



City of Naples

-SUBJECT-	Page
DISCUSSION OF U.S. 41 MEDIAN DESIGNS.	1-
DISCUSSION OF BEACH RELATED PROBLEMS.	2-
DISCUSSION OF BUDGET STRATEGY.	5-

City Council Chambers
735 Eighth Street South
Naples, Florida 33940



Time 9:15 a.m.

Date 07/22/87

Mayor Putzell called the meeting to order and presided as Chairman:

Roll Call: Edwin J. Putzell, Jr.,
Mayor

Kim Anderson-McDonald
Alden R. Crawford, Jr.
John T. Graver
Lyle S. Richardson
Councilmen

Absent: William E. Barnett
William F. Bledsoe
Councilmen

Also Present:

Franklin C. Jones, City Manager
David W. Rynders, City Attorney
Mark W. Wiltsie, Asst. City Manager
Christopher L. Holley, Community Svc Dir
Gerald L. Gronvold, City Engineer
Terry L. Fedelem, Parks & Parkways Supr.
Stewart K. Unangst, Purchasing Agent
Roger J. Barry, Community Dev. Dir.
Jon C. Staiger, Natural Resources Mgr.
George Vukobratovich, Recreation Supt.
Jodie M. O'Driscoll, Deputy Clerk
George Henderson, Sergeant-at-arms

News Media:

William Upham, Naples Times
Lori Rosza, Miami Herald
Kevin Parks, News-Press
Dave Fuller, WNOG
Ross Kevlin, Naples Daily News

See Supplemental Attendance List - Attachment #1.

ITEM 2

DISCUSSION OF U.S. 41 MEDIAN DESIGNS.
REQUESTED BY CITY MANAGER.

Community Development Director Holley explained that landscaping U. S. 41 medians near Trail Terrace Drive has been deferred to coincide with Department of Transportation (DOT) six-laning from there to Pine Ridge Road. The DOT, he said, anticipates completion sometime during the 1989 fiscal year. The landscaping project has therefore been divided into two phases.

Mr. Holley also advised with reference to the current phase of the project that Smallwood Landscaping, Inc., has determined water use efficiency and design (Attachment #2). Staff recommends effluent reuse for irrigation.

Mayor Putzell noted the amount that the City has budgeted for the project (\$300,000 from the Capital Improvement Program) and monies raised by the Chamber of Commerce (approximately \$95,000 pledged). Mr. Holley pointed out that the project could be irrigated manually with the monies currently available.

COUNCIL MEMBERS	VOTE			
	M O T I O N	S E C O N D	Y E S	A B S E N T

COUNCIL MEMBERS

MOTION

SECTION

VOTE

YES

Mr. Graver recommended that maintenance costs be addressed now to prevent future ramifications, but Mr. Holley explained that once the irrigation system has been installed for manual turn-on, the effluent reuse could not be implemented.

Further, in response to Mr. Crawford, City Manager Jones recommended that the Utilities Department pay for pipe installation for effluent reuse as it currently does with area golf courses. Reuse water would reduce annual maintenance cost because there would be no charge for potable water, he added.

Mayor Putzell asked if reuse water would be available year round and Mr. Holley said that it would, although domestic, potable water could be used as back-up.

Mrs. Anderson-McDonald said that she believed this was the most logical method to pursue. Mr. Graver concurred.

In response to Mayor Putzell, Mr. Jones explained that some contingency funding had been built into the project, but Mr. Crawford noted that the project still was \$60,000 shy of its goal.

Ms. Jo Anne Smallwood, Smallwood Landscaping, Inc., pointed out that the project was currently below its original budget projection and supported Mr. Holley's belief that the reuse system was the better irrigation method. There are five islands not included in Phase I of the project, she further explained, and are in Phase II at approximately \$43,335.

Mr. Holley outlined the project's time schedule and advised that when the bid is let, the procedures required would make it hard to complete the project by the first of the year. Staff would, however, make every effort to tighten the bidding procedure to make sure construction was complete by next winter season.

In response to concerns expressed by Mr. Graver, Mr. Crawford pointed out that the last time this was discussed, Council noted the project would be over budget and had decided to proceed only until funds ran out.

Mr. Richardson said that it should be clear that the City implemented this program at the urging of the Chamber of Commerce with the understanding that the Chamber would raise its portion of the money.

It was the consensus of Council to direct staff to move forward in letting the project for bid.

ITEM 3

DISCUSSION OF BEACH RELATED PROBLEMS. REQUESTED BY COUNCILMAN RICHARDSON.

ALCOHOLIC BEVERAGES.

CITY OF NAPLES, FLORIDA

City Council Minutes

Date 07/22/87

COUNCIL MEMBERS

MOTION SECTION VOTE

Mayor Putzell reiterated the numerous complaints and incidents at the pier and unacceptable uses of the beach. He then referred to a list of beach problems and suggested solutions submitted by Ed McMahon, Old Naples Association (Attachment #3).

City Manager Jones explained that the City beaches have always been attractive because of their easy accessibility, however, the County has been acquiring more beachfront property for public use. Activities on City beaches are controversial and encourage complaints regarding ball playing, frisbee and the like. Mr. Jones said that he has met with several department heads who list the four main complaints as: noise, litter, parking and alcohol use on the beach. Some objectionable activities are being bred by the ability to consume alcohol on the beach and at the beach ends, he continued. The State and County have prohibited the use of alcohol on beaches in those jurisdictions. A survey of areas around the state shows that Lee County prohibits alcohol on its beaches as do various communities and along the east coast, Mr. Jones stated.

Mayor Putzell referred to a proposed ordinance prohibiting the use of alcoholic beverages or intoxicants and asked why there were three distinct sections describing areas where alcohol is prohibited. City Attorney Rynders explained that it was for easier understanding. Mr. Jones also advised that the language in this ordinance parallels others in describing the area. Mayor Putzell then confirmed with the City Attorney that he was satisfied with the areas which the ordinance covered.

In response to Mr. Crawford, City Attorney Rynders advised that, historically, ordinances have referred to the beach as such without a specific legal description. Mayor Putzell asked how the City could enforce the alcohol prohibition on private properties which run to the mean high water mark and City Attorney Rynders said that the City could exercise police control even on the private property. Mayor Putzell, however, expressed reservations and asked the City Attorney to study further the issue of police control on private property.

City Manager Jones advised that all City parks and facilities currently prohibit alcohol and confirmed for Mr. Richardson that the Pier parking lot and the City dock were already included in other ordinances prohibiting alcohol.

Mr. Crawford asked if the Police Chief had any reservations about enforcement of this proposed ordinance and Mr. Jones said that it could be easily enforced. Mr. Richardson, however, pointed out that current enforcement isn't up to par which is what he termed a large part of the problem.

It was the consensus of Council to proceed with the drafting of an ordinance to ban the use of alcohol in public areas.

Mr. Ed McMahon also suggested that a beach patrol officer be assigned in the evening from the Naples Beach Club to 20th Avenue South, but Mr. Graver said

that beach problems would decrease if the current beach patrol officer would cite more offenders.

The discussion then turned to beach parking and City Manager Jones presented another ordinance draft. Sometime ago, the Pier parking lot had been closed after 11:00 p.m. due to the congregation of people after hours, but the staff at that time had recommended leaving 12th Avenue South open which made it the only access open after 11:00 p.m. This forces the concentration of activity to that beachend. The staff now recommends that parking be prohibited on 12th Avenue South after 11:00 p.m. There still would be available parking east of Gordon Drive and Second Street for fishermen and those who would like to use the beach, he added.

It was the consensus of Council to proceed with the ordinance restricting parking at certain beachends from 11:00 p.m. to 5:00 a.m.

City Manager Jones then outlined a plan for permit parking through the use of meters or some other means like selling daily or hourly tags to control the beach parking problem. City residents, he said, would not be charged for parking permits.

Mr. Graver said he believed that the State required a certain amount of parking be made available without restriction if it wanted to be eligible for grants. City Attorney Rynders advised that the State requires parking be available to the general public regardless of whether it is restricted. Mr. Rynders then referred to the St. Petersburg beach wherein heavy parking restrictions are imposed with no ramifications upon its grant monies. Natural Resources Manager Staiger concurred.

Mayor Putzell asked if it would be expensive to change the current City meters to accommodate only quarters and Assistant City Manager Wiltsie advised of the cost, approximately \$200, with installation between \$50-75. Mr. Jones then said that proceeds from the meters could be used for added law enforcement. Mr. Richardson suggested that the City coordinate with County Manager Neil Dorrill regarding such procedures.

It was the consensus of Council to direct Staff to come back with estimates of cost regarding different parking systems.

City Manager Jones advised that he could have information regarding the different parking systems to Council by the August 12, 1987 workshop.

Currently, Mr. Jones said, the Pier is open 24 hours per day but it could be closed during certain during night hours.

Mayor Putzell said that, generally speaking, the only people who use the Pier between midnight and 5:00 am. are those who fish for shark. If this is the case, he said, he would like to try closing the Pier during those hours to determine if it helps alleviate the present problems in that area.

Mr. Graver asked about hours for Pier patrol and Mr. Jones said that officers are to check every hour at

the Pier and walk the length of it for security. Mr. Richardson suggested that the City Manager and the Police Chief discuss possible further solutions.

Mrs. Anderson-McDonald said she opposed closing the Pier from midnight to 5:00 a.m. and reiterated that young people like to walk on the Pier and said that stricter enforcement should first be implemented before closing the Pier to "put the bite" on those who are responsible for the noise violation. Messrs. Crawford and Graver concurred.

City Manager Jones referred to a survey taken in 1985 which polled the number of people using the Pier in the early morning hours: an average weekday between 5 and 6 and an average Saturday night between 15 and 20 people.

Mr. Steve Austin spoke in opposition to closing the Pier after midnight. He said that he was speaking for the minority, the younger working class, who cannot easily attend these meetings.

It was the consensus of Council to institute stricter law enforcement at the Pier to alleviate some of the inappropriate behavior.

Community Services Director Holley advised that a Pier employee has suggested the use of speed bumps to discourage "cruising".

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ITEM 4

DISCUSSION OF BUDGET STRATEGY. REQUESTED BY CITY MANAGER.

City Manager Jones advised that the City department heads would be available at the next workshop to answer questions regarding their budget.

Mr. Jones said that the purpose of this budget strategy discussion is to address the City's revenues sources because they have not been expanding as in previous years. This is a result, he said, of State and Federal government revenues being eliminated by Congress, approximately \$300,000. An additional 25% of fines and forfeiture money has been put in the State's general fund instead of to the City. Also, the City's shared revenues, based on population ratio of total state and county, have decreased because growth is minuscule in the City as compared to the County.

Mr. Jones presented an alternate way of procuring additional revenue for the City, a surcharge on water and sewer service outside of the City limits as provided for in State Statute 180.191 (Attachment #4). This surcharge could generate approximately \$500,000 from the unincorporated areas per year. Mayor Putzell pointed out that even with the surcharge, the County residents serviced would pay less than if serviced by another utility company or by the County.

City Auditor Ron Wood said that Naples has historically charged less for water and sewer

CITY OF NAPLES, FLORIDA

City Council Minutes

Date 07/22/87

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE	
			Y E S	N

service and, further, the State Statutes provide for the implementation of such a surcharge.

In response to Mr. Crawford, Mr. Jones handed out a chart delineating the amount of revenue which the City could expect to receive in the next fiscal year.

Mr. Jones then explained the procedures for setting a millage rate and the affects tax roll assessment changes have upon such rate. The State of Florida provides that anyone can appeal the assessed value of their property if viewed to be too high, however, these changes also affect the City's revenues. The State provides that the City executive put together a proposed budget, present it to Council and then decide what tax rate will be advertised for the proposed budget. Mr. Crawford said that after reviewing the information presented, he did not believe an \$18,000 shortfall could warrant adjustment of the millage rate.

Mayor Putzell asked about the reserve fund and Mr. Jones advised that it has an accumulated balance of approximately \$1-million; however, because of this budget year's shortfall, the amount will substantially decrease.

It was the consensus of Council to direct staff to draft an ordinance providing for an utility surcharge to customers outside the City limits effective as of October 1, 1987 for submission to the Council at its August 5, 1987 meeting.

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ADJOURN: 11:19 a.m.

EDWIN J. PUTZELL, JR., Mayor

JANET CASON
CITY CLERK

JODIE M. O'DRISCOLL
DEPUTY CLERK

These minutes of the Naples City Council were approved on AUG 05 1987.

SUPPLEMENTAL ATTENDANCE LIST

James Dodson
Charlie Andrews
Steve Austin
Ron Wood

Jack Stanley
Jo Anne Smallwood
Smallwood Landscaping

Ed McMahon
Dana Fendrick
Smallwood Landscapin

Other interested visitors and citizens.

NAPLESCAPE '87
LANDSCAPE & IRRIGATION BUDGET SUMMARY
 7/20/87

Irrigation Options

	<u>Landscap</u>		<u>Manual</u>		<u>Automatic</u>		<u>Re-Use</u>		<u>Total</u>
Phase I (362,131 SF)	304,885	+	93,508					=	398,393
	304,885	+	93,508	+	77,100			=	475,493
	304,885			+	65,500	+	191,781	=	563,566
Phase II (27,075)	24,000	+	12,947					=	36,947
	24,000	+	12,947	+	5,765			=	42,712
	24,000			+	5,765	+	13,570	=	43,335

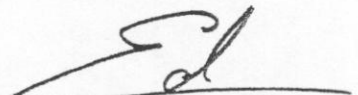
July 21, 1987

ATTACHMENT #3

BEACH PROBLEMS

The following are ideas that have been discussed by the Old Naples Association, some of which have been suggested to the City, during the last 5 years:

1. Treat 13th Ave., South, 12th Ave. and Broad Ave. the same as other beach ends and close from 11 p.m. to 5 a.m. for parking.
2. Close the Pier from 11 p.m. to 5 a.m.
3. Leave the Pier open but charge for a fishing license for use between 11 p.m. and 5 a.m. for those that fish and have a police patrol assigned along the beach area who will walk the Pier every half hour.
4. Install bumps in roadway on 12th Ave., South beach end to slow traffic using turn around.
5. Ban alcoholic beverages on the beach.
6. Parking meters on all beach ends set for 4-6 hours with a charge of 50¢ per hour.
7. Yearly permits for parking in metered area with no fee. Nominal fee for City residents \$10. and larger fee for County. Out-of-County residents \$50.
8. No parking on beach-end roads between Gulf Shore Blvd. and Gordon Drive.
9. Allow free parking on Gordon Drive until it fills up and then meter this area and extend no parking on beach-end roads from Gordon Drive to 3rd Street.
10. With bond issue purchase the vacant land between 13th and 14th Aves., South next to the Mariner Motel. Make this a parking lot enclosed and landscaped with an hourly fee for daytime parking only 8 a.m. to 6 p.m. This for out-of-County or hotel and motel guests. At a later date this could be two tiered.--Also used for extra parking for 3rd Street.
11. Improve enforcement of these and current regulations.



Ed McMahon

180.191 Limitation on rates charged consumer outside city limits.—

(1) Any municipality within the state operating a water or sewer utility outside of the boundaries of such municipality shall charge consumers outside the boundaries rates, fees, and charges determined in one of the following manners:

(a) It may charge the same rates, fees, and charges as consumers inside the municipal boundaries. However, in addition thereto, the municipality may add a surcharge of not more than 25 percent of such rates, fees, and charges to consumers outside the boundaries. Fixing of such rates, fees and charges in this manner shall not require a public hearing except as may be provided for service to consumers inside the municipality.

(b) It may charge rates, fees, and charges that are just and equitable and which are based on the same factors used in fixing the rates, fees, and charges for consumers inside the municipal boundaries. In addition thereto, the municipality may add a surcharge not to exceed 25 percent of such rates, fees and charges for said services to consumers outside the boundaries. However, the total of such rates, fees, and charges for said services to consumers outside the boundaries shall not be more than 50 percent in excess of the total amount the municipality charges consumers served within the municipality for corresponding service. No such rates, fees and charges shall be fixed until after a public hearing at which all of the users of the water or sewer systems, owners, tenants, or occupants of property served or to be served thereby, and all others interested shall have an opportunity to be heard concerning the proposed rates, fees, and charges. Any change or revision of such rates, fees, or charges may be made in the same manner as such rates, fees, or charges were originally established, but if such change or revision be made substantially pro rata as to all classes of service, no hearing or notice shall be required.

(2) Whenever any municipality has engaged, or there are reasonable grounds to believe that any municipality is about to engage, in any act or practice prohibited by subsection (1), a civil action for preventive relief, including application for a permanent or temporary injunction, restraining order, or other order, may be instituted by the person or persons aggrieved.

(3) This section shall apply to municipally owned water and sewer utilities within the confines of a single county.

(4) This section shall not apply to a county operating under a home rule charter if said county has in operation under said charter an agency regulating water and sewer systems.

(5) In any action commenced pursuant to this section, the court in its discretion may allow the prevailing party treble damages and, in addition, a reasonable attorney's fee as part of the cost.

History.—ss. 1, 2, 3, 4, 5, ch. 70-997.

180.20 Regulations by private companies; rates; contracts.—Whenever any private company or corporation organized for the accomplishment of the purposes of this chapter is granted a privilege or franchise by a municipality, it may prescribe the terms upon which

owners and occupants of houses, buildings or lots obtain the use of the utility constructed and operated by the said private company or corporation, and the rate charged for such use, and also the rate and terms upon which the municipality may use such utility for public purposes; such rates, however, shall be subject to the approval of the city council, or other legislative body of the municipality, by whatever name known; provided however, that the municipality may contract with the said private company or corporation to pay the said company or corporation a flat or fixed rate for such service and use of the utility and may pay out of the general revenue or any special revenue such rate as agreed.

History.—s. 14, ch. 17118, 1935; CGL 1936 Supp. 3100(19).

180.21 Powers granted deemed additional.—The authority and powers granted by this chapter to municipalities shall be in addition to but not in limitation of any of the powers heretofore or hereafter granted to municipalities now existing or hereafter created.

History.—s. 15, ch. 17118, 1935; CGL 1936 Supp. 3100(20).

180.22 Power of eminent domain.—

(1) Any municipality or private company or corporation authorized to carry into effect any or all of the purposes defined in this chapter may exercise the power of eminent domain over railroads, traction and streetcar lines, telephone and telegraph lines, all public and private streets and highways, drainage districts, bridge districts, school districts, and any other public or private lands or property whatsoever necessary to enable the accomplishment of the purposes of this chapter.

(2) Any municipality which exercises its power under this section outside of its corporate boundaries for the accomplishment of the purposes of this chapter may finance such extraterritorial project in any manner in which it is presently authorized by law to finance a like project within its corporate boundaries.

History.—s. 16, ch. 17118, 1935; CGL 1936 Supp. 3100(21), s. 1, ch. 78-196; cf.—ch. 73 Eminent Domain.

180.23 Contracts with engineers, attorneys and others; boards.—Any municipality desiring to construct, maintain or operate any of the utilities described in this chapter, may contract with engineers and attorneys for professional services required for the accomplishment of any or all of the purposes of this chapter provided, however, that such employment is to be evidenced by written agreement setting forth the terms and conditions of the employment; provided further, that such municipality may also create such other offices and boards as may be necessary and expedient for carrying out the purposes of this chapter and shall provide suitable and fit compensation for the same.

History.—s. 17, ch. 17118, 1935; CGL 1936 Supp. 3100(22).

180.24 Contracts for construction; bond; publication of notice; bids.—

(1) Any municipality desiring the accomplishment of any or all of the purposes of this chapter may make contracts for the construction of any of the utilities mentioned in this chapter, or any extension or extensions to any previously constructed utility, which said contracts shall be in writing, and the contractor shall be required to give bond, which said bond shall be executed by



City of Naples

City Council Minute

Workshop Meeting 07/22/87

City Council Chamber
735 Eighth Street SW
Naples, Florida (

-SUBJECT-

INTERVIEWS WITH CANDIDATES FOR PLANNING ADVISORY BOARD ALTERNATE MEMBER.

City Council Minutes
 Workshop Meeting 07/22/87
 City Council Chamber
 735 Eighth Street, S.E.
 Naples, Florida

735 Eighth Street South
 Naples, Florida 33940



CITY COUNCIL MINUTES
 Workshop Minutes

Time 8:45

Date 07/22/87

Mayor Putzell called the meeting to order and presided as Chairman:

Present: Edwin J. Putzell, Jr.
 Mayor

Kim Anderson-McDonald
 Alden R. Crawford, Jr.
 John T. Graver
 Lyle S. Richardson
 Councilmen

Absent: William E. Barnett
 William F. Blédsoe
 Councilmen

Also Present:
 Franklin C. Jones, City Manager
 David W. Rynders, City Attorney

*** *** ***

ITEM 1

INTERVIEWS WITH CANDIDATES FOR PLANNING
 ADVISORY BOARD ALTERNATE MEMBER (Room 224,
 City Hall).

Council reviewed each of the applicant's resumes and it was
 the consensus that Jack Sturgis was an outstanding candidate
 and should therefore be appointed as alternate.

Council also reviewed comments received from citizens
 regarding the beach and Pier areas.

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ADJOURN: 8:50 a.m.

EDWIN J. PUTZELL, JR., Mayor

JANET CASON
 CITY CLERK

JODIE M. O'DRISCOLL
 DEPUTY CLERK

These minutes of the Naples City Council were approved on

AUG 05 1987

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE	
			Y E S	N O



City of Naples

OFFICE OF THE CITY MANAGER

August 7, 1987

Honorable Mayor and Members of City Council
 City of Naples
 735 Eighth Street, South
 Naples, Florida 33940

Mrs. Anderson-McDonald and Gentlemen:

Presented for your review is a balanced budget totaling \$24,751,779. This total is made up of the following categories:

General Fund Operating Budget.....	\$ 8,880,000
Intergovernmental Services.....	(940,753)
Water/Sewer Enterprise.....	10,525,607
Solid Waste Enterprise.....	1,917,189
City Dock Enterprise.....	332,779
Property Management/Lot Mowing Enterprise...	55,019
Non-enterprise Capital Improvements.....	3,041,185
	<u>\$24,751,779</u>

This budget was formulated with the goal of holding the line on any unnecessary expenditures without in any way decreasing the levels of service provided. The budget also provides for the construction or purchase of capital improvements that have been in our plan for some time which not only meet our immediate needs but will also provide facilities to meet our need for many years to come.

GENERAL FUND BUDGET

The General Fund budget in the amount of \$8,880,000 proposes an increase in expenditures of \$705,000, or 8.6%. It will also provide for a contingency fund in the amount of \$273,161 to cover unknown costs and salary adjustments as well as future price increases.

During the course of the budget review, departmental requests were reduced by \$716,451. In most instances, the budgets submitted by the departments indicated an attitude of holding the line and, in fact, we found it necessary to increase some costs where estimated cost increases appeared too conservative. In

Mayor and Council
August 7, 1987
Page 2

some cases, the reductions consist of the elimination of costs considered unnecessary; corrections in calculations; and adjustments due to expenditure histories and cost information which had been up-dated after the budgets were originally formulated by the departments. The most significant change in the budget was for salaries for existing employees and for the additional 15 positions which are discussed later in this memo.

UTILITIES/ENTERPRISE BUDGETS

The utilities and enterprise budgets include all services whose operations are funded entirely from user fees. These operations include the water and sewer utilities, solid waste operation, the City Dock and the lot mowing operation. These budgets total \$12,830,594 which includes \$2,062,266 for water and sewer utility capital improvements. The most significant increases in these areas concern the costs associated with putting the expanded wastewater treatment plant and the effluent reuse system into operation during the next year, and increases in solid waste landfill charges.

CAPITAL IMPROVEMENT PROGRAM

The non-enterprise capital improvement budget total is \$3,041,185. This includes \$1,766,870 in capital projects and \$558,974 in debt service for outstanding utility tax bonds. There is also debt service totalling \$305,341 for projects funded through local lending institutions. Also included are \$400,000 in major parks improvements as part of the "Let's Keep Naples Green" program. In addition to these park projects, the major capital improvement category provides for street and traffic work. There is also provision for replacement of equipment and improvement of facilities throughout the City.

INTERGOVERNMENTAL SERVICES

This \$940,753 appropriation is made up of equipment management and data processing functions. It is shown as a memo figure because it is already contained within the appropriation for each user department.

PERSONNEL

The proposed budget provides for a net increase of 15 positions, the result of adding 17 new positions and deleting 2. Of the new positions, 11 are within the Police Department and are a result of adding six sworn officers in response to our increasing population and the increasing population of the surrounding area;