



City of Naples

City Council Chambers
735 Eighth Street South
Naples, Florida 33940

-SUBJECT-	Ord. No.	Res. No.	Page
<p><u>ANNOUNCEMENTS:</u> MAYOR PUTZELL: Presented former City officials with pens commemorating the Founder's Day celebration. CITY MANAGER JONES: None.</p>			1
<p><u>APPROVAL OF MINUTES:</u> June 10, 1987, CEB Candidate Interviews July 15, 1987, Regular Meeting July 15, 1987, PAB Candidate Interviews July 22, 1987, Special Meeting July 22, 1987, Workshop Meeting July 22, 1987, PAB Candidate Interviews</p>			2
<p><u>PURCHASING:</u> -BID AWARD for an eight-inch (8") gravity sewer main, six (6) manholes and service laterals. -BID AWARD movable walls in the new Criminal Investigation Division area of the Naples Police Department.</p>		87-5326 87-5327	2 2
<p><u>RESOLUTIONS:</u> -WITHDRAW vacation of a portion of Bay Road, Donahue. -WITHDRAW eminent domain proceedings for the East Golden Gate Well field. -APPROVE designation of Rogers, Wood, Hill, Starman & Gustason, P.A., as auditor for fiscal year ending September 30, 1987. -APPROVE reappointment of Joseph Zappavigna to Public Employees Relations Commission. -APPROVE renaming the renovated community center in Cambier Park, "The Norris Community Center."</p>		87-____ 87-____ 87-5333 87-5334 87-5335	6 9 10 10 10
<p><u>ORDINANCES - First Reading:</u> -FAILED prohibition of possession or consumption of alcoholic beverages or intoxicants on the public beaches or the rights-of-way. -APPROVE prohibition of parking on Vedado Way, Via Miramar and 12th Avenue, South at certain times. -APPROVE method for levying a surcharge to consumers outside of the City of Naples limits. -APPROVE franchise agreement limitations regarding horse-drawn carriages and pedi-cabs.</p>	87-____ 87-____ 87-____ 87-____		6 8 8 9
<p><u>ORDINANCES - Second Reading:</u> -ADOPT special taxing district, Moorings Bay, for waterways maintenance. -ADOPT special taxing district, West Naples Bay, for waterways maintenance. -ADOPT special taxing district, East Naples Bay, for waterways maintenance. -ADOPT amendment to Section 7-42(g)(2), addressing issuance of permits for certain types of construction seaward of the CCSL. -ADOPT rezone of City Water Treatment Plant property.</p>	87-5328 87-5329 87-5330 87-5331 87-5332		3 4 4 5 5

COUNCIL MEMBERS

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

-----CONSENT AGENDA-----

APPROVAL OF MINUTES

ITEM 4

- June 10, 1987, CEB Candidate Interviews
- July 15, 1987, Regular Meeting
- July 15, 1987, PAB Candidate Interviews
- July 22, 1987, Special Meeting
- July 22, 1987, PAB Candidate Interviews
- July 22, 1987, Workshop Meeting

PURCHASING

ITEM 5

---RESOLUTION NO. 87-5326

Item 5-a

A RESOLUTION AWARDING THE BID FOR REPLACEMENT OR RECONSTRUCTION OF AN EIGHT-INCH (8") GRAVITY SEWER MAIN, SIX (6) MANHOLES AND SERVICE LATERALS LOCATED ON 8TH STREET SOUTH, 18TH AVENUE SOUTH AND GORDON DRIVE; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Title not read.

In response to Mr. Graver, Utilities Director Chaffee advised that the second lowest bid was recommended by staff because it allowed replacement of sewer pipe without the use of conventional methods which require excavation of pavement.

---RESOLUTION NO. 87-5327

Item 5-b

A RESOLUTION AWARDING THE BID FOR MOVABLE WALLS IN THE NEW CRIMINAL INVESTIGATION DIVISION AREA OF THE NAPLES POLICE DEPARTMENT; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Title not read.

Jonathan James, representing Office Furniture and Design Center, protested the bid award and said that the pre-bid proceedings were not clear. He said that his company's bid was dependent upon the amount of panels to be "powered-up" and, further, that it was his impression, after speaking with the purchasing agent, that the City would need a total of twelve (12) powered panels. The bid specifications, Purchasing Agent Unangst pointed out, require that proposals be submitted for three (3) panels with installed outlets and three (3) with connections to a permanent wall.

Mr. Unangst further explained that Weaver's had submitted a proper bid proposal and met all specifications.

Mrs. Anderson-McDonald asked Mr. James if he had verified, in writing, directions given verbally to him by the purchasing agent and Mr. James advised that he had not.

COUNCIL MEMBERS	MOTION	S E C O N D	VOTE		A B S E N T
			Y E S	N O	
Anderson-McDonald			X	X	
Barnett					X
Bledsoe					X
Crawford				X	
Graver				X	
Richardson	X			X	
Putzell				X	
(5-0)					

MOTION: To ADOPT the ordinance as presented at second reading.

*** *** ***

---RESOLUTION NO. 87- ITEM 8

A RESOLUTION VACATING AND ABANDONING A PORTION OF BAY ROAD LYING AND BEING WEST OF THE WESTERLY RIGHT-OF-WAY LINE OF GORDON DRIVE, SUBJECT TO THE CONDITION SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Title not read:

City Attorney Rynders pointed out that this vacation had not yet been advertised and further advised that it should be taken off the agenda so that it could be advertised according to Code requirements.

City Manager Jones commented that this item had been "in limbo" since December and it was assumed to have been advertised as provided for under the new vacation procedures.

It was the consensus of Council to withdraw this item from the agenda.

*** *** ***

-----END COMMUNITY DEVELOPMENT DEPT./P.A.B.-----

----FIRST READINGS----

--ORDINANCE NO. 87- ITEM 9

AN ORDINANCE CREATING SECTION 16-33 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES PROHIBITING POSSESSION OR CONSUMPTION OF ALCOHOL, ALCOHOLIC BEVERAGES OR INTOXICANTS ON THE PUBLIC BEACHES OR THE PUBLIC RIGHTS-OF WAY PROVIDING ACCESS TO THE BEACHES; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

For purposes of discussion, Mr. Crawford moved to approve the ordinance at first reading and Mr. Richardson seconded.

Mayor Putzell reiterated the Council's procedure for speakers and asked that previously stated comments not be repeated.

The following members of the public spoke in favor of the proposed ordinance citing several incidents involving alcohol related problems on the beach: Pastor Roland Nelson, Church of the Gate; Reverend Max Cadenhead, First Baptist Church; Marion and John Kennedy; Charles Blankenship; George Furbish; Dottie Scofield; Pastor Grant Thigpen, New Hope Ministries; Robert McMullen; Doris Charleston; Doris Cadenhead; and Darlene Neptune.

The following members of the public spoke in opposition to the ordinance stating that there were

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

sufficient laws which could be enforced to deal with "rowdies": Louis S. Erickson, Esq.; Phidias J. Pollis (presented the clerk with a petition a copy of which can be reviewed in the City Clerk's office); Charles Brennan; Ernest Engelsrud; Paul Erickson; Bruce L. Holley, Jr.; and Brenda Hawkins.

Mayor Putzell referred to a memorandum, dated August 4, 1987, from City Manager Jones (Attachment #4) wherein Mr. Jones explained that out of 21 cities surveyed, 17 had some prohibitions on the use of alcohol and of the 4 counties surveyed, 1 had complete prohibition and 2 had some regulations, including Collier County. The City's beaches are among the few, he said, which have no restrictions regarding alcohol which makes them even more attractive.

Mr. Crawford said that he personally has not witnessed any alcohol related problems; however, if the City is the only access for people to come and drink freely on the beach, it may be beneficial to place restrictions on such use.

Mr. Graver asked Captain Paul Sireci what problems the Police have encountered regarding beach control and Captain Sireci explained that the Police Department believes the restriction of alcohol would be beneficial to law enforcement on the beach. In response to Mr. Crawford, Captain Sireci further advised that his Department would have no problems enforcing the proposed ordinance. Mr. Richardson then asked what type of tool such an ordinance would provide for the Department and Captain Sireci said that it could help remove some behavioral problems from the beach because the cause, alcohol, would be restricted.

Mrs. Anderson-McDonald asked if there was an ordinance prohibiting public intoxication and City Attorney Rynders advised that there was not; however, he said, there was a restriction for disorderly conduct. Mrs. Anderson-McDonald pointed out that there also is a provision which allows the Police to remove people creating a disturbance with loud radios. City Attorney Rynders noted, however, that the Police must be on site at the time of any disturbance.

Mr. Crawford asked if it were feasible to ban alcohol use from sunset to sunrise as most of the problems occur at night. Captain Sireci pointed out that during the week-ends there are a lot of people with alcohol on the beach and beachends.

In response to Mr. Graver, Police Chief Reble advised that he concurred and supported Captain Sireci's comments.

Mrs. Anderson-McDonald said that although she has worked diligently with the residents and youth of the community to provide an alcohol free environment, she supported the stricter enforcement of laws currently in existence, and, further, believed such laws should first be implemented before additional restrictions are established. Mrs. Anderson-McDonald then invited the citizens to write to her with their comments regarding the passage of such an ordinance.

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S E N T
			Y E S	N O	
Anderson-McDonald	X		X		X
Barnett					X
Bledsoe					
Crawford			X		
Graver			X		
Richardson	X		X		
Putzell			X		
(5-0)					

---ORDINANCE NO. 87-

ITEM 12

AN ORDINANCE RELATIVE TO THE APPROVAL OF FRANCHISE AGREEMENTS FOR THE OPERATION OF PEDICABS AND HORSE-DRAWN CARRIAGES IN THE CITY OF NAPLES; LIMITING THE NUMBER OF PEDICABS AND HORSE-DRAWN CARRIAGES IN OPERATION AT ANY ONE TIME TO TWO (2) PEDICABS AND FOUR (4) HORSE-DRAWN CARRIAGES; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

City Attorney Rynders advised of a misspelling in the second recital and said that it would be corrected before the second reading.

Ms. Laura Davis-Lehman and Ms. Deborah Ferruccio, representing Classic Carriage Rides dba Naples Horse and Carriage, requested permission for two additional carriages to service special reservations only. Mayor Putzell pointed out that the maximum ceiling amount of the ordinance would then need to be increased from 4 to 8 if such a request were granted, because the same opportunity would have to be afforded to the other horse-drawn carriage franchisee. Mrs. Anderson-McDonald concurred and suggested that Naples Horse and Carriage contact the County regarding carriage usage at the Ritz and Registry. City Attorney Rynders further recommended that Ms. Davis-Lehman prepare a formal request to present to the Council for its review.

In response to Mr. Crawford's concerns, City Attorney Rynders pointed out that this ordinance would only be a limiting factor and unless an overall ceiling has been established, the Council cannot refuse any future transit requests.

MOTION: To APPROVE the ordinance as presented at first reading.



Mrs. Anderson-McDonald commented that she has received a phone call from a Crayton Road resident asking if drivers would be penalized for passing a slow-moving carriage on a double yellow-lined road. She asked the City Manager to address the issue and convey his findings to Council.

-----END FIRST READINGS-----

---RESOLUTION NO. 87-

ITEM 13

A RESOLUTION DETERMINING THE NECESSITY OF ACQUIRING CERTAIN PROPERTY FOR CONSTRUCTION OF THE EAST GOLDEN GATE WELL FIELD; DIRECTING THAT NOTICE BE PROVIDED TO PROPERTY OWNERS AS REQUIRED BY SECTION 75.0511, FLORIDA STATUTES, AND, SUBSEQUENT TO SAID NOTICE, DIRECTING CONDEMNATION OF THE NECESSARY PROPERTY AND PROPERTY INTERESTS; AND PROVIDING AN EFFECTIVE DATE.

	COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S E N T
				Y E S	N O	
its first Community Center, and they have also generously contributed \$50,000 for renovations to the present facility.	Anderson- McDonald Barnett Bledsoe Crawford Graver Richardson Putzell (5-0)				X	X X
MOTION: To APPROVE the resolution as presented.		X				
***	***		X		X	
CORRESPONDENCE AND COMMUNICATIONS: None.					X	
***	***				X	
ADJOURN: 11:06 a.m.					X	
	 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 <u>AUG 19 1987</u>						

SUPPLEMENTAL ATTENDANCE LIST

Jack Sturgis	Harry Crede	Charles Andrews
Dan Spina	Ed Beekman	David S. Bennett
Frederic H. White, Jr.	Jonathan James	Rev. Roland Nelson
Rev. Max Cadenhead	Marion Kennedy	John Kennedy
Charles A. Blankenship	George W. Furbush	Dottie Scofield
Grant Thigpen	Robert McMullen	Doris Charleston
Doris Cadenhead	Darlene Neptune	Louis S. Erickson
Phidias Pollis	Charles Brennan	Ernest Engelsrud
Paul Erickson	Bruce L. Holly, Jr.	Brenda Hawkins
Laura Davis-Lehman		

Other interested citizens and visitors.

NEWS MEDIA

Curt Johnson, WEVU-TV	Chris Wallace, Palmer TV-10
Marty Bonvechio, Naples Daily News	Dave Fuller, WNOG
Racheal Kearns	Gary Arnold, WEVU-TV
Tim Hass, WINK-TV	William Upham, Naples Times
Lori Rosza, Miami Herald	Beverly Cameron, WINK-TV
Kevin Parks, News-Press	

FORMER CITY OFFICIALS

R.B. Anderson, Mayor	Stanley R. Billick, Mayor
Gilbert V. Blanquart, Council	Virginia B. Corkran, Council
C. Palmer Harris, Council	C.C. Holland, Council
Arnold E. Lamm, Council	James F. McGrath, Council
Fred A. Miller, Council	Mrs. M.J. Miller, wife of Councilman Miller
Philip C. Morse, Jr., Council	J. Thad Moss, Council
George H. Reardon, Jr., Council	Wade H. Schroeder, Council
Randolph I. Thornton, Council	Archie Turner, Council/Mayor
Charles K. Allan, City Attorney	Benjamin G. Parks, City Attorney
Wayne Roark, City Manager	William F. Savidge, Public Works Dir.
Harold E. Williams, City Manager	Vincent P. Wood, City Manager



GREATER NAPLES CIVIC ASSOCIATION

62 FIRST AVENUE, SOUTH
NAPLES, FLORIDA 33940
(313) 262-2424



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August 3, 1987

Mayor Edwin J. Putzell, Jr.
Mayor of the City of Naples
Naples City Hall
735 Eighth Street South
Naples, Florida 33940

Dear Mayor Putzell:

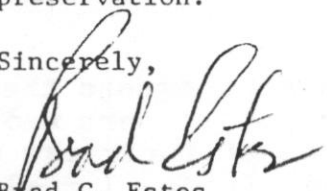
On behalf of the Greater Naples Civic Association, please accept our very best wishes for Naples 62nd Birthday celebration.

Though 62 years of human life would be nearing the senior years, as a City, we are just beginning to walk.

Because of the unselfish devotion to what is right and good on the part of our past City leaders, today we continue to enjoy the pleasures of our beautiful City.

To you Mayor Putzell, the City Council and the City Staff, we extend our appreciation for your past, present and future endeavors for the City's preservation.

Sincerely,


Brad C. Estes

BCE:t

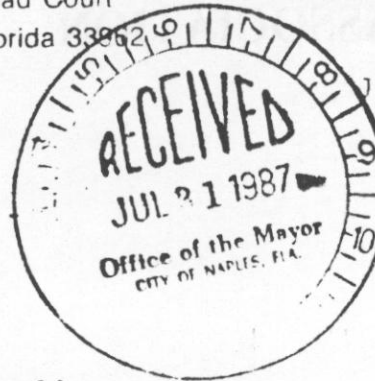
Wayne A. LeCureux

2165 Shad Court
Naples, Florida 33962

July 27, 1987

To: Hon. Ned Putzell, Mayor
and
City Council Members

City of Naples, Florida



Subject: Waterway Maintenance Funding

I find there has been a lack of information regarding the means for funding waterway maintenance. The present plan for property taxing districts is a quick fix method, out of date, unrealistic and discriminatory. There is a lack of awareness of marine tax revenues now being collected but are being misappropriated.

No. 1 There is about \$600,000. in boat registration fees collected each year in Collier County. As near as I can determine the City of Naples has only been getting \$50,000. share of this money. Then I find to my amazement that this \$50,000. per year for the past two years has been going into the City Dock fund. This is a blatant misuse of tax payer money going into the City Dock. It was mandated in the Dock rebuilding program a few years ago that the Dock was not to use tax payer money. Mr. Bledsoe will be interested in this form of Dock financing.

If this \$50,000. (the City/entitled to more) were legally applied to waterway maintenance plus the City share of the new 50% increase in boat registration fees, could add up to \$350,000 or more over the next 5 years. Probably sufficient for the proposed waterway maintenance program. I hope the City will be more aggressive in getting it's share of the now total \$900,000. per year of boat tax.

No. 2 Property taxing is an outmoded method of financing transportation, be it highways or waterways. The more appropriate method is user taxes. Naples waterfront property owners already pay higher taxes because of their location. The local tax assessors office estimates these taxes to be from 2 to 3 times higher than comparable property not on the water.

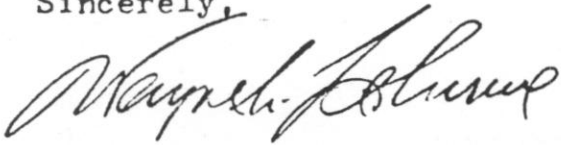
No. 3 Fuel taxes are being paid by boat owners the same as is being paid by auto owners. However, again boat owners and waterway people are being cheated by misappropriation of their tax money. All of the boat fuel tax money goes into highway funds. I realise this is a state function but what has the City of Naples done to get this unfairness corrected.

This boat fuel tax amounts to a sizeable sum. For example in 1986 boat fuel sales at the City Dock was \$244,982. of which about \$20,000. was tax which the City had to send away to the highway fund. A local

marina owner said, his fuel tax collection would be more than this amount. The yacht clubs and marinas in Naples could be collecting \$200,000, or more per year in boat fuel tax revenue and all going to none waterway use.

If fairness is to prevail, I believe the City should move to correct the misappropriation of tax revenues now being paid by waterfront property owners and boaters before thinking of adding on more taxes, especially property taxes.

Sincerely,



Wayne A. LeCureux, Royal Harbor
(LeCure)

NAPLES DAILY NEWS

Tues., April 14, 1987

Collier OKs 50% Raise In Boat Fees

By ED O'DONOGHUE
Staff Writer

Boat registration fees are going up 50 percent, but probably not before June 1, 1988.

The Collier County Commission today decided to take advantage of a state law allowing counties with populations of more than 100,000 to collect the additional fee.

The \$600,000 in boat registration fees paid in Collier County each year goes to Tallahassee and is administered by the state for various waterway projects. The \$300,000 to be realized by the increase approved today will stay in Collier County for local dredging projects.

The increase will raise fees from \$2 to \$3 for the smallest boats to \$114 a year for the largest. Fees are based on the length of boats.

Commissioner John Pistor pressed to have collections start immediately, but he was told that the county tax collector needs a year's start-up time to properly collect the fee.

Pistor complained that the county needs the money this year for the dredging of Wiggins Pass.

"It's an unfortunate thing that this can't be figured (faster) with modern computers," he said.

Adam Addison, the assistant tax collector, said his department will try to institute the new tax by this July, but he offered no guarantees.

The commission intends to apply the funds for periodic dredging of Wiggins Pass, Gordon Pass and other navigable channels.

Pistor also complained that \$1 of every registration is to be used for manatee protection, but he was reminded that the state requires it.

2 *



City of Naples

--- MEMO ---

TO: HON. EDWIN J. PUTZELL, JR., MAYOR, AND
MEMBERS OF CITY COUNCIL

FROM: FRANKLIN C. JONES, CITY MANAGER

DATE: AUGUST 4, 1987

RE: SURVEY OF ALCOHOL RESTRICTION ON BEACHES

During the past week, there has been considerable publicity regarding the proposed ordinance which would prohibit the use of alcohol on the City's public beaches. In order to give you a clearer picture of what other jurisdictions have done, we have made a survey of cities and counties in south Florida (copy enclosed). The survey shows that of the 21 cities surveyed, 17 have some prohibition of the use of alcohol on the beaches. Of the 4 counties surveyed, 1 has a complete prohibition, while 2 others have a partial prohibition. Included as a partial prohibition is the action that Collier County has taken to identify its beach parking and access areas as county parks, which carries with that the prohibition of the use of alcohol.

There also appears to be some confusion concerning the reasons for considering an ordinance prohibiting the use of alcohol on the beaches. During our workshop, we addressed three separate areas of concern. One of the issues was resident complaints about activities at the City Pier. Our recommendations concerning that were to step up enforcement and prohibit parking at 12th Avenue South between the hours of 11:00 p.m. and 5:00 a.m.. You will consider an ordinance enacting that parking prohibition at the meeting on Wednesday, August 5. The issue of prohibition of the use of alcohol was not specifically concerned with the activities at the pier.

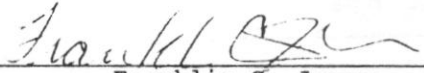
The other two issues which we addressed were complaints concerning inappropriate behavior on our beaches and at the beach ends, and the intensity of use which we are seeing this summer at those beach ends and on the beaches. These two issues seem to be affected by the permitted use of alcohol on the beach.

Since more and more jurisdictions in south Florida are choosing to prohibit the use of alcohol, our beaches become more and more attractive to those people who find the use of alcohol an important beach activity. In the future, we would certainly find that this would add to the number of beach users who would travel to Naples to use the beaches.

We also feel that the use of alcohol on the beaches contributes to both litter problems and problems associated with inappropriate behavior. Although these problems could be addressed by spending more on beach cleanup and beach enforcement, cleanup and enforcement do not eliminate the problems. It seems that at least one of the causes for these types of problems is the fact that alcohol use is permitted on the beach.

Memorandum to Mayor and City Council
August 4, 1987
Page 2

I hope that this information will eliminate some of the confusion on this issue. If you should need more information for this week's meeting, please feel free to contact me.



Franklin C. Jones
City Manager

FCJ/vv

Enclosure
As stated

SURVEY OF SOUTHERN FLORIDA CITIES/COUNTIES

<u>Name of City</u>	<u>Alcohol Allowed on Beach</u>	<u>Miles of Beach</u>	<u># Access Pts.</u>
Town of Long Boat Key	No	11	14*
City of Sarasota	Yes	10	7*
City of Miami Beach	Yes	7.1	50*
Town of Surfside	No	1	9
City of Hallandale	No	.08	1
City of Hollywood	No	4	50
City of Ft. Lauderdale	No	6	*
City of Pompano Beach	Alcohol allowed in picnic areas only	5	8*
City of Deerfield Beach	No	2.5	*
City of Boca Raton	No	5	18
City of Del Ray Beach	No	3	*
City of Boynton Beach	No	3.5	*
City of Lake Worth	No	.25	1
Town of Palm Beach	No	12	6*
City of Riviera Beach	No	.19	3
City of No. Palm Beach	All of oceanfront is in State Park		
Town of Jupiter	Yes	2.5	5
City of Fort Pierce	No	3.5	12
City of Madeira Beach	Yes	15	15
City of Indian Rocks Beach	No	3	26
City of Clearwater Beach	No	5	*

*These cities have parking lots or large open areas to park at the beach.

<u>Name of County</u>	<u>Alcohol Allowed on Beach</u>	<u>Miles of Beach</u>	<u># Access Pts.</u>
Florasota County	Yes	35 (5 under County jurisdiction)	10*
Charlotte County	Yes (Alcohol allowed between sunrise & sunset)	.3	1
Collier County***	Yes Except in County parks	17**	7*
Lee County	No	Figure not available	58*

* These counties have parking lots or large open areas to park at the beach.

**This figure does not include the City of Naples nor the state park.

***Collier County's miles of beach reported includes beachfront from the Lee County line to Gordon Pass and also Marco Island.