



City Council Chamber
735 Eighth Street South
Naples, Florida 34102

City Council Regular Meeting – April 2, 2003 – 9:00 a.m.

Mayor MacKenzie called the meeting to order and presided.

ROLL CALLITEM 1

Present:

Bonnie R. MacKenzie, Mayor
Gary Galleberg, Vice Mayor

Absent:

William MacIlvaine

Council Members:

Joseph Herms
Clark Russell
Penny Taylor
Tamela Wiseman

Also Present:

Kevin Rambosk, City Manager
Robert Pritt, City Attorney
Ron Lee, Planning Director
Denise Perez, Human Resources Director
Jon Staiger, Natural Resources Manager
Robert Middleton, Utilities Director
George Archibald, Traffic Engineer
Jessica Rosenberg, Deputy City Clerk
Laura Spurgeon, Planner
Linda Bevard, Human Resources Analyst
Karen Kateley, Administrative Specialist
Richard Yovanovich
Tom Freijo

Robert Petterson
John Titus
Karen Bishop
Robert James
Mary Ellen James
Carl Kuehner
Henry Kennedy
Arlene Guckenberger

Other interested citizens and visitors.

Media:

Dianna Smith, Naples Daily News

INVOCATION AND PLEDGE OF ALLEGIANCE.....ITEM 2

Robert Petterson, Covenant Presbyterian Church

ANNOUNCEMENTSITEM 3

Employee Recognition Awards

SET AGENDA.....ITEM 4

Add Item 13 - Executive session request

MOTION by Herms to ADD ITEM 13; seconded by Russell and carried 6-0 (Galleberg-yes, Herms-yes, MacIlvaine-absent, Russell-yes, Taylor-yes, Wiseman-yes, MacKenzie-yes).

MOTION by Herms to SET AGENDA, WITHDRAWING ITEM 8-c, CONTINUING ITEM 9 UNTIL APRIL 16, 2003, REMOVING ITEMS 8-g, 8-h, AND 8-i FROM THE CONSENT AGENDA, AND ADDING ITEM 13;

seconded by Russell and carried 6-0 (Galleberg-yes, Herms-yes, MacIlvaine-absent, Russell-yes, Taylor-yes, Wiseman-yes, MacKenzie-yes).

PUBLIC COMMENT.....ITEM 5
Robert James, 940 Fifth Street South, requested assistance with stormwater runoff in his front yard, also noting some malfunctioning storm drains. City Manager Kevin Rambosk said he would work with Mr. James on these issues.

CONSENT AGENDA

APPROVAL OF MINUTES.....ITEM 8-a
March 3, 2003 Workshop and March 5, 2003 Regular Meetings.

RESOLUTION 03-10019..... ITEM 8-b
A RESOLUTION APPROVING AN AGREEMENT WITH FLORIDA IRRIGATION SUPPLY, INC., FOR THE PURCHASE OF RAINBIRD IRRIGATION CONTROLLERS; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION (Withdrawn-See Item 4).....ITEM 8-c
A RESOLUTION RATIFYING AND CONFIRMING THE ACTION OF THE CITY MANAGER FOR AN EMERGENCY PURCHASE OF 1700 FEET OF WATER PIPE FROM HUGHES SUPPLY, INC., IN THE AMOUNT OF \$22,695.00; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 03-10020..... ITEM 8-d
A RESOLUTION WAIVING COMPETITIVE BIDS AND APPROVING AN AGREEMENT WITH R. C. BEACH & ASSOCIATES, INC. TO REBUILD A TRANSFER PUMP AT THE CITY'S WATER PLANT; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 03-10021.....ITEM 8-e
A RESOLUTION WAIVING COMPETITIVE BIDS AND APPROVING AN AGREEMENT WITH CUTLER HAMMER, INC. TO REPLACE THREE VARIABLE FREQUENCY DRIVES AT THE CITY'S WATER PLANT; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 03-10022..... ITEM 8-f
A RESOLUTION WAIVING COMPETITIVE BIDS AND APPROVING AN AGREEMENT WITH BOB DEAN SUPPLY, INC. TO PURCHASE A PEERLESS 300HP HIGH SERVICE PUMP FOR THE CITY'S WATER PLANT; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE. Title not read.

MOTION by Galleberg to APPROVE ITEMS 8-a, 8-b, 8-d, 8-e, AND 8-f;
seconded by Wiseman and carried 6-0 (Galleberg-yes, Herms-yes, MacIlvaine-absent, Russell-yes, Taylor-yes, Wiseman-yes, MacKenzie-yes).

END CONSENT AGENDA

RESOLUTION 03-10023.....ITEM 6
A RESOLUTION DETERMINING PETITION 03-GDSP3 FOR A MIXED-USE PROJECT CONSISTING OF 250 TRANSIENT LODGING UNITS IN A FIVE-STORY BUILDING, 136,750 SQUARE FEET OF COMMERCIAL USE IN A SERIES OF TWO-

STORY BUILDINGS, AND A TWO-LEVEL PARKING GARAGE LOCATED AT 201 GOODLETTE ROAD SOUTH, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Kevin Rambosk (9:14 a.m.). This being a quasi-judicial proceeding, Council made the following ex parte disclosures: MacKenzie/visited the site and received a telephone message from petitioner's attorney Richard Yovanovich which she had however been unable to return; Wiseman/familiar with the site, and brief conversation with Attorney Yovanovich regarding the application of vested rights to the petition; Russell/spoke to the petitioner regarding the various architectural styles of the proposal, the vested rights issue, coordination of the landscaping, and about the potential for saving green space through a taller parking structure; Galleberg/visited the site, viewed the Planning Advisory Board (PAB) meeting, and spoke to Attorney Yovanovich regarding the scope of that day's issue and vested rights; Herms/visited the site; and Taylor/visited the site, spoke to Attorney Yovanovich regarding vested rights, and requested that Council obtain a map depicting the location of the project in relation to its surroundings. Notary Public Jessica Rosenberg then administered an oath to those intending to give testimony; all responded in the affirmative.

Attorney Yovanovich explained that the request is for General Development and Site Plan (GDSP) approval for the portion of the property closest to Goodlette-Frank Road, and a conceptual GDSP for the remainder of the property. (Photographs of the model presented by the petitioner are contained in the file for this meeting in the City Clerk's Office.) Mr. Yovanovich affirmed that the petitioner had modified project plans in order to incorporate the requested changes, and would abide by all the stipulations recommended by staff. Further, Attorney Yovanovich asserted that the PAB had voted unanimously in favor of both the specific and conceptual GDSP.

Council Member Taylor observed that while the petitioner has the right under the City's vested rights process to proceed with the project, she nevertheless expressed concern regarding the design of the parking garage and the color of the buildings, suggesting scrutiny by the City's design review board if this group is in fact constituted. (See Item 11.) Attorney Yovanovich noted that the petitioner would comply to the extent possible with the Heart of Naples Committee (HONC) standards for parking garages, and would later submit a specific design for PAB and Council review. In further response to Council, Attorney Yovanovich also explained that the petitioner had placed a building adjacent to Goodlette-Frank Road in an area which had previously contained a large parking field, and had reduced the size of the remaining buildings. The square footage and types of uses would, however, remain as approved in the original Planned Development (PD). Although the parking could not be relocated behind the buildings, there would be increased landscaping and berming in order to obscure it.

Planning Director Ron Lee explained that a one-story building must be set back 50 feet from Goodlette-Frank Road, and a two-story building 75 feet. In response to Council, project architect Jonathan Titus explained that the object protruding from the west side of the parking garage is an elevator or stairwell. Mr. Lee then explained that the parking garage has three levels including the roof, but is considered two-stories. He added that the lot coverage is 18 percent, exclusive of the parking garage, and that the green space is significantly increased due to the building arrangement. In further discussion, Mr. Lee explained that this is not a rezone petition

since none of the dimensional standards or project parameters had changed aside from the building configuration and placement.

Although expressing support for the overall project, Council Member Russell said he did not favor the parking deck and that he hoped for a design more attuned to development within the district in conjunction with the next stage of the project. Vice Mayor Galleberg observed that Council was at that juncture in fact dealing with a legacy PD from a different era in the City's development. He however took the position that the proposal did in fact represent a site improvement, and that Council would closely examine the design as the project proceeds.

Public Comment: None. (9:41 a.m.)

MOTION by Russell to APPROVE RESOLUTION 03-10023 AS SUBMITTED; seconded by Galleberg and carried 5-0-1 (Russell-yes, Galleberg-yes, Herms-abstain, Wiseman-yes, Taylor-yes, MacIlvaine-absent, MacKenzie-yes). (See Attachment 1)

Vice Mayor Galleberg expressed regret that legislation had not been in place in the 1990's that would have allowed this PD to expire. Council Member Herms said that he owns property across the street from the project which may inure to his pecuniary interest, and that he had therefore abstained. Council Member Taylor said she hoped the petitioner would produce the best project in keeping with its location directly across from a preserve and south of a quiet park.

**RESOLUTION 03-10027.....ITEM 8-g
A RESOLUTION NAMING THE RIVER PARK COMMUNITY CENTER AUDITORIUM IN HONOR OF ANNIE MAE ("MOTHER") PERRY; AND PROVIDING AN EFFECTIVE DATE.** Title read later in the meeting. (9:41 a.m.). Mayor MacKenzie suggested enacting a policy change whereby petitions would proceed directly from the Mayor to the City Manager who would then direct staff. Being that a ceremony is tentatively scheduled for May 11, Mayor MacKenzie said she therefore had brought this item directly to Council since submission deadlines would have precluded the proposal from appearing until the May 7 agenda.

In response to Council Member Russell, City Manager Kevin Rambosk said that staff had not structured a gifting program for the River Park Community Center because it had been fully funded. Mr. Russell nevertheless recommended establishing a policy that would address any City facility. Council Member Herms said he believed Mrs. Perry to be one the most respected women in the community, and proffered a motion to approve. Council Member Wiseman however said the resolution does not indicate the reason for this honor or the contributions made by Mrs. Perry, and suggested including more detail. City Attorney Robert Pritt therefore recommended continuing the item until later that day so that staff could provide additional language.

Public Comment: None. (9:48 a.m.)

MOTION by Galleberg to CONTINUE ITEM 8-g UNTIL LATER IN THE MEETING; seconded by Wiseman and carried 6-0 (Galleberg-yes, Herms-yes, MacIlvaine-absent, Russell-yes, Taylor-yes, Wiseman-yes, MacKenzie-yes). (See Page 9)

**RESOLUTION 03-10024.....ITEM 8-h
A RESOLUTION RESCHEDULING THE JULY 2 AND JULY 16, 2003 REGULAR CITY COUNCIL MEETINGS TO THE REGULAR CITY COUNCIL MEETING OF AUGUST 6, 2003; AND PROVIDING AN EFFECTIVE DATE.** Title read by City Manager Kevin Rambosk

(9:48 a.m.). Council Member Taylor recommended returning from summer hiatus the third rather than the first week in August. Mayor MacKenzie said the proposed schedule would still allow seven weeks of hiatus, but that it could be adjusted upon Council direction. City Attorney Robert Pritt recommended that although the Mayor has the authority to cancel a meeting, Council should make its determination before the hiatus.

Public Comment: None. (9:54 a.m.)

MOTION by Herms to APPROVE RESOLUTION 03-10024 (SUBJECT TO REVISION IN JUNE REGARDING THE AUGUST 6, 2003 MEETING);
seconded by Taylor and carried 6-0 (Galleberg-yes, Herms-yes, MacIlvaine-absent, Russell-yes, Taylor-yes, Wiseman-yes, MacKenzie-yes).

RESOLUTION 03-10025..... ITEM 8-i
A RESOLUTION ESTABLISHING MULTI-WAY STOPS AT THE 3RD STREET NORTH AND 4TH AVENUE NORTH INTERSECTION AND THE 14TH AVENUE SOUTH AND 5TH STREET SOUTH INTERSECTION; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Kevin Rambosk (9:54 a.m.) who stated that the Neighborhood Traffic Management Program had recommended placement of stop signs at these locations, although warrant requirements had not been met. Traffic Engineer George Archibald predicted that these installations would however be effective as long as staff follows the recommended implementation plan (a copy of which is contained in the file for this meeting in the City Clerk's Office). Council Member Russell nevertheless expressed concern these installations would merely divert traffic to another location. Mr. Archibald however predicted that any resultant delays or traffic diversion would be minor in nature since total traffic volumes are low. City Attorney Robert Pritt confirmed that there would be no conflict created by Council Member Herms owning property near one of the stop signs.

Public Comment: None. (10:00 a.m.)

MOTION by Galleberg to APPROVE RESOLUTION 03-10025 AS SUBMITTED;
seconded by Wiseman and carried 5-1 (Galleberg-yes, Herms-yes, MacIlvaine-absent, Russell-no, Taylor-yes, Wiseman-yes, MacKenzie-yes).

RESOLUTION (Continued – See Item 4) ITEM 9
CONSIDER A SECOND AMENDMENT TO THE PROFESSIONAL ENGINEERING AND HYDROGEOLOGICAL SERVICES AGREEMENT IN ORDER TO UPDATE THE CITY'S WATER MASTER PLAN AND CREATE A REUSE WATER MASTER PLAN TO PROVIDE FOR ADDITIONAL COMPENSATION FOR ADDITIONAL SERVICES: VENDOR: HARTMAN & ASSOCIATES, INC., ORLANDO, FL \ COST: \$110,000.00 \ FUNDING: CIP BUDGET. Editor's Note: No draft resolution was provided for this item.

ORDINANCE (First Reading)..... ITEM 10
AN ORDINANCE ADOPTING THE 2002 LEVEL OF SERVICE REPORT; DIRECTING STAFF TO TRANSMIT SAID REPORT TO THE STATE OF FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Kevin Rambosk (10:00 a.m.) who explained that staff must annually evaluate the level of service throughout the City and present a report to the Council which it then forwards to the Department of Community Affairs. Planner Laura Spurgeon said the Planning Advisory Board (PAB) reviewed potable water, sanitary sewer, solid waste, drainage, and street traffic; the Community Services Advisory Board (CSAB) reviewed parks and recreation facilities. Although both boards recommended adoption of the plans, the PAB

recommended adjusting the bicycle lane standard from one mile per 1,500 people to one mile per 1,400 people.

In response to Council Member Herms, Traffic Engineer George Archibald confirmed that Collier County has a moratorium on development on North U.S. 41 (Tamiami Trail). Mr. Archibald also noted that the County's standard, which mirrors that of the Florida Department of Transportation (FDOT), is based upon daily traffic during peak season while the City's criteria is based on peak hour during peak season. State roads must however follow state statutes, he added, but pointed out that traffic counts on the North Trail had been high with 40,000-50,000 trips off-season, and 65,000-75,000 trips during the winter season. Planning Director Ron Lee asserted that the peak hour trips, which currently are from 3,500 and 4,500, must approach 5,200 in order to be considered deficient.

In response to Council Member Russell, Mr. Lee stated that the concern regarding the bicycle paths was that the City was approaching a point of non-compliance with the Comprehensive Plan. The PAB therefore recommended reducing the level of service standard, which would be presented as a future Comprehensive Plan amendment although the City could also budget for additional bicycle paths. Mayor MacKenzie requested financial information on the feasibility of the recommendation, and City Manager Rambosk noted a need for considerably more budgetary planning in order to maintain the current level of service for pathways and sidewalks. Council Member Taylor congratulated the City on its handling of solid waste, but noted that the community beaches would not meet the level of service standard in 2007.

Public Comment: None. (10:11 a.m.)

**MOTION by Galleberg to APPROVE ITEM 10 AT FIRST READING;
seconded by Russell and carried 6-0 (Galleberg-yes, Herms-yes, MacIlvaine-
absent, Russell-yes, Taylor-yes, Wiseman-yes, MacKenzie-yes).**

**ORDINANCE (First Reading).....ITEM 11
AN ORDINANCE PERTAINING TO DESIGN REVIEW; CREATING A NEW
ARTICLE X1. CHAPTER 2 OF THE CODE OF ORDINANCES, CITY OF NAPLES,
FLORIDA, IN ORDER TO ESTABLISH A DESIGN REVIEW BOARD FOR THE
REVIEW OF COMMERCIAL, INDUSTRIAL AND MULTI FAMILY DEVELOPMENT
IN THE CITY; PROVIDING FOR APPLICABILITY, MEMBERSHIP, POWERS AND
DUTIES, RULES OF PROCEDURE, PROCEDURE FOR REVIEW AND FEES;
PROVIDING FOR APPEALS OF DECISIONS; AMENDING SECTION 82-10 TO ADD
DEFINITIONS OF COMMERCIAL BUILDINGS AND STRUCTURES, MULTI
FAMILY BUILDINGS AND STRUCTURES AND PRINCIPAL BUILDINGS AND
STRUCTURES; CREATING AND ADDING A NEW ARTICLE X1. DESIGN REVIEW
STANDARDS OF CHAPTER 106, PROVIDING FOR DESIGN REVIEW STANDARDS
AND CRITERIA; CREATING AND ADDING A NEW ARTICLE VIII. DESIGN
REVIEW FEES, OF CHAPTER 118 TO PROVIDE FOR FEES FOR PETITIONS,
PROVIDING FOR A DESIGN REVIEW HANDBOOK; PROVIDING FOR SUNSET
REVIEW; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND
AN EFFECTIVE DATE. Title read by City Manager Kevin Rambosk (10:11 a.m.). Planning
Director Ron Lee stated that since the last discussion of this issue, the ordinance had been
revised with certain portions having been moved to more appropriate sections within the Code.
In addition, he said all members would be subject to the City's ethics ordinance, the alternate**

position would be eliminated, and that the standards and procedures had been modified to provide greater clarity.

Mayor MacKenzie said that while she believed this to be a workable and practical approach, the design review board (DRB) should be involved earlier in the process with Council retaining final plan approval. Mr. Lee said the Planning Advisory Board (PAB) had recommended allowing the Council to first approve the land use with the DRB later considering the building in order to save the petitioner time and money. Council Member Russell however took the position that in light of the DRB's limited scope, its review should follow Council, although Council may wish to view the final product.

Council Member Herms said that he however concurred with Mayor MacKenzie and asserted that the Council's decision after second reading is binding and therefore cannot be overturned by a board. Vice Mayor Galleberg nevertheless pointed out that both the PAB and the Staff Action Committee (SAC) have final approval authority on certain matters, and that petitioners could approach Council if they disagree with a DRB decision. Mr. Galleberg therefore recommended the ordinance as drafted.

Council Member Wiseman reiterated her previous assertion that an ongoing DRB would create additional bureaucracy without adding value either to the petitioner or the overall appearance of the City. Instead, she advocated the development of design standards which could be applied during the established process and noted the difficulty in granting conceptual conditional approvals since a project could look significantly different after completion. Council Member Taylor said she would support the ordinance as written, asserting that the DRB would enhance and improve City projects.

In further discussion, City Attorney Robert Pritt noted that the ordinance could be amended to make the DRB strictly advisory with all architectural matters subject to the Council. Planning Director Lee suggested that the completed plans appear on the Council's consent agenda after DRB review. Mayor MacKenzie disagreed, characterizing this as cumbersome, suggesting that the DRB be introduced early in the process so as to develop recommendations for PAB and Council review.

Vice Mayor Galleberg however pointed out that the Council currently has no say in the design of City's projects, that most architects would welcome a level of peer review on commercial projects, and that the DRB could be terminated if it does not function as envisioned. In addition, he contended that the City should not force a petitioner to present fully designed architectural drawings in order to receive site plan and conditional use approvals. Mayor MacKenzie however said she simply wanted the DRB to determine the larger details such as the placement and massing.

Council Member Wiseman noted that the DRB's recommendations cannot be made at the end of the process as they would involve scale, size, and proportion which may affect elements such as square footage and number of units. She also observed that the regulations as drafted could conceivably allow meetings to be held without the two architects present. In addition, noting the widespread implications, Mrs. Wiseman recommended that staff analyze the fiscal impact to the

City and petitioners. Council Member Russell predicted that staff would develop solutions to Council Member Wiseman's concerns, observing that both residential and commercial interests had in fact urged that the City develop standards. He said he therefore still supports the DRB's involvement at the end of the process. Council Member Taylor observed that DRBs are functioning successfully in many U.S. cities, and indicated that she would support continuance if no consensus could then be achieved. Vice Mayor Galleberg suggested allowing the petitioners themselves to decide when in the process to undertake design review. Planning Director Lee recommended amending the ordinance to stipulate that petitioners must undertake a preliminary review by the DRB before Council review and approval of the land use matters, followed by final approval by the DRB.

Public Comment: (10:43 a.m.) **Carl Kuehner, 1537 Gordon Drive**, observed that, with the exception of Fifth Avenue South, no control over project design currently exists in the City, and said that a knowledgeable DRB staffed by professionals is essential to the City's future development. He also asserted that the preliminary DRB review, which would involve far less submission criteria than final review, should be compulsory. **Henry Kennedy, Tarpon Road**, agreed that the DRB is needed, but that it must be structured correctly; namely, that the review should come at the beginning of the process, with Council granting the final approval.

Council Member Wiseman then suggested that if formed as outlined, the DRB first be directed to develop formal guidelines for Council approval so that the board would then function much as the Staff Action Committee (SAC), with its review at the beginning of the process. If no PAB or Council review is necessary for a petition, she said, the DRB's decision would be the final unless later appealed to the Council. Otherwise, the DRB's decision would be forwarded to the PAB and Council as a recommendation for review. Council Member Russell however observed that public speaker Carl Kuehner had previously suggested that the DRB first begin working and then write the guidelines; Council Member Wiseman therefore suggested voluntary compliance until the Board's guidelines are approved by the Council. Noting the changing nature of design, Council Member Taylor contended that applying established design standards to every building may be wrong. She however expressed support for the DRB saying it would benefit all parties. Although voicing approval for the DRB concept, Council Member Herms nevertheless said it would require additional project review and create a high level of bureaucracy.

City Manager Rambosk suggested further review, allowing staff to provide additional information and amending language pursuant to Council discussion. Vice Mayor Galleberg however said he believed it could be approved at first reading with some changes. He also stressed that he did not view the DRB as punitive or burdensome to the petition process. Council Member Herms asked that staff provide cost estimates for petitioners in terms of advertising, computer modeling, or other components, and Council Member Wiseman recommended clearly explaining the ethics ordinance when considering DRB applicants. City Attorney Pritt said he would redraft ordinance language for review later in the meeting. (See also Page 10)

It is noted for the record that Council Member Herms left the meeting at 11:18 a.m.

It is noted for the record that Items 7-a and 7-b were considered concurrently.

RESOLUTION 03-10026.....ITEM 7-a
A RESOLUTION APPROVING AN AGREEMENT WITH THE MERCER GROUP,
INC. FOR CONSULTING SERVICES CONCERNING RECRUITING A CITY

MANAGER; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE. Title read by City Manager Kevin Rambosk (11:18 a.m.).

..... **ITEM 7-b**
REVIEW OF CRITERIA FOR CITY MANAGER POSITION (11:18 a.m.) City Attorney Pritt said that he had revised the Mercer agreement so it would comply with the City's general professional services contract format and had slightly amended the scope of work.

Tom Freijo Senior Vice Present of the Mercer Group, asked for Council comments on his draft of the position profile. Mayor MacKenzie noted that the City is not the County seat, and that parking is available at the end of many but not all streets. Council Member Taylor suggested characterizing Naples as a residential town with a resort lifestyle, and replacing the photograph of the Wilkinson House with one of the Naples Preserve. She also recommended including a statement that the City has a charter form of government. Vice Mayor Galleberg suggested replacing the photograph of the Wilkinson House with one of the Naples Pier, saying that it better symbolizes the City. He also suggested revising the language on the City's shopping districts and on its growth, noting that managing redevelopment is the current goal. Further, he suggested amending one of the desired attributes relative to maintaining and motivating staff. Council Member Russell suggested including the City's incorporation date. Council Member Wiseman concurred with the suggestions already made, but urged that Council not micro-manage what she termed to be essentially an advertisement.

Mr. Freijo received confirmation that the annual salary range would be \$120,000 to \$140,000, and presented a limited salary survey of other upscale communities around the state and a tentative search schedule, copies of which are contained in the file for this meeting in the City Clerk's Office. He then reviewed the tentative master schedule for the finalist interviews slated for May 22 and May 23, after which he said Council should conduct a Special Meeting in which to deliberate and select the new City Manager. (See Attachment 2.) Due to scheduling conflicts, Council however rescheduled this activity to May 29 and May 30.

Public Comment: None. (11:53 a.m.)

MOTION by Galleberg to APPROVE RESOLUTION 03-10026 AS SUBMITTED; seconded by Wiseman and carried 5-0 (Galleberg-yes, Herms-absent, MacIlvaine-absent, Russell-yes, Taylor-yes, Wiseman-yes, MacKenzie-yes).

MOTION by Galleberg to APPROVE ITEM 7-b (INCORPORATING RECOMMENDED CHANGES TO THE POSITION PROFILE AND SCHEDULE). This motion was seconded by Wiseman and carried 5-0 (Galleberg-yes, Herms-absent, MacIlvaine-absent, Russell-yes, Taylor-yes, Wiseman-yes, MacKenzie-yes).

Mr. Freijo expressed appreciation to Senior Administrative Specialist Michael Moose for his assistance in this process.

(Item 8-g, River Park Auditorium naming, continued from Page 4).....

An amended resolution having been submitted, Vice Mayor Galleberg proffered a motion to approve seconded by Council Member Taylor. Council Member Russell however noted that Council may be ignoring the policy relative to the naming of City facilities, and suggested

adding this item to future Community Services Advisory (CSAB) and Council agendas. Vice Mayor Galleberg said he believed that the City's naming policy applies only to parks, but that it may in fact be inconsistent. He therefore recommended approving the amended resolution and clarifying the concept at a future meeting.

MOTION by Galleberg to APPROVE RESOLUTION 03-10027 (APPROVING AMENDED VERSION); seconded by Taylor and carried 5-0 (Galleberg-yes, Herms-absent, MacIlvaine-absent, Russell-yes, Taylor-yes, Wiseman-yes, MacKenzie-yes).

It was the consensus of Council to conduct a future workshop discussion on the naming of City facilities.

(Item 11, Design Review Board, continued from Page 8).....

City Attorney Robert Pritt noted revisions he had proffered with regard to terms of office, jurisdiction, and procedure for review. Council Member Wiseman observed that the composition of the board could change between the preliminary and final project review, and that there are no guidelines on what changes could be made in the interim. She also questioned language regarding the duration of approval, and voiced general concern about Council making significant changes without thorough review possibly leading to confusion, misapplication, or inconsistent application. Vice Mayor Galleberg said he believed the ordinance to be substantively correct, but agreed that it required further refinement.

Public Comment: None. (12:23 p.m.)

MOTION by Russell to CONTINUE ITEM 11 TO THE APRIL 16, 2003 REGULAR MEETING FOR FIRST READING (STAFF TO MAKE RECOMMENDED REVISIONS AND PROVIDE RELATED COSTS); seconded by Taylor and carried 5-0 (Galleberg-yes, Herms-absent, MacIlvaine-absent, Russell-yes, Taylor-yes, Wiseman-yes, MacKenzie-yes).

.....**ITEM 12**
DISCUSSION OF COVERED PARKING IN THE 5TH AVENUE OVERLAY DISTRICT AS REQUESTED FOR THE ANTARAMIAN BUILDING LOCATED AT 780 5TH AVENUE SOUTH. (12:23 p.m.)

Public Comment: None. (12:23 p.m.)

MOTION by Russell to CONTINUE ITEM 12 TO THE APRIL 14, 2003 WORKSHOP AND APRIL 16, 2003 REGULAR MEETING; seconded by Galleberg and carried 5-0 (Galleberg-yes, Herms-absent, MacIlvaine-absent, Russell-yes, Taylor-yes, Wiseman-yes, MacKenzie-yes).

.....**ITEM 13**
REQUEST FOR EXECUTIVE SESSION RELATING TO ACCESS NOW, INC., DANA LAMB V. CITY OF NAPLES; CASE NO. 2:02 CV-212 FTM-29DNF, FILED IN THE DISTRICT COURT, MIDDLE DISTRICT OF FLORIDA, FT. MYERS DIVISION. (12:24 p.m.) City Attorney Robert Pritt said that, pursuant to Section 286.011 (8), Florida Statutes, he is informing the City Council that he desires the Council's advice and consequently is requesting that the City Council of the City of Naples, Florida conduct an executive or closed attorney/client session during the Regular Meeting of April 16, 2003 to discuss settlement negotiations and strategy related to litigation expenditures in reference to the pending case known as Access Now, Inc., Dana Lamb v. the City of Naples; Case No. 2:02-CV-212 FTM-29DNF, filed in the U.S. District Court, Middle District of Florida, Ft. Myers Division. The following persons will be present for the executive session: Mayor Bonnie R. MacKenzie; Vice

Mayor Gary Galleberg; Council Members Joseph Herms, William MacIlvaine, Clark Russell, Penny Taylor, and Tamela Wiseman; City Manager Kevin Rambosk; City Attorney Robert D. Pritt; Attorney Brian Cheffer, and Pam Arsenault of AAF Reporting or other certified court reporter. The estimated duration of the attorney/client session is 20 minutes.

Public Comment: None. (12:26 p.m.)

MOTION by Galleberg to CONDUCT EXECUTIVE SESSION AT THE APRIL 16, 2003 REGULAR MEETING AT 11:30 A.M.; seconded by Russell and carried 5-0 (Galleberg-yes, Herms-absent, MacIlvaine-absent, Russell-yes, Taylor-yes, Wiseman-yes, MacKenzie-yes).

CORRESPONDENCE & COMMUNICATIONS

Natural Resources Manager Jon Staiger noted that on March 19, the Council had approved amended tourism agreements for the South Gordon Drive T-groin and Parker Sand Web monitoring projects; however, the Collier County attorney later informed staff that new tourism agreements are in order. Therefore, he said, new agreements were prepared. City Attorney Robert Pritt said that this is not a substantive change and that staff may proceed.

Dr. Staiger also reported that the dredge for Gordon Pass had just arrived, and that the pipe would arrive within the week with dredging being accomplished in approximately three weeks.

Council Member Taylor noted a recent letter from Community Services Advisory Board (CSAB) member Henry Halle who expressed his intention to meet with Council Members regarding the tennis program at Cambier Park. She however expressed concern about a board member lobbying Council on a matter that it may later consider, and Mayor MacKenzie pointed out that Mr. Halle is also a member of the tennis club. City Attorney Pritt said that although there is no specific prohibition, there may be a financial benefit and that he would therefore investigate and render an opinion.

In response to Council Member Taylor, City Manager Kevin Rambosk affirmed that staff would further investigate the status of the noise emanating from the Sprint building air-conditioner.

Vice Mayor Galleberg noted that the Tourist Development Council (TDC) had recently proposed increasing over a three-year implementation period the amount of tourist tax devoted to promotional advertising from approximately 15.5 percent to 50 percent, which he said would decimate the beach renourishment fund. He therefore suggested that Council discuss this matter on April 16, and draft a resolution if necessary urging that current fund allocations remain. Vice Mayor Galleberg also suggested that Council discuss eliminating the alternate seat on the Planning Advisory Board (PAB) expressing the view that this position provides no useful purpose.

Council Member Russell stated that the CSAB had recently recommended eliminating the tennis center from the enterprise fund. Therefore, he suggested that the CSAB review the entire Community Services budget, advise Council where to reduce costs, and assist in setting priorities. City Manager Rambosk indicated that the CSAB would in fact perform the review that year. Council Member Russell then noted his intention to meet with the Fun Time Nursery board to ascertain further information with regard to its plans for relocation, although asserting that he would not be doing so as a representative of Council.

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In response to Council Member Russell, City Manager Rambosk affirmed that Andres Duany is interested in updating the Fifth Avenue redevelopment plan and that staff is currently drafting an agreement and would provide additional information when available.

Mayor MacKenzie noted that she had received a communication from the Collier County Board of Commissioners regarding the possible creation of a Revenue Commission and City representation thereon. This group, she said, would be designated to explore alternative revenue sources for meeting the County's varied needs. It was determined, however, that each Council Member would obtain a copy of the material before taking action.

ADJOURN
12:41 p.m.

Bonnie R. MacKenzie, Mayor

Tara A. Norman, City Clerk

Minutes prepared by:

Jessica R. Rosenberg, Deputy City Clerk

Minutes Approved: 5/7/03