



City Council Chamber
735 Eighth Street South
Naples, Florida 34102

City Council Regular Meeting – February 6, 2002 - 9:00 a.m.

Mayor MacKenzie called the meeting to order and presided.

ROLL CALL (8:59 a.m.) ITEM 1

Present:

Bonnie R. MacKenzie, Mayor
Joseph Herms, Vice Mayor

Council Members:

Gary Galleberg
William MacIlvaine
Fred Tarrant
Penny Taylor
Tamela Wiseman

Also Present:

Kevin Rambosk, City Manager
Beverly Grady, City Attorney
Tara Norman, City Clerk
Ron Lee, Planning Director
Dan Mercer, Public Works Director
Jon Staiger, Natural Resources Manager
Lori Burke, Human Resources Director
Robert Middleton, Utilities Director
Don Wirth, Community Services Director
David Lykins, Recreation Manager
Jessica Rosenberg, Recording Specialist
Karen Kateley, Administrative Specialist
Father Edward Gibbons

Kim Long
Arlene Guckenberger
Clark Russell
Steve Miller
James Dean
Mike McGee
Amy Rego
Judge Hugh Hayes
Bill Boggess

Media:

Dianna Smith, Naples Daily News

Other interested citizens and visitors

INVOCATION AND PLEDGE OF ALLEGIANCE ITEM 2

Father Edward Gibbons, St. Williams Catholic Church

ANNOUNCEMENTS ITEM 2

None.

SET AGENDA ITEM 4

Added Item 6-b (9) Live entertainment and amplified sound request at Syrah Restaurant.

MOTION by Taylor to ADD ITEM 6-b(9); seconded by Herms and unanimously carried, all members present and voting (Galleberg-yes, Herms-yes, MacIlvaine-yes, Tarrant-yes, Taylor-yes, Wiseman-yes, MacKenzie-yes).

Added Item 16 Direction regarding conflicts of interest and/or waivers concerning Lady Brett, Inc., and Colonial Bank.

MOTION by Herms to ADD ITEM 16; seconded by Taylor and unanimously carried, all members present and voting (Galleberg-yes, Herms-yes, MacIlvaine-yes, Tarrant-yes, Taylor-yes, Wiseman-yes, MacKenzie-yes).

Renumber Item 6-d(1) Waive conflict of interest by Roetzel & Address, P.A., relating to transportation agreement with the District School Board of Collier County.

MOTION by Galleberg to RENUMBER AS STATED ABOVE; seconded by Taylor and unanimously carried, all members present and voting (Galleberg-yes, Herms-yes, MacIlvaine-yes, Tarrant-yes, Taylor-yes, Wiseman-yes, MacKenzie-yes).

Added Item 17 Discussion of formally adopting Robert's Rules of Order and appointing the City Attorney as parliamentarian.

MOTION by Wiseman to ADD ITEM 17; seconded by Galleberg. This motion failed 3-4, all members present and voting (Galleberg-yes, Herms-no, MacIlvaine-no, Tarrant-no, Taylor-no, Wiseman-yes, MacKenzie-yes).

Vice Mayor Herms requested further information on this issue, and Council Member Taylor urged that newly elected Council Member Clark Russell be included in this discussion.

Added Item 17 Discussion of formally adopting Robert's Rules of Order and appointing the City Attorney as parliamentarian to be placed on the 2/19/02 Workshop Meeting agenda.

AMENDED MOTION by Wiseman to ADD ITEM 17 TO THE FEBRUARY 19, 2002 WORKSHOP AGENDA; seconded by Galleberg and unanimously carried, all members present and voting (Galleberg-yes, Herms-yes, MacIlvaine-yes, Tarrant-yes, Taylor-yes, Wiseman-yes, MacKenzie-yes).

MOTION by Herms to SET AGENDA WITH THE ABOVE CHANGES; seconded by Taylor and unanimously carried, all members present and voting (Galleberg-yes, Herms-yes, MacIlvaine-yes, Tarrant-yes, Taylor-yes, Wiseman-yes, MacKenzie-yes).

PUBLIC COMMENT.....ITEM 5

Kim Long, 110 13th Street SW, representing Funtime Child Development Center, related a conversation between a City staff member and a Funtime assistant to the effect that the land the Council had designated for Funtime's use was unavailable because the property was instead to be used for a new City Hall. Stressing the quality education provided by Funtime to children of the City's working poor, Ms. Long asked that Council confirm or deny its commitment to providing land for the new Funtime facility. City Manager Kevin Rambosk said he would convey in writing the Council's commitment to designate land at the City's office campus on Riverside Circle and also pointed out that staff is researching long-term plans to accommodate Funtime but that there is no proposal for construction of a new City Hall. Vice Mayor Herms proffered a motion to reaffirm the City's commitment to the Funtime Child Development Center at the aforementioned location; however, further discussion ensued. Council Member Galleberg urged that a land inventory analysis be accomplished prior to determining this location. Council Member Tarrant, however, seconded the motion saying that this would enable Funtime to proceed with its plans.

MOTION by Herms to REAFFIRM COUNCIL'S COMMITMENT TO LOCATE THE CENTER ON RIVERSIDE CIRCLE IN AN EQUIVALENT SIZE TO THAT ALREADY DISCUSSED; seconded by Tarrant and carried 5-2, all members present and voting (Galleberg-no, Herms-yes, MacIlvaine-yes, Tarrant-yes, Taylor-no, Wiseman-yes, MacKenzie-yes).

Andy Galyardt, 306 Second Street South, noted his prior appearance before Council (January 23, 2002) and expressed appreciation for the recent tree planting and the speed limit reduction to 25 mph in his neighborhood. **Wilbert Brown, 1100 Eighth Avenue South**, representing Marina Manor Condominiums, expressed concern about water runoff in the alley from a nearby marina and requested that the City retain the shell base, predicting that paving would worsen the

situation. City Manager Rambosk said the marina was amenable to any surface that would accommodate the water and that the City may berm the side of the alley to ensure that all water is directed back to the alley and away from the condominium.

SPECIAL EVENTITEM 6-b (2)

Davis-Keil Fine Art Gallery Open House (5th Avenue South) – 2/22/02 and 4/5/02.

City Manager Kevin Rambosk confirmed that no parking spaces are allocated to businesses on Fifth Avenue South although staff does recommend allocating two spaces for valet parking, noting that this event would occur on two nights only. Stephanie Sherman, representing Davis-Keil Fine Art Gallery, indicated her ability to answer questions.

MOTION by MacIlvaine to APPROVE ITEM 6-b (2); seconded by Taylor and unanimously carried, all members present and voting (Galleberg-yes, Herms-yes, MacIlvaine-yes, Tarrant-yes, Taylor-yes, Wiseman-yes, MacKenzie-yes).

SPECIAL EVENTITEM 6-b (6)

Naples Contender Kingfish Classic Tournament and Tailfins Classic/Exotic Car Show (Bayfront Place) – 3/9 – 10/02. City Manager Kevin Rambosk stated that although last year's event at the City Dock had been successful, organizers were seeking an alternate location. Council Member MacIlvaine expressed concern that amplified music or announcements would disturb the surrounding residential neighborhood. Johan Kriek, representing the Sportsmaster International and Naples Contender Kingfish Classic, predicted that the event at Bayfront Place this year would yield a 30% increase in participation; however, many of the additional boats were expected to be either transported by trailer or depart from Marco Island or Ft. Myers. In addition, Mr. Kriek said he would work with Recreation Manager David Lykins with regard to fueling. In response to Council, Bayfront Place representative Teri Karp stated that the organizers have chosen Keep Collier Beautiful and The Sunrise Community of Collier County as beneficiaries of this event. She then explained that there would be a disc jockey on Saturday, March 9, from 10 a.m. to 6 p.m. and on Sunday, March 10, from noon to 6 p.m., but that the announcements would be infrequent. Vice Mayor Herms encouraged both organizers to work with nearby Mariner's Cove residents regarding the noise level, and Council Member MacIlvaine recommended that the City test and calibrate its noise meter at the event. (Approval contained in Item 6-b motion below.)

SPECIAL EVENTITEM 6-b (9)

Chinese New Year Special Dinner (Syrah Restaurant) – 2/16/02. Bayfront Place representative Teri Karp explained that this would be a private, non-amplified musical event and predicted attendance at 100 people, although there would be no outdoor seating. (Approval contained in Item 6-b motion below.)

.....ITEM 6-d (1)

WAIVE CONFLICT OF INTEREST OF ROETZEL & ANDRESS, P.A. RELATING TO TRANSPORTATION AGREEMENT WITH THE DISTRICT SCHOOL BOARD OF COLLIER COUNTY. (9:43 a.m.)

Public Comment: None. (9:43 a.m.)

MOTION by Galleberg to WAIVE CONFLICT; seconded by MacIlvaine and carried 4-3, all members present and voting (Galleberg-yes, Herms-no, MacIlvaine-yes, Tarrant-no, Taylor-no, Wiseman-yes, MacKenzie-yes).

RESOLUTION 02-9498ITEM 6-d (2)

A RESOLUTION APPROVING A TRANSPORTATION AGREEMENT FOR GOVERNMENTAL AGENCY BETWEEN THE DISTRICT SCHOOL BOARD OF COLLIER COUNTY AND THE CITY OF NAPLES, FOR THE USE OF COUNTY SCHOOL BUSES TO TRANSPORT SCHOOL-AGED CHILDREN ON FIELD TRIPS; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE. Title not read.

Public Comment: None. (9:43 a.m.)

MOTION by Herms to APPROVE RESOLUTION 02-9498 AS SUBMITTED; seconded by Tarrant and unanimously carried, all members present and voting (Galleberg-yes, Herms-yes, MacIlvaine-yes, Tarrant-yes, Taylor-yes, Wiseman-yes, MacKenzie-yes).

SPECIAL EVENTS ITEM 6-b

- 1) “Shakespeare in the Park” (Cambier Park Bandshell) – 2/16/02.
- 2) Davis-Keil Fine Art Gallery Open House (5th Avenue South) – 2/22/02 and 4/5/02. (Approved above)
- 3) “Eidolon” Folk and Blues Concert (Cambier Park) – 3/1/02.
- 4) “Making Music” Concert for Kids (Cambier Park Bandshell) – 3/2/02.
- 5) Naples Antique Show and Sale (Trinity by the Cove Episcopal Church) – 3/6 – 10/02.
- 7) St. Patrick’s Day Parade – 3/16/02. (City Manager Rambosk said the organizers would follow the original plan submitted with the parade ending at Crayton Cove.)
- 8) Naples-Marco Region Antique Automobile Show (Naples Depot) – 3/16/02.
- 9) Chinese New Year Special Dinner (Syrah Restaurant) - 2/16/02.

RESOLUTION 02-9499 ITEM 6-c

A RESOLUTION APPROVING A CONSTRUCTION AGREEMENT BETWEEN FLORIDA STATE UNDERGROUND, INC. AND THE CITY OF NAPLES, FOR CONSTRUCTION OF PARKING AND STORAGE FACILITY IMPROVEMENTS AT THE DEVELOPMENT SERVICES BUILDING; AUTHORIZING THE CITY MANAGER CONTRACT AUTHORITY FOR CONTRACT CHANGE ORDERS AND SUPPLEMENTAL AGREEMENTS SUBJECT TO PROVISIONS OF FLORIDA STATUTE 377.11; AND PROVIDING AN EFFECTIVE DATE. Title not read.

APPROVAL OF MINUTES ITEM 6-a

November 7, 2001 Regular Meeting minutes and November 12, 2001 Special Meeting minutes amended on Page 6 to indicate the following: “Council Member Galleberg said that it is clearly contrary to State Constitutional law and wrong for elected officials to knowingly ignore the advice of the City Attorney and take action contrary to that law.”

MOTION by Galleberg to APPROVE ITEMS 6-a (AS AMENDED), 6-b (1 AND 3 TO 9) and 6-c; seconded by Wiseman and unanimously carried, all members present and voting (Galleberg-yes, Herms-yes, MacIlvaine-yes, Tarrant-yes, Taylor-yes, Wiseman-yes, MacKenzie-yes).

ORDINANCE (First Reading) ITEM 7

AN ORDINANCE AMENDING CHAPTER 66, ARTICLE II, DIVISION 2 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, BY AMENDING SECTION 66-41 TO ADD DEFINITIONS; AND ADDING A NEW SECTION 66-49, “YEAR ROUND LANDSCAPE IRRIGATION RESTRICTIONS”; FOR THE PURPOSE OF PROVIDING DETAILED STANDARDS FOR YEAR ROUND LANDSCAPE IRRIGATION REGULATIONS; PROVIDING FOR INTENT AND PURPOSE, DEFINITION, APPLICATION, PERMANENT LANDSCAPE IRRIGATION RESTRICTIONS, EXEMPTIONS; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE. Title read by City Manager Kevin Rambosk (9:45 a.m.) who noted that staff had incorporated various changes discussed by Council, such as allowing low volume hand watering with the use of an automatic self-canceling or closing nozzle; increasing the amount of time allowed for cleaning, adjusting, and repairing irrigation systems; and allowing all other outdoor water use with low volume pressure cleaning equipment and/or a water hose with an automatic self-canceling or closing nozzle. He characterized the new regulations as being less complicated to enforce.

Council Member MacIlvaine, however, recommended specifying allowed outdoor water uses. While stressing the importance of conserving water, Council Member Tarrant nevertheless pointed out that information submitted by Attorney Larry Ingram had contrasted homeowner use as 10.7% of the potable water and agriculture uses at 74.5%. (A copy of this information is contained in the file for this meeting in the City Clerk's Office.) Council Member Galleberg requested that the City Manager provide an in-depth review of Mr. Ingram's computations at second reading of this ordinance. In further response to Council, Public Works Director Dan Mercer clarified that staff is in general adopting the regulations in the Florida Administrative Code on a mandatory, year-round basis.

Public Comment: None. (9:52 a.m.)

MOTION by Wiseman to APPROVE ITEM 7 AS SUBMITTED AT FIRST READING; seconded by Taylor and carried 6-1, all members present and voting (Galleberg-yes, Herms-yes, MacIlvaine-yes, Tarrant-no, Taylor-yes, Wiseman-yes, MacKenzie-yes).

RESOLUTION 02-9500ITEM 10-a
A RESOLUTION APPROVING A CONTRACT, PURSUANT TO SECTION 2-355 (d) (3) OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, TO CHEMICAL LIME, INC. IN ORDER TO PURCHASE QUICK LIME USING THE PRICES, TERMS AND CONDITIONS OF COLLIER COUNTY'S BID; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Kevin Rambosk (9:52 a.m.). Public Works Director Dan Mercer stated that both chlorine and lime are used at the City's water and wastewater treatment processes and that the City is typically included in Collier County's chemical bids to achieve price advantages. An overall price decrease from last year's contract had been realized, he added.

Mr. Mercer also confirmed that this was the lowest of the 13 bids received by the County, although the City planned to seek its own bids the following year to achieve even more competitive pricing. Noting a low number of bids received on a single item, Council Member MacIlvaine sought to ensure that all items received were subject to competition; however, Mr. Mercer did not have these specifics available at that time.

Public Comment: None. (9:57 a.m.)

MOTION by Galleberg to APPROVE RESOLUTION 02-9500 (ITEM 10-a) AS SUBMITTED; seconded by Wiseman and carried 6-1, all members present and voting (Galleberg-yes, Herms-yes, MacIlvaine-yes, Tarrant-no, Taylor-yes, Wiseman-yes, MacKenzie-yes).

Council Member Tarrant noted his interest in the question raised by Council Member MacIlvaine.

RESOLUTION 02-9501 ITEM 10-b
A RESOLUTION APPROVING A CONTRACT, PURSUANT TO SECTION 2-355 (d) (3) OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, TO ALLIED UNIVERSAL, INC. IN ORDER TO PURCHASE CHLORINE USING THE PRICES, TERMS AND CONDITIONS OF COLLIER COUNTY'S BID NUMBER 01-3288; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Kevin Rambosk (9:58 a.m.).

Public Comment: None. (9:58 a.m.)

MOTION by Wiseman to APPROVE RESOLUTION 02-9501 (ITEM 10-b) AS SUBMITTED; seconded by Herms and unanimously carried, all members present and voting (Galleberg-yes, Herms-yes, MacIlvaine-yes, Tarrant-yes, Taylor-yes, Wiseman-yes, MacKenzie-yes).

ORDINANCE (First Reading)ITEM 8
AN ORDINANCE AMENDING SECTION 62-104 “PERMIT PARKING” OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES FOR THE PURPOSE OF AUTHORIZING BY RESOLUTION THE CHARGE FOR AN ANNUAL PARKING PERMIT AT NAPLES LANDINGS; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION, AND AN EFFECTIVE DATE. Title read by City Manager Kevin Rambosk (9:58 a.m.) who explained that altering the interlocal agreement with Collier County would require that the City reimburse \$43,000 in grant funding to the County, and Community Services Director Don Wirth cautioned that a \$60,000 pass-through grant from state gas tax fees may also be affected. Mayor MacKenzie suggested that Council renegotiate the County agreement, observing that over its 20-year life, the City is receiving only approximately \$2,000 per year. Council Member Galleberg proffered a motion for continuance in order to enable further study. City Manager Rambosk also noted the importance of the City retaining control over its park facilities without necessitating County approval, but Vice Mayor Herms suggested that modifying the agreement may discourage County participation in future capital projects in the City. City Manager Rambosk said staff would present information regarding any long term impacts, and Director Wirth clarified that the meter rate would remain at \$0.75 cents per hour.

Public Comment: None. (10:07 a.m.)

MOTION by Galleberg to CONTINUE ITEM 8 TO THE MARCH 6, 2002 REGULAR MEETING; *seconded by Wiseman and unanimously carried, all members present and voting (Galleberg-yes, Herms-yes, MacIlvaine-yes, Tarrant-yes, Taylor-yes, Wiseman-yes, MacKenzie-yes).*

RESOLUTION 02-9502ITEM 9
A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A TOURISM AGREEMENT BETWEEN COLLIER COUNTY AND THE CITY OF NAPLES REGARDING MONITORING OF THE SOUTH GORDON DRIVE T-GROIN PROJECT; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Kevin Rambosk (10:07 a.m.). Natural Resources Manager Jon Staiger stated that in 2000 the Tourist Development Council (TDC) and the County Commission approved a grant for the monitoring of the T-groin installation. Because the next step in the process, a formal tourism agreement between the City and the County, had not been finalized, the County’s purchase order for the project was not released, Dr. Staiger explained, making the proposed action essentially retroactive to enable the City to obtain the TDC funds. In addition, he explained that the appended agreement would reflect the actual monitoring cost of \$47,000 rather than the grant amount (\$80,000) and that the project would be monitored for another 3-4 years. Application for funding the 2002 monitoring had already been finalized. In response to Council, Brett Moore of Humiston & Moore, project engineers, indicated approval of the \$47,000 figure.

Public Comment: None. (10:12 a.m.)

MOTION by Wiseman to APPROVE RESOLUTION 02-9502 AS SUBMITTED; *seconded by Taylor and carried 6-1, all members present and voting (Galleberg-yes, Herms-yes, MacIlvaine-yes, Tarrant-no, Taylor-yes, Wiseman-yes, MacKenzie-yes).*

.....ITEM 16
DIRECTION REGARDING CONFLICTS OF INTEREST AND/OR WAIVERS CONCERNING LADY BRETT, INC., AND COLONIAL BANK. (10:12 a.m.) City Attorney Beverly Grady stated that the Lady Brett has applied for a conditional use for off-site parking for its dockage at Tin City and while she said her firm represents neither the Lady Brett nor the owner of the off-site parking, it does represent one of the owners of Tin City on unrelated

matters in Lee County. In response to Council, she explained that Tin City, as the landlord of the Lady Brett, would benefit from the conditional use approval. Mrs. Grady then said that her firm does perform loan and real estate matters for Colonial Bank, which currently has a pending application for a branch within the City. Council Members Wiseman and Galleberg said they believed the possibility of a conflict in the Lady Brett matter to be tenuous and remote. Mr. Galleberg however said that he must abstain from voting on Colonial Bank because he has a beneficial interest in a potential real estate transaction.

Public Comment: None. (10:17 a.m.)

MOTION by MacIlvaine to WAIVE CONFLICT OF INTEREST IN THE LADY BRETT, INC., MATTER; *seconded by Wiseman and carried 4-3, all members present and voting (Galleberg-yes, Herms-no, MacIlvaine-yes, Tarrant-no, Taylor-no, Wiseman-yes, MacKenzie-yes).*

MOTION by Wiseman to ACCEPT THE CITY ATTORNEY'S OFFER TO WITHDRAW ON THE COLONIAL BANK MATTER; *seconded by Taylor and carried 6-0-1 (Galleberg-abstain, Herms-yes, MacIlvaine-yes, Tarrant-yes, Taylor-yes, Wiseman-yes, MacKenzie-yes). (See Attachment 1, Form 8b Memorandum Of Voting Conflict For County, Municipal, And Other Local Public Officers).*

.....**ITEM 11**
PRESENTATION BY THE COLLIER COUNTY ENGINEERING DEPARTMENT RELATING TO ROADWAYS. (10:17 a.m.) Collier County Transportation and Engineering Director Steve Miller expressed appreciation for Council's hearing this presentation and introduced RWA, Inc., the County's design consultant, to review the County's efforts to create a grade separation interchange at Airport Road and Golden Gate Parkway.

In response to Council Member Tarrant, Norman Trebilcock, engineer and planner with RWA, Inc., affirmed that a grade separation is essentially an overpass or flyover. He also listed Stanley Consultants, Inc., McGee & Associates, Passarella, Inc., and Forge Engineering, Inc., as also being involved in the project. Mr. Trebilcock then explained that based on the County's research of several intersections, it had been concluded that Airport and Golden Gate would be the best suited for this type of treatment. In addition, the Grey Oaks Development occupies three of the four corners, a portion of which is in fact located within the City, he said, and that following identification of right-of-way requirements, final design and permitting, six lanes of Golden Gate Parkway would be elevated over Airport Road. An exit at grade would proceed to the right off Golden Gate for both north and south movements onto Airport Road where all movements would be at grade. One key advantage of the flyover, Mr. Trebilcock noted, is elimination of the traffic light for east/west movements on Golden Gate Parkway. Moreover, he said the project would reduce the current intersection delay, improve safety, relieve traffic on Pine Ridge Road, and complement traffic circulation associated with the upcoming I-75 interchange on Golden Gate Parkway.

Various engineering issues listed by Mr. Trebilcock are: 1) approximately half of the 40 acre right-of-way requirement is existing with the remainder acquired from Grey Oaks and approximately 1/3 acre from Poinciana Professional Center; 2) some of the water management area would be incorporated into the Grey Oaks Development west of Airport Road with dry detention areas developed within the proposed right-of-way limits east of Airport; and 3) the roadway would be elevated via mechanically stabilized earth (MSE) and that the 500-foot structure would be composed of steel box girders; 4) a mast arm traffic signal system would be

installed with a lower lighting system on the structure itself, along with some overhead signage in order to accommodate the exit movements off Golden Gate Parkway. Additionally, he pointed out that the project would provide greater access in terms of existing and future road connections, and that several water mains would have to be relocated. Mr. Trebilcock also said there is a wetland area in the northwest corner of the project which has already been mitigated by the Grey Oaks development, and that the Airport Road canal would require permitting, although no specific mitigation would be necessary; no wildlife would adversely affect the project, and no noise abatement measures would be required.

Mike McGee, landscape architect with McGee & Associates, stated that the landscaping area to be addressed essentially equals the limits of the project and would incorporate zeroscape principles with native and naturalized plant material. He listed large canopy trees, small accent flowering and evergreen trees, and native and accent palms at key locations as well as at the main intersection of the roadway and indicated that the proposed plantings along the Golden Gate Parkway medians would continue the existing median/right-of-way theme. The areas under the span would be heavily shaded and would contain plantings with natural stone raised planters. The main hardscape element would be the decorative paving which would occur on the flyover median and at grade beneath and outside the span. Mr. McGee also explained that this decorative paving would add color and texture as well as enhance safety for pedestrians and maintenance personnel. Architecturally, both vertical and horizontal architectural features have been incorporated and the supporting element, he said, would engender a more residential look with decorative street lighting along all at-grade portions of the roadway as well as on the flyover ramps, and some accent lighting on the key vegetation areas.

With reference to funding, Mr. Trebilcock reported that the County has budgeted \$25-million for the project including the enhancements, and that an \$8.5 million State grant is available. He also affirmed that the County's Community Character Task Force had indicated that flyovers would be necessary within the County. Project Manager Lynn Thorpe explained that the County Commission had requested that RWA and the County staff define a footprint, and then make a final presentation on March 12. He also clarified that the County would nevertheless widen Golden Gate Parkway to six lanes with or without a flyover; however, construction on the flyover would begin in 2004 with completion in 2006. While Council Member Tarrant asserted that this proposal would encourage further commercial development in the surrounding area, Council Member MacIlvaine said that it would in fact reduce the amount of land available. In response to City Manager Rambosk, Mr. Trebilcock said the project would not necessarily generate more traffic but would allow a freer traffic flow. Mayor MacKenzie however predicted a traffic backup at U.S. 41 and Golden Gate Parkway and suggested that Council and the County Commission meet to discuss this issue. Vice Mayor Herms recommended using the model to determine the amount of traffic backup. Council Member MacIlvaine observed that much of the City's traffic is due to the large increase in the number of County residents, and Vice Mayor Herms expressed concern that the flyover may prove ineffective.

Public Comment: (11:11 a.m.) **Jurgen Tessarzik, 641 W. Lake Drive**, said he was recently informed that he could not ride his bicycle on the sidewalk on Fifth Avenue, and further noted that the roadway there is quite narrow making it difficult for him to ride in the street. In addition, he stated that there are no bicycle paths on the Gordon River bridge. Mayor MacKenzie said staff is in the process of formulating a plan for both sidewalks and bicycle lanes throughout the City, and City Manager Rambosk said he would meet personally with Mr. Tessarzik on this issue.

Recess 11:17 a.m. to 11:59 a.m. It is noted for the record that the same Council Members were present when the meeting reconvened.

.....
RECOGNITION OF COUNCIL MEMBERS COMPLETING THEIR TERMS. (11:59 a.m.) Vice Mayor Herms and Council Members Taylor and Tarrant were presented with plaques. Mr. Tarrant expressed appreciation to the Mayor and members of the Council, City Manager Rambosk, the staff, the citizenry, and Mrs. Tarrant, and offered congratulations to the newly elected members of Council.

.....**ITEM 12**
CANVASS RESULTS OF THE GENERAL ELECTION OF FEBRUARY 5, 2002, AND DECLARATION OF RESULTS. City Manager Rambosk read the Certificate of the City of Naples Canvassing Board into the record. (Attachment 2).

Public Comment: None. (12:08 p.m.)

MOTION by Galleberg to ACCEPT THE REPORT; seconded by Wiseman and carried 6-0 (Galleberg-yes, Herms-yes, MacIlvaine-yes, Taylor-yes, Wiseman-yes, MacKenzie-yes).

.....**ITEM 13**
SWEARING IN OF COUNCIL MEMBERS BY THE HONORABLE JUDGE HUGH HAYES (12:09 p.m.) The Honorable Judge Hugh Hayes administered the oath of office to newly elected Council Members Penny Taylor, Joseph Herms, and Clark Russell.

RESOLUTION 02-9503**ITEM 14**
A RESOLUTION ELECTING A MEMBER OF THE CITY COUNCIL VICE MAYOR PURSUANT TO SECTION 2.4 OF THE CITY CHARTER; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Kevin Rambosk (12:10 p.m.). Council Member Wiseman nominated Council Member Galleberg and Council Member Herms nominated Council Member MacIlvaine.

Public Comment: None. (12:11 p.m.)

MOTION by Wiseman to APPOINT COUNCIL MEMBER GALLEBERG. There was no second to this motion which carried 4-3, all members present and voting (Herms-no, Galleberg-yes, Taylor-no, MacIlvaine-no, Wiseman-yes, Russell-yes, MacKenzie-yes).

There was no vote on the motion to appoint Council Member MacIlvaine.

.....**ITEM 15**
SWEARING IN OF VICE MAYOR BY THE HONORABLE JUDGE HUGH HAYES (12:13 p.m.) The Honorable Judge Hugh Hayes administered the oath of office to Vice Mayor Galleberg.

PUBLIC COMMENT.....**ITEM 5**
Bill Boggess, 1100 Eighth Avenue South, stated that in November Council had sent a letter to the Department of Environmental Protection (DEP) asking that all rocks be removed from the beach from within the dune area as well as the berm and the near shore. He however noted that the County had recently submitted a plan for rock removal as required by its consent order which did not include these items. Mr. Boggess further said that several DEP representatives had indicated they had not received Council's letter and he therefore asked that Council resend it.

Public Comment: None. (12:17 p.m.)

MOTION by Herms to DIRECT THE MAYOR TO RESEND TO THE DEPARTMENT OF ENVIRONMENTAL PROTECTION COUNCIL'S NOVEMBER 2001 LETTER WITH ADDITIONAL CORRESPONDENCE REAFFIRMING THE CITY'S POSITION ON THIS ISSUE; seconded by

Taylor and carried 6-1, all members present and voting (Galleberg-yes, Herms-yes, MacIlvaine-yes, Russell-no, Taylor-yes, Wiseman-yes, MacKenzie-yes).

Council Member Russell said he believed the aforementioned action to be out of order and recommended an agenda item be scheduled on the matter.

CORRESPONDENCE & COMMUNICATIONS.....

While expressing appreciation and respect for Council Member Tarrant for his achievements in providing public service to the City, Council Member Wiseman cited a recent memo of Mr. Tarrant alleging that she had a glaring conflict of interest relating to the Naples Airport Authority (NAA). Mrs. Wiseman further said that Mr. Tarrant had declined to discuss this matter at two public meetings, one of which had included NAA members who could have participated in the discussion. She then stated that she had asked the State Ethics Commission for a formal inquiry on this matter, although the Naples Daily News, which had thoroughly investigated this story, had found no impropriety. Noting that Mr. Tarrant's memo does not contain specific information, Mrs. Wiseman surmised that Mr. Tarrant believes she has corrupted the public bid process by using her influence to get her husband's company a job at the airport. She asked that Mr. Tarrant support his allegations with facts or retract them and apologize to her.

ADJOURN
12:22 p.m.

Bonnie R. MacKenzie, Mayor

Tara A. Norman, City Clerk

Prepared by:

Jessica R. Rosenberg, Recording Specialist

Minutes approved: 05/01/02