City Council Minutes

Workshop Meeting 2/25/87

City Council Chambers 735 Eighth Street South Naples, Florida 33940



9	2	-SUBJECT-				Pag
DISCUSSION OF AM TO ADVERTISING S			CHINE ORDINANCE	WITH REFER	ENCE	1-2
DISCUSSION OF A HORSE DRAWN CARR			HISE AGREEMENT	TO PROVIDE	A SECOND	3
DISCUSSION OF EX			S BAY AND THE	GULF OF	. 1	1 3
MEXICO.						2
DISCUSSION OF PROCOASTAL CONSTRUCT			DING FOR STAFF	PERMITTING	OF	3-
DISCUSSION CONCER BEACH RELATED IS:		D PROPOSED COAST	TAL CONSTRUCTION	ON CONTROL L	INES AND	4
PROGRAM BUDGETING	G: A. ENGINEER B. ADMINIST	ING DEPARTMENT RATIVE/SERVICE D	DEPARTMENTS			4-
					1	
					."	
					8	wtherdesident
		e 1			(4) 10	
				(4)		
•						
						and the same of th
					35	NO CONTRACTOR OF THE PROPERTY
	i i				2 16	
			n - £n			



CITY COUNCIL MINUTES
Workshop Minutes

Time 9:00 a.m.

Date 2/25/87

) was = = +	Eduin T Dutgoll In				VC	
Present:	Edwin J. Putzell, Jr. Mayor	ed on bigg	M. 0	E		
	Kim Anderson-McDonald William E. Barnett William F. Bledsoe Alden R. Crawford, Jr. John T. Graver Lyle S. Richardson Councilmen	COUNCIL MEMBERS	T O N	COND	Y E S	N O
Also Pres		AND ALL OF		ilb.	TO I	
	Franklin C. Jones, City Manager David W. Rynders, City Attorney Mark W. Wiltsie, Assistant City Manager Steven C. Brown, Personnel Director Frank W. Hanley, Finance Director Gerald L. Gronvold, City Engineer Jon C. Staiger, Ph.D., Natural Res. Mgr. James L. Chaffee, Utilities Director			20 18 19 88 120	tig ex ent ent	
	NEWS MEDIA: Kevin Parks, News Press Lori Rosza, Miami Herald Marty Bonvechio, Naples Daily News William Upham, Naples Times Dave Fuller, WNOG			538	m ys	
See Suppl	Lemental Attendance List - Attachment #1.		3.5	kr i		
***	***	ton unates		1	1000	
	ITEM 1	Meader I a		TES SSS	723 003	
VENI TO A	CUSSION OF AMENDMENT TO NEWSPAPER DING MACHINE ORDINANCE WITH REFERENCE ADVERTISING SIGNS ON VENDING MACHINES. JESTED BY ENGINEERING DEPARTMENT.					
at the read direct ordinance have expired the major	ager Jones advised that this amendment was equest of the Engineering Department and was result of the staff's annual review of the e. Several of the newspapers' attorneys ressed opposition to items in the ordinance, recontention involving the prohibition of ing on the newsracks, Mr. Jones pointed out.	Series Series			500 510 110 110 110 110	
February The Miam requestin (Attachmedisplayed the stree Rynders n allow the	orney Rynders referred to his memo dated 23, 1987, and advised that attorneys for i Herald, The News-Press and USA Today were not amendments to the existing ordinance ent #2). The name of the newspaper of on the racks makes them identifiable from et, the newspapers contend. City Attorney recommended the ordinance be amended to be newspapers' names or logos on the back of front of the rack.				ī	
said that newsracks	Anderson, Naples Beautification Committee, t newspapers' names should be allowed on the s. He said he supported the remainder of 's present ordinance including uniform color	definite reacción describer a la company de la l				

CITY OF NAPLES, F	LORIDA							VO	TE	
City Council Minu		Date	02/25/87		COUNCIL	M O T I O N		Y E S	N O	ABSENT
n response to Mayor hat the County had phat the weight of nounds but said he be o be sufficient. Ci hat the City's ordinolted down.	eassed an ewsracks lieved th ty Attorn	ordinance be no <u>le</u> e City's ey Rynders	stipulating ss than 125 requirements pointed out	be sections of the cap and the	celled to dwim J. Mayr im Andes	80.1	eq tn:	20	ed .	
ity Engineer Gronvol ewsracks in the Ci dvertising provision olting requirement; iolation of the u ronvold also sugge mending the ordinanc nd insurance require	ty are 1; 15% are and a niform c ested th e regardi	in violat in viola nother 1 color prov at Counci	ion of the tion of the 4% are in ision. Mr. l consider	Deli Deli Tavari Diarara Delimen	Liliam ( Liliam R. Liden R. Li	1889	P	021		
n response to Mr. G xplained that the ma hopping centers wher hether the newsrac roperty.	jority o	f violatio is a discr	ns occur in epancy over	Ryndel Wiltsie Brown Ranler Gronn	evid W. Sarb W. Staven C Frank W. Serald L Joseff E					
t was the consensus n ordinance to effect y staff.				illa to	.i wemet					
**	***		***	K NEED						
			ITEM 3	in sie						
DISCUSSION OF EXNAPLES BAY AND REQUESTED BY CIT	THE G	ULF OF	ONES IN MEXICO.	Uplam. Lle!, W Lotinda			ua.	90		
layor Putzell not attendance represent auggested, therefore, councilman Barnett, respectively. The community with respect a consensus to that a representative roups take part in atrol; Coast Guard Amepartment; the properator, Port Royal and arter boat operator, and a chere was agreement action.	that a represent espect to Council. re from e the commi duxiliary; erty owner ad Aqualan ors; comme any other	cious int committee, all the i this issu He furthe ach of th ttee: Flo City of N associati e Shores; crcial fis interest	erests and chaired by nterests of e and bring r suggested e following rida Marine aples Police ons of Royal the marinas; hermen; the ed parties.	MA 1.0 SINS ON SINS SINS SINS SINS SINS SINS SINS SIN		1021 1020 1020 1020 1021 1021 1021		21 23 23 25 75		
ity Manager Jones roperty Owners' Assorake zone in the orthward to encompas o Mayor Putzell, Mr. ould have to apply tf Engineers and esources for a permithe markers would hesponded that they wrom the shoreline.	cciation Gulf of S Doctor Wiltsie to the Uni the Dep t. Mr.	has reques Mexico b 's Pass. advised th ted States artment Crawford a shore and	ted the no- e extended In response at the City Army Corps of Natural sked how far Mr. Jones	a sport of the spo						
Mayor Putzell asked in the Department of pproval of the pending the intersection of the Wiltsie advised contact with that I pproval.	of Natural ng no-wa of the Int that th	Resource ke zone in ercoastal e staff i	s regarding Naples Bay waterway and s in daily	Edet in	Anderson Anderson Dewspa Dewspa S. prese			IS IO SI SI SI		
t was the consensus begin the application the no-wake zone in t the Moorings group.	process	for an e	xtention of							
die group.	-2-									

CITY OF NAPLES, FLORIDA				VU	115	
City Council Minutes Date 2/25/87		M	S	2		A B
city council mindes bate 2/25/01	raush Labre	T	00	Y		S
The last strengers	COUNCIL	0	N	E	N	N
	MEMBERS	N	D	S	0	T
ITEM 2	518 911 - 190					
DISCUSSION OF A REQUEST FOR ISSUANCE OF A FRANCHISE AGREEMENT TO PROVIDE A SECOND HORSE DRAWN CARRIAGE RIDE IN THE CITY. REQUESTED BY CITY MANAGER.	ralimin e puesta los ti hosea br		9 mis 8 7 S			
City Manager Jones explained that during negotiations on the other franchise agreement, Harry St. John, a carriage ride concessionaire on Marco Island, had expressed an interest in the same type of operation in Naples. Mr. Jones suggested that we regulate the way they operate and when, and let competition determine how many can be supported and how many will be in place.	w pulnyama bomesu bna womesu bna womesu bna womesu ba winasa womesu womesu ba womesu bna womesu ba womesu bna womesu bna		0.00 100 100 100 100 100 100 100 100 100		W 10 -4 55 01 01 of a	
Mayor Putzell asked if there had been any complaints about the present carriage rides. Mr. Jones explained that although Classic Carriage Rides have had to change routes almost daily to accommodate traffic and make the rides interesting for the customers, based on staff's preliminary findings, there have been no complaints other than a few concerns regarding the care of the horses. These inquiries were referred to Animal Control in the County.	A Description of the contract	ed do la la lad	SEE COS	ta od n io io vai		
Mayor Putzell noted that the current agreement was in effect for one season only and Mrs. Anderson-McDonald said she did not believe that Council should approve another carriage ride as the City currently was testing the feasibility of such an operation.	akas maissi			0.21		
In response to Mr. Bledsoe, City Attorney Rynders, however, advised that he would need to research the legal ramifications should Council refuse to issue another franchise agreement.	TEGOD HET	A 6				
Deborah St. John of A Classic Carriage complained that she had not been treated fairly by the City staff. Mayor Putzell asked the City Attorney to explain the requirements for an occupational license in the County. Mr. Rynders advised that the County could levy an occupational license against any person doing business but the City can only levy an occupational license against a business with a permanent location or branch office in the City.			8 109 8	EDS EDS **		
Mayor Putzell suggested that this matter be tabled "informally" so that it could be looked into further. Mr. Jones proposed that this item be discussed at the next workshop meeting.	radina end radina enda	(4 53 35	¥3	101 201		
*** ***	977 12 1	3		15		
ITEM 4	Meno a Const		103	881		
DISCUSSION OF PROPOSED ORDINANCE AMENDMENT PROVIDING FOR STAFF PERMITTING OF COASTAL CONSTRUCTION SETBACK LINE VARIANCES. REQUESTED BY CITY MANAGER.						
City Manager Jones explained that this discussion is in preparation for an ordinance which would be presented to Council at the March 4, 1987, meeting. He advised that currently the State has a program where it issues "field permits" for minor or routine construction work in the Coastal Construction	in on the third section of the secti		COVINGS (INS) COVINGS (INS)			
-3-wo sanialgnos ans silad	dugilu sen Bugunes bri	30	i bi	M M		

CITY OF NAPLES, E	FLORIDA			4.4.4.4.6		M	S	VO		A
City Council Minu	ites Da	te 2/25/8	7	Minutes		0	Е	5		B
B R O JISHBOO						TI	C	Y		S
2   B   C   B   answer					NCIL	0	N	E	N	N
				MEM	BERS	N	D	S	0	T
Control Zone; the sta implement a similar process requests for	program allo	wing the		08 A 90		a toe	rer			
Mr. Crawford asked in beach were adequate after a meeting w Scofield, the prese identified and deemed Manager Staiger conc	and Mr. Jon with marine ent four ac d adequate.	contractors cess point	nded that or Miles nts were	CARRIA			131 131 130 100 100	77	(8) pt (5)	
Dr. Staiger further a plans to enlarge the plans to enlarge the Park which currently Putzell asked what cof these accesses and a point a storm, a massivetc., would create a on the beach. The appolice all-terrain versus of the staiger added.	vehicular ac is only ten circumstances nd Dr. Staig ve fish kill need for hea accesses are	cess at the feet wide would water advise caused by the two properties of the feet also necestal feet at the feet also necestal feet at the	Lowdermilk e. Mayor rrant use ed that a red tide, ent to be ssary for	Naples.  The beginning to the control of the contro	ni m sw., oo swelle se lie sekio skalo sekio skalo ska ska ska ska ska ska ska ska ska ska		90 81 30 60 11 18 07	TYS ONG ONG ONG ONG ONG ONG ONG ONG ONG ONG		
Mayor Putzell asked comfortable with the and substantive delemembers voiced no ordinance.	proposed fee	s, permit authority	duration	ond but	isad brape araw	9/8/ 3/80 (e.)	100 100 110 110 110 110 110 110 110 110			
***	***		***	apa pag		05	135	V ST		
			ITEM 5	ren ore			A TO	Tot		
DISCUSSION CONCI COASTAL CONSTRU BEACH RELATED IS PUTZELL.	UCTION CONTR	OL LINES		easting Nr. Blo		nog gog	61 61 62	rizo equ mi mi		
City Manager Jones s the Bureau of Beaches attend were unable s this item be postpone	s and Shores to be here	who had pand sugges	lanned to sted that	A 0 m			ils na uo a	100 100 100 100 100 100 100 100 100 100		
***	***		***	deu extru				78		
			ITEM 6	Mg - Ry				ni		
DDOGDAM DUDGERTS	NG.		10 913 11	Stocial			Fai			
PROGRAM BUDGETII				10 101		1 8		100		
A). ENGINEERING	G DEPARTMENT			238 20011					1	
City Engineer Gronvolum was divided into streets and drainage on the diagram presen	three divisi	ons: en	gineering, as shown	Jant os Jones Jones		100	120	in the		
Mayor Putzell questic paths" and suggested "sidewalks" or some	d that it h	e changed	to read	199 80 8						
Mr. Richardson asked Streets and Drainage Mr. Gronvold advised	Division inc	luded lab	s of the orers and	/	DRI GEV COURTE SEL ESTO					
Mr. Graver asked how involved with Coasta Gronvold explained th Manager was hired, items and currently	l Construction hat before the his department	n Variance Natural ent hand	es and Mr. Resources led these	Ka zamo 1. omuo 01. o 21 1. omuo 1. om		0 M 8 67 9 00 8 V 1 5				
items.				1						

CITY OF NAPLES, FLORIDA				VO	TE	
City Council Minutes Date 2/25/87	COUNCIL MEMBERS	M O T O N	SECOND	Y E S	N O	A B S E N T
past nine years which have showed a significant improvement in customer satisfaction. In response to Mr. Bledsoe, City Engineer Gronvold advised that the biggest number of complaints occur after a heavy storm.						
Mayor Putzell also pointed out that the graph is indicative of what he has told the community about the quality of the City staff.			56			
B). ADMINISTRATIVE/SERVICE DEPARTMENTS						
Finance Director Hanley explained that the Finance Department operates a central service division which provides all other City departments with payroll, accounting, data processing and purchasing services. The diagram submitted shows that the Finance Department is broken down into four divisions (Attachment #5). Mr. Hanley pointed out that the discretionary programs would also be included in the Capital Improvement Program Budget.		- To 10				
Mr. Hanley explained that the computer enhancement program he has proposed would only be feasible if the computerized meter reading devices are utilized. These microprocessors can hold 750 accounts each which would allow the meter readers the advantage of reviewing previous reading to check for possible errors. This would also speed up the processing of utility bills.						
In response to Mr. Bledsoe, Mr. Hanley advised that the hand-held calculator type device would cost approximately \$5,000 to \$10,000 per unit; the City would ultimately need between three and four units. Mayor Putzell asked if Mr. Hanley had analyzed this expenditure on a cost versus benefit basis and Mr. Hanley advised that he had not. Mr. Graver suggested that he look into purchasing these units on a State contract.						
Mr. Richardson asked about the status of possible changes in garbage rates and Mr. Hanley advised that a consultant is presently studying the City's rates and the staff will advise Council of the findings.						
Assistant City Manager Wiltsie explained that the City Manager's Office is directly responsible for three divisions: City Clerk, Executive Administration, and Personnel as shown on a diagram distributed to Council (Attachment #6). City Manager Jones clarified that, as provided in the Charter, the City Clerk's Office, however, is established as any other City department.						
Mayor Putzell asked about the program entitled "Enforces Laws, Ordinances, Contracts" and Mr. Jones explained that a great deal of his department's time is spent in the research on the financial aspects of contracts which are brought to the City Council for approval. Mayor Putzell further pointed out that the City Attorney's Office is also responsible for the enforcement of these contracts, as well as laws, and ordinances.						
Mr. Jones advised that all the departments have been discussed except Equipment Management which if there were any questions, he would entertain them at this time.						
-5~	1					

CITY OF NAPLES, FLORIDA	The state of the s	M	-	-	TE
City Council Minutes Date 2/25/87	COUNCIL MEMBERS	OTION	SECOND	YES	N O
These a significant	Cal Carlo			F	F
The next step, he continued, is to prepare a line item presentation for each of the programs identified with summaries of the discretionary programs. Mayor Putzell suggested that the previous year's budget and actual expenses also be presented for comparison.	number of community bear of community of community bear of community by the community bear of community by the community by t	70 E			
***	M19 911 10		Per		
ADJOURN: 10:00 A.M.	Ector Hankly  ector Hankly  operates a ce	io in	(8) ce	Tã (	29 90
EDWIN J. PUTZELL, JR., Mayor	(2 No 19020 I) Frank adab Lessandus (82	211	20 20 20		200
JANET CASON CITY CLERK	in the second second	uni ne ni			
JODIE M. O'DRISCOLL DEPUTY CLERK	e ogose, se.		184	80	
These minutes of the Naples City Council were approved on	Medit wolls a			2 9 5 1 6 V	
were approved on	its would als				
	brita de la		25		
	000/22 746				5
Mr. Hanley had anelyzed this years bonefit basis and Mr. (he pad not Mr. Graver thto perchasing these units	The Car I of the C	311 314 23 8			647 VA 154 154
	-dsandnos	38		1	
about the status of possible of and Mr. Hankey advised that the that the city's rates due Council of the findings.	a spacial	1			
r wilteis explained that the	Ger's Office				
	e da la company				
about the program entitled andes Contracts and Mr. Johns andes Contracts and Mr. Johns	maka iieza				1
	1976 a dady b			2 2 2	
	HE TOYEN				
	W bastuba -	1			
-6-			-		
			1		

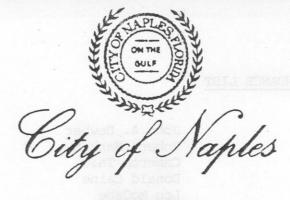
## SUPPLEMENTAL ATTENDANCE LIST

Thomas R. Dawber
Don Anderson
Hugh Wilburn
West Langdon
John Walther
Clem Vanderzee
Robert Schroer
Edward Johanson
Allen Walburn
Thomas Marvel
Phillip Keltmer
Russell Stahlman
Francis Finch

John A. Dawber
Robert Marker
Cameron Tait
Donald Caine
Lou McCabe
Adam Sluis
Richard Baker
Guy Stephens
Larry Ingram
John Yager
John Cona
Phil Morse
Charles Andrews

M./M. David Lamberson
Gus Maggio
Tim Gregory
Robert Caine
Robert Schoon
Herb Anderson
Glenn Yeakey
Betty Bankes
John Morgan
J. Rowe
George Hamstra
George Low

Other interested visitors and citizens.



-- MEMO

CO: EDWIN J. PUTZELL, JR., MAYOR AND MEMBERS OF

FROM: DAVID W. RYNDERS, CITY ATTORNEY

DATE: FEBRUARY 23, 1987

RE: NEWSRACK ORDINANCE

COUNCEE 24 1907

CITY MANAGER
CITY OF MARLES, FLA.

The attached are memos from the City Engineer commenting on the several technical complaints raised about the City's newsrack ordinance. These memos reply to letters from attorneys for the Miami Herald and the Ft. Myers News Press and should provide a framework for discussion of the newsrack ordinance at the February 25, 1987, work session. In addition, I can comment on the two issues raising legal questions, i.e., the requirement of insurance and the due process questions.

With regard to the requirement of insurance, two cases, one in Connecticut and one in Ohio, have held insurance requirements are not constitutionally permitted in city regulation of newsracks. While it is possible that Florida courts may provide a different answer, the reasoning of the Ohio and Connecticut courts is persuasive. In fact, there has been no history of injuries and claims to support the requirement.

With regard to the due process question, I have reviewed these complaints together with the provision for due process set forth in the City's newsrack ordinance and find that the ordinance is sufficient.

David W. Rynders, City Artorney

DWR/plr

Enclosure