

MINUTES OF THE REGULAR MEETING OF THE NAPLES CITY COUNCIL HELD IN THE PARKS & RECREATION DEPARTMENT, NAPLES, FLORIDA, WEDNESDAY, MAY 17, 1978, AT 9:00 A.M.

Present: R. B. Anderson, Mayor

C. C. Holland
James F. McGrath
Wade H. Schroeder
Randolph I. Thornton
Edward A. Twerdahl
Kenneth A. Wood
Councilmen

Also Present: George Patterson, City Manager
John Fletcher, City Attorney (arrived 10:05 a.m.)
Bradley Estes, Assistant to the City Manager
Mark Wiltsie, Purchasing
John McCord, City Engineer
Anders Sandquist, Building & Zoning Official
Roger Barry, Planning Director

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Reverend Richard Mapes
Robert Russell
Mr. A. Beran
Manley Baker
James Dennis Murphy
William E. Campbell
John Pistor
Roberto Suarez
Jim Spiniola
Ben Anderson
Paul Hirschberger
Robert Boston
Walter Cooper
Dan Burglund
Mrs. R. W. Humphrey
Dorothy Grant
Charles Rhoades
Harry Davis
Sergio E. G.-Montes
William Shearston
Ted Smallwood
Harry Rothchild
Clayton Bigg
Ron Hogue
Ocy Richardson
Clare Rigby
Merlyn Almack
Sy Green
John Rouse
Robert McCauley

News Media: David Swartzlander, Naples Daily News
 Allen Bartlett, Ft. Myers News Press
 Mike Johnson, TV-9
 Jerry Pugh, TV-9
 Dave Crawley, TV-9
 Tom Martino, WBBH-TV
 Susanne McGee, Naples Star
 Kent Weissinger, WRGI
 Bella English, Miami Herald
 John Runde, WEVU-TV

Other interested citizens and visitors.

Mayor Anderson called the meeting to order; whereupon Reverend Richard Mapes of the United Church of Naples gave the Invocation, followed by the Pledge of Allegiance to the Flag.

AGENDA ITEM 3. Approval of Minutes.

Mayor Anderson called Council's attention to minutes of Council Workshop Meeting, February 14, 1978; Briefing Session, February 24, 1978; Briefing Session, February 26, 1978; Council Workshop Meeting, February 28, 1978; Briefing Session, March 7, 1978; Aviation Committee Presentation, March 7, 1978; Council Workshop Meeting, March 14, 1978; Briefing Session, March 21, 1978; Council Workshop Meeting, April 4, 1978; Council Workshop Meeting, April 18, 1978; and Council Workshop Meeting, May 2, 1978. Motion was made by Mr. McGrath to accept all these minutes as presented, seconded by Mr. Schroeder and carried on voice vote unanimously.

Mayor Anderson then called Council's attention to the minutes of the Regular Meeting of May 3, 1978. Motion was made by Mr. Thornton to accept these minutes as presented, seconded by Mr. Schroeder and carried on voice vote, unanimously.

AGENDA ITEM 4. Recommendation by Planning Advisory Board with reference to newspaper vending machines. Requested by City Council.

At the request of Roberto Suarez of the Miami Herald, Council agreed to discuss this matter after 10:30 a.m. at which time the legal representative of the Miami Herald would be present to add his comments.

AGENDA ITEM 5. PUBLIC HEARINGS: Second Readings of ordinances.

AGENDA ITEM 5-a. An ordinance amending the Charter of the City of Naples, Florida, as amended, by repealing therefrom Section 2.7, entitled "Ordinances; Effective Date" of Article 2; further, amending the Code of Ordinances of the City of Naples, by repealing Section 1-7.1, relating to procedures for the adoption of resolutions and ordinances; repealing all ordinances and laws, or parts thereof, in conflict with the provisions of Section 166.041, F.S., to the extent of such conflict; and providing an effective date.

Mayor Anderson opened the Public Hearing at 9:20 a.m.; whereupon City Manager Patterson read the above titled ordinance by title for Council's consideration on Second Reading. Mr. Robert Russell suggested that the ordinance contain a statement concerning Council's intent to have the ordinances interpreted in layman's language within the ordinance itself. Mr. James Dennis Murphy spoke in opposition of the ordinance. Mr. Harry Rothchild spoke supporting Mr. Russell's suggestion and also made some technical objections. Mayor Anderson closed the Public Hearing at 9:41 a.m. Mr. Thornton moved that further consideration of this agenda item be postponed until the arrival of Mr. Fletcher, seconded by Mr. McGrath and carried unanimously by voice vote

AGENDA ITEM 5-b. An ordinance amending the Code of Ordinances of the City of Naples, Florida, by amending the introductory paragraph (2) of Subsection (B) of Section 10-9, relating to garbage and refuse container service rates, by deleting therefrom the provision that garbage and Type I refuse container service will not be provided if the number of apartments served is less than twelve living units; and providing an effective date.

Mayor Anderson opened the Public Hearing at 9:45 a.m.; whereupon City Manager Patterson read the above titled ordinance by title for Council's consideration on Second Reading. There being no one to speak for or against, the Mayor closed the Public Hearing at 9:46 a.m. Mr. Thornton moved adoption of Ordinance 2969 on Second Reading, seconded by Mr. McGrath, and carried on roll call vote, 7-0.

AGENDA ITEM 5-c. An ordinance amending the budget for the fiscal year 1977-78 to provide an appropriation for capital improvements to the City's water system to be funded from proceeds of the sale of Water-Sewer Revenue bonds and from revenues derived from the Water system and the water system development charge; and providing an effective date.

Mayor Anderson opened the Public Hearing at 9:47 a.m.; whereupon City Manager Patterson read the above captioned ordinance by title for consideration by Council on Second Reading. There being no one to speak for or against, the Mayor closed the Public Hearing at 9:48 a.m. Mr. Thornton moved adoption of Ordinance 2970 on Second Reading, seconded by Mr. Holland and carried on roll call vote, 7-0.

AGENDA ITEM 5-d. An ordinance amending the Code of Ordinances of the City of Naples, Florida, by amending Section 8-22 thereof, relating to adoption of the National Electrical Code, providing for the adoption of the National Electrical Code, 1978 edition; and providing an effective date.

Mayor Anderson opened the Public Hearing at 9:49 a.m.; whereupon City Manager Patterson read the above titled ordinance by title for consideration by Council on Second Reading. There being no one to speak for or against, the Mayor closed the Public Hearing at 9:50 a.m. Mr. Thornton moved adoption of Ordinance 2971 on Second Reading, seconded by Mr. McGrath and carried on roll call vote, 7-0.

AGENDA ITEM 5-e. An ordinance authorizing expansion of a previously approved special exception for extension of a four foot high chain link fence in the required front yard at 3131 Fort Charles Drive, Naples, Florida, more particularly described herein, subject to the condition set forth herein; and providing an effective date.

Mayor Anderson opened the Public Hearing at 9:51 a.m.; whereupon City Manager Patterson read the above captioned ordinance for consideration by Council on Second Reading. There being no one to speak for or against, the Mayor closed the Public Hearing at 9:52 a.m. Mr. Thornton moved adoption of Ordinance 2972 on Second Reading, seconded by Mr. McGrath. After a brief discussion by Council, motion was carried on roll call vote, 5-2, with Mr. Holland and Mr. Schroeder voting no.

AGENDA ITEM 6. BID AWARD: East Golden Gate Raw Water Transmission Main, Parts I, II and III.

City Manager Patterson read the below titled resolution in its entirety for Council's consideration.

A RESOLUTION AWARDDING BID FOR CONSTRUCTION OF THE EAST GOLDEN GATE RAW WATER TRANSMISSION MAIN, PARTS I, II AND III; AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A CONTRACT THEREFOR..

Ted Smallwood spoke regarding Black, Crow and Eidsness' analysis of the bids and their recommendation as per his letter of May 8, 1978 (Attachment #1). Mr. Walter Cooper addressed Council noting the points made in a letter from United States Pipe and Foundry Company (Attachment #2). Mr. Thornton moved approval of Resolution 2973, seconded by Mr. Schroeder and carried on roll call vote, 7-0.

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Let the record show that City Attorney Fletcher arrived at 10:05 a.m.

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Mr. Holland moved that Agenda Item 31 be taken up at this time, seconded by Mr. McGrath and carried on voice vote unanimously.

AGENDA ITEM 31. Action on professional services contract with reference to the Naples Landing project. Requested by City Manager.

Mayor Anderson ascertained that Sergio E. G.-Montes was duly authorized to represent Stanley W. Hole & Associates at this time. After negotiations, Mr. Montes and Council arrived at a fixed total fee of \$15,000 for Stanley W. Hole & Associates to provide design service and construction administration services. City Attorney Fletcher read the below titled resolution in its entirety for consideration by Council.

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A CONTRACT WITH THE FIRM HEREINAFTER NAMED TO PERFORM PROFESSIONAL SERVICES RELATIVE TO THE NAPLES LANDING PROJECT; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schroeder moved approval of Resolution 2974 authorizing a contract with Stanley W. Hole & Associates for \$15,000 fixed total fee, seconded by Mr. Wood and carried on roll call vote 6-1, with Mr. Twerdahl voting no.

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Let the record show that Mayor Anderson called a break at 10:45 a.m. Council reconvened at 11:00 a.m.

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RETURN TO AGENDA ITEM 4.

Mr. Jim Spiniola, legal counsel for the Miami Herald, commented on the May 8th memorandum from Roger Barry, Planning Director (Attachment #3) and noted his feeling that there was a constitutional right to distribute newspapers and he indicated a reluctance to comply with the suggestions in the proposed agreement. Mayor Anderson defended the work of the staff and the voluntary agreement. Mr. Schroeder stated his feeling that the ordinances should be enforced or changed. Mr. Barry was directed to proceed with the agreement.

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RETURN TO AGENDA ITEM 5a.

Mr. Rothchild again presented his technical questions to this ordinance to which City Attorney Fletcher responded. After discussion, Mr. Fletcher suggested the addition of another Section 5, "Each ordinance shall contain as part of its title, a brief introductory paragraph explaining in simple terms its intent". Mr. Schroeder moved adoption of Ordinance 2975 as amended, on Second Reading, seconded by Mr. Thornton and carried on roll call vote, 7-0.

AGENDA ITEM 7. An ordinance amending Chapter 8 of the Code of Ordinances of the City of Naples, Florida, by amending Section 8-3 thereof, relating to amendments to the Standard Building Code, by adding a new Paragraph (c) to Section 105.2 of the Standard Building Code, 1976 edition, requiring a time schedule prior to issuance of a building permit for construction which will exceed eighteen months; further, by amending Section 8.5 thereof, providing a time limitation on building permits; and providing an effective date. (Action deferred from Regular Meeting of April 19, 1978.)

City Manager Patterson noted that the sale of the Towers had not yet been recorded and he recommended removing this item from the agenda until such time as it has been. Mr. McGrath moved to remove this item from the agenda until after the recordation of the sale of the Towers, seconded by Mr. Thornton and carried on roll call vote, 7-0.

AGENDA ITEM 8. A resolution retaining the firm of Seyfarth, Shaw, Fairweather & Geraldson to handle labor relations matters for the City of Naples. Requested by City Council.

City Attorney Fletcher read the below captioned resolution by title for Council's consideration.

A RESOLUTION RETAINING THE FIRM OF SEYFARTH, SHAW, FAIRWEATHER & GERALDSON TO PROVIDE LEGAL ASSISTANCE TO THE CITY IN CARRYING OUT THE CITY'S RESPONSIBILITIES UNDER THE FLORIDA PUBLIC EMPLOYEES RELATIONS ACT; AND PROVIDING AN EFFECTIVE DATE.

Mayor Anderson cited a letter from this law firm outlining their proposed services and fees (Attachment #4). Mr. Thornton moved for approval of Resolution 2976, seconded by Mr. Schroeder and carried on roll call vote, 5-2, with Mr. Holland and Mr. Wood voting no. Mr. Harry Rothchild and Mr. Charles Rhoades spoke briefly against this resolution.

AGENDA ITEM 9. Discussion and action on request for taxi rate increase. Deferred from City Council Workshop of February 28, 1978.

City Manager Patterson noted that Attorney Ron Hogue was present to speak to this subject. Mr. Hogue, representing five of the six taxi cab companies in town, spoke in favor of regulation of rate schedules, if an increase were allowed, and regulations on safety factors. Only one of his clients favored deregulation of fares. Ocy Richardson, Yellow Cab Company, spoke in favor of regulation in both areas, but requested a rate increase. City Manager Patterson was directed to proceed in this matter using regulations in both rate structure and safety.

AGENDA ITEM 10. A resolution adopting a Civil Defense Plan for the City of Naples. Requested by Fire Chief.

City Attorney Fletcher read the below titled resolution by title for consideration by Council.

A RESOLUTION ADOPTING A CIVIL DEFENSE PLAN FOR THE CITY OF NAPLES, FLORIDA, PURSUANT TO ORDINANCE NO. 2824, COPY OF WHICH IS ATTACHED HERETO AND MADE A PART OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

City Manager Patterson reported that as per the discussion at the Workshop May 16, 1978, the National Guard had been contacted and will work cooperatively on the Plan after the Plan has been approved by the State. Mr. Twerdahl moved to approve Resolution 2977, seconded by Mr. McGrath and carried on roll call vote, 7-0.

AGENDA ITEM 11. An ordinance amending the Code of Ordinances of the City of Naples, Florida, by amending Paragraph (2) of Subsection (a) of Section 8-1, relating to adoption of the Standard Building Code, providing for the adoption by reference of the 1977 and 1978 revisions to the 1976 edition of the Standard Building Code, together with Appendix "J" thereof; and providing an effective date. (First Reading) Requested by Building & Zoning Administrator.

City Attorney Fletcher read the above titled ordinance by title for Council's consideration on First Reading. Mr. Thornton moved approval of this ordinance on First Reading, seconded by Mr. McGrath and carried on roll call vote, 7-0.

AGENDA ITEM 12. An ordinance amending the Code of Ordinances of the City of Naples, Florida, as amended, by adding a new paragraph to Section 8-91, relating to the adoption of the Standard Mechanical Code, providing for the adoption by reference of the 1977 and the 1978 revisions to the 1976 edition of the Standard Mechanical Code; and providing an effective date. (First Reading) Requested by Building & Zoning Administrator.

City Attorney read the above captioned ordinance by title for Council's consideration on First Reading. Mr. Thornton moved approval of this ordinance on First Reading, seconded by Mr. McGrath and carried on roll call vote, 7-0.

AGENDA ITEM 13. An ordinance amending the Code of Ordinances of the City of Naples, Florida, by adding a new paragraph to Section 8-31, relating to adoption of the Standard Plumbing Code, providing for the adoption by reference of the 1976, 1977 and 1978 revisions to the 1975 edition of the Standard Plumbing Code; and providing an effective date. (First Reading) Requested by Building & Zoning Administrator.

City Attorney Fletcher read the above captioned ordinance by title for consideration by Council on First Reading. Mr. Thornton moved for approval of this ordinance on First Reading, seconded by Mr. McGrath and carried on roll call vote, 7-0.

AGENDA ITEM 14. An ordinance amending the Code of Ordinances of the City of Naples, Florida, by repealing therefrom Section 19-9, relating to the planting of shrubbery, trees and other plants in dedicated easements, and substituting a new Section 19-9 therefor, requiring a permit prior to the planting or replanting of sod, shrubbery, trees and other plants within rights-of-way of any street or road within the City and establishing a fee therefor; providing for the removal of plantings which have been installed in violation of this ordinance and plantings which obstruct ingress and egress over dedicated easements; providing a penalty for violation of the provisions of this ordinance; and providing an effective date. (First Reading) Requested by Public Works Director.

City Attorney Fletcher read the above referenced ordinance by title for Council's consideration on First Reading. City Engineer John McCord cited the reasons for the need for this type of ordinance. Mayor Anderson suggested requesting some input on this matter from some of the civic associations around Naples. Mr. Thornton moved for approval of this ordinance on First Reading, seconded by Mr. Holland and carried on roll call vote, 6-1, with Mr. McGrath voting no.

AGENDA ITEM 15. An ordinance authorizing the City Manager to advertise and accept bids for the furnishing of certain equipment set forth hereinafter, providing that payment therefor shall be made from the budget for the fiscal year 1978-79, pursuant to Section 8.14 of the Charter, and providing an effective date. (First Reading) Requested by City Manager.

City Attorney Fletcher read the above referenced ordinance by title for consideration by Council on First Reading. Mr. Thornton moved approval of this ordinance on First Reading, seconded by Mr. Holland and carried on roll call vote, 7-0. City Attorney suggested that this be read in its entirety on Second Reading.

AGENDA ITEM 16. An ordinance granting a Special Exception to construct an 8 foot 4 inch high masonry wall in the required front yard on Lot 39, Kingstown Drive Section of Port Royal, and providing an effective date. (First Reading)

City Attorney Fletcher read the above titled ordinance by title for consideration by Council on First Reading. Mr. Thornton moved for adoption of this ordinance on First Reading, seconded by Mr. Holland and carried on roll call vote, 7-0.

AGENDA ITEM 17. A resolution appointing two members to the Naples Planning Advisory Board. Requested by City Council.

City Attorney Fletcher read the below titled resolution in its entirety for Council's consideration.

A RESOLUTION APPOINTING TWO MEMBERS TO THE PLANNING ADVISORY BOARD FOR A TERM OF THREE YEARS EACH; AND PROVIDING AN EFFECTIVE DATE.

Mr. Holland moved to approve Resolution 2978 appointing Clayton Bigg and Donald Boyes to the Planning Advisory Board for a term of three years each, seconded by Mr. McGrath and carried on roll call vote, 7-0.

AGENDA ITEM 18. A resolution reappointing the civilian member to the Board of Trustees of the City of Naples Police Officers' Retirement Trust Fund. Requested by Councilman Thornton.

Mr. Thornton nominated Alden C. Smith to be reappointed as the resident member of the Board of Trustees of the City of Naples Police Officers' Retirement Fund, seconded by Mr. Holland. City Attorney Fletcher read the below captioned resolution in its entirety for consideration by Council.

A RESOLUTION APPOINTING A CITY RESIDENT TO THE BOARD OF TRUSTEES OF THE CITY OF NAPLES POLICE OFFICERS RETIREMENT TRUST FUND FOR A TERM OF TWO YEARS; AND PROVIDING AN EFFECTIVE DATE.

Mr. Thornton moved approval of Resolution 2979 appointing Alden C. Smith to serve on this Board, seconded by Mr. McGrath and carried on roll call vote, 7-0.

AGENDA ITEM 19. A resolution supporting a proposed bill to exclude applications and interviews for governmental employment from the provisions of Florida's Government in the Sunshine Law; and directing that copies of this resolution be forwarded to the Collier County legislative delegation. Requested by Councilman Schroeder.

After discussion of the above titled resolution, Mr. Schroeder moved approval of Resolution 2980, seconded by Mr. Twerdahl and carried on roll call vote, 6-1 with Mr. Holland voting no.

AGENDA ITEM 20. Request for subdivision approval of Half Moon Lake Addition, Port Royal, by Wilson, Miller, Barton, Soll & Peek, Inc., Engineers.

City Attorney Fletcher read the below titled resolution by title for Council's consideration.

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A RESOLUTION APPROVING THE RECORD PLAT FOR HALF MOON LAKE ADDITION OF PORT ROYAL, A COPY OF WHICH IS ATTACHED HERETO AND MADE A PART OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Twerdahl moved adoption of Resolution 2981, seconded by Mr. Schroeder and carried on roll call vote, 7-0.

AGENDA ITEM 21. Request by Tom Abbott, Inc., for Council approval of application to construct approximately 210 linear feet of vertical concrete seawall at Lot 16, Block 3, Aqualane Shores, Unit 1 (745 - 16th Avenue South) and that the Department of Environmental Regulation report be read into the record of this meeting. Owners: M.J. Hallisey and F.T. Heinemann. (D.E.R. File No. 11-13-1086-5E)

City Engineer McCord and City Manager Patterson explained that under the City's existing ordinance the only requirement was that the Department of Environmental Regulation's environmental impact statement be read into the record; whereupon City Attorney Fletcher read the statement into the record (Attachment #5). Robert McCauley, representing Abbott, Inc., spoke in support of this sea wall. Mr. Holland moved approval of the application subject to approval by the Corps of Engineers and Department of Environmental Regulation, seconded by Mr. Twerdahl and carried on roll call vote, 7-0.

AGENDA ITEM 22. Sanitary Sewer Service Application by Royal Park Villas, Inc. - C. Rigley, President, R.C. Bruns, P.E., Agent.

Mr. Clare Rigby, President of Royal Park Villas, spoke in favor of this application. City Engineer McCord stated that the service requested in the application was not in conformance with the master plan of the City and could not be approved as proposed. City Manager Patterson stated that it was his understanding that there was another approach to requesting this service that would comply with the master plan to which Mr. McCord outlined the steps that could be taken to conform with the master plan. Mr. Thornton moved denial of this application at this time as per staff recommendation, seconded by Mr. Schroeder and carried on roll call vote, 7-0.

AGENDA ITEM 23. A resolution authorizing City Attorney David W. Rynders to participate in the deferred compensation plan through the International City Management Association Retirement Corporation, effective as of June 1, 1978; providing that he shall be exempted from participating in the retirement system of the City established by Ordinance No. 1890; and providing an effective date. Requested by City Manager.

City Attorney Fletcher read the above titled resolution by title for Council's consideration. Mr. Thornton moved approval of Resolution 2982, seconded by Mr. McGrath and carried on roll call vote, 7-0.

AGENDA ITEM 24. Action on industrial uniform service bid.

City Manager Patterson read the below titled resolution in its entirety for consideration by Council.

A RESOLUTION REJECTING ALL BIDS RECEIVED FOR THE FURNISHING OF UNIFORMS TO THE PUBLIC WORKS AND PARKS AND RECREATION DEPARTMENTS, AND AUTHORIZING EXTENSION OF THE AGREEMENT WITH THE EXISTING SUPPLIER FOR AN ADDITIONAL PERIOD OF TWO YEARS IN ACCORDANCE WITH THE SPECIFICATIONS AND PROPOSAL DATED JANUARY 22, 1976; AND PROVIDING AN EFFECTIVE DATE.

Mr. Paul Hirschberger of Uniforms for Industry spoke in opposition of this resolution inasmuch as his company was the low bidder for new uniforms. Mr. Sy Green, General Manager of the American Uniform Company spoke in favor of the extension with his company. Mr. Twerdahl moved approval of Resolution 2983, seconded by Mr. McGrath and carried on roll call vote, 5-2, with Councilman Holland and Mayor Anderson voting no

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Let the record show that Mr. Wood and Mayor Anderson were temporarily absent.

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AGENDA ITEM 25. Bid award - furnishing of sod (annual bid).

City Attorney Fletcher read the below titled resolution by title for consideration by Council.

A RESOLUTION AWARING BIDS FOR THE FURNISHING OF THE CITY'S ANNUAL SOD REQUIREMENTS; AND AUTHORIZING THE CITY MANAGER TO ISSUE PURCHASE ORDERS THEREFOR.

Discussion of this resolution determined that the information presented was not complete; whereupon Mr. Thornton moved to removed this item from the Agenda pending further information, seconded by Mr. Twerdahl and carried on roll call vote, 5-0.

AGENDA ITEM 26. Action on re-bid - 1-ton flat bed dump truck.

City Attorney Fletcher read the below titled resolution by title for Council's consideration.

A RESOLUTION AWARING BID FOR THE FURNISHING OF ONE 1-TON TRUCK FOR THE WATER DISTRIBUTION DIVISION OF THE PUBLIC WORKS DEPARTMENT; AND AUTHORIZING THE CITY MANAGER TO EXECUTE PURCHASE ORDERS THEREFOR.

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Let the record show that Mayor Anderson and Mr. Wood returned to Council Chambers.

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After discussion of City Manager Patterson's memo of May 15, 1978 (Attachment #6), Mr. Thornton moved approval of Resolution 2984 in accordance with the City Manager's recommendation, seconded by Mr. Schroeder and carried on roll call vote, 5-2 with Mr. Holland and Mr. Wood voting no.

Mayor Anderson requested the City Manager to try to set a price differential in similar matters and to look into various interpretations of warranties.

AGENDA ITEM 27. A resolution amending the Position Classification and Salary Schedule for non-managerial employees of the City of Naples, as adopted by Resolution No. 2702, in accordance with the attached schedule; and providing an effective date. Requested by City Manager.

City Attorney Fletcher read the above titled resolution by title for Council's consideration. Mr. Thornton moved approval of Resolution 2985, seconded by Mr. Schroeder. Mr. John Rouse, staff representative of the American Federation of State, County and Municipal Employees commented on this matter. Motion carried on roll call vote, 7-0.

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Let the record show that Mr. Thornton left the meeting at 2:00 p.m.

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AGENDA ITEM 28. A resolution amending the Position Classification and Salary Schedule for managerial and professional employees of the City of Naples, as adopted by Resolution No. 2722, in accordance with the attached schedule; and providing an effective date. Requested by City Manager.

City Attorney Fletcher read the above titled resolution by title for consideration by Council. After a brief discussion, Mr. McGrath moved for adoption of Resolution 2986, seconded by Mr. Holland and carried on roll call vote, 6-0

AGENDA ITEM 29. A resolution amending Paragraph "J-01" of the Personnel Rules and Regulations adopted by Resolution No. 2702, relating to holidays for City employees, by adding a new Item (h) thereto providing for an additional holiday for City employees; and providing an effective date. Requested by City Manager.

Above titled resolution was amended and below titled resolution was read by City Manager Patterson by title for Council's consideration.

A RESOLUTION AMENDING SECTION "J" OF THE PERSONNEL RULES AND REGULATIONS ADOPTED BY RESOLUTION NO. 2702, RELATING TO HOLIDAYS FOR CITY EMPLOYEES, PROVIDING FOR AN ADDITIONAL HOLIDAY WITH PAY FOR ELIGIBLE CITY EMPLOYEES; ADDING A NEW PARAGRAPH "J-03" THERETO, PROVIDING FOR ADDITIONAL PAY OR EQUIVALENT TIME OFF FOR HOLIDAYS FALLING ON REGULAR DAYS OFF; AND PROVIDING AN EFFECTIVE DATE.

Mr. Twerdahl moved to approve Resolution 2987, seconded by Mr. Schroeder and carried on roll call vote, 6-0.

AGENDA ITEM 30. A resolution authorizing the City Manager to establish a group life insurance plan for eligible City employees, with the premium therefor to be paid by the City; and providing an effective date. Requested by City Manager.

City Attorney Fletcher read the above captioned resolution by title for Council's consideration, noting that the amount to be filled in would be \$10,000. After discussion by Council, Mr. Holland moved approval of Resolution 2988 as amended to include reference to optional insurance up to \$5,000 available to eligible employees at the employee's expense, seconded by Mr. McGrath and carried on roll call vote, 6-0.

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Mayor Anderson asked that at this time Mr. Merlyn Almack be recognized to address Council. Mr. Almack requested that Council authorize the Mayor to write a letter to Senator Lawton Chiles indicating Naples City Council's support for a Sheltered Workshop to be established in Collier County. Mr. Schroeder moved approval of this request, seconded by Mr. McGrath and carried on voice vote, 6-0.

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CORRESPONDENCE & COMMUNICATIONS

Discussion on the proposed distribution of the information on ordinances ensued and consensus was that it should be available to the press in the office of the City Clerk rather than mailing it late Friday afternoon prior to Council's meeting

There being no further business to come before this Regular Meeting of the Naples City Council, Mayor Anderson adjourned the meeting at 2:30 p.m.

R. B. Anderson

R. B. Anderson, Mayor

Janet L. Davis

Janet L. Davis
City Clerk

Ellen P. Marshall

Ellen P. Marshall
Deputy City Clerk

These minutes of the Naples City Council approved on 6-7-78.

BBC637

BC&E
CH2M HILL
engineers
planners
economists
scientists

ATTACHMENT #1

NA30510.71
May 8, 1978



City of Naples
735 8th St., South
Naples, Florida

Attention: Mr. George Patterson, City Manager

RE: East Golden Gate Raw Water Transmission Main, Parts I, II, & III

Gentlemen:

We have reviewed the bids as indicated on the attached bid tabulation form. It is our recommendation that bids be awarded to the lowest responsible bidder, Boyce Company, in the amount of \$5,969,824.90, for the total bids submitted for parts I, II, and III for the base bid.

We would request that a special Council meeting be called for the award of the contract on this project, so as not to delay the completion of this project.

If you have any questions concerning this, please contact me.

Yours very truly,

Ted R. Smallwood, P.E.

slt

attachment

Project No. NA30510.71

Dated March

BID DATE: 2 MAY 1978 - 2:00 P.M., EDT

BIDDERS	TOTAL PART I BASE BID	TOTAL PART I ALTERNATE BID	TOTAL PART II BASE BID	TOTAL PART II ALTERNATE BID
Harry Pepper & Associates Jacksonville, FL	\$ 1,766,770.07	\$ 1,868,749.77	\$ 2,067,149.03	\$ 2,150,238.32
Louisborough Constr., Ltd. Vimont, LaVal City, Can.	No Bid	No Bid	No Bid	No Bid
Ebsary Foundation Co. Miami, FL	No Bid	No Bid	No Bid	No Bid
Rosse Contracting Co., Inc. Bay City, MI	2,429,159.00	No Bid	2,670,645.20	No Bid
Inman, Inc. Pompano Beach, FL	No Bid	No Bid	No Bid	No Bid
Wilson Coastal Enterprises Bonita Springs, FL	No Bid	No Bid	No Bid	No Bid
Zep Construction, Inc. Ft. Myers, FL	No Bid	No Bid	No Bid	No Bid
Roger J. Au & Sons Mansfield, OH	No Bid	No Bid	No Bid	No Bid
Boyce Company St. Petersburg, FL	1,702,954.10	1,765,808.50	1,831,526.98	1,890,594.50
Paul H. Howard Co. Greensboro, NC	No Bid	No Bid	No Bid	No Bid
Bryant Electric Maitland, FL	1,893,559.00	1,866,626.00	2,181,357.00	2,243,116.60
Southeast Underground Constr. Cape Coral, FL	No Bid	2,349,508.40	No Bid	2,473,567.10

BID TABULATION

"East Golden Gate Raw Water Transmission Main, Parts I, II, and III"

CITY OF NAPLES
NAPLES, FLORIDA

Project No. NA30510.71

Dated March

BID DATE: 2 MAY 1978 - 2:00 P.M., EDT

BIDDERS	TOTAL PART I BASE BID	TOTAL PART I ALTERNATE BID	TOTAL PART II BASE BID	TOTAL PART II ALTERNATE BID
Southern Construction & Engineering Co. Hialeah, FL	\$ No Bid	\$ No Bid	\$ No Bid	\$ No Bid
Preston Carroll Constr.Co. Clifton, TN	2,263,558.00	2,352,643.40	2,491,248.00	2,581,244.00
Woodruff & Sons Bradenton, FL	No Bid	No Bid	No Bid	No Bid
Charles F. Smith & Son Whitehouse, FL	No Bid	No Bid	No Bid	No Bid
S & H Engineering & Development Corp. Naples, FL	No Bid	No Bid	No Bid	No Bid
C.F.W. Constr. Co., Inc. Port Charlotte, FL	2,271,762.50	No Bid	2,556,058.50	No Bid

BID DATE: 2 MAY 1978 - 2:00 P.M., EDT

BIDDERS	TOTAL PART III BASE BID	TOTAL PART III ALTERNATE BID	TOTAL PARTS I, II & III COMBINED BASE BID	TOTAL PARTS I, II & III COMBINED ALTERNATE BID	TIME OF COMPLETION CALENDAR DAYS
Harry Pepper & Associates Jacksonville, FL	\$ 2,481,849.17	\$ 2,647,765.53	\$ 6,074,620.56	\$ 6,411,001.34	1 MARCH 1979 COMPLETION DAY
Louisbourgh Constr., Ltd. Vimont, LaVal City, Can.	No Bid	No Bid	No Bid	No Bid	
Ebsary Foundation Co. Miami, FL	No Bid	No Bid	No Bid	No Bid	
Rcese Contracting Co., Inc. Bay City, MI	3,146,662.15	No Bid	No Bid	No Bid	
Inman, Inc. Pompano Beach, FL	No Bid	No Bid	No Bid	No Bid	
Wilson Coastal Enterprises Bonita Springs, FL	No Bid	No Bid	No Bid	No Bid	
Zep Construction, Inc. Ft. Myers, FL	No Bid	No Bid	No Bid	No Bid	
Roger J. Au & Sons Mansfield, OH	No Bid	No Bid	No Bid	No Bid	
Boyce Company St. Petersburg, FL	2,442,800.75	2,601,281.17	5,969,824.90	6,236,651.95	
Paul H. Howard Co. Greensboro, NC	No Bid	No Bid	6,841,828.20	6,938,439.00	
Bryant Electric Maitland, FL	2,997,743.90	3,206,800.70	7,442,784.50	7,382,426.50	
Southeast Underground Constr. Cape Coral, FL	No Bid	3,242,136.90	No Bid	7,722,440.30	

BID TABULATION

"East Golden Gate Raw Water Transmission Main, Parts I, II, and III"

CITY OF NAPLES
NAPLES, FLORIDA

Project NO. NA30510.71

Dated March

BID DATE: 2 MAY 1978 - 2:00 P.M., EDT

BIDDERS	TOTAL PART III BASE BID	TOTAL PART III ALTERNATE BID	TOTAL PARTS I, II & III COMBINED BASE BID	TOTAL PARTS I, II & III COMBINED ALTERNATE BID	TIME OF COMPLETION CALENDAR DAYS
Southern Construction & Engineering Co. Hialeah, FL	\$ No Bid	\$ No Bid	\$ No Bid	\$ No Bid	1 MARCH 1979 COMPLETION DAY
Preston Carroll Constr. Co. Clifton, TN	3,567,303.85	3,596,724.70	No Bid	No Bid	
Woodruff & Sons Bradenton, FL	No Bid	No Bid	7,788,246.60	7,884,366.60	
Charles F. Smith & Son Whitehouse, FL	No Bid	No Bid	No Bid	No Bid	
S & H Engineering & Development Corp. Naples, FL	No Bid	No Bid	No Bid	No Bid	
C.F.W. Constr. Co., Inc. Port Charlotte, FL	3,379,489.00	No Bid	No Bid	No Bid	

BBC637

UNITED STATES PIPE AND FOUNDRY COMPANY

UNITED STATES PIPE AND FOUNDRY COMPANY

GENERAL OFFICE
3300 FIRST AVENUE NORTH • BIRMINGHAM, ALABAMA 35202

May 15, 1978

WE SHALL NOT BE RESPONSIBLE FOR DELAYS CAUSED BY WORK STOPPAGE DUE TO LABOR DISPUTES, EMBARGOS, FIRES, ACCIDENTS, OR ANY OTHER CAUSES BEYOND OUR CONTROL. ADVISE US IMMEDIATELY OF SUCH DELAYS. WE WILL NOT BE HELD RESPONSIBLE FOR SUCH DELAYS. WE WILL NOT BE HELD RESPONSIBLE FOR SUCH DELAYS. WE WILL NOT BE HELD RESPONSIBLE FOR SUCH DELAYS. WE WILL NOT BE HELD RESPONSIBLE FOR SUCH DELAYS.



Mr. George Patterson, City Mgr.
City of Naples, Florida
735 8th Street So.
Naples, Florida

Re: 36" Water Transmission Project
Comparison of Ductile Iron Pipe vs. Concrete Pipe

Dear Mr. Patterson,

The City of Naples recently received bids on a 36" water transmission main involving approximately 104,000 feet of Ductile Iron pipe or Prestressed Concrete pipe. Based on the bids received, it would seem to indicate that the concrete pipe was the "apparent" low cost material. However, this may not be the case! If you compare the two pipe materials on a "first cost" basis only, it could result in a decision that would be very expensive to the citizens of Naples.

In comparing 36" Ductile Iron pipe vs. 36" Concrete pipe for your project, two very important questions need to be explored:

1. Based on the net inside diameter of each product, which pipe has the greater carrying capacity and delivers more water?
2. Which product can offer substantial savings in pumping costs due to less energy requirements?

The answer to both questions is Ductile Iron pipe. In an energy conscious world the question of energy costs is paramount. Along these lines we offer, for your consideration, the following comparisons of your pipe products with emphasis on carrying capacity, pumping costs and energy savings.

A. Comparison of Flow Areas	
Inside Diameter (inches)	Flow Area (ft ²)
36" Ductile Iron Pipe	7.54
36" Concrete Pipe	7.07
	% Larger Flow Area for D.I. pipe
	6.7%

WLC:ls
CC: Ted Smallwood, P.E. - Black, Crow & Eidsness Eng.
J.T. Donahue, Southern Regional Sales Mgr. - U.S. Pipe & Foundry Co.

B. Energy Savings Comparison

Total footage on Naples job - 104,112 ft. 36" pipe
Unit cost of power - .050/KWH
Pump to operate 24 hrs/day = 70% efficiency
Design flow = 8460 GPM (based on 2.5 ft./sec. velocity)

Calculations

8460 GPM = \$16.50 per yr. @ \$.01/KWH/1000 ft. 16.50 x 104 (104,112 ft./1000) = \$1716.00 savings per yr. at .01/KWH.
1716.00 x 5 (.05/KWH cost) = \$8580.00 savings per year using Ductile Iron pipe.

If this amount, \$8,580.00 is invested at 6% interest. per year the long term savings, using Ductile Iron Pipe will be:

10 yrs.	-	113,091.26
20 yrs.	-	315,620.95
25 yrs.	-	470,737.41
30 yrs.	-	678,319.36
40 yrs.	-	1,327,857.96
50 yrs.	-	2,491,082.02

Note: The above figures are based on the unit cost of power remaining the same. Any increase, and past history indicates power costs will continue to spiral at an alarming rate, would change the time period and savings dramatically. All the more reason to use Ductile Iron pipe!

In summation, we would like to reiterate that the lowest "initial cost" could easily become the most expensive cost when all factors are considered. Such factors as operational costs, energy costs, pumping costs, etc. continue long after the pipe is purchased and installed. These are the costs that the citizens of Naples will have to live with, not for 1 year or even 30 years, but every year!

Because of these considerations we are confident that the award of your 36" project on the basis of Ductile Iron Pipe would be the logical and least expensive choice you could make for the citizens of Naples.

Sincerely,
Walter L. Cooper

(cont. on page 2)



City of Naples

735 EIGHTH STREET, SOUTH - STATE OF FLORIDA 33940

PLANNING DEPARTMENT

MEMORANDUM

TO: Planning Advisory Board/City Council

FROM: Roger J. Barry, Planning Director

SUBJECT: Newspaper Vending Machines

DATE: May 8, 1978

We sent the attached letter to each of the newspapers that presently have vending machines in the City (Naples Daily News, Naples Star, Miami Herald, News-Press and the Wall Street Journal), and each newspaper sent a representative to a meeting with myself and Clayton Biggs on Friday, May 5, 1978.

As a result of that meeting, previous discussions and inspections of various vending machine locations in the City, we have reached the following voluntary understanding with the newspapers and suggest that the PAB and the City Council accept the following:

A. Location

1. Single-Family Residential Areas
There will be no newspaper vending machines in the R-1, single-family residential areas; several machines have already been removed and the machines that have been at the southeast corner of Gordon Drive and 18th Avenue South will be relocated to 2nd Street and 13th Avenue South, a multi-family and commercially zoned area.
2. Multi-Family Residential Areas
Newspaper vending machines in the multi-family residential areas will be limited to those locations identified on the attached map.

3. Other Locations

The City has made no effort to limit the number or location of vending machines in the commercial or industrial areas, and the newspaper representatives wished to have the following specific language made a part of this understanding:

(The) "Newspapers voluntarily agree to use discretion in the selection of future rack locations and to review future proposed locations with the Planning Director.

"Council agrees that restraint by ordinance may raise the issue of constitutionality and that voluntary discretion on the part of the newspapers is an acceptable solution."

B. Appearance

1. All of the newspaper vending machines at the locations identified on the attached map will be painted a uniform white color within three months of the Council acceptance of this agreement.
2. The newspaper representatives agree to participate, with the City, in the cost of pouring concrete slabs for the machines to be placed upon, again, at the locations identified on the attached map.

The City could then, if it chose, add landscaping around the perimeter of the slabs.

The newspapers may agree to participate in the construction of attractive enclosures for the machines in the future but a specific, detailed plan would have to be prepared, and the City would have to expend funds for their construction.

A wide variety of issues and alternatives were discussed at the meeting on May 5th, and we can discuss these issues and attempt to answer your questions at the PAB meeting on May 11th and the City Council meeting on May 17th.



Attachments
RJB:DD



735 EIGHTH STREET, SOUTH • STATE OF FLORIDA 33940



PLANNING DEPARTMENT

April 28, 1978

As you know, the City is interested in improving the appearance of newspaper vending machines and also limiting the location of them in the residential areas. All of the newspapers presently using vending machines in the City have agreed to voluntarily improve their appearance and limit their locations in the residential areas.

The City would like to "formalize" an understanding relative to appearance (color) and location, and we've been directed to take such an "agreement" back to the Planning Advisory Board and the City Council for their review and approval.

Appearance/Color

There are, obviously, a variety of ways to improve the appearance of the racks, but the most talked about improvement is to paint all of the machines one color and to eliminate miscellaneous advertising, with the exception of the identification of a specific newspaper, on the outside of the machine.

The Naples Daily News feels strongly that the machines should be white and, although we, at a staff level, feel that a beige, green or dark brown color would be preferable, we'd still prefer to have the machines all one color rather than a multitude of colors, even if that color is white.

We would also like to discuss the long term opportunity to use more attractive racks, to, perhaps, place them on small concrete pads for a neater appearance or any other suggestions for improving their appearance that you may have.

Location

The attached map indicates, to the best of our knowledge, the present or, in one case, the proposed location of one or more machines in the multi-family ("R-3") residential areas in the City. We have not identified any of the machines in the commercial areas or just outside the City limits. The only potential conflict we know of has to do with the present racks at the southeast corner of Gordon Drive and 18th Avenue South, which an adjacent property owner has complained about on at least two occasions. We propose that these racks be relocated a few blocks to the north, to the northeast corner of 2nd Street (Gordon Drive) and 13th Avenue South or some other similarly zoned multi-family residential or commercial property in the vicinity.

We would like to reach an understanding that these locations (or some modification of them) in the residential areas are acceptable to each newspaper and that the City will have an opportunity to review and comment on any proposed changes or additional locations in the future.

We suggest a meeting in the City Manager's office conference room, adjacent to Cambier Park, on Friday, May 5th at 10 a.m. to discuss these issues and, hopefully, reach an agreement. Please advise us if the suggested meeting time is inconvenient for you or call if you wish to discuss any of these issues in more detail prior to the meeting.

We appreciate your continued cooperation and hope we can reach a conclusion to this matter at the meeting on May 5th.

Sincerely,

Roger J. Barry
Planning Director

Enclosures
RJB:DD

5/17/78

SEYFARTH, SHAW, FAIRWEATHER & GERALDSON

WASHINGTON, D.C. OFFICE
1900 K STREET, N.W.
WASHINGTON, D.C. 20006
AREA CODE 202 471-1000

ONE BISCAYNE TOWER
2 SOUTH BISCAYNE BOULEVARD
MIAMI, FLORIDA 33131
AREA CODE 305 358-1760
PETER J. HURTGEN, RESIDENT PARTNER

CHICAGO OFFICE
55 EAST MONROE STREET
CHICAGO, ILLINOIS 60603
AREA CODE 312 371-0000
CABLE ADDRESS: IMIRKAL

PERC Proceedings

We would be available to consult with and advise the City relative to the formulation of the City's position concerning representation petitions and unfair labor practice charges filed under the Act. More specifically, we would be able to assist the City in preparing for any hearings before PERC, a mini-PERC established pursuant to your local option ordinance, or the Florida courts, including any necessary legal research. In this regard, we would anticipate working with and assisting your City Attorney.

Negotiations

We would be able to assist the City, in whatever capacity desired, in concluding negotiations with the FOP and in preparing for the upcoming negotiations with the two fire fighter bargaining units. We understand that in the negotiations with the FOP the City has retained a labor consultant to serve as its chief negotiator. We do not propose replacing the City's consultant, but rather suggest that we could be of assistance to the City and its consultant by providing advice concerning negotiating tactics and strategy and also with respect to the final drafting of any language to be incorporated in an agreement between the City and the FOP.

Mr. George M. Patterson
City Manager
CITY OF NAPLES
735 Eighth Street South
Naples, Florida 33940

April 6, 1978

PERSONAL & CONFIDENTIAL

Mr. George M. Patterson
City Manager
CITY OF NAPLES
735 Eighth Street South
Naples, Florida 33940

City of Naples

Dear Mr. Patterson:

This is in response to your request at our meeting on Friday afternoon that we present a proposal to the City of Naples concerning the areas in which Seyfarth, Shaw, Fairweather & Geraldson could assist the City in carrying out its responsibilities under the Florida Public Employees Relations Act.

As a result of our meeting, it is our understanding that at the current time there is one certified bargaining unit of police officers represented by the Fraternal Order of Police, Lodge No. 38. The City is currently in the final stages of negotiations with the FOP and Special Master proceedings are a distinct and imminent likelihood. The City expects certifications to issue in the near future for two bargaining units of fire fighters represented by the IAFF, i.e., one bargaining unit limited to rank and file fire fighters and the other covering sergeants. Following certification of the two fire fighter bargaining units, negotiations will commence for the first collective bargaining agreement between the City and the IAFF for each of said units. Finally, the City is in the process of obtaining approval from PERC for its local option ordinance.

We would be able to provide assistance to the City, depending on the City's wishes, in the following five general areas: (1) PERC proceedings, (2) negotiations, (3) impasse proceedings, (4) contract administration, and (5) EPOC proceedings. A review of what we would be able to do in each of these areas follows:

Page Two
April 6, 1978

Mr. George M. Patterson

Mr. George M. Patterson

Among the cities that we have represented in special master meetings and legislative hearings are Boca Raton, Miami Beach and West Palm Beach.

Contract Administration

We would be available to assist the City and you in reviewing grievances concerning the interpretation and application of any collective bargaining agreements that might be negotiated, as well as assisting in the preparation of any cases that might be submitted to an arbitrator. In this regard, we would be able to assist you and work with you in terms of selecting the arbitrator, preparing the City's case, doing any necessary legal research, and presenting the City's case to an arbitrator.

EEOC Proceedings

Increasingly we are being called upon to assist both public and private sector clients with respect to a wide variety of discrimination claims, including actions under Title VII, the Age Discrimination in Employment Act, the Equal Pay Act, Section 504 of the Rehabilitation Act of 1974, and the various grant programs which contain non-discrimination provisions as a condition precedent to receiving federal funds. In this regard, we would be able to assist the City in investigating and developing the City's position with respect to any complaints, charges or lawsuits that might be filed against the City on the basis of alleged discrimination. Moreover, we would be able to assist the City in drafting and/or updating an affirmative action plan if such is required as a condition precedent to receiving federal funding. Finally, we would be available to assist the City with respect to any audits or investigations that might be conducted by any state or federal agency with respect to the City's compliance with respect to the various non-discrimination laws.

The foregoing is intended to set forth the areas in which we might be able to aid or assist the City in carrying out its obligations under the Florida law. It is not intended to be exhaustive but rather an indication of the type and kind of things which we presently do for other municipalities in Florida, as well as for a number of private employers, including several newspapers. In the final analysis, the assistance which we might be able to provide would depend upon your requests.

Impasse Resolution

We would be available to assist the City in preparing for the various impasse procedures, provided for under the Act, i.e., mediation, special master proceedings, and legislative hearings. In this connection we would be available to assist in the selection of individuals to serve as mediators, special masters, etc., as well as in the preparation for and presentation of the City's case before a special master. With respect to the potential special master proceedings involving the POP, we would be able to assist the City in marshalling its arguments and in gathering the necessary documentation in order to be able to present as persuasive a case as possible to the special master. Since you have already retained an outside labor consultant to present the City's case to the special master, we would be more than willing to assist your outside consultant. In other jurisdictions we have presented the city's case to the special master, as well as argued the city's case in any hearing that might be held by a city council if either or both parties reject some or all of the special master's recommendations.

Page Seven
April 6, 1978

Mr. George M. Patterson

Firm's Florida Experience
and Fee Structure

Page Six
April 6, 1978

Mr. George M. Patterson.

Among our public sector clients in the State of Florida are the following:

1. State of Florida
2. Alachua County
3. Boca Raton
4. Florida Keys Aquaduct Authority
5. Florida Public Employers Labor Relations Association
6. Lauderdale Lakes
7. Metropolitan Dade County
8. Miami
9. Miami Beach
10. West Palm Beach
11. North Palm Beach

In addition, both Ted Clark and I have been very active in various seminars for the Florida Public Employer Labor Relations Association (FPELRA) and the South Florida Labor Relations Service.

Because of the amount of public and private sector work that we are presently doing in Florida, we have an office in Miami which is located at One Biscayne Tower.

If you have any questions concerning the type and kind of work that we have performed for various public employers in the State of Florida, I am sure that either Dean Mielke, Labor Relations Officer for the City of Miami, and G. M. Bud Schmitt, Labor Relations Specialist for the City of West Palm Beach, would be more than willing to respond to any inquiries that you might have. Moreover, I am sure that both Joe Grassi, City Manager for the City of Miami and Dick Simmons, City Manager for West Palm Beach, would likewise be able to describe the type and kind of work that we have done for them.

Our fees for professional services rendered would be on the basis of either a retainer or on the basis of an hourly rate applicable to the particular attorney performing the service. If a retainer were desired, we would suggest a quarterly retainer of \$500, with any amount in excess of \$500 attributable to any quarter being billed at the appropriate hourly rate or rates for the attorney or attorneys performing the work in questions.

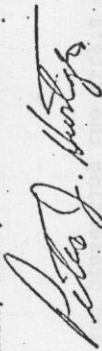
On the other hand, if the City desired to utilize the firm on a straight hour for hour basis, the hourly rates would range from \$45 per hour to \$85 per hour depending on the attorney involved. In our experience this usually averages out somewhere to about \$65 per hour. Incidental expenses of such nature as are authorized by the City would be reimbursed. Statements would be submitted by the firm on a monthly basis or at other mutually agreed upon intervals.

If you have any questions concerning this proposal or if you need any further information, please let me know.

Very truly yours,

SEYFARTH, SHAW, FAIRWEATHER & GERALDSON

By



Peter J. Hurtgen

PJH:eg

cc: General R. F. Anderson
Henry E. Seyfarth
Ted Clark



STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION
 SOUTH FLORIDA DISTRICT
 BRANCH OFFICE AND LABORATORY
 3201 GOLF COURSE BOULEVARD
 PUNTA GORDA, FLORIDA 33950

REUBEN O.D. ASKEW
 GOVERNOR

JOSEPH W. LANDERS, JR.
 SECRETARY

December 6, 1977

PHILIP R. EDWARDS
 DISTRICT MANAGER

M. J. Hallisey and F. T. Heinemann
 c/o Tom Abbott, Incorporated
 P. O. Box 661
 Naples, FL 33940

Gentlemen:

Re: File No. 11-13-1086-5E,
 Collier County

A biological assessment has been made of your proposal as follows:

The applicant proposes to construct approximately 210 linear feet of vertical, concrete seawall waterward of the MHW line and backfill about 233 cubic yards in an area about 210' x 10' x 3'.

The seawall will connect to existing seawalls on each end. Part of the backfill will be below MHW.

The project area is a fill and finger canal residential section developed with single family dwellings at a medium density. Most shoreline in the immediate vicinity is bulkheaded by vertical concrete seawall or rip-rap.

North and south of the project site are filled uplands bulkheaded by vertical concrete seawall and developed with single family dwellings upland.

The project site is a filled lot developed with a single family dwelling upland. Part of the shoreline at the north end has been bulkheaded by vertical concrete seawall. The specific project site is a rip-rap shoreline waterward of a grassy bank about 1.5' high. This bank shows signs of erosion. Vegetation along the shoreline landward of the rip-rap included sparse growths of Australian pine (*Casuarina equisetifolia*), beach carpet (*Phloxerus vermicularis*), white mangrove (*Laguncularia racemosa*), Brazilian peppertree (*Schinus terebinthifolius*), sea myrtle (*Baccharus sp.*), buttonwood (*Conocarpus erecta*), and verbena (*Lantana sp.*). Several red mangrove (*Rhizophora mangle*) and white mangrove seedlings were growing in the area. Several mangrove stumps which are showing signs of new

BBC637

M. J. Hallisey
 F. T. Heinemann
 Page Two
 December 6, 1977

drainage pipe entering the bay near the south end of the site.

The submerged bottom waterward of the exposed rip-rap is rock over sand and silt. Benthic fauna included portunid crabs, xanthid crabs, oysters (*Crassostrea sp.*), barnacles (*Balanus sp.*), mussels (*Brachidontes sp.*), amphipod crustaceans, and polychaete worms. Brown filamentous algae was growing on the submerged bottom.

Short Term Impact: Benthic flora and fauna as well as shoreline vegetation will be destroyed as a result of this project. Harmful turbidity will be created during seawall installation.

Long Term Impact: This project will result in elimination of a productive shoreline vegetation. This vegetation is important to estuarine systems for a natural storm buffer and detritus contribution of food chains. It will also result in a reduction of productive littoral zone which is important as a feeding, breeding, and nursery area for fish, shellfish, crabs, and wading birds.

Under the provision of Section 253.124(3), Florida Statutes, this report shall be read into the record and duly considered at the same meeting at which the City Council takes final action for local approval.

Proof of local approval (copy of the minutes is sufficient) must be provided this office before we can conclude processing.

Sincerely,

Thomas M. Prodenzano
 Dredge and Fill Supervisor

TMP/et



City of Naples

735 EIGHTH STREET, SOUTH - NAPLES, FLORIDA 33940

OFFICE OF THE CITY MANAGER

M E M O

TO: HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: CITY MANAGER GEORGE M. PATTERSON

SUBJECT: ONE-TON TRUCK, FLAT-BED DUMP (RE-BID), BID NO. 78-16

DATE: MAY 15, 1978

The Purchasing Division of the Finance Department has requested bids for a one-ton truck for the Water Distribution Division of the Public Works Department.

A Public Invitation to Bid was published in the Naples Daily News on April 10th and April 17, 1978. Twenty-one (21) dealers were notified that bids were being accepted. Five (5) bids were received on the item. The bids were opened and publicly read on April 28, 1978.

We received a telephone call on May 10, 1978 that Sunshine Dodge could not meet our specifications and unless they received a Purchase Order by May 12, 1978, they could not obtain the truck specified from the factory. A letter to that affect is forthcoming from Sunshine Dodge.

The second low bid was submitted by Dick Courteau's G.M.C. Truck Co. of Bradenton, Florida, who, due to an error on their last bid for this truck, this item required rebidding. Due to these circumstances I would like to request that their bid be rejected and their firm's name deleted from the bid list due to their lack of responsibility.

With the first and second low bid being eliminated, I would recommend this vehicle be purchased from Ross Chevrolet, Inc. of St. Petersburg, Florida, in the amount of \$7,081.00.

Attached are a Bid Tabulation and a list of dealers to whom specifications were sent. Specifications call for purchase by Purchase Order.

Respectfully submitted,

George M. Patterson
 George M. Patterson,
 City Manager

lao
 Attachments

BBC637

BID LIST

Sunshine Dodge
840 S. Harbor City Boulevard
Melbourne, FL 32901

Bob Wilson Dodge
P.O. Box 17966
Tampa, FL 33679

Dadeland Dodge
2900 S.W. 8th Street
Miami, FL 33135

Crane Bros. Motors
440 S. State Rd. 7
Plantation, FL 33317

Larry Costley Chevrolet
7220 N. Kendall Drive
Miami, FL 33156

Tropical Chevrolet
8880 Biscayne Boulevard
Miami, FL 33138

Dick Courteau's GMC Truck Co.
2509 9th Street, West
Bradenton, FL 33505

Dick Devoe Buick-Cadillac
4100 Tamiami Trail North
Naples, FL 33940

Northside Lincoln-Mercury
13491 Tamiami Trail North
Naples, FL 33940

Coastland Chrysler-Plymouth
2640 Tamiami Trail North
Naples, FL 33940
ATTN: Don Halizz

Bill Gallman Pontiac-Olds
2601 Airport Road
Naples, FL 33940

Naples Dodge
850 9th Street North
Naples, FL 33940

Bob Taylor Chevrolet
1911 Tamiami Trail East
Naples, FL 33940

Tamiami Ford
4075 Tamiami Trail North
Naples, FL 33940

Proia AMC-Jeep, Inc.
3672 Fowler
Ft. Myers, FL 33901

Bill Branch Chevrolet
3980 Fowler
Ft. Myers, FL 33901

Dobbs Dodge
4300 S. Cleveland Ave.
Ft. Myers, FL 33901

Sam Galloway Ford
4640 S. Cleveland Ave.
Ft. Myers, FL 33901

Ross Chevrolet
2901 34th Street North
St. Petersburg, FL 33713

Hawke Chrysler-Plymouth
711 West Cass
Tampa, FL 33601

McKay Ford
Highway 98 By-Pass
Dade City, FL 33525

CITY OF NAPLES
BID TABULATION

ONE-TON TRUCK, FLAT BED DUMP (RE-BID)

BID NO. 78-16

BIDDER	ONE-TON TRUCK	LESS DISCOUNT	NET BID	YEAR & MANUFACTURER	ENGINE SIZE	DELIVERY
ROSS CHEVROLET, INC. 2530 30th Avenue, North St. Petersburg, FL 33713	7,081.00	---	7,081.00	1978 Chevrolet	350 CID. 165 H.P.	60-120 Days
BILL BRANCH CHEVROLET INC. Winkler at Fowler Ft. Myers, FL 33901	7,369.38	---	7,369.38	1978 Chevrolet	350 CID 165 H.P.	65 Days
SUNSHINE DODGE 840 S. U.S. 1 Melbourne, Florida	6,873.94	---	6,873.94	1978 Dodge	360 CID 165 H.P.	70 Days
BOB TAYLOR CHEVROLET, INC. 1911 East Tamiami Trail Naples, FL 33942	8,322.00	1,182.55	7,139.45	1978 Chevrolet	350 CID 165 H.P.	60 Days
DICK COURTEAU'S G.M.C. TRUCK CO. 2509 9th S. West Bradenton, FL 33505	6,960.81	---	6,960.81	1978 G.M.C.	350 CID 160 H.P.	60-90 Days