



City Council Chamber  
735 Eighth Street South  
Naples, Florida 34102

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**City Council Regular Meeting –October 1, 2003 – 9:00 a.m.**

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Mayor MacKenzie called the meeting to order and presided.

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**ROLL CALL .....ITEM 1**

**Present:**

Bonnie R. MacKenzie, Mayor  
Gary Galleberg, Vice Mayor (arrived 9:04 a.m.)

**Council Members:**

Joseph Herms  
William MacIlvaine  
Clark Russell  
Penny Taylor  
Tamela Wiseman (arrived 9:03 a.m.)

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**Also Present:**

Robert Lee, City Manager  
Robert Pitt, City Attorney  
Ron Lee, Community Development Director\*  
Tara Norman, City Clerk  
Ron Wallace, Construction Management Director  
David Lykins, Community Services Director  
Ann Walker, Planning Manager  
Bob Middleton, Utilities Director  
George Archibald, Engineer  
Susan Golden, Planner  
Bonnie McNeill, Recording Specialist  
Karen Kateley, Administrative Specialist  
Rev. Debra Carter-Williams  
Jeanette Kessler

Lea Smith  
Gary Davis  
Laurie Sutton  
John Passidomo  
Cody Anderson  
George Dondanville  
Laura Coombs  
Butch Morgan

**Media:**

Dianna Smith, Naples Daily News

Other interested citizens and visitors.

\*It is noted for the record that due to departmental reorganization, the Planning Department is now referred to as the Community Development Department.

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

Reverend Debra Carter-Williams, Unity Church of Naples.

**ANNOUNCEMENTS .....ITEM 3**

1) Proclamation for Red Ribbon Week, October 23-31, 2003, presented by Council Member MacIlvaine. 2) Employee Recognition Awards.

**SET AGENDA.....ITEM 4**

Add Item 11-b(3) – Special Event, Third Street South Association, Thursday Entertainment, December 4, 2003 through April 4, 2004, 6:00 p.m. to 9:00 p.m.

**MOTION** by Russell to **ADD ITEM 11-b(3)**; seconded by Galleberg and unanimously carried, all members present and voting (Galleberg-yes, Herms-yes, MacIlvaine-yes, Russell-yes, Taylor-yes, Wiseman-yes, MacKenzie-yes).

Add Item 11-b-4 – Special Event, Christmas Parade, Tuesday, December 16, 2003, 6:00 p.m. to 8:00 p.m.

**MOTION** by Russell to **ADD ITEM 11-b(4)**; seconded by MacIlvaine and unanimously carried, all members present and voting (Galleberg-yes, Herms-yes, MacIlvaine-yes, Russell-yes, Taylor-yes, Wiseman-yes, MacKenzie-yes).

**MOTION** by Galleberg to **SET AGENDA REMOVING ITEMS 11-c AND 11-d FROM THE CONSENT AGENDA FOR SEPARATE DISCUSSION, AND ADDING ITEMS 11-b(3) and 11-b(4)**. This motion was seconded by Russell and unanimously carried, all members present and voting (Galleberg-yes, Herms-yes, MacIlvaine-yes, Russell-yes, Taylor-yes, Wiseman-yes, MacKenzie-yes).

**PUBLIC COMMENT.....ITEM 5**  
**Cody Anderson, 7625 Tara Circle #103**, advised of his personal tributes to commemorate the tragedy of the September 11, 2001, terrorist attacks and encouraged citizens to send postcards to the soldiers in Iraq to show support. **George Dondanville, 2460 14<sup>th</sup> Street North**, prior member of the Community Services Advisory Board, requested additional sidewalks to promote wellness and safety for walkers, joggers, and bicyclists. Mayor MacKenzie pointed out however that a five-year sidewalk plan presented in June had drawn strong opposition to proposed sidewalks from adjacent residents. Vice Mayor Galleberg noted this item had been placed in the 2005 fiscal year budget.

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**It is noted for the record that Items 6-a and 6-b were considered concurrently.**

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**RESOLUTION 03-10200.....ITEM 6-a**  
**ALLOW OUTDOOR DINING THAT FRONTS 3RD STREET SOUTH IN CONJUNCTION WITH A PROPOSED RESTAURANT, AT 300 FIFTH AVENUE SOUTH, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO THE CONDITIONS LISTED HEREIN; PROVIDING FOR THE CITY CLERK TO RECORD SAID CONDITIONAL USE; AND PROVIDING AN EXPIRATION DATE AND AN EFFECTIVE DATE.**

**RESOLUTION 03-10201.....ITEM 6-b**  
**A RESOLUTION DETERMINING CONDITIONAL USE PETITION 03-CU6 TO ALLOW OUTDOOR DINING THAT FRONTS THIRD STREET SOUTH IN CONJUNCTION WITH A PROPOSED RESTAURANT, AT 300 FIFTH AVENUE SOUTH, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO THE CONDITIONS LISTED HEREIN; PROVIDING FOR THE CITY CLERK TO RECORD SAID CONDITIONAL USE; AND PROVIDING AN EXPIRATION DATE AND AN EFFECTIVE DATE.** Titles of Items 6-a and 6-b were read by City Manager Robert Lee (9:30 a.m.). During ex parte disclosures, all members indicated visits to the site and a review of the correspondence but no contact with the petitioner or the petitioner's agent. Vice Mayor Galleberg also indicated that he had viewed the Planning Advisory Board (PAB) meeting and attended the Staff Action Committee (SAC) meeting. Notary Public Bonnie McNeill then administered an oath to those intending to offer testimony; all responded affirmatively.

Attorney William Dempsey noted Bice Restorante's request for outdoor dining along Third Street South (32 seats/8 tables) with extended operating hours and cited approval already granted by both SAC and PAB for outdoor dining (16 seats/4 tables) along the Fifth Avenue South side of the business. He said that SAC and PAB recommended approval with the following conditions: 1) operating hours be limited to 11:00 p.m. on Friday and Saturday and to 10:00 p.m. Sunday through Thursday; 2) no outdoor speakers for the outdoor dining area; 3) last seating for Third Street South dining would be 9:00 p.m. Sunday through Thursday and by 10:00 p.m. Friday and Saturday. He confirmed that the petitioner agreed to the aforementioned conditions.

Attorney Dempsey then reported on various issues which had been addressed with nearby residents: 1) Assurances were made that the restaurant would comply with the City's noise ordinance with traffic expected to obscure most sounds emitting from the restaurant. 2) The facility will not be a nightclub with the small interior bar intended for use by patrons awaiting seating. 3) Although parking had been deemed adequate, a conditional use petition would provide additional assurances that the matter could be revisited should issues arise. Vice Mayor Galleberg said he had dined at Bice's in other cities and would classify the experience as casual fine dining, Italian cuisine, with a mellow atmosphere.

Council Member MacIlvaine received clarification from City staff that parking spaces were adequate for Bice's patrons. Attorney Dempsey then also clarified the last-seating method would be applied to outdoor dining hours and had been agreed to by the PAB.

Council Member Wiseman nevertheless maintained concern regarding adequacy of parking for lunchtime hours, noting that the additional nearby parking described by staff had not been illustrated on the site plan. Attorney Dempsey however predicted the lunch patrons would be considerably fewer than dinner and reiterated that staff had deemed parking to be adequate.

In response to Council Member Taylor, Planning Manager Ann Walker stated that outdoor dining hours vary among Third Street South restaurants, noting recent approvals for service until midnight while others must close outdoor dining at 11:00 p.m.

Vice Mayor Galleberg moved approval, seconded by Council Member Wiseman; however, prior to the vote, further discussion ensued. Both Council Member Russell and Mayor MacKenzie expressed concern about negative effects of outdoor dining on residences, but Attorney Dempsey again emphasized that the conditional use approval would give Council the power to revoke Bice's outdoor dining if not operated in a responsible manner. While he expressed the view that Bice's staff would operate the restaurant reasonably and professionally, he also made note that the prior tenant (the Galley) had been a nightclub with live entertainment that closed at 2:00 a.m. without neighborhood complaints.

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

***MOTION by Galleberg to APPROVE RESOLUTION 03-10200, as submitted; seconded by Wiseman and carried 5-2, all members present and voting (Galleberg-yes, Herms-no, MacIlvaine-yes, Russell-yes, Taylor-yes, Wiseman-yes, MacKenzie-no).***

Council Member Herms predicted that due to its location Bice's would be forced to adopt strategies to generate additional off-season business, in fact resulting in a nightclub atmosphere. Also, further encroachment on residential areas would result as competitors also seek approval for outdoor dining; he characterized the outdoor dining on the Third Street side of the building as double that on Fifth Avenue, predicting that music and noise would drift toward residences. Mr. Herms said he also anticipated that the popularity of Bice's would also result in patrons lingering after midnight, thus further imposing upon the residential area.

Mayor MacKenzie said she would not be able to support the petition due to concern that outdoor dining would expand to surrounding streets and that residents had in fact voiced such concerns from the outset of this practice. Council Member MacIlvaine however pointed out that outdoor dining already exists on Third Street South and around the corner on Fifth Avenue South in the same building; therefore, he said did not consider this problematic.

**It is noted for the record that Vice Mayor Galleberg left the meeting at 10:16 a.m.**

***MOTION by Wiseman to APPROVE RESOLUTION 03-10201 as submitted; seconded by MacIlvaine and carried 4-2 (Galleberg-absent, Herms-no, MacIlvaine-yes, Russell-yes, Taylor-yes, Wiseman-yes, MacKenzie-no).***

**Recess: 10:19 a.m. to 10:25 a.m. It is noted for the record that Vice Mayor Galleberg and Council Members Herms and Taylor were absent when the meeting reconvened but returned during ex parte disclosures in reference to Item 7 below.**

**RESOLUTION (Continued) .....ITEM 7**  
**A RESOLUTION APPROVING SUBDIVISION PLAT PETITION 03-SD2 FOR PRELIMINARY AND FINAL PLAT APPROVAL TO SUBDIVIDE 77,649 SQUARE FEET INTO SEVEN RESIDENTIAL LOTS LOCATED AT 4880 WEST BOULEVARD, 4884 WEST BOULEVARD COURT, AND 4888 WEST BOULEVARD COURT, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.**  
After the ex-parte disclosures, the title was read by City Manager Robert Lee (10:26 a.m.). MacKenzie/visited the site but no contact; Wiseman/no contact; Russell and MacIlvaine/familiar with site but no contact; Galleberg/familiar with site and viewed Planning Advisory Board (PAB) tape but no contact; Taylor and Herms/visited the site but no contact. Notary Public Bonnie McNeill then administered an oath to those intending to offer testimony; all responded affirmatively.

Attorney Dennis Cronin, representing the petitioner, described the multi-family zoned site as having the potential for construction of up to 11 units while the proposal was for 7 single-family dwellings. Project Engineer Peter Schoenauer addressed the issues of transportation, drainage, and utilities, which were concerns he said had been expressed at the PAB meeting. Although due to recent extensive rainfall, problem locations had been identified and corrected by the City, which rectified an obstruction in a drainage pipe; so that the work would accrue to the overall benefit of the surrounding neighborhood.

Regarding utilities, Engineer Schoenauer advised that existing water and sewer mains are available as a fire hydrant being located nearby. The subdivision stipulations outlined in the City Code, he said, indicated that requirements for the public road be waived because a private road exists. This pavement is 24 feet in width, which exceeds the 20-foot requirement. (In subsequent discussion it was also clarified that in 1992 West Boulevard Court property owners signed a

memorialization of access and utility rights which is on record and provides access to property owners for transportation and utility purposes.)

Council Member Taylor expressed concern with an increase in impervious surfaces resulting in more pooling of stormwater. Engineer Schoenauer however indicated that runoff would then be stored in Devil's Lake.

In further dialog with various Council Members, Mr. Schoenauer indicated the following: 1) two of the three houses had been razed; 2) the drainage basin would be increased so as to be sufficient to accommodate runoff from the seven single-family dwellings; 3) access and utility easements have been provided for although no drainage easement is listed; 4) a 15-foot rear-yard setback would apply; 5) access to each property would be provided through the front of each individual parcel; and 6) water management must include a depression to accumulate rainfall to improve water quality of runoff and has been designed so that a certain amount of pooling will help control the amount of water abruptly introduced into the system. Engineer Schoenauer also expressed the view that the current drainage system had been functioning satisfactorily and that while standing water can be unsightly, an underground system would be more difficult from a mechanical and maintenance standpoint.

Council Member MacIlvaine sought information from Attorney Cronin as to the public benefit that would be derived from granting this petition. Attorney Cronin noted both improvements in neighborhood appearance and an increase in the City's tax base; Mr. Cronin also referred to a nearby development by the petitioner, which he characterized as having accrued to a substantial improvement.

Community Development Director Ron Lee explained that if this request were denied, the petitioner could in fact combine the lots and build an 11-unit, multi-family complex without Council approval.

Vice Mayor Galleberg distinguished this petition from a pending Council action, which would impose City Council review and approval on subdivision of three units or less.

City Engineer George Archibald then responded to Council questions by indicating that a dedication is in place providing access for all the adjoining properties and that, in his opinion, drainage capacity is adequate to accommodate an increase in the number of single-family homes; Mr. Archibald also pointed out that the one inch retention standard for multi-family buildings does not apply to single-family dwellings. Vice Mayor Galleberg said that the subject property is in fact zoned multi-family so that multi-family water retention standards would apply, despite the fact that approval is being requested on single-family dwellings.

In response to Mayor MacKenzie, City Engineer Archibald indicated that the City Code is more restrictive than State Statute, specifically regarding stormwater conveyance with adequate capacity provisions. Engineer Archibald also clarified for Council Member Taylor that the City would not be responsible for maintenance of a private road and typically fair-share contributions are written into property contracts for on-site and roadway maintenance. He further stated that staff recommended this roadway remain private.

While confirming the adequacy of the proposed drainage plan, City Engineer Archibald noted that drainage problems in the neighborhood are actually attributable to the fact that water does not pass through the pipes fast enough. Enhancements to be made by the petitioner would nevertheless improve the drainage situation, he said.

Council Member Herms pointed out that by not requiring dedication of the road, the petitioner is afforded lesser setbacks than would otherwise be required and thus achieving greater lot size. However, Mr. Archibald noted that the remainder of the street is fully developed with multi-family dwellings constructed with lesser setbacks, and this developer would be afforded the same setback if multi-family units were built. Additionally, he said, designating one portion of a road public and the remainder private would not be in the City's best interests and pointed out that utilizing a private road is allowed under innovative design criteria.

Council then discussed with Attorney Cronin further issues relative to the private road, with Mr. Cronin indicating that the City's engineering staff had recommended it remain private due to multiple ownership of adjacent property and an existing maintenance agreement. However, in response to Council Member Wiseman, Mr. Cronin said that he would be willing to establish a more formal process to assure road maintenance than the 1992 easement binding owners to an equitable contribution for the private road. Mrs. Wiseman, however, said she could not support the petition without additional assurances relative to maintenance of the roadway.

In response to Mayor MacKenzie, Attorney Cronin said that the petitioner would find it difficult to accede to a request from area residents for a separate construction site entrance. She then suggested Council specify in its approval a maximum of seven single-family residences to specifically restrict density.

In response to Council Member Taylor, City Attorney Robert Pritt said he would ascertain whether this project, because of its underlying multi-family zoning, must undergo the Design Review Board (DRB) process.

Although various Council Members continued to express concerns regarding the mechanism for road maintenance, Vice Mayor Galleberg said he deemed the project eventually approvable while recommending continuance to allow further clarification of questions posed. Mr. Galleberg then in fact moved for continuance with the motion seconded by Council Member Wiseman; however, further discussion occurred prior to the vote. Attorney Cronin nevertheless urged action, noting that the petitioner was ready to construct 11 units if this project were not approved. City Attorney Pritt indicated that additional research would be needed to respond to Council Member Herms' questions regarding specific standards of land development innovations.

**Public Comment:** None. (11:40 a.m.)

In noting support for continuance, Council Member Russell expressed the view that the project would enhance the neighborhood but took issue with Attorney Cronin's statement that an 11-unit multi-family complex would be constructed if Council did not approve the petition that day.

Vice Mayor Galleberg also expressed his displeasure with Attorney Cronin's remark regarding increasing development from 7 units to 11, characterizing Council's questions as reasonable, although the questions which, he said, may not have occurred had the petitioner provided the

necessary information. Council Member Wiseman echoed Mr. Galleberg's comments and said no hardship resulting from continuance had been articulated.

**MOTION by Galleberg to CONTINUE ITEM 7 UNTIL THE NEXT REGULAR COUNCIL MEETING with direction to staff to assemble the requested information. This motion was seconded by Wiseman and unanimously carried, all members present and voting (Galleberg-yes, Herms-yes, MacIlvaine-yes, Russell-yes, Taylor-yes, Wiseman-yes, MacKenzie-yes).**

**RESOLUTION (Continued) .....ITEM 9**

**A RESOLUTION APPROVING THE FUNDRAISING PROJECT GATORS GALORE....ONCE MORE 2004 BENEFITTING THE BOYS AND GIRLS CLUB OF COLLIER COUNTY AND THE VON LIEBIG ART CENTER; AND PROVIDING AN EFFECTIVE DATE.** Title read by City Manager Robert Lee (11:45 a.m.). Lea Smith, Chairman of the Board of Directors of the Boys and Girls Club of Collier County, said that she had served as co-chair of the original Gators Galore fundraiser. She introduced Jeanette Kessler of the Naples Art Association (NAA) and Delores Sorey, the current President of NAA. Ms. Smith then requested approval for seven life-size gator sculptures proposed for display on public property.

Chairman Smith further advised that proceeds from the 2004 version of the event, initially sponsored in 2001, would provide enrichment programs for disadvantaged children through both the Boys and Girls Club and the Naples Art Association. The current intent, she said, is to display gators in areas such as Fifth Avenue South, Third Street South, Venetian Village, and Coastland Mall. Although 50 alligators had been planned within the City limits, just four had been designated for public property (adjacent to Zoe's, McCabes, Star Place, and Giggie Moon); nevertheless three other locations had now also been proposed (The Dock Restaurant, Prudential Realty, and the new Bice Restorante) which would bring the total to seven on public property. Other locations in Collier County expressing interest, she said, include Waterside Shops, Saks Fifth Avenue, and the Ritz Carlton Hotel. Council Member Herms said he would prefer that the sculptures be more evenly distributed between City and County areas due to the potential for traffic congestion. Council Member Russell agreed and also suggested that the event be held over a four-month period rather than six months. Subsequently Jeanette Kessler of the NAA concurred that a December through March time period would be acceptable.

Vice Mayor Galleberg received confirmation from Chairman Smith that new gator sculptures would be provided for this event. While noting the overall community benefit derived, Mr. Galleberg however suggested a continuance of this matter with the understanding that the concept was approved.

Both Mayor MacKenzie and Council Member Russell requested a map depicting proposed public and private sculpture locations, with Mayor MacKenzie also requesting language in the agreement with host properties to the effect that a sculpture could not be placed in front of a competitor's business. Council Member MacIlvaine expressed particular concern regarding placement of gator sculptures on public property and concurred with Council Member Russell that a four-month time span would be more appropriate. With reference to providing advance notice of the event, Mr. MacIlvaine received clarification from Mrs. Kessler of NAA that the group had sought placement on the City Council agenda in August and September but had been

deferred due to the extent of other items to be considered. Also in response to Council Member Taylor, Chairman Smith explained that 350 disadvantaged children benefit from daily summer-session programs at the Boys & Girls Club. Additionally, 100 children are able to participate in special art programs provided by the NAA. Mrs. Kessler explained that NAA also funds transportation costs for the aforementioned summer art programs, with additional proceeds placed in NAA's endowment fund.

Council Member Wiseman said that her previous strong support had been just for a one-time event and not for repetition. In addition, Mrs. Wiseman cautioned against permanent placement of the gator sculptures, suggesting that areas could appear cluttered, particularly for local residents. She said she, too, also had reservations regarding public property placement and more equal distribution between the City and County.

Council Member Herms received clarification that outright purchase of a sculpture would be \$10,000; however if the piece were slated for auction in April it would cost \$5,000.

Vice Mayor Galleberg moved for a two-week continuance, stressing that the petitioners should be reassured that Council would ultimately grant their request; however, issues regarding placement, permanence and length of display were still to be addressed. Council Member Russell seconded Mr. Galleberg's motion for continuance.

**Public Comment:** None. (12:14 p.m.)

Council Member Wiseman expressed support of fundraising efforts, but reiterated her concern about event repetition and therefore recommended that approval of the event then under review be the last.

***MOTION by Galleberg to CONTINUE ITEM 9 FOR TWO WEEKS so that an agreement could be reached on the time span, placement, and consideration relative to permanent display. This motion was seconded by Wiseman and unanimously carried, all members present and voting (Galleberg-yes, Herms-yes, MacIlvaine-yes, Russell-yes, Taylor-yes, Wiseman-yes, MacKenzie-yes).***

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**Recess: 12:16 p.m. to 1:31 p.m. It is noted for the record that Vice Mayor Galleberg and Council Members Wiseman and Taylor were absent when the meeting reconvened.**

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**ORDINANCE (First Reading).....ITEM 8**  
**AN ORDINANCE DELETING SECTION 102-854 (8), AMENDING SECTION 102-1073(b)(1), DELETING SECTION 102-1073(b)(2), AMENDING SECTION 102-1095 (f)(9), ADDING SUBSECTION (f) TO SECTION 106-35, AND DELETING SECTION 106-37(2), OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES TO PROVIDE REGULATIONS FOR THE USE OF PORTABLE SANDWICH BOARD AND A-FRAME SIGNS IN ALL COMMERCIAL ZONING DISTRICTS; PROVIDING FOR CODIFICATION; A REPEALER PROVISION AND AN EFFECTIVE DATE.** Title read by City Manager Robert Lee (1:31 p.m.). Planner Susan Golden advised that in March 2003 City Council had directed preparation of legislation allowing sandwich board signs. She referenced a staff report to the Planning Advisory Board (PAB) dated August 29, 2003 (a copy is contained in the file for this meeting in the City Clerk's office). The PAB had recommend approval, Ms. Golden said, with two language clarifications agreed to by staff: 1) maximum size of the sandwich board was to include the stand; and 2) external or internal lighting of the sandwich board signs would not be allowed. In response to Mayor MacKenzie, Community Development



Director Ron Lee advised that since current regulations also restricts moving parts on a sign, it would therefore be unnecessary and repetitive to duplicate this language.

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**It is noted for the record that Vice Mayor Galleberg entered the meeting at 1:33 p.m.**

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Ms. Golden stated that 82 notifications had been mailed to local businesses previously identified as having sandwich board signs. At the September PAB meeting one business owner spoke regarding the issue, but no other response had been received from the business community or the public in general, she advised.

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**It is noted for the record that Council Member Taylor entered the meeting at 1:34 p.m.**

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Council Member Russell noted a prior majority consensus that sandwich board signs be placed in front of the business rather than within 30 feet of the entrance. Planner Golden noted however that for unique circumstances, such as Bramble's Tea Room, the location waiver provision in Section 106-35(f)(1)(4) would apply wherein an administrative waiver of the distance requirement could be requested from the Community Development Department. Planner Golden explained that the 30-foot distance had been established to provide maximum visibility and had been derived both from local research as well as from other communities.

In response to Council Member Russell, Community Development Director Lee advised that the design standards for sandwich boards and the corresponding compliance with those standards would remain with the respective associations such as those on Fifth Avenue South and Third Street South. The design standard submitted for each area would be on file with the Community Development Department so that new signs comply with the approved design standard.

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**It is noted for the record that Council Member Wiseman entered the meeting at 1:39 p.m.**

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City Attorney Robert Pritt also clarified for Council Member Herms that while content of commercial speech cannot be regulated, reasonable time, place, and manner can.

Mayor MacKenzie said that not only was she not convinced of the necessity or effectiveness of sandwich boards, she also had concerns from a safety and aesthetic viewpoint. Since business owners choose their locations, she said she did not consider it the City's responsibility to guarantee exposure to out-of-the way establishments. Instead, she said she favored directional signs like those used in the Third Street South area, characterizing them as beneficial for promoting businesses in an aesthetically pleasing manner. Planner Golden confirmed that the items before Council did not relate to directional signs.

Vice Mayor Galleberg said he, too, was not in favor of sandwich board signs although, if allowed, a choice should be made among various types of signs, which an establishment is allowed to employ. Council Member Taylor advocated that the shopping districts, especially Third Street South Special Overlay District, had stressed the importance of sandwich boards to the viability of their business district.

Council Member MacIlvaine said that he generally opposed the usage of sandwich boards and that the "D" Downtown District business owners in fact did not want them. Mr. MacIlvaine said that sandwich boards should be limited to the shopping districts of Fifth Avenue South and Third Street South. Council Member Wiseman then suggested allowing sandwich boards on private property for those areas outside the Fifth Avenue and Third Street Overlay Districts, thus allowing private property owners in the "D" Downtown District and other areas the usage of

sandwich boards. Council Member Herms agreed with Mrs. Wiseman regarding the importance of allowing sandwich boards for private business owners to advertise.

After continued discussion and proposal of various motions, final action appears below.

**Public Comment:** None. (2:53 p.m.)

**MOTION by Wiseman to APPROVE ITEM 8 at first reading, AS AMENDED:**

1) *Deleting Section 1 “Division 29 D Downtown District”*

2) *Revising Section 106-35(f)(1), Location Requirements: “All permitted sandwich board signs are to be located in front of the business ~~within 30 feet of the business entrance~~. Placement of a sign must allow for a 5’ clear area for pedestrian passage.”*

3) *Deleting “D Downtown District” from Section 106-35(f)(2).*

4) *Revising Section 106-35(4): “Location waiver: If site conditions prohibit practical placement of a portable sandwich board sign ~~within 30 feet of a business’ entrance~~ as provided in Subsection(f)(1) Location Requirements ...”*

*Adding Sub-Section 106-35(f)(5): “Notwithstanding any other provision of this section, for areas outside Fifth Avenue South Special Overlay District and Third Street Commercial Area Special Overlay District, signs shall be permitted in Section(f)(1) only on private property”.*

*This motion was seconded by Taylor and carried 5-2, all members present and voting (Galleberg-no, Herms-yes, MacIlvaine-yes, Russell-yes, Taylor-yes, Wiseman-yes, MacKenzie-no).*

**ORDINANCE 03-10202.....ITEM 10  
AN ORDINANCE GRANTING COMPREHENSIVE PLAN AMENDMENT PETITION  
03-CPA1, TO AMEND THE CONSERVATION AND COASTAL MANAGEMENT  
ELEMENT OF THE COMPREHENSIVE PLAN BY ADDING OBJECTIVES AND  
POLICIES TO ESTABLISH MARINA SITING CRITERIA; PROVIDING A  
SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.**

Title read by City Manager Robert Lee (2:54 p.m.) who suggested removal of the paragraph relative to mitigation in Section 17-14 since the various interest groups, such as The Conservancy of Southwest Florida and the Marine Industry Association of Collier County, had agreed to work together on that issue (See Attachment #3). Community Development Director Ron Lee advised that the Comprehensive Plan would be updated during the next revision cycle. Vice Mayor Galleberg moved for approval based on staff recommendation and Council Member Russell seconded that motion; however, additional discussion occurred prior to a vote.

**Public Comment:** (2:57 p.m.) **Butch Morgan, President of the Marine Industries Association of Collier County**, indicated agreement for the removal of the mitigation language. Other issues would continue to be reviewed, he said, and noted that Natural Resources Manager Jon Staiger would be representing the City in deliberations at the County level. **Laura Coombs, Southwest Regional Representative for Save the Manatee Club**, described the manatee population as in decline and stressed the necessity for protection planning. She further urged the City not to move forward with the boating facility ordinance.

Council Member Wiseman however received confirmation from Ms. Coombs that there had been 12 boat-related manatee deaths since 1976, 7 of those having occurred since 1997, with the most

recent death occurring in the Dollar Bay area in 2003. In response to Mayor MacKenzie, Ms. Coombs acknowledged that red tide is also a serious issue relative to manatees in Southwest Florida and cited the need for partnerships to help obtain additional funding for continued research. Ms. Coombs further described Collier County as more protective than the City with reference to manatees; however, Mr. Lee noted that the City in fact matched or exceeded the County's manatee protection plan. Although Council Member Russell ascertained that Save the Manatee Club had submitted a letter specifically addressing their concerns, Community Development Director Lee explained that the Department of Community Affairs (DCA) consolidated comments from all the state agencies into a single report, and the City had then adequately addressed the issues stated in DCA's report.

City Attorney Robert Pritt reminded those in attendance that a form had been provided in the rear of the Council Chamber for citizens to indicate their interest in receiving further information on Comprehensive Plan amendments.

**Gary Davis, The Conservancy of Southwest Florida**, expressed appreciation to Community Development Director Lee and staff for working with The Conservancy on the boating facility siting plan, which he identified as part of the Hamilton Harbor litigation settlement as well as an improvement over the initial marine siting criteria in the land development code. He requested that revisions be made to the Code as soon as possible. Mr. Davis also said that he had approved of deletion of mitigation language in lieu of further discussions among interested parties. He further indicated that he had received agreement from Community Development Director Lee to remove the sea grass definition on Page 7 of the support document to provide consistency with the ordinance. Mr. Davis further clarified that the sea grass bed definition had previously been deleted from the ordinance according to The Conservancy's request. Regarding Policy 18-4, Mr. Davis said that the Florida Department of Community Affairs (DCA) had indicated that a boat facilities plan should be evaluated every five years; therefore, he disagreed with the inclusion of "as appropriate" which he said weakened that policy.

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**It is noted for the record that Council Member Herms left the meeting at 3:16 p.m. and returned at 3:20 p.m.**

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He then clarified for Council Member Taylor that as opposed to the County manatee protection plan the City's plan is unclear with regard to depth. Additionally, he said the County plan has mitigation for high manatee use areas and the City's does not.

Natural Resources Manager Jon Staiger clarified that proposals had been completed regarding establishing a series of vessel speed zones within Naples Bay and that additional study was not required. He further stated that an ordinance amendment on speed control had been prepared regarding the intersections of Dollar Bay, Gordon Pass, and Naples Bay as a part of the Hamilton Harbor approval process. Dr. Staiger also explained that the justification for vessel speed zones could be based on public safety issues; however, he said the statistical data is difficult to quantify as citations have been given on near-miss collisions but few accidents have actually occurred. He further indicated that the boating community considers speed zones a major infringement while others have said they are fearful, especially on the weekends, and would therefore encourage vessel speed zones.

Council Member Wiseman said that Dr. Staiger had stated that the City did not have significant evidence from a safety or manatee-protection perspective to propel Council forward with a Naples Bay speed zone study. She said she would prefer to focus on other issues such as stormwater run-off or the installation of riprap. Dr. Staiger said that the numerous water quality issues should in fact be addressed, and vessel speed control is one of those issues. Ms. Coombs of Save the Manatee Club, however, interjected seven manatee deaths attributed to watercraft accidents had occurred in the Naples area since 1997 which warrant investigation of additional speed zones.

Community Development Director Lee recommended however that the words “as appropriate” remain in Policy 18-4 since he indicated that deletion or retention would not significantly diminish the policy.

**MOTION by Galleberg to ADOPT ORDINANCE 03-10202, as amended, with staff recommendations:**

***1) Deleting “Mitigation” paragraph in its entirety, from Section 17-14; and 2) Adding a comma after “review” to Policy 18-4: “The City will evaluate the effectiveness of the adopted boating facility plan every five years and review, and revise as appropriate...” This motion was seconded by Russell and carried 5-2, all members present and voting (Galleberg-yes, Herms-no, MacIlvaine-yes, Russell-yes, Taylor-no, Wiseman-yes, MacKenzie-yes).***

Council Members Herms and Taylor indicated that they advocated removal of the phrase “as appropriate” from Policy 18-4, expressing agreement with The Conservancy that it weakened the language and allowed misinterpretation.

After further discussion among Council Members regarding Naples Bay issues and vessel speed zones, Council Member Russell moved for a future workshop agenda featuring the topics of vessel speed, health, safety, and welfare of Naples Bay with inclusion of staff recommendations; Council Member MacIlvaine seconded the motion. Prior to the vote, however, Council Member Wiseman cautioned against focusing on the most controversial element of vessel speed zones and said a consensus between competing interests would be reached more easily if the subject matter remained more broad-based. Additionally, Vice Mayor Galleberg questioned the need for this workshop as he said he had understood Natural Resources Manager Staiger to state there is no evidence to support this study. However, Council Member Taylor took the position that it was an appropriate time to continue discussions with City staff, The Conservancy, and the Save the Manatee Club.

**MOTION by Russell to ADD TO A FUTURE WORKSHOP AGENDA, the topics of vessel speed, health, safety, and welfare of Naples Bay, with inclusion of staff recommendations. This motion was seconded by MacIlvaine and carried 5-2, all members present and voting (Galleberg-no, Herms-yes, MacIlvaine-yes, Russell-yes, Taylor-yes, Wiseman-no, MacKenzie-yes).**

**CONSENT AGENDA**

**APPROVAL OF MINUTES**.....**ITEM 11-a**  
August 18, 2003 Budget Workshop, August 19, 2003 Budget Workshop, September 2, 2003 Workshop, September 3, 2003 Regular Meeting.

**SPECIAL EVENTS**..... **ITEM 11-b**

1) The Village on Venetian Bay: Octoberfest-October 23, 2003; Christmas Walk- November 28, 2003; Holiday Entertainment-December 11, 2003.

2) Concerts in the Park – Naples Concert Band, Gulf Coast Big Band, Royal Brass Orchestra, and Naples Daily News Jazz Band – Community Services Department  
Sunday Concert Series: October 19, November 9, December 14, December 21, December 28, 2003, January 4, January 11, January 25, February 1, February 8, February 29, March 21, April 4, April 18, April 25, 2004.

Friday Evening Concert Series: March 5, March 26, 2004.

3) Thursday Evening Entertainment, Third Street South – December 4, 2003 through April 4, 2004. (Added Item)

4) Christmas Parade – December 16, 2003. (Added Item)

**RESOLUTION 03-10204**.....**ITEM 11-e**

**A RESOLUTION APPROVING AN ANNUAL AGREEMENT, WITH THE OPTION OF TWO ONE-YEAR RENEWALS, WITH PROFESSIONAL STAFFING-ABTS, INC., dba ABLE BODY, TO PROVIDE TEMPORARY LABORERS; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.** Title not read.

**MOTION by Galleberg to APPROVE CONSENT AGENDA ITEMS 11-a, 11-b(1), 11-b(2), 11-b(3), 11-b(4), and 11-e. This motion was seconded by Russell and unanimously carried, all members present and voting (Galleberg-yes, Herms-yes, MacIlvaine-yes, Russell-yes, Taylor-yes, Wiseman-yes, MacKenzie-yes).**

**END CONSENT AGENDA**

**RESOLUTION**.....**ITEM 11-c**

**A RESOLUTION APPOINTING ONE MEMBER TO THE DOWNTOWN IMPROVEMENT AND REDEVELOPMENT COMMITTEE (DIRC) FOR THE BALANCE OF A THREE-YEAR TERM EXPIRING APRIL 30, 2006; AND PROVIDING AN EFFECTIVE DATE.** Title read by City Manager Robert Lee (3:49 p.m.). In response to Council, City Clerk Tara Norman said that candidate John Crider had previously been interviewed and that he would be the only member on the committee at the time. Council Member Wiseman therefore proffered a motion to inform Mr. Crider by letter that he is the sole candidate for the committee and that he would be considered for appointment without further interview at such time as additional candidates are received. Council Member MacIlvaine however said Council should encourage citizens to apply for both this committee and the Community Redevelopment Agency Advisory Board (CRAAB), and should therefore approve this candidate even though the committee is not yet operational; Council Member Taylor concurred. Mayor MacKenzie said Council should adhere to the established rules and appoint Mr. Crider.

**Public Comment:** None. (3:55 p.m.)

**MOTION by Wiseman to DIRECT THE CITY CLERK TO SEND CANDIDATE LETTER INFORMING HIM THAT HE IS THE SOLE**

**CANDIDATE FOR THE COMMITTEE; WHEN ADDITIONAL CANDIDATES RECEIVED, COUNCIL WILL CONSIDER HIM WITHOUT FURTHER INTERVIEW.** *This motion was seconded by Galleberg and carried 4-3, all members present and voting (Galleberg-yes, Herms-yes, MacIlvaine-no, Russell-yes, Taylor-no, Wiseman-yes, MacKenzie-no).*

In response to Council, Community Development Director Ron Lee stated that his department had been directed not to issue building permits in the “D” Downtown area as DIRC review is required. Council Member Wiseman said she felt it unfair to require citizens seeking building permits to wait until Council can seat this committee. Mayor MacKenzie also pointed out that Council may have created committees without determining their role or whether there were adequate candidates. Mrs. Wiseman therefore asked whether Council could enact a resolution conferring approval authority onto the staff until DIRC is formed. City Attorney Robert Pritt however explained that Council could either terminate the committee or give its authority to another committee by ordinance, which would require Planning Advisory Board (PAB) review. Mayor MacKenzie asked whether Council could direct the City Manager to not enforce the requirements for committee review. Council Member Russell added that he believed the City Manager had always been empowered to implement policy and ordinances with available resources, and expressed doubt this would lead to legal challenge. City Attorney Pritt however advised Council against this and to instead allow him to research other options. Council Member MacIlvaine suggested allowing Council to temporarily appoint members of staff to act as members of the DIRC until the committee can operate, however, City Attorney Pritt said that while this is permissible if staff members meet the applicable qualifications, under the Sunshine Law (Chapter 286, Florida Statutes) they would not be able to converse about petitions except in a DIRC meeting.

Council Member Taylor suggested appointing the PAB to perform this function, noting the background and qualifications of its members, while City Manager Lee suggested allowing the Design Review Board (DRB) to address the design of a project, and allowing the PAB to address all other aspects. Vice Mayor Galleberg however recommended allowing staff to grant waivers from DIRC review with Council ratifying their actions on the consent agenda. City Attorney Pritt concurred with this approach saying that the ordinance contains a provision allowing waivers when meeting the requirements would be impractical or impossible, as is the case without the committee in place. Council Member Taylor noted that citizens in the district are nevertheless not seeking required waivers for items such as changing building colors, and said this would be a matter of enforcement.

**Public Comment:** None. (4:13 p.m.)

**MOTION by Galleberg to DIRECT THE CITY MANAGER, PENDING FORMATION OF DIRC WITH A QUORUM, TO GRANT WAIVERS AT THE STAFF LEVEL IN MATTERS TO BE REVIEWED BY DIRC WITH ITEMS TO THEN APPEAR ON THE CONSENT AGENDA FOR CITY COUNCIL RATIFICATION.** *This motion was seconded by Wiseman and carried 5-2, all members present and voting (Galleberg-yes, Herms-no, MacIlvaine-yes, Russell-yes, Taylor-no, Wiseman-yes, MacKenzie-yes).*

In further discussion, Planning Manager Ann Walker received confirmation that the project must still conform to the regulations of the “D” Downtown District. Noting that it may take some

time before the DIRC is operational, Council Member Wiseman proffered a motion to amend the ordinance as shown below.

**MOTION by Wiseman to DIRECT THE CITY MANAGER TO AMEND THE “D” DOWNTOWN ZONING ORDINANCE TO REFLECT REQUIREMENT FOR DIRC APPROVAL NOT TO GO INTO EFFECT UNTIL SUCH TIME AS THE DUTIES ARE DEFINED AND THE COMMITTEE ESTABLISHED.**

*The motion was seconded by Galleberg and carried 6-1, all members present and voting (Galleberg-yes, Herms-yes, MacIlvaine-no, Russell-yes, Taylor-yes, Wiseman-yes, MacKenzie-yes).*

Council Member MacIlvaine said he believed this change to be unnecessary.

**RESOLUTION 03-10203..... ITEM 11-d**  
**A RESOLUTION APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH DUANY PLATER-ZYBERK, FOR CONSULTING SERVICES IN RELATION TO AN UPDATE OF THE FIFTH AVENUE SOUTH MASTER PLAN; AND PROVIDING AN EFFECTIVE DATE.** Title read by City Manager Robert Lee (4:24 p.m.). Council Member Wiseman requested additional definition of the work to be performed as well as a completion date. Planning Manager Ann Walker explained that a contract is necessary before the work is scheduled, and that she anticipated that the work would occur by February 2004. She added that rather than defining the areas for the consultant to address, citizen concerns first be heard. Mrs. Wiseman however recommended directing staff or the Staff Action Committee (SAC) to develop various general issues, which Council could then approve in an effort to maximize the return on the City’s expenditure. Council Member Russell said he wanted the consultant to address the progress of the current plan, to listen to current needs, and to use his skills to enhance future direction. Ms. Walker noted the June 9, 2003, letter from the consultant outlining the proposed scope of services, and Mayor MacKenzie recommended appending this letter to the agreement as Exhibit A.

Council Member Taylor suggested inviting those residents abutting Fifth Avenue South to the public meetings as they are scheduled. Council Member Wiseman nevertheless cautioned that the City may obtain only a nonspecific report when it in fact has very specific issues. Council Member Taylor concurred and recommended first defining goals in order to give the consultant appropriate direction; City Manager Lee suggested a workshop with the consultant. Vice Mayor Galleberg however said he believed the consultant’s letter setting forth the scope of services to be adequate; Council Member Russell concurred.

**Public Comment:** None. (4:39 p.m.)

**MOTION by Galleberg to APPROVE RESOLUTION 03-10203 ATTACHING JUNE 9, 2003 LETTER FROM DUANY-PLATER-ZYBERK & COMPANY AS EXHIBIT “A” AND REVISING ARTICLE 4, SECTION 4.1, OF THE CONTRACT TO REFER TO EXHIBIT “A” AS SCOPE OF SERVICES INSTEAD OF BASIS OF COMPENSATION.** *This motion was seconded by Russell and carried 5-2, all members present and voting (Galleberg-yes, Herms-yes, MacIlvaine-yes, Russell-yes, Taylor-no, Wiseman-no, MacKenzie-yes).*

**ORDINANCE (First Reading)..... ITEM 12**  
**AN ORDINANCE DETERMINING LARGE SCALE COMPREHENSIVE PLAN AMENDMENT PETITION 03-CPA2, AMENDING THE FUTURE LAND USE ELEMENT IN ORDER TO ADD DENSITY AND HEIGHT LIMITS FOR PROPERTIES WITHIN THE DOWNTOWN MIXED USE DISTRICT, AMENDING THE**

**TRANSPORTATION ELEMENT TO ADD POLICY 6-2 THAT RESTRICTS CONSTRUCTION OF ROAD OVERPASSES IN THE CITY, AND DELETING THE FOLLOWING POLICIES: PARKS, RECREATION AND OPEN SPACE ELEMENT, POLICY 3.1, POLICY 4-6, HOUSING ELEMENT, POLICY 3.10, FUTURE LAND USE ELEMENT, POLICY 5-3.1, VISION 2005 WORK PLAN, POLICY 1-1.1, POLICY 1-1.2, POLICY 1-1.3, POLICY 2-2.5, POLICY 2-2.10, POLICY 2-3.3, POLICY 3-3.8, POLICY 4-2.6, POLICY 4-3.5, POLICY 5-2.1, POLICY 6-1.5, POLICY 6-2.2, POLICY 7-2.1, POLICY 7-3.4, POLICY 8-1.1, POLICY 8-2.4, POLICY 8-3.1, POLICY 8-3.3, POLICY 8-3.4, POLICY 8-3.5, POLICY 9-2, CAPITAL IMPROVEMENTS ELEMENT, POLICY 2-6, CONSERVATION AND COASTAL MANAGEMENT ELEMENT, POLICY 1-2, POLICY 3-1, INTERGOVERNMENTAL COORDINATION ELEMENT, POLICY 1-7, PUBLIC FACILITIES AND WATER RESOURCES ELEMENT, POLICY 2-20, POLICY 3-3, POLICY 4-10, POLICY 7-8; AND PROVIDING FOR RENUMBERING; AND PROVIDING AN EFFECTIVE DATE.** Title read by City Manager Robert Lee (4:42 p.m.). Mayor MacKenzie said this ordinance covers three separate topics and recommended considering them individually. Community Development Director Ron Lee explained that there are two components relative to density: establishing in the Comprehensive Plan the density limits on a per-project basis which is 12 to 30 units per acre, and the aggregate density limit of 1,416 units over the entire 118 acres of the “D” Downtown District.

Council Member Wiseman cited citizen concern as the reason for placing the general parameters of the “D” Downtown ordinance in the Comprehensive Plan. She however recommended specifying that the 12-unit per acre density limit include property dedicated as right-of-way by a developer; Community Development Director Lee concurred. In response to Council Member Russell, Mr. Lee also said that including the building height language in the Comprehensive Plan would require all zoning applications to be consistent with these parameters. Council Member Russell however said he would prefer to omit this language and allow future Councils to make the correct decisions in accordance with the Charter and other ordinances.

Council Member and Heart of Naples Committee (HONC) Chairman MacIlvaine said that inserting the maximum commercial building height limitation of 3 floors and 42 feet into the Comprehensive Plan would however ensure its compliance. He nevertheless recommended omitting from the Future Land Use Element the language regarding residential building heights. Council Member Wiseman said that this language had been inserted at Council’s direction and recommended it be included.

Vice Mayor Galleberg however advocated including none of the proposed language in the Comprehensive Plan, saying that he saw nothing comparable in the Future Land Use Element for other zoning districts. Council Member Herms said the language could be changed in February 2004 through the proposed Charter amendment, and therefore suggested that none be included at that time; Council Member Taylor concurred. Community Development Director Lee noted that these changes, if approved, would be transmitted to the Department of Community Affairs (DCA) within 15 days; the DCA would then have 60-90 days to complete its review after which Council could conduct second reading. Council Member Wiseman suggested delaying second reading until after the February general election saying she would rather include these changes in the Comprehensive Plan than in the Charter in order to assure the residents of Council’s



commitment to the density and height limitations. Council Member Russell added that the Comprehensive Plan is not intended to send political messages on specific ballot initiatives, but to speak to future Councils about the vision for the City, certain elements of which should not be changed without great difficulty. Mayor MacKenzie however noted that previous Councils have changed the Comprehensive Plan, and said that she could not support proceeding without the full support of Council Member and HONC Chairman MacIlvaine.

In response to Council, City Attorney Robert Pritt said that interim votes could be proffered on various aspects of this item, but that Council must eventually vote on the ordinance to be transmitted to DCA. Mayor MacKenzie recommended allowing more flexibility in the future for such disparate items. Vice Mayor Galleberg expressed doubt that any component would receive a majority vote of Council, but nevertheless recommended dividing the vote.

**Public Comment:** None. (5:23 p.m.)

**MOTION by MacIlvaine to ESTABLISH MAXIMUM AGGREGATE DENSITY AND MAXIMUM SITE DENSITY CLARIFYING THAT LAND DEDICATED TO THE PUBLIC AS RIGHT-OF-WAY CAN BE COUNTED TOWARDS THE DENSITY LIMITS;** *seconded by MacKenzie and carried 4-2-1 (Galleberg-no, Herms-abstain, MacIlvaine-yes, Russell-yes, Taylor-no, Wiseman-yes, MacKenzie-yes). (See Attachment #1, Memorandum of Voting Conflict for County, Municipal, and other local public officers.)*

Council Member Herms explained that he had abstained because he owns property in the area.

**MOTION by MacIlvaine to ESTABLISH THE MAXIMUM COMMERCIAL AND RESIDENTIAL BUILDING HEIGHT: THREE FLOORS AND 42 FEET UP TO THE PEAK OF THE ROOF, MEASURED FROM THE FIRST FLOOR, FEMA ELEVATION HOWEVER, EXCLUSIVELY RESIDENTIAL INTERIOR BUILDINGS THAT ARE NOT LOCATED ON STREET FRONTAGE ON PROPERTIES OVER 5 CONTIGUOUS ACRES ARE PERMITTED TO A MAXIMUM OF 3 STORIES OVER ONE PARKING LEVEL WITH MAXIMUM HEIGHT OF 50 FEET MEASURED FROM THE FEMA REQUIREMENT.** *This motion was seconded by MacKenzie and failed 2-4-1 (Galleberg-no, Herms-abstain, MacIlvaine-yes, Russell-no, Taylor-no, Wiseman-no, MacKenzie-yes). (See Attachment #1, Memorandum of Voting Conflict for County, Municipal, and other local public officers.)*

**MOTION by Galleberg to DELETE THE ENTIRE PARAGRAPH ON MAXIMUM COMMERCIAL AND RESIDENTIAL BUILDING HEIGHT;** *seconded by Russell and carried 5-1-1 (Galleberg-yes, Herms-abstain, MacIlvaine-no, Russell-yes, Taylor-yes Wiseman-yes, MacKenzie-yes). (See Attachment #1, Memorandum of Voting Conflict for County, Municipal, and other local public officers.)*

Council Member Russell said that he had requested staff's opinion on the proposed overpass on Golden Gate Parkway and Airport Road, as well as information on the Fort Myers Midpoint bridge issue. City Attorney Pritt briefly reviewed the litigation involving the bridge, saying that the court issued a partial summary judgment supporting the County's right for the bridge on a County arterial road even though it is located in the City of Fort Myers. The second District Court of Appeal later upheld the decision. Although expressing doubt the City could stop the

currently proposed overpass, Mr. Russell said that Council could nevertheless express to future Councils its vision for the City in the Comprehensive Plan. He however suggested amending the policy language in the Transportation Element indicating that the City shall permit construction of road overpasses or flyovers only after all other alternative planning solutions and at-grade improvements have been exhausted and had proven ineffective in meeting the level of service.

Mayor MacKenzie stated that the County in its application for State grant funding for the overpass had indicated its compliance with its Growth Management Plan, but had made no reference to the City's Comprehensive Plan despite the fact that a portion of the overpass would be within City limits. She therefore recommended including the proposed language in the Comprehensive Plan to help prevent any future overpasses that may be proposed, characterizing them as alternatives of last resort. Mayor MacKenzie further stated that inserting the language in Policy 6-2 would not be as effective as in Policy 1-10.

City Attorney Pritt said that the DCA, the Metropolitan Planning Organization (MPO), and other agencies would provide comments, but that there is no legal prohibition against the City transmitting a document that expresses its concerns regarding overpasses. Vice Mayor Galleberg expressed the view that this action may have value for future events not presently anticipated, but Council Member Wiseman expressed concern, saying there may be a circumstance where an overpass would be necessary. Council briefly discussed several language amendments and then proffered the motion below.

**Public Comment:** None. (5:41 p.m.)

**MOTION by MacIlvaine to APPROVE POLICY 6-2 RENUMBERED AS POLICY 1-10 TO READ AS FOLLOWS “DUE TO IMPACTS ON TRAFFIC AND AESTHETICS, THE CITY SHALL NOT PERMIT CONSTRUCTION OF VEHICLE ROAD OVERPASSES OR FLYOVERS IN FAVOR OF FEASIBLE ALTERNATIVE PLANNING SOLUTIONS THAT WILL IMPROVE THE LONG-TERM TRAFFIC CIRCULATION PATTERNS IN THE CITY.” This motion was seconded by Galleberg and carried 5-2, all members present and voting (MacIlvaine-yes, Taylor-yes, Russell-no, Galleberg-yes, Herms-yes, Wiseman-no, MacKenzie-yes).**

Council Member Russell expressed doubt that this would meet the goal of addressing the currently proposed overpass, and said that he found the language to be vague and problematic. In addition, he said he had not yet explored moving the policy to a different section of the Comprehensive Plan. Council Member Wiseman said government should always try to enact policies and ordinances that are clear and thoroughly analyzed.

Mayor MacKenzie then explained that Council had the previous year considered whether it should direct the staff to actively work to prioritize and complete the various work projects in the Comprehensive Plan. She added that she believed Council had at that time decided to designate the projects as completed, in progress, or deferred as opposed to deleted, noting that Council had never deleted projects in the Comprehensive Plan Mid-Cycle report. Community Development Director Lee suggested that staff recognize this as official policy direction, and use those guidelines to make actual changes to the Comprehensive Plan through the Evaluation Appraisal Review (EAR) process. Council Member Taylor recommended prioritizing but not deleting any items.

Council Member Russell however said he had in fact intended to delete some projects, saying he believed the Comprehensive Plan to be overly aggressive and dated, containing many items that would never be completed. Vice Mayor Galleberg agreed, saying Council had meant to delete impossible or unimportant items, but that he would wait until the appropriate time. Council Member Wiseman expressed concern regarding a number of goals not met by the deadline, and said retaining them in the Comprehensive Plan maintains inconsistency. Council Member Herms said there are some specific policies that he could not agree to delete, such as the one pertaining to evaluation of the feasibility of expanding the re-use water system. Community Development Director Lee confirmed that policies are removed or modified during the EAR process, which occurs every seven years and is currently due in February 2005.

**Public Comment:** None. (6:09 p.m.)

**MOTION by MacKenzie to AUTHORIZE STAFF TO RETAIN PROJECTS (DELETED ON 9/3/02) AND PRIORITIZE AS 1) COMPLETED, 2) IN PROGRESS, AND 3) DEFERRED; AND USE THOSE GUIDELINES TO MAKE ACTUAL CHANGES TO THE COMPREHENSIVE PLAN THROUGH THE EVALUATION APPRAISAL PROCESS. This motion was seconded by Taylor and carried 4-3, all members present and voting (Galleberg-no, Taylor-yes, Russell-no, Wiseman-no, Herms-yes, MacIlvaine-yes, MacKenzie-yes).**

Council Member Russell maintained his position that the decisions on the deleted items had already been made and that Council should move forward. Mayor MacKenzie however said that this had simply been a request for clarification. She added that the Comprehensive Plan was created with a great deal of public comment, and to discard items without full review demonstrates a disregard for the public process. Moreover, she asserted that it was an ambitious Comprehensive Plan and that although Council had experienced many challenges, it had accomplished a great deal. Council Member Russell nevertheless contended that reversing the prior course at that time was attributable to politics. Mayor MacKenzie strongly disagreed.

In response to Council, City Attorney Pritt said that the ordinance itself could be transmitted to the DCA, but that he would change the title and body accordingly. Council Member Taylor proffered a motion, seconded by Council Member MacIlvaine, to transmit the ordinance to the DCA. Vice Mayor Galleberg suggested dividing the topics into three ordinances. City Attorney Pritt expressed no objection, but said Council generally places all proposed amendments into one ordinance for each cycle. Noting various Council Member's objections to the individual items, Vice Mayor Galleberg nevertheless recommended delineating them into separate ordinances. Council Member Taylor then withdrew her motion. City Attorney Pritt reread the ordinance title including only the section dealing with the Future Land Use Element.

**Public Comment:** None (6:17 p.m.)

**MOTION by MacIlvaine to APPROVE AN ORDINANCE DETERMINING LARGE SCALE COMPREHENSIVE PLAN AMENDMENT PETITION 03-CPA2, AMENDING THE FUTURE LAND USE ELEMENT IN ORDER TO ADD DENSITY AND HEIGHT LIMITS FOR PROPERTIES WITHIN THE DOWNTOWN MIXED USE DISTRICT; PROVIDING FOR RENUMBERING; AND PROVIDING AN EFFECTIVE DATE. This motion was seconded by Russell and carried 5-1-1 (Galleberg-no, Herms-abstain, MacIlvaine-yes, Russell-yes, Taylor-yes, Wiseman-yes, MacKenzie-yes). (See**

***Attachment #1, Memorandum of Voting Conflict for County, Municipal, and other local public officers.)***

City Attorney Pritt then reread the title including only the section dealing with the transportation element.

**Public Comment:** None. (6:21 p.m.)

**MOTION by MacIlvaine to APPROVE AN ORDINANCE DETERMINING LARGE-SCALE COMPREHENSIVE PLAN AMENDMENT PETITION 03-CPA2, AMENDING THE TRANSPORTATION ELEMENT TO ADD POLICY 1-10 6-2 THAT RESTRICTS CONSTRUCTION OF ROAD OVERPASSES IN THE CITY; PROVIDING FOR RENUMBERING; AND PROVIDING AN EFFECTIVE DATE.** This motion was seconded by Galleberg and carried 5-2, all members present and voting (Galleberg-yes, Herms-yes, MacIlvaine-yes, Russell-no, Taylor-yes, Wiseman-no, MacKenzie-yes).

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**Recess 6:21 p.m. to 6:28 p.m.** It is noted for the record that Vice Mayor Galleberg and Council Member Wiseman were absent when the meeting reconvened.

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**RESOLUTION 03-10205.....ITEM 13**  
**A RESOLUTION APPROVING A CONTINUING CONTRACT WITH MACTEC ENGINEERING AND CONSULTING, INC. TO PROVIDE GEOTECHNICAL/ ENVIRONMENTAL ENGINEERING SERVICES ON AN AS-NEEDED BASIS; AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT; AND PROVIDING AN EFFECTIVE DATE.** Title read by City Manager Robert Lee (6:28 p.m.). Mayor MacKenzie said that she was concerned that competing firms would lose interest because of the system currently used by the City and instead favored an overall bid system. Construction Management Director Ron Wallace indicated that qualified bidders were ranked and the selection then made based on the lowest submitted price proposal. He further explained that a scope of work is developed for a specific project and price proposals solicited from the consultants with their standard professional fee schedules.

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**It is noted for the record that Council Member Wiseman entered the meeting at 6:29 p.m.**

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In response to Council Member Herms' question regarding awards for consultants of multiple contracts, City Attorney Robert Pritt referred to Exhibit A (See Attachment #2), which depicts the procedure for assigning work assignments.

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**It is noted for the record that Vice Mayor Galleberg entered the meeting at 6:33 p.m.**

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Council Member Wiseman moved for approval and Council Member MacIlvaine seconded the motion; however, prior to the vote, additional discussion occurred. In response to Council Member Russell, Mr. Wallace restated to Council that selection was based on a price proposal submitted for a specific scope of work and on the lowest submitted price. He further clarified that this process was based on a pre-qualified vendor ranking based on company's expertise and work experience, according to Consultants Competitive Negotiation Act (CCNA). Nonetheless, Mr. Wallace contended that competition is promoted between the ranked vendors, as the decision is in fact based on price. Therefore, he said, there are a number of firms able to obtain work with the City, which should promote competitive pricing.

**Public Comment:** None. (6:36 p.m.)

**MOTION by Wiseman to APPROVE RESOLUTION 03-10205 as submitted.**  
***This motion was seconded by MacIlvaine and carried 6-1, all members present***

*and voting (Galleberg-yes, Herms-yes, MacIlvaine-yes, Russell-yes, Taylor-yes, Wiseman-yes, MacKenzie-no).*

While she said that she recognized that the bid process could be cumbersome, Mayor MacKenzie maintained her position that it was designed to favorably promote competition among vendors. She also noted that the fees charged are the vendors' basic professional service fees, which would be incurred by any other customer. Therefore, she said she would not be able to support this item or subsequent items using this process.

**RESOLUTION 03-10206.....ITEM 14**

**A RESOLUTION APPROVING CONTINUING CONTRACTS WITH WILSONMILLER, INC.; JOHNSON ENGINEERING, INC.; AND HOLE MONTES, INC. TO PROVIDE CIVIL ENGINEERING SERVICES ON AN AS-NEEDED BASIS; AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACTS; AND PROVIDING AN EFFECTIVE DATE.** Title read by City Manager Robert Lee (6:37 p.m.). Council Member Herms indicated that he believed only a sealed bid process would provide fair competition and protect confidentiality; therefore he suggested that the responsibility for contracting reside in the Purchasing Department. City Manager Lee additionally recommended that proposals contain itemized hours to aid in evaluating a vendor's pricing system.

In further discussion, Construction Management Director Ron Wallace said that, contrary to past practice, outside engineering services may be needed to accomplish various Capital Improvement Program (CIP) projects. Mr. Wallace further indicated that engineering costs had been approximately \$30,000 with a nominal additional cost for geotechnical services. Therefore, the final costs would be considerably less than the maximum annual cumulative total of \$500,000, a figure derived by using Collier County's plan as a basis.

In response to Council Member Taylor, City Attorney Pritt advised that all the criteria listed in the Scope of Services are applicable for the selection of work assignments.

Mr. Wallace clarified to Council Member MacIlvaine that the consultant would list which staff professional from the Schedule of Fees would be assigned to a particular project, depending upon the scope of services and expertise required. In addition, Mr. Wallace stated that the individual hourly billing rate would be stated in each proposal although City Attorney Pritt explained that the work assignment consideration referenced to in the contract determines which firm receives the work, rather than the fee schedule.

Vice Mayor Galleberg then made further note of the maximums of \$90,000 per order and \$500,000 accumulated, stressing the need to safeguard against moving from a \$30,000 expense to a much greater cost without Council approval. City Attorney Pritt further explained that while the proposals for these services had been obtained under the provisions of the Consultants Competitive Negotiations Act (CCNA), the process now being at the stage of award to the top-ranked firms. The only difference in the item before Council is that there is a potential for multiple awards to more than one firm with a determination as to distribution of work. Council Member Wiseman then noted that the resolution in fact included language which indicated that fees for specific projects would be negotiated and submitted for City Council approval.

**Public Comment:** None. (6:53 p.m.)

**MOTION** by Russell to **APPROVE RESOLUTION 03-10206** as submitted; seconded by Taylor carried 6-1, all members present and voting (Galleberg-yes, Herms-yes, MacIlvaine-yes, Russell-yes, Taylor-yes, Wiseman-yes, MacKenzie-no).

The title to Item 15 was read and a motion for approval made; however Council Member Herms requested reconsideration of Item 14, stating that he had voted incorrectly because he was opposed to inclusion of WilsonMiller and Hole Montes; he expressed the view that these firms had been problematic for the City in the past. Therefore, City Attorney Pritt advised a motion to reconsider would be in order after the completion of the vote on Item 15. (It is noted for the record that reconsideration of Item 14 was in fact delayed until Item 15 was finalized.)

**RESOLUTION 03-10207.....ITEM 15**  
**A RESOLUTION APPROVING CONTINUING CONTRACTS WITH CAMP DRESSER & MCKEE, INC., PBS&J, AND HARTMAN & ASSOCIATES, INC. TO PROVIDE PUBLIC WORKS/TREATMENT PLANT PROCESSES ENGINEERING SERVICES ON AN AS-NEEDED BASIS; AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACTS; AND PROVIDING AN EFFECTIVE DATE.** Title read by City Manager Robert Lee (6:54 p.m.).

**Public Comment:** None. (6:54 p.m.)

**MOTION** by Galleberg to **APPROVE RESOLUTION 03-10207 (Item 15)** as submitted; seconded by Russell and carried 6-1, all members present and voting (Galleberg-yes, Herms-yes, MacIlvaine-yes, Russell-yes, Taylor-yes, Wiseman-yes, MacKenzie-no).

**MOTION** by Herms to **RECONSIDER ITEM 14**; seconded by Russell and unanimously carried, all members present and voting (Galleberg-yes, Herms-yes, MacIlvaine-yes, Russell-yes, Taylor-yes, Wiseman-yes, MacKenzie-yes).

**MOTION** by Russell to **APPROVE RESOLUTION 03-10206 (Item 14)** as submitted; seconded by Wiseman and carried 5-2, all members present and voting (Galleberg-yes, Herms-no, MacIlvaine-yes, Russell-yes, Taylor-yes, Wiseman-yes, MacKenzie-no).

**RESOLUTION 03-10208.....ITEM 16**  
**A RESOLUTION APPROVING CONTINUING CONTRACTS WITH KIMLEY HORN & ASSOCIATES, INC., AMERICAN CONSULTING ENGINEERS OF FLORIDA, LLC., AND FLORIDA TRANSPORTATION ENGINEERING, INC. TO PROVIDE TRANSPORTATION ENGINEERING SERVICES ON AN AS-NEEDED BASIS; AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACTS; AND PROVIDING AN EFFECTIVE DATE.** Title read by City Manager Robert Lee (6:56 p.m.)

**Public Comment:** None. (6:56 p.m.)

**MOTION** by Wiseman to **APPROVE RESOLUTION 03-10208** as submitted; seconded by MacIlvaine and carried 6-1, all members present and voting (Galleberg-yes, Herms-yes, MacIlvaine-yes, Russell-yes, Taylor-yes, Wiseman-yes, MacKenzie-no).

**RESOLUTION 03-10209.....ITEM 17**  
**A RESOLUTION APPROVING CONTINUING CONTRACTS WITH WILSONMILLER, INC.; JOHNSON ENGINEERING, INC.; AND HOLE MONTES,**

**INC. TO PROVIDE CIVIL ENGINEERING SERVICES ON AN AS-NEEDED BASIS; AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACTS; AND PROVIDING AN EFFECTIVE DATE.** Title read by City Manager Robert Lee (6:57 p.m.).

**Public Comment:** None. (6:57 p.m.)

**MOTION by Wiseman to APPROVE RESOLUTION 03-10209 as submitted; seconded by Russell and carried 5-2, all members present and voting (Galleberg-yes, Herms-no, MacIlvaine-yes, Russell-yes, Taylor-yes, Wiseman-yes, MacKenzie-no).**

**RESOLUTION 03-10210.....ITEM 18**

**A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF NAPLES AND BONNESS, INC., FOR CONSTRUCTION OF MEDIANS ON BANYAN BOULEVARD FROM U.S. 41 TO GULFSHORE BOULEVARD; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.** Title read by City Manager Robert Lee (6:57 p.m.). Construction Management Director Ron Wallace clarified in response to Mayor MacKenzie that Banyan Boulevard work had been scheduled to begin immediately and that he did not anticipate delays.

**Public Comment:** None. (6:59 p.m.)

**MOTION by Wiseman to APPROVE RESOLUTION 03-10210 as submitted; seconded by Galleberg and unanimously carried, all members present and voting (Galleberg-yes, Herms-yes, MacIlvaine-yes, Russell-yes, Taylor-yes, Wiseman-yes, MacKenzie-yes).**

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**It is noted for the record that Items 19-a and 19-b were considered concurrently.**

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**RESOLUTION (Continued) .....ITEM 19-a**

**A RESOLUTION APPROVING A CONTINUING CONTRACT WITH SUBOCEANIC CONSULTANTS, INC. TO PROVIDE MARINE ENGINEERING SERVICES ON AN AS-NEEDED BASIS; AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT; AND PROVIDING AN EFFECTIVE DATE.** Title read by City Manager Robert Lee (6:59 p.m.) who requested continuance of this item, pending receipt of an insurance certificate.

**Public Comment:** (On continuance) None. (6:59 p.m.)

**MOTION by Galleberg to CONTINUE; seconded by Wiseman and unanimously carried, all members present and voting (Galleberg-yes, Herms-yes, MacIlvaine-yes, Russell-yes, Taylor-yes, Wiseman-yes, MacKenzie-yes).**

**RESOLUTION 03-10211.....ITEM 19-b**

**A RESOLUTION APPROVING A CONTINUING CONTRACT WITH COASTAL PLANNING & ENGINEERING, INC. TO PROVIDE MARINE ENGINEERING SERVICES ON AN AS-NEEDED BASIS; AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT; AND PROVIDING AN EFFECTIVE DATE.** Title read by City Manager Robert Lee (7:00 p.m.). Natural Resources Manager Jon Staiger confirmed that an insurance certificate had been received for Coastal Planning & Engineering.

**Public Comment:** None. (7:00 p.m.)

**MOTION by Herms to APPROVE RESOLUTION 03-10211 as submitted; seconded by MacIlvaine and unanimously carried, all members present and voting (Galleberg-yes, Herms-yes, MacIlvaine-yes, Russell-yes, Taylor-yes, Wiseman-yes, MacKenzie-yes).**

**ORDINANCE (First Reading).....ITEM 20**  
**AN ORDINANCE WAIVING THE IMPLEMENTATION OF THE AUTOMATIC ANNUAL RATE ADJUSTMENT FOR TYPE I AND TYPE II REFUSE FEES REFERRED TO IN SECTION 54-71(d) OF THE CODE OF ORDINANCES FOR THE PURPOSE OF KEEPING THE RATES AT THE SAME LEVEL FOR FISCAL YEAR 2003-2004; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.** Title read by City Manager Robert Lee (7:01 p.m.).

**Public Comment:** None. (7:01 p.m.)

***MOTION by Russell to APPROVE ITEM 20 at first reading, as submitted; seconded by MacIlvaine and unanimously carried, all members present and voting (Galleberg-yes, Herms-yes, MacIlvaine-yes, Russell-yes, Taylor-yes, Wiseman-yes, MacKenzie-yes).***

**RESOLUTION 03-10212.....ITEM 21**  
**A RESOLUTION RATIFYING PENSION CHANGES TO THE CURRENT CONTRACTS BETWEEN THE CITY OF NAPLES AND THE AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES, COUNCIL NO. 79 (AFSCME), THE FRATERNAL ORDER OF POLICE (FOP), SUPERVISORS BARGAINING UNIT, COLLIER LODGE #38, THE FRATERNAL ORDER OF POLICE (FOP), COLLIER LODGE NO. 38, AND THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS AND FIRE LIEUTENANTS (IAFF), LOCAL 2174; AND PROVIDING AN EFFECTIVE DATE.**

Title read by City Manager Robert Lee (7:01 p.m.).

**Public Comment:** None. (7:01 p.m.)

***MOTION by MacIlvaine to APPROVE RESOLUTION 03-10212 as submitted; seconded by Wiseman and carried 6-1, all members present and voting (Galleberg-no, Herms-yes, MacIlvaine-yes, Russell-yes, Taylor-yes, Wiseman-yes, MacKenzie-yes).***

Vice Mayor Galleberg said that he had dissented because he disapproved of taxpayers bearing the costs of both pension and health insurance in this instance.

**ORDINANCE 03-10213.....ITEM 22**  
**AN ORDINANCE AMENDING SECTIONS 50-240(a); 50-288(2) AND (3) AND 50-383(2), (3) AND (4) OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES FOR THE PURPOSE OF ADJUSTING REQUIRED CONTRIBUTIONS TO THE RETIREMENT TRUST FUND AS A RESULT OF THE ANNUAL ACTUARIAL STUDIES FOR THE GENERAL, FIREFIGHTERS' AND POLICE OFFICERS' PENSION AND RETIREMENT SYSTEMS; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.** Title read by City Manager Robert Lee (7:02 p.m.).

**Public Comment:** None. (7:02 p.m.)

***MOTION by MacIlvaine to ADOPT ORDINANCE 03-10213 as submitted; seconded by Wiseman and carried 6-1, all members present and voting (Galleberg-no, Herms-yes, MacIlvaine-yes, Russell-yes, Taylor-yes, Wiseman-yes, MacKenzie-yes).***

**CORRESPONDENCE AND COMMUNICATIONS (7:03 p.m.) .....**

In response to Council Member Taylor, City Manager Robert Lee advised that a committee of employees was currently reviewing the proposals and interviewing firms for privatization of the City Dock, although a final recommendation had not yet been formulated.



**It is noted for the record that Council Member Wiseman left the meeting at 7:08 p.m.**

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Council Member Herms noted that numerous complaints had been received regarding horticulture waste not being collected from rights-of-way by the City's current private contractor. City Manager Lee advised that although some recent improvement had been noted, staff would monitor for a recurrence. City Attorney Robert Pritt verified that City staff had met with the contractor, and the contractor's attorney and that both sides agreed that further review is required. Mr. Herms noted that City crews provided a better level of service, although the contractor was considerably less costly. Mayor MacKenzie further informed City Manager Lee that three separate homeowner associations had also complained about the contractor, pointing out that citizens should also be informed if in fact they are not allowed to place horticulture debris on the right-of-way.

Council Member Herms then made reference to a complaint from a Ft. Lauderdale visitor regarding early closure of the Lowdermilk Park restroom facilities, and City Manager Lee advised he would ask staff to address it.

Vice Mayor Galleberg clarified that Council's September 17 request for TDC (Tourist Development Council) funding for artificial reef construction would not qualify in any of the categories and therefore must be funded by the City. Additionally, Vice Mayor Galleberg referenced a copy of a September 30 electronic mail from Peter Van Arsdale (a copy is contained in the file for this meeting in the City Clerk's office) concerning the City's recent reorganization, specifically of the Building and Planning Departments. Therefore, he said, issues had been raised which would require Council Members to be updated on the status of the reorganization. City Manager Lee said that a packet would be available prior to the next meeting.

**ADJOURN** .....  
(7:14 p.m.)

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Bonnie R. MacKenzie, Mayor

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Tara A. Norman, City Clerk

Minutes prepared by:

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Jessica R. Rosenberg, Deputy City Clerk

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Bonnie J. McNeill, Recording Specialist

Minutes Approved: 11/5/03