported the ordinance.

MOTION by Saad to APPROVE THIS ORDINANCE at First Reading as submitted; seconded by Sorey and carried 4-3, all members present and voting (Price-no, Barnett-yes, Sulick-no, Saad-yes, Finlay-yes, Heitmann-no, Sorey-yes).

MOTION by Saad to WAIVE AFTER 5:00 P.M. HEARING; seconded by Barnett and carried 5-2, all members present and voting (Barnett-yes, Finlay-yes, Heitmann-no, Price-yes, Saad-yes, Sulick-no, Sorey-yes).

It is noted for the record that Items 10-a, 10-b and 10-c were considered concurrently.

CLERK'S TRACKING #12-00017ITEM 10-a
AWARDING A CONTRACT FOR THE PURCHASE OF PUMP STATION CONTROL PANELS FOR THE WASTEWATER PLANT AND STORMWATER PUMP STATIONS: \ VENDOR: MADER ELECTRIC MOTORS, NORTH FORT MYERS, FLORIDA \ FUNDING: WATER - SEWER AND STREETS & STORMWATER FUNDS.

CLERK'S TRACKING #12-00018ITEM 10-b
AWARDING A CONTRACT FOR THE PURCHASE OF PUMP STATION CONTROL PANELS FOR THE WASTEWATER PLANT AND STORMWATER PUMP STATIONS: \ VENDOR: F. J. NUGENT & ASSOCIATES., SANFORD, FLORIDA \ FUNDING: WATER - SEWER AND STREETS & STORMWATER FUNDS.

CLERK'S TRACKING #12-00019ITEM 10-c
AWARDING A CONTRACT FOR THE PURCHASE OF PUMP STATION CONTROL PANELS FOR THE WASTEWATER PLANT AND STORMWATER PUMP STATIONS: \ VENDOR: CEC MOTOR & UTILITY SERVICE, PALMETTO, FLORIDA \ FUNDING: WATER - SEWER AND STREETS & STORMWATER FUNDS. (2:13 a.m.) City Manager William Moss provided background information of the requests as contained in the agenda memorandum submitted by Utilities Director Robert Middleton (Attachment 3).

Public Comment: (2:16 p.m.)

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

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

MOTION by Sulick to APPROVE ITEM 10-c as submitted; seconded by Saad and unanimously carried, all members present and voting (Barnett-yes,

Finlay-yes, Heitmann-yes, Price-yes, Saad-yes, Sulick-yes, Sorey-yes).

CLERK'S TRACKING #12-00020.....ITEM 11
AWARDING A CONTRACT TO CONSTRUCT STORMWATER IMPROVEMENTS WITHIN BASIN V: \ VENDOR: KYLE CONSTRUCTION, INC., NAPLES, FLORIDA \ COST: \$361,063.02 \ FUNDING: CIP 12V26 - BASIN V STORMWATER IMPROVEMENTS. (2:17 p.m.) City Manager William Moss provided a brief overview of the item as contained in the agenda memorandum submitted by Engineering Manager Scott May (Attachment 4). In response to Council Member Saad, Stormwater Operations Manager Andy Holland clarified that as a local contractor, Kyle Construction's has a lower overhead than competitors, especially with regard to mobilization.

Public Comment: (2:19 p.m.) None.

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

RESOLUTION 12-13121.....ITEM 12
A RESOLUTION APPROVING AN AGREEMENT FOR PROVISION OF LEGAL SERVICES WITH THE LAW FIRM OF ROETZEL & ANDRESS, ROBERT D. PRITT AS PRIMARY ATTORNEY, FOR A THREE-YEAR PERIOD, ENDING SEPTEMBER 30, 2015; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (2:20 p.m.), who then indicated that Attorney James Fox, another partner in his firm who provides legal services to the City at times, was also present. Mr. Pritt explained that his firm has provided legal services since 1997, with himself as City Attorney for ten years. He then reviewed his April 23 memorandum which contains the amendments to the contract (Attachment 5), requesting approval of its renewal.

Mayor Sorey explained that he had requested that this item be discussed at that time in the event that Council wished to explore other alternatives for legal services. Mr. Pritt then assured Council Member Finlay that the total fee referenced in the contract was a cap; a budget amendment, approved by Council, would be necessary prior to exceeding that amount. This has not occurred since he has been City Attorney, he pointed out. Mr. Pritt further noted that the quarterly report for the legal department includes all expenditures, not merely attorney fees. Mr. Finlay indicated that he would pursue research as to whether in-house versus outsourced legal services was more cost effective prior to the effective date of the contract under discussion.

Council Member Heitmann then reviewed her May 1 e-mail which contained numerous questions for Mr. Pritt, who then reiterated his responses during the discussion that followed (Attachment 6). City Manager William Moss added that with regard to availability, he attempts to schedule any necessary meetings with the City Attorney when he is scheduled to be at City Hall.

Following a motion for approval, Vice Mayor Price referenced a review he had made two years prior of legal invoices; he had concluded that an in-house attorney simply did not make sense from a financial standpoint. Council Member Barnett noted that he had been present when the City had had an in-house attorney and one of the drawbacks had been the need to outsource certain issues as they arose, which in most cases has not been necessary during Mr. Pritt's tenure, he added.

Public Comment: (3:24 p.m.) None.

MOTION by Sulick to APPROVE RESOLUTION 12-13121 as submitted; seconded by Saad and carried 5-2, all members present and voting (Finlay-no, Sulick-yes, Heitmann-no, Price-yes, Barnett-yes, Saad-yes, Sorey-yes).

Recess: 3:27 p.m. to 3:35 p.m. It is noted for the record that the same Council Members

were present when the meeting reconvened except Council Member Heitmann who returned at 3:36 p.m...

It is noted for the record that due to time constraints, Mayor Sorey indicated that Item 16 would be continued as reflected below.

**(Continued to 05/16/12 Regular meeting / time certain).....ITEM 16
DISCUSSION OF A PROPOSED AMENDMENT TO THE CODE OF ORDINANCES
PERTAINING TO SEAWALL CONSTRUCTION STANDARDS. (3:35 p.m.)**

It is noted for the record that Items 13-a and 13-b were considered concurrently.

CLERK'S TRACKING #12-00021**ITEM 13-a
AWARDING A CONTRACT FOR SOFTWARE AND HARDWARE TO IMPLEMENT A
COMPREHENSIVE SOLUTION FOR THE POLICE AND FIRE-RESCUE DEPARTMENTS
WORKFORCE MANAGEMENT OF PAYROLL, SCHEDULING AND REPORTING: **
**VENDOR: KRONOS TELESTAFF \ COST: \$63,451 \ FUNDING: POLICE AND FIRE-RESCUE
ACCOUNTS.**

**RESOLUTION 12-13122.....ITEM 13-b
A RESOLUTION AMENDING THE FISCAL YEAR 2011-12 BUDGET ADOPTED BY
ORDINANCE 11-12953 TO FUND THE ACQUISITION OF PUBLIC SAFETY PAYROLL
SOFTWARE AND RELATED HARDWARE WHICH WILL PROVIDE AN AUTOMATED
SCHEDULING SOLUTION; AND PROVIDING AN EFFECTIVE DATE.** Title read by City
Attorney Robert Pritt (3:36 p.m.). City Manager William Moss provided an overview of the
payroll system as contained in the agenda memo submitted by Fire Chief Stephen McInerny
and Police Chief Thomas Weschler (Attachment 7). Council Member Saad disclosed a
conversation with the Technology Services Director who had assured him of the necessity of a
dedicated server for the system due to the volume and sensitivity of information to be stored
therein. Chief McInerny assured Council Member Heitmann that going forward, all payroll
records would be generated electronically and all prior records would be retained properly. He
also confirmed for Council Member Finlay that the new system will enable daily tracking of
staffing and generate reports upon demand. Implementation should be expected no sooner
than six months for some functions of the system, which should be fully operational within one
year, Chief McInerny stated.

Mr. Moss noted that while the Kronos system is capable of performing payroll functions for
general employees also, the cost/benefit does not exist at that time. It is also compatible with
the impending new City-wide enterprise software system, he added. Vice Mayor Price
requested that this analysis be provided once the program is fully functional. Mayor Sorey
suggested it include the savings realized from payroll and scheduling tasks no longer being
manually performed by senior supervisors.

Public Comment: (3:48 p.m.) **Henry Kennedy, Naples**, supported the purchase of the
system, urging that it be fully utilized. To do so, he said, the employees' cellular telephones
must be compatible with the scheduling program and therefore should be provided by the City.-

***MOTION by Saad to APPROVE ITEM 13-a as submitted; seconded by
Barnett and unanimously carried, all members present and voting (Barnett-
yes, Finlay-yes, Heitmann-yes, Price-yes, Saad-yes, Sulick-yes, Sorey-yes).***

***MOTION by Saad to APPROVE RESOLUTION 12-13122 as submitted;
seconded by Barnett and unanimously carried, all members present and
voting (Barnett-yes, Finlay-yes, Heitmann-yes, Price-yes, Saad-yes, Sulick-
yes, Sorey-yes).***

It is noted for the record that Items 14-a and 14-b were considered concurrently.

CLERK'S TRACKING #12-00022**ITEM 14-a
AWARDING A CONTRACT TO REPLACE THE ROOF AT THE HEDGES FAMILY ECO
CENTER LOCATED AT THE NAPLES PRESERVE: \ VENDOR: WEST COAST FLORIDA**

ENTERPRISES, INC., FORT MYERS, FLORIDA \ COST: \$71,800 \ FUNDING: CIP 12112 - NAPLES PRESERVE ROOF.

RESOLUTION 12-12123.....ITEM 14-b
A RESOLUTION AMENDING THE FISCAL YEAR 2011-12 BUDGET ADOPTED BY ORDINANCE 11-12953 TO FUND THE REPAIR OF THE HEDGES FAMILY ECO CENTER ROOF AT THE NAPLES PRESERVE; AND PROVIDING AN EFFECTIVE DATE. Title read by City Attorney Robert Pritt (3:52 p.m.). City Manager William Moss explained the issues surrounding the project as contained in the agenda memorandum by Community Services Director David Lykins (Attachment 8). Mr. Lykins then provided a brief history of the building, including prior discussions regarding the replacement of the roof during which Council had agreed to retain the original architecture that was designed following the unique tenets of Architect Frank Lloyd Wright.

Public Comment: (3:56 p.m.) Mayor Sorey indicated that **William Meek, 670 Yucca Road**, had had to leave the meeting but had indicated that he was supportive of the roof replacement so long as the architecture was retained.

Architect Matthew Kragh provided details of the project, explaining the actual construction and materials utilizing an electronic presentation and a model of a section of the roof (printed copies of the presentation and the photographs are contained in the file for this meeting in the City Clerk's Office).

Director Lykins confirmed for Council Member Finlay that although grants had been researched, no funding for such a project could be found.

MOTION by Barnett to APPROVE ITEM 14-a as submitted; seconded by Sulick and unanimously carried, all members present and voting (Barnett-yes, Finlay-yes, Heitmann-yes, Price-yes, Saad-yes, Sulick-yes, Sorey-yes).

MOTION by Sulick to APPROVE RESOLUTION 12-13123 as submitted; seconded by Barnett and unanimously carried, all members present and voting (Barnett-yes, Finlay-yes, Heitmann-yes, Price-yes, Saad-yes, Sulick-yes, Sorey-yes).

COMMERCIAL VESSEL SIGNAGE DISCUSSION.....ITEM 15
DISCUSSION TO DETERMINE WHETHER THE REGULATIONS FOR SIGNAGE ON COMMERCIAL VESSELS DOCKED WITHIN THE CITY SHOULD BE MODIFIED, REMOVED OR REMAIN IN PLACE. (4:03 p.m.) Code & Harbor Manager Roger Jacobsen utilized an electronic presentation to provide an overview of his agenda memorandum (Attachment 9) that listed the issues surrounding signage on commercial vessels and four options recommended by staff. (It is noted for the record that a printed copy of the electronic presentation is contained in the file for this meeting in the City Clerk's Office.) Following the presentation, City Attorney Robert Pritt stated that the current legislation appears to be attempting to regulate content, which would be difficult to defend if challenged; the issue is that it applies to all vessels moored within the City, not merely those at the City Dock, he added. In response to Council Member Sulick, Mr. Jacobsen confirmed that wording on a boat does not have to be limited to the name of the vessel as this again would be regulating content.

Public Comment: (4:16 p.m.) **Henry Kennedy, Naples**, urged that violators be issued a citation or allow no signage whatsoever on vessels.

Mr. Jacobsen summarized that following one complaint, he had reviewed the pertinent provisions in the Code of Ordinances and realizing that provisions regulating content were contained therein, he had brought the issue to Council for direction. Following discussion of various scenarios relative to signage, the consensus below was forthcoming.

Consensus that staff draft ordinance repealing provisions regulating

signage on commercial vessels / 4-3 (Sulick, Saad and Heitmann dissenting).

PUBLIC COMMENT.....

(4:34 p.m.) None.

CORRESPONDENCE AND COMMUNICATIONS.....

(4:35 p.m.) Council Member Saad recommended that on-street parking practices be reviewed, especially with regard to restaurant employees. Vice Mayor Price noted the two Pension Board meetings with the investment managers to be held May 4 and May 5, which are open to the public. He also indicated that he would be submitting his report of potential changes to Emergency Medical Services (EMS) county-wide and Council indicated that discussion thereof should be scheduled during the next workshop. Council Member Finlay requested that public comment during individual item considerations be heard prior to decision-making. Council Member Sulick commended the City's Natural Resources Division and Water / Sewer Department for their leadership in addressing water issues. Council Member Heitmann received assurances that the operational plan for valet service at Le Lafayette Restaurant had been received but was still under review by staff. Mrs. Heitmann also received Council's support for a review of conditional uses in the "D" Downtown District following summer recess and noted the upcoming Stand Up and Paddle event to be held at the Bayfront complex. Mayor Sorey then noted his intent to request that the Big Cypress Basin Board focus on stormwater issues in Collier County and following a brief discussion by Council, consensus was reached that Council Members should not request a hard copy of the Council meeting packet from the City Clerk's Office.

ADJOURN.....

5:08 p.m.

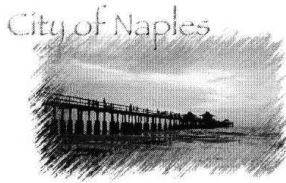
John F. Sorey III, Mayor

Patricia L. Rambosk, City Clerk

Minutes prepared by:

Vicki L. Smith, Technical Writing Specialist
Minutes Approved: 06/13/12

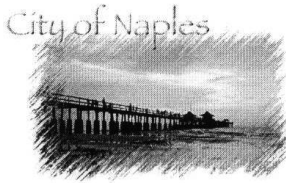




NAPLES CITY COUNCIL AGENDA MEMORANDUM

Regular Meeting Date: May 2, 2012


Agenda Section: Regular	Prepared By: Adam A. Benigni, AICP Department: Planning
Agenda Item: 9	Legislative <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/>
SUBJECT: First Reading of an Ordinance adopting Text Amendment 12-T4 to amend Section 58-503 of the Land Development Code of the City of Naples Code of Ordinances to allow funeral homes as conditional uses in the HC, Highway Commercial Zoning District.	
SUMMARY: City Council is asked to consider First Reading of an Ordinance relating to Conditional Uses for the Highway Commercial District; adding Subsection (19) to Section 58-503 of the Code of Ordinances for the purpose of adding funeral homes, with or without crematories, to the list of Conditional Uses in the HC, Highway Commercial District and approve scheduling the Second Reading and Public Hearing before 5:00 p.m. for the Regular City Council Meeting of May 16, 2012. In that this is a Quasi-Judicial matter, disclosures and the swearing in of those giving testimony are required.	
BACKGROUND: Planning Department staff recently met with a group that wished to open a funeral home with a crematory within the City limits. The group provided information indicating that the contemporary examples of crematories do not have the impacts on adjacent properties that the use may have had in the past and have pointed out examples of the newer facilities in Collier County. After brief discussion on this issue at the March 21, 2012 Regular Meeting, City Council directed staff to draft a Text Amendment to add funeral homes to the list of Conditional Uses in the Highway Commercial District. Currently, there are two zoning districts that allow <i>funeral homes</i> with conditional use approval – the C2, General Commercial District and the D-Downtown District. The C2 district specifically excludes <i>crematories</i> . The D-Downtown does not specifically prohibit <i>crematories</i> . The HC, Highway Commercial District does not list <i>funeral homes</i> , with or without <i>crematories</i> , as a permitted use or a conditional use, therefore, it is a prohibited use. The Highway Commercial district is located primarily along U.S.41 north of 8 th Avenue North with a few parcels in the City’s jurisdiction on the east side of U.S. 41 north of Creech Road and a few outlying parcels along Goodlette-Frank Road, Golden Gate Parkway and Davis Boulevard. Some Planned Developments along U.S. 41 also reference Highway Commercial districts for the list of permitted and conditional uses and would therefore be affected by this amendment. On the east side of U.S. 41, north of Creech Road, the properties are primarily under Collier County’s jurisdiction and are typically zoned Collier County C4 and C5. Funeral services are permitted uses in both of these Collier County zoning districts. Allowing funeral homes as a conditional use, without specifically omitting crematories, will allow both through the public hearing process, subject to compliance with the conditional use criteria. The conditional use process will allow for consideration of funeral homes with crematories on a case by	

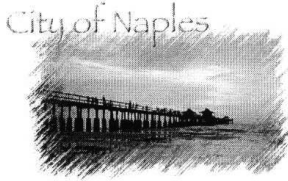


NAPLES CITY COUNCIL AGENDA MEMORANDUM

Regular Meeting Date: May 2, 2012

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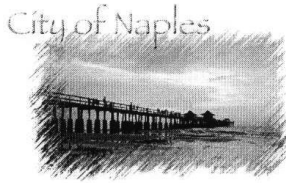
Agenda Item:		
9		
BACKGROUND (cont.):		
<p>case basis and will allow the City to consider the impacts on surrounding areas, the convenience of the location and other issues such as parking and traffic circulation. The HC district is intended to provide for general commercial development along arterial or major highways. Staff has provided a map of the City showing the Highway Commercial District along with the C2, General Commercial and D-Downtown Districts which already permit funeral homes by conditional use. While many of the properties zoned Highway Commercial are in close proximity to residentially zoned property, staff finds that the advances in technology for this industry have mitigated the adverse impacts of the use.</p> <p>Section 166.041 of the Florida Statutes outlines the procedures for adoption of resolutions and ordinances. In cases in which the proposed ordinance changes the actual list of permitted, conditional, or prohibited uses within a zoning category, the local governing body shall hold two advertised public hearings on the proposed ordinance. At least one hearing shall be held after 5 p.m. on a weekday, unless the local governing body, by a majority plus one vote, elects to conduct that hearing at another time of day. The proposed amendment will change the list of conditional uses in the HC, Highway Commercial District so one hearing will be required to be held after 5:00 p.m. unless City Council elects to conduct the Second Reading of the Ordinance during the regularly scheduled meeting of May 16, 2012.</p>		
RECOMMENDED ACTION:		
<p>Approve First Reading of an Ordinance relating to Conditional Uses for the Highway Commercial District; adding Subsection (19) to Section 58-503 of the Code of Ordinances for the purpose of adding funeral homes, with or without crematories, to the list of conditional uses in the HC, Highway Commercial District; and approve scheduling the Second Reading and Public Hearing before 5:00 p.m. for the Regular City Council Meeting of May 16, 2012.</p>		
Reviewed by Department Director Robin Singer	Reviewed by Finance N/A	Reviewed by City Manager Bill Moss 
City Council Action:		



NAPLES CITY COUNCIL AGENDA MEMORANDUM

Regular Meeting Date: May 2, 2012

Agenda Section: Regular	Prepared By: Bob Middleton, Director Department: Utilities
Agenda Item: 10	Legislative <input checked="" type="checkbox"/> Quasi-Judicial <input type="checkbox"/>
SUBJECT: Award of three Contracts for the purchase of pump station control panels.	
SUMMARY: City Council is asked to consider awarding annual contracts to Mader Electric Motors, F.J. Nugent & Associates Inc., and CEC Motor & Utility Service for the purchase of pump station control panels for the Utilities, and Streets and Stormwater Departments. Annual control panel purchases will be limited to funds approved in the annual budget specifically allocated for control panel replacements for a period of one year, with the City's option to renew for two one-year renewal periods pursuant to the specifications and pricing within City Bid 032-12.	
BACKGROUND: The City's wastewater collections system contains 125 sewer pump stations that are responsible for transferring sanitary sewer to the Wastewater Plant for treatment. These stations operate two to three pumps that are controlled by electrical panels located at each station. These control panels are approximately 20 years old, and are requiring replacement in order to maintain efficiency and insure reliability. The current electrical equipment does not meet N.E.C. requirements, and are hazardous to routine maintenance operations. The power services and control panels are scheduled to be replaced with specific components in order to meet current codes. In addition, the new control panels are being equipped with "quick disconnects" that will allow staff to quickly and safely connect alternative generator power to sustain operations during disaster events. This project is budgeted on an annual basis within the Water/Sewer Fund's five-year capital improvement plan, and is intended to replace ten pump station control panels per year. The City's stormwater system also operates three pump stations that manage the conveyance of stormwater, which will also be applicable to the contract awards should such services be required. Bid 032-12 was publicly advertised on March 9, 2012 for the purchase of pump station control panels for the sanitary sewer collections system. Seventy-eight (78) H.T.E. vendors were notified, DemandStar sent four-hundred and forty-two (442) notices to potential vendors, twenty-seven (27) plan holders were mailed a copy of the bid, and the bid was advertised in the Naples Daily News. The City received responses from six (6) vendors for this purchase. The three lowest responsive and responsible bidders were: 1. Mader Electric Motors for bid items 1, 6, 12, 13, and 15. Mader Electric Motors has previously provided pump station control panels to the City, and staff has been satisfied with their products.	

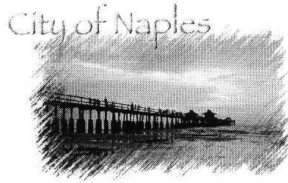


NAPLES CITY COUNCIL AGENDA MEMORANDUM

Regular Meeting Date: May 2, 2012

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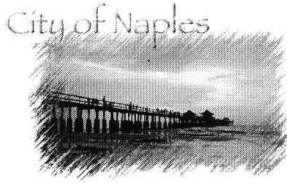
Agenda Item:		
10		
BACKGROUND (cont.):		
2. F.J. Nugent & Associates Inc. for bid items 2, 3, 4, 5, 7, 8, 9, and 10. F.J. Nugent & Associates Inc. has previously provided pump station control panels to the City, and staff has been satisfied with their products.		
3. CEC Motor & Utility Service for bid items 11 and 14. References for CEC Motor & Utility Service were contacted by staff and were favorable for the award of a contract.		
FUNDING SOURCE:		
The total amount spent will depend on the level of funding allocated to the Water/Sewer (Utilities), Streets and Stormwater Funds through the budget process. The annual budget has allocated approximately \$160,000 for Utilities projects and maintenance. The Streets and Traffic, and Stormwater Departments budget an additional \$100,000 for signal and street lighting repairs.		
RECOMMENDED ACTION:		
Award a Contract to Mader Electric Motors, F.J. Nugent & Associates Inc., and CEC Motor & Utility Service as provided in the Tabulation of Bids for the purchase of pump station control panels for the Utilities, and Streets and Stormwater Departments for a period of one year, beginning May 2, 2012, with the City's option to renew for two one-year renewal periods, and authorization for the City Manager to execute the contracts.		
Reviewed by Department Director Bob Middleton	Reviewed by Finance Ann Marie Ricardi	Reviewed by City Manager Bill Moss
City Council Action:		



NAPLES CITY COUNCIL AGENDA MEMORANDUM

Regular Meeting Date: May 2, 2012

Agenda Section: Regular	Prepared By: Scott May, Engineering Manager Department: Streets and Stormwater
Agenda Item: 11	Legislative <input checked="" type="checkbox"/> Quasi-Judicial <input type="checkbox"/>
SUBJECT: Award of contract to Kyle Construction, Inc. to construct stormwater improvements within Basin V in the amount of \$361,063.02 and authorize the City Manager to execute the contract.	
SUMMARY: City Council is asked to consider awarding a contract to Kyle Construction, Inc. in the amount of \$361,063.02 in order to construct stormwater improvements within Basin V and authorize the City Manager to execute the contract.	
BACKGROUND: The City of Naples is divided into twelve separate stormwater drainage basins. Basin V is generally that area south of Creech Road, north of 6 th Avenue North, west of Goodlette-Frank Road, and east of US 41. In April 2009, the "Basin V Stormwater Improvements Report" was completed. The report modeled different improvements in order to recommend a specific approach to improve the stormwater management system throughout Basin V. These improvements include swales, storm sewer pipe upgrades, additional inlets, and increasing water quality volume in lakes. To date, the City has spent \$1.98 million for Basin V improvements. In March of 2010, City Council authorized staff to move forward with design and permitting of the last phase of Basin V improvements. In December of 2010, the City received a permit from the South Florida Water Management District for all of these improvements. This fiscal year, the City's Capital Improvement Program (CIP) has allocated \$600,000 towards a portion of this final phase. Because this amount is less than the total estimated cost to complete all areas within this final phase, staff has limited the scope of work to fit the allotted budget. The remaining work would be performed in future years of the CIP. The project will install storm sewer along Diana Avenue from 10 th Street North to 11 th Street North, then south along 11 th Street North to Royal Palm Drive, then east along Royal Palm Drive to 14 th Street North, then south along 14 th Street North 200 feet, then east between 2240 and 2260 14 th Street North to the Goodlette-Frank Road drainage ditch. The new drain pipes that will be installed for this project will range in size from 24 to 36-inches. The new piping system along with new drain inlets will be better able to drain stormwater from the surrounding neighborhoods, thereby reducing the potential for flooding. The water quality component of this project is to create grassed swales along the road edge. The stormwater that discharges into the Goodlette-Frank Road drainage ditch will be conveyed to the Freedom Park water quality lakes. On Friday, March 26, 2012, Bid 038-12 was publicly advertised. On April 13, 2012, bids were opened. A total of seven companies submitted bids for this project. The engineer's estimate for the project was \$550,000. The resulting low bidder was identified as Kyle Construction, Inc. with a bid of	



NAPLES CITY COUNCIL AGENDA MEMORANDUM

Regular Meeting Date: May 2, 2012

Page Two

Agenda Item: 11		
<p>BACKGROUND (cont.): \$361,063.02. The average of all bids is \$527,426.03. Kyle Construction is currently on the City's pre-approved utility contractor's list and had successfully completed a previous portion of Basin V drainage improvements in 2011. The firm also performs other minor maintenance jobs for the City on an ongoing basis. Staff has concluded that this firm meets the qualifications of a responsible low bidder.</p> <p>This construction project is scheduled to begin in May of 2012 and reach final completion by September 2012. If the contractor fails to meet the substantial or final completion dates and no additional working days are granted for hurricanes, tropical storms or other events, liquidated damages would be assessed.</p>		
<p>FUNDING SOURCE: Funding is currently available within the Stormwater Fund – CIP 12V26 – Basin V Stormwater Improvements - Account 470-6070-539-6030 in the amount of \$600,000.</p>		
<p>RECOMMENDED ACTION: Award a Contract to Kyle Construction, Inc. to provide labor, materials, and the equipment necessary to improve the stormwater system within Basin V for an amount not to exceed \$361,063.02 and authorize the City Manager to execute the Contract.</p>		
Reviewed by Department Director Gregg R. Strakaluse, P.E.	Reviewed by Finance N/A	Reviewed by City Manager A. William Moss
City Council Action:		



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rpritt@ralaw.com

April 23, 2012

Honorable John F. Sorey III, Mayor
Naples City Council
City of Naples
735 8th Street South
Naples, Florida 34102

Re: Request for Continuation of Legal Services Agreement

Dear Mayor Sorey and City Council:

It continues to be an honor and privilege for Roetzel & Andress to serve as the City Attorney and law firm for the City of Naples for the last 14 years. It has also been a matter of personal honor for me to serve as legal counsel for the last 12 years and City Attorney for the last 10 years.

The City and the law firm continue to make significant mutual investments in knowledge and experience dealing with all aspects of municipal governance, including prevention of exposure to liability, (preventive law), litigation defense and prosecution (where necessary), and for provision of competent legal advice and assistance concerning the details attending to the many technical requirements of the City's business.

The current Legal Services Agreement is based upon an agreement first entered into in 2005 and extended since then. That Agreement replaced a previous three year agreement, which in turn replaced a previous multi-year agreement.

On behalf of Roetzel & Andress, I would like to propose a new 3-year agreement. This agreement will continue the freeze of regular rates at the 2007 rates. Additionally, it will actually reduce partner litigation rates by \$30 per hour.

We recognize that these continue to be difficult times for local governments and we believe that this will provide predictability in budgeting for the next 3 years.

As can be seen from the quarterly litigation reports, we continue to have success in litigation matters and more importantly, we have had less major litigation over the past 2 or 3 years. This helped allow the legal department budget to be reduced by \$95,000.00 in the current fiscal year. Further, it has now been nearly a full decade since there has been a challenge by certiorari to a Council decision.

We were again able to secure a summary judgment in favor of the City in federal court in a civil rights action alleging false imprisonment by police.

As to general services, in each year since I have been serving as your City Attorney we have stayed under the annual cap, which in a couple of cases resulted in my waiving or reducing some fees. In recent years, I have not charged for conferences with Council members so that they do not have to worry

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

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Honorable John F. Sorey III, Mayor
Naples City Council
City of Naples
April 23, 2012
Page 2

about whether the "clock" is running. I have also capped my time at 8 hours in days where Council or other matters have exceeded that amount of time. It is considered a source of professional pride to be able to provide legal services efficiently as well as accurately and timely.

The proposed agreement accompanies this letter. Your favorable consideration would be appreciated.

As I have stated before, representation of the City of Naples is my primary commitment and interest. Thank you for your consideration.

Very truly yours,

s/Robert D. Pritt

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

RDP
Enclosure

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Questions and comments from Council Member Heitmann
(received via e-mail 4:34 p.m. May 1, 2012)

Mr. Pritt's responses are provided in red.

Staff responses are provided in blue.

Mr. Moss,

Below are questions and comments regarding the Agreement for Provision of Legal Services as included in our packet: This is the best I can provide under the short Notice
Bob Pritt

Section A - Letter(s) of Operational Details: It states *'details of such letter may be revised with the approval of the Mayor...'* This has to do with the times of coverage. Mayor MacKenzie wanted specific days (Mon & Wed a.m and either Thurs. of Friday a.m. Mayor Barnett wanted coverage at city hall when most needed, which worked out to be normally Monday and Wednesday p.m. and other days when staff needed assistance.

1. How many approvals from the Mayor were there in the last 4 years, and at what cost?
Don't understand the question.

2. It states that we use the resources of the executive assistant who may be assigned to the legal department, this indicates that we will no longer have a legal coordinator; please clarify if we will have a legal coordinator or an executive assistant. I plan to have a legal assistant, especially since the current legal coordinator is still with the city and will be close by. There will be a cost savings. The selected assistant also has years of corporate knowledge as well as experience in doing a lot of what will be needed.

The title of the position is executive assistant.

Section B - Assignment of Matters: It states that *'all legal matters, including claims against the City or by the City, shall be assigned to the Firm and to the attorneys as designated by Pritt (general services) or Fox (litigation services) and the Mayor.'*

1. It is my recommendation that Council be notified as to the decisions made by the attorneys and/or Mayor in assignment. Up to council how to do it. However, some items cannot wait until council has a meeting to discuss, which it should not do in public meetings anyho (as to litigation matters). Also, the Mayor has the power of the council when council is not in session.

#22 SUPPLEMENT
STAFF

2. Services, Fees, and Expenses

Section A - General Legal Services - It states '*...Such general legal services include the following: routine counseling and advise to the City Council, the City Manager, and designated staff members...*'

1. Who are the designated staff members referred to? It would be staff members authorized by the city manager. This is to keep the flow of work assignments to the attorney, away from lower level staff members without the manager's and/or department director's approval. Currently, it would include the city manager, assistant city manager, department directors, risk manager, planners. The city manager is careful to send only those matters that deal with legal issues to the attorneys. The city attorney takes care to include the city manager and/or assistant city manager in most communications re: legal issues.

2. Is the annual assessment of new legislation mentioned presented in any particular format or report? My recommendation is that this report and distribution be listed as an Administrative policy. The annual assessment of new legislation has been in different formats. The Florida League of Cities does a fine job of providing an assessment. Now, the House is doing something similar. This is normally done during council recess. Since the Governor is not finished signing or vetoing bills yet, it is still premature.

3. It states that '*...the Firm recognizes that actual expenditures may be affected by the annual budget*'. What were the actual expenditures from last year? In final city's final budget report? I don't have that. I think we stayed well under budget, which resulted in nearly a \$100,000 decrease in this year's legal budget.

Fiscal Year	Budget	Actual
2011-12	\$503,828	To be determined
2010-11	\$603,164	\$382,523
2009-10	\$646,782	\$454,221
2008-09	\$689,951	\$457,651
2007-08	\$688,756	\$666,890

} Doesn't include risk management litigation per City Man.

4. Under standards for general legal services, #2, it states '*The Firm shall deliver to the City for approval and acceptance...*' Who approves? Invoices are reviewed by me, reviewed by the legal coordinator, sent to the city manager for review. Mayor MacKenzie reviewed some but mostly had the city manager review. Mayor Barnett (I think) did the same but he can correct this. The Finance Department also apparently does some review, as occasionally a question is raised.

Section B- Non-General Legal Services -

1. Please explain why *'..and matters that are payable from third party sources'* was added? Things such as special assessments, and as to this year, acquisition work for Golden Gate Canal project, funded by SFWMD and included in project cost.

Section C - Specialized Services -

1. Who authorizes specialized services? My recommendation is that Council be notified when specialized services are requested and this also be included in Administrative Policies. Mayors have in past. I have no problem notifying council and having a discussion. Up to council.

Section E - Paralegal Services -

1. What were the paralegal costs for the last four years? Not sure what is meant. Last year, when the same question was asked concerning the paralegal costs for general services it was about \$100 for the year, as I recall.

Paralegal services (primarily for litigation and some for real estate title/closing paralegals) are specialized services and would not be done by a secretary or general paralegal.

Section F - Expenses / Section G Invoices-

1. What were the annual expenses for the City Attorney for the last four years? That information is on each invoice for each file. However, all payments to the Firm, including both fees and expenses, show up on the Monthly Report.

From: March 31, 2012 Financial Report

Actual	Actual
FY2011	FY2012
6 months	6 months
\$134,710	\$155,941

Fiscal Year	Budget	Actual
2011-12	\$503,828	To be determined
2010-11	\$603,164	\$382,523
2009-10	\$646,782	\$454,221
2008-09	\$689,951	\$457,651
2007-08	\$688,756	\$666,890

3. Annual Contract Review -

1. Thank you for being proactive to the agreement for legal services for Robert Pritt, however, my recommendation is to postpone approval of contract until invoices and costs have been reviewed by Council.

5. City Ethics Code -

Section B - It states that *'The Firm will not provide services for compensation to another party other than the City on the same subject matter, project or scope of services without Council approval.'*

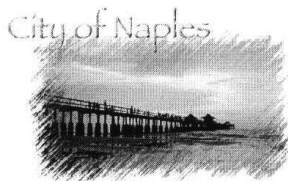
1. Has this occurred in the last 10 years?
Not to my knowledge.

6. Assignment of Legal Matters

1. Has the City assigned legal matters to other attorneys or law firms in accordance with **Sec 2.4** of the City Charter, in the last 10 years? Yes. Examples are Pension Board attorney, Pension Attorney, Union Labor attorney, Workers Compensation Attorney, and Employment Law attorney for part of the time.

General Comments and Recommendations:

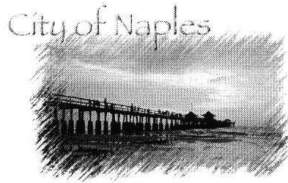
1. All records from the Attorney (& Firm) pertaining to the City should be managed by the City in accordance with current record keeping procedures. That will save my firm a lot of cost. To date, it has been an unbilled part of the service. I have 21 boxes in my office retrieved from 1 case (boat speed). In order to bring all of the boxes for all of the matters the Firm has stored for the last 15+ years to the city storage, there will be a cost, and the cost and space needed will have to then be borne by the city. I am not sure to what end this benefits the city, but is fine with me (as to closed files). As to open files, they stay with the attorney working on them.
2. Email and correspondences between City Staff and the attorney, should be made through the assigned City email address for the attorney. To what end? It is treated as public anyway.
3. Memos should be sent electronically to council members to inform council of legal advice or services. That is already being done as to memos going to council. As to attorney-client privileged matters or security matters, that should not be done whether the attorney is in-house or outside.



NAPLES CITY COUNCIL AGENDA MEMORANDUM

Regular Meeting Date: May 2, 2012

Agenda Section: Regular	Prepared By: Stephen R. McInerney II, Fire Chief & Thomas Weschler, Police Chief Department: Fire-Rescue and Police	
Agenda Item: 13	Legislative <input checked="" type="checkbox"/>	Quasi-Judicial <input type="checkbox"/>
SUBJECT: Award of Contract to Kronos TeleStaff for Public Safety Automated Scheduling Solution for payroll processing, scheduling, and reporting in the amount of \$63,451 and Resolution to amend the budget in the amount of \$73,451.		
SUMMARY: City Council is asked to award a contract to Kronos TeleStaff in the amount of \$73,451 for software and hardware to implement a comprehensive solution for the Police and Fire-Rescue Departments Workforce management (payroll, scheduling, and reporting); and to approve a Resolution for a budget amendment to transfer \$73,451 from the General Fund Contingency Account.		
BACKGROUND: This subject was presented to City Council on April 18, 2012 with a recommendation to award a contract to Kronos TeleStaff for software award of contract for the purchase of Kronos TeleStaff software (\$63,451) and associated hardware and installation costs for a total amount of \$73,451 to implement a comprehensive solution for public safety workforce management. City Council asked for confirmation regarding the need for a server (as opposed to a hosted [cloud] solution) and the estimated cost of a server. At the end of the meeting, the City Manager informed City Council that a server is required to utilize telephonic notification attributes of the software, but the cost is about \$5,000. City Council appeared to be in agreement to proceed with the purchase of the Kronos TeleStaff software and associated hardware. Payroll processing and timekeeping are provided through Executime software. While sufficient for general employees, the application cannot be used for Police and Fire-Rescue operations due to scheduling and payroll requirements associated with public safety shifts and complex compensation requirements. During the presentation of zero-based budgets, City Council was informed that scheduling and timekeeping/payroll processing is performed manually for Police and Fire-Rescue. While Executime has promised revisions to their software to include Public Safety operations, staff has waited for over two years and has yet to receive firm commitments on the release date. Lack of sufficient software for scheduling and payroll processing challenges management oversight. It is difficult for multiple departments--Finance, Human Resources, Fire-Rescue and Police, to manage the multitude of complex public safety scheduling and associated payroll cost factors in a bi-weekly process, let alone researching historical data. The process is fragmented, tedious and the risk of accounting errors is troublesome. A report on purposes for which manpower is deployed (i.e. special events) is a manual and time-consuming process. In an effort to efficiently schedule Fire-Rescue and Police Department staff, an automated software solution has been identified that would electronically account for all employees within both		



NAPLES CITY COUNCIL AGENDA MEMORANDUM

Regular Meeting Date: May 2, 2012

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Agenda Item:

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BACKGROUND (cont.):

departments. TeleStaff by Kronos has developed an automated system which was specifically designed for public safety agency staffing. The TeleStaff system has been widely accepted by public safety agencies in Florida with over 700 agencies across the country.

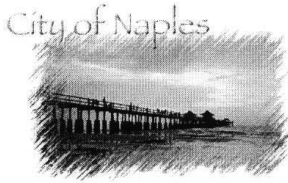
Key benefits of software:

- Controls labor cost
- Eliminates costly scheduling errors
- Improves workforce productivity
- Automates the daily scheduling rules, saving significant time and effort
- Maintains compliance with federal and state labor laws, collective bargaining agreements
- Simplifies staffing off-duty work
- Streamlines the workflow for employee requests and approvals based on policies
- Communicates information rapidly to specific groups, employees or the entire department
- Consistently applies overtime rules when scheduling employees, granting leave and processing time-off requests
- Ensures overtime positions are filled efficiently.

Staff has considered software solutions provided by Kronos TeleStaff over the past six months and consider it to be very capable of meeting the needs of the public safety departments, with the ability to integrate with the City's enterprise software that exists today and may be acquired in the near future. While the software can also handle the needs of general employees, staff believes the existing Executime software is sufficient and that the additional cost to acquire new software for general employees is not justified at this time.

While there are other software providers, Kronos TeleStaff is a demonstrated product used by many public safety agencies, including Fire, EMS and Police departments in Collier County, Cape Coral, Clearwater, St. Petersburg, Fort Lauderdale, Broward County, Miami-Dade County and many more.

Section 2-666 (7) of the City Code provides that requirements for competitive bids or proposals may be waived "For telecommunications systems and information technology, including data processing

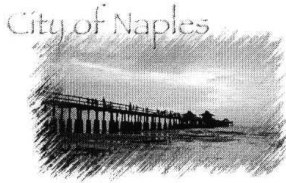


NAPLES CITY COUNCIL AGENDA MEMORANDUM

Regular Meeting Date: May 2, 2012

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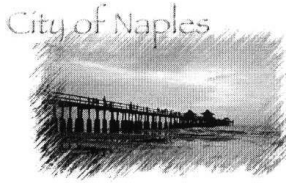
Agenda Item:	13	
BACKGROUND (cont.): equipment, systems software, and reproduction equipment”.		
FUNDING SOURCE: The purchase cost is \$63,451 (excluding a server and connection expenses) for the police module (\$35,373) and the Fire-Rescue module (\$28,078). The annual operating cost is \$6,497 after the first year. Proposed is the allocation of additional funds in the amount of \$10,000 to cover the cost of the server, additional telephone hardware, and installation expenses. Because all the users are part of the General Fund, the General Fund contingency is a recommended source of funding. The available Contingency Account balance (after allocation of funds for CRA street light repairs) is \$344,741.		
RECOMMENDED ACTION: Award of contract for the purchase of Kronos TeleStaff software in the combined total amount of \$63,451 to implement a comprehensive solution for public safety workforce management; and approve a Resolution for a Budget Amendment to allocate \$73,451 from the General Fund Contingency Account.		
Reviewed by Department Director Stephen McInerney and Thomas Weschler	Reviewed by Finance Ann Marie Ricardi	Reviewed by City Manager Bill Moss
City Council Action:		



NAPLES CITY COUNCIL AGENDA MEMORANDUM

Regular Meeting Date: May 2, 2012

Agenda Section: Regular	Prepared By: David M. Lykins, Director Department: Community Services
Agenda Item: 14	Legislative <input checked="" type="checkbox"/> Quasi-Judicial <input type="checkbox"/>
SUBJECT: Award of Contract to replace the roof of the Hedges Family Eco-Center at the Naples Preserve.	
SUMMARY: City Council is asked to consider awarding a contract to West Coast Florida Enterprises, Inc. to replace the roof of the Hedges Family Eco-Center at the Naples Preserve in the amount of \$71,800 and approve a budget amendment in the amount of \$33,780 from General Fund Contingency.	
BACKGROUND: The City budgeted \$50,000 (CIP 12112 – Naples Preserve Roof) to replace the roof on the Hedges Family Eco-Center building located at the Naples Preserve with City Council's direction to replicate the current roof design. The star shaped roof is constructed with interlocking three inch (3") thick lightweight concrete panels custom cut to varying sizes. The original roof was constructed in the early 1960's, has been repaired several times and continues to leak. A recent boring was taken from one of the concrete panels and it was found to be saturated with water. The City secured the services of MHK Architecture and Planning (Architect) to develop the bid specification due to the fact that the as-built drawings of the facility were unavailable. Bid 030-12 was publicly advertised on March 1, 2012 with the specification to replicate the roof with lightweight concrete panels plus a requirement to add a sealant warranted for twenty (20) years. Ninety (90) H.T.E. vendors were notified, DemandStar sent three hundred eighty-two (382) notices to potential vendors, fifteen (15) plan holders were mailed a copy of the Bid, and the Bid was advertised in the Naples Daily News. No bids were received matching the design specifications. This was not necessarily unexpected due to the uniqueness of the design. West Coast Florida Enterprises, Inc. submitted a proposed bid alternative. Bid alternatives are an acceptable purchasing practice as long as the contractor demonstrates the alternative is consistent with the bid. The contractor provided a sample mockup of the proposed system. The proposal calls for a double underlayment sealed over the plywood sheathing (10 year warranty), a foam interlocking panel covered with concrete, paint, and a sealant (20 year warranty). The practice of using a foam material on roofs is utilized in the Bahamas. In Florida, foam is often utilized to create dimensions on walls. The Architect reviewed and approved the alternative. As a part of the fee, the Contractor will maintain the roof and guarantee the workmanship for ten (10) years.	
FUNDING SOURCE: \$50,000 in funding was originally available in CIP 12112 (Naples Preserve Roof) - Account 340-0926-572-6020. MHK Architecture and Planning was paid \$4,800 to develop the bid specifications leaving	

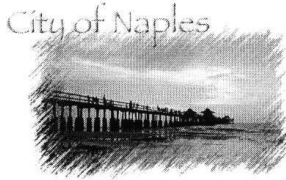


NAPLES CITY COUNCIL AGENDA MEMORANDUM

Regular Meeting Date: May 2, 2012

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Agenda Item: 14		
FUNDING SOURCE (cont.): a balance of \$45,200. A 10% contingency (\$7,180) has been added to the request to account for any unknown conditions once the existing roof is removed. A Budget Amendment in the amount of \$33,780 from the General Fund Contingency Account will be required to complete the roof installation. After allocation for the acquisition of Kronos TeleStaff software and hardware for the Police and Fire-Rescue Departments (Agenda Item 13), the available General Fund Contingency will be \$271,290. A budget amendment for the roof replacement in the amount of \$33,780 will leave a General Fund Contingency balance of \$237,510.		
RECOMMENDED ACTION: Award of Contract to West Coast Florida Enterprises, Inc. in the amount of \$71,800 to replace the roof of the Hedges Family Eco-Center at the Naples Preserve and approve a Resolution to amend the budget in the amount of \$33,780 from the General Fund Contingency.		
Reviewed by Department Director David M. Lykins	Reviewed by Finance Ann Marie Ricardi	Reviewed by City Manager Bill Moss
City Council Action:		



NAPLES CITY COUNCIL AGENDA MEMORANDUM

Regular Meeting Date: May 2, 2012

Agenda Item: 15	Prepared By: Roger Jacobsen, Harbor Master Department: City Manager / Waterfront Operations	
SUBJECT: Signage on charter vessels.		
BACKGROUND: Section 42-205 of the City Code of Ordinances restricts signage on charter vessels and may place charter boats moored in the City limits at a competitive disadvantage, as other jurisdictions do not place such restrictions on charter boats. A copy of the current code, Section 42-205 is provided by separate document, along with selected definitions. A brief history is summarized below and copies of previous City Ordinances are provided with relevant sections highlighted in yellow. In 1995, City Council passed Ordinance 95-7454 providing: <i>No signage shall be permitted on a charter boat while operating within the municipal limits of the City of Naples.</i> In 1999, City Council passed Ordinance 99-8584, containing the regulations similar to those in effect today. This Ordinance applied to vessels based in the City and restricted signage to the port and starboard side of the vessel only, 1 square foot for each 5 linear feet of vessel. Maximum height of signage is 12 inches. The sign is restricted to name of the vessel, telephone number, and marina. The City Attorney has previously advised that signage restrictions cannot regulate content. In 2001, City Council adopted Ordinance 01-9193 adding the word "commercial," clarifying that signage restrictions applied only to charter vessels moored at commercial locations in the City. The current regulations are found in Section 42-205 of the Code after recodification. The current Ordinance has been in affect for 13 years and recently some charter Captains have questioned the regulation. The concerns include: <ul style="list-style-type: none"> • Vessel sign restrictions only affect charter vessels moored at a commercial marina within the city limits. Vessels that launch or operate from a marina outside the city limits will be allowed unrestricted signage. This could place local vessels at a competitive disadvantage. • New technology in vessel signage, called a wrap, is now available. • A search of other jurisdiction and marinas did not reveal any codes restricting signage on charter vessels. 		
RECOMMENDATION: Staff recommends that City Council consider one of four options: 1. Leave the ordinance as is, but remove any indication that restricts content i.e. only name, address and phone number; 2. No restrictions at all on signage; 3. No signage allowed at all; or 4. Signage allowed with different restrictions regarding size, color, etc.		
Reviewed by Department Director Roger Reinke	Reviewed by Finance N/A	Reviewed by City Manager Bill Moss
City Council Action:		