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Annotated Agenda
Naples City Council Agenda
City Council Chamber, 735 Eighth Street South, Naples, Florida

Mayor: Bill Barnett

Vice Mayor: Tamela Wiseman

City Council: William MacIlvaine, Johnny Nocera, Clark Russell, John Sorey III, Penny Taylor

City Attorney: Robert D. Pritt · City Clerk: Tara A. Norman · City Manager: Dr. Robert E. Lee

Welcome to today's City Council meeting. If you wish to address the Council regarding an item listed on this agenda, please complete a registration form at the rear of the room and place it in the Speaker Request Box located on the Council dais prior to consideration of that item. We ask that speakers limit their comments to 5 minutes and that large groups name a spokesperson whenever possible. Thank you for your interest and participation in City government.

Regular Meeting
Wednesday, May 18, 2005
Convened 9:01 a.m./Adjourned 12:23 p.m.

All proposed ordinances and information on other items listed below, which have been provided in advance of this meeting, may be inspected in the office of the City Clerk, Room B, City Hall, or at the Collier County Public Library Research Section, 650 Central Avenue. See also City of Naples home page <http://www.naplesgov.com> or call the City Clerk's Office, 213-1015. All written, audio-visual and other materials presented to the City Council in conjunction with deliberations during this meeting will become the property of the City of Naples and will be retained by the City Clerk.

1. Roll call – *Wiseman arrived at 9:02 a.m.*
2. Invocation and Pledge of Allegiance – *Pastor Katherine Schillreff, St. Monica's Episcopal Church*
3. Announcements – *Consensus to conduct the Capital Improvement Budget Workshop on 6/13/05 at 5 p.m. and the Four Corners (U.S. 41 and Fifth Avenue South) Public Workshop on 6/13/05 at 7 p.m.*
4. Set agenda (*add or remove items*) *No changes / Russell / Nocera / 7-0*
5. Public Comment – *Greg Krumm, Code Enforcement concerns in Lake Park*

City Council may recess from 12:00 noon – 1:30 p.m.

NOTICE

Formal action may be taken on any item discussed or added to this agenda. Any person who decides to appeal any decision made by the City Council with respect to any matter considered at this meeting (or hearing) will need a record of the proceedings and may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be heard. Any person with a disability requiring auxiliary aids and services for this meeting may call the City Clerk's Office at 213-1015 with requests at least two business days before the meeting date.

Scheduled Agenda Items

Some of the items on the following agenda may have been scheduled for an estimated time, however, none of the items will be considered EARLIER than the scheduled time. This schedule will be followed as closely as possible for the convenience of any citizen(s) wishing to address the Council. Items not listed at an estimated time, including the Consent Agenda, will be considered at the discretion of the Council and may be taken out of numerical order.

	CONSENT AGENDA
<hr/> <hr/> <i>Approve Consent Agenda</i> <i>Russell / MacIlvaine / 7-0</i>	6. All matters taken under this section are considered routine, and action will be taken by one motion. There will be no separate discussion of these items. If discussion is desired, that item(s) will be removed from the Consent Agenda and considered separately.
<hr/> <i>April 18, 2005 Workshop and April 20,</i> <i>2005 Regular, as submitted</i> <hr/> Community Services	6-a. Approval of Minutes. 6-b. Approve the following special events: (1) Kid's Fishing Clinic – Florida Foundation for Responsible Angling, Inc. – Naples Pier – 09/24/05 (2) Art in the Park – Naples Art Association – Woman's Club Parking Lot (Park Street) – 11/05/05, 12/03/05, 01/06/06, 02/04/06, 03/04/06 and 04/01/06 (3) Heart Walk – American Heart Association – Cambier Park – 11/12/05 (4) Naples Invitational Art Fest – Eden Institute Foundation, Inc., Fleischmann Park – 01/28-29/06 (5) "Tuba Christmas" – Fifth Avenue Association – Sugden Theatre plaza – Amended request to reschedule from 12/15/05 to 12/22/05
<hr/> <i>Approved with Consent Agenda</i> <hr/> Resolution Community Services	6-c. Approve a Second Amendment to the Agreement in order to provide surveys of the City Dock and City Pier: \ Vendor: WilsonMiller, Inc., Naples, FL \ Cost: \$22,000.00 \ Funding: Naples Pier – Professional Services (\$12,000.00) and City Dock – Professional Services – (\$10,000.00)
<hr/> <i>05-10828 Approved with Consent Agenda</i> <hr/>	

**Resolution
Community Services**

05-10829 Approved with Consent Agenda

**Resolution
Community Services**

05-10830 Approved with Consent Agenda

**Resolution
Community Services**

05-10831 Approved with Consent Agenda

**Resolution
Construction Management**

05-10832 Approved with Consent Agenda

**Resolution
Technology Services**

05-10833 Approved with Consent Agenda

**Resolution
Public Works
Continued From 05/04/05**

05-10834 Approved with Consent Agenda

**Resolution
City Attorney**

05-10835 Approved with Consent Agenda

6-d. Approve a Work of Art Loan Agreement for the placement of a silicon bronze sculpture, titled Journey's End by artist Kent Ullberg, on 5th Avenue South as part of the Images of our Environment Naples Main Street Art for Pedestrians Program

6-e. Approve accepting the donation of one black and white photograph, titled "Cape Romano" by artist Clyde Butcher, to be placed in the Norris Community Center

6-f. Approve accepting the donation of one acrylic on canvas painting, titled "King's Pond" by Thom P. Millsap, Jr., to be placed in the game room at the Norris Community Center

6-g. Approve a Second Amendment to Agreement in order to provide for design, permitting, and construction service for canal dredging in West Naples Bay: \ Vendor: Humiston and Moore Engineers, Naples, FL \ Cost: \$125,200.00 \ Funding: Special Assessment District

6-h. Approve an Agreement to purchase personal and notebook computers: \ Vendor: Gateway Companies, Inc., North Sioux City, SD \ Cost: \$118,296.00 \ Funding: CIP 05T16 – PC Replacement Project

6-i. Approve a Professional Services Agreement in order to provide Design and Construction Management Services for utility improvements relating to Collier County's Goodlette-Frank Road six-laning project: \ Vendor: American Consulting Engineers of Florida, LLC, Land O'Lakes, FL \ Cost: \$81,769.00 \ Funding: CIP 05L02 – Water Transmission Mains

6-j. Approve an Inter-Local Settlement Agreement and Mutual Release between Collier County and the City of Naples, FL regarding Collier County v. Department of Community Affairs and the City of Naples, 2 DCA 2D05-392

END OF CONSENT AGENDA

**First Reading Of An Ordinance
Community Development
Rezone Petition 05-R1
Petitioner: FMT Development, LLC
Agent: Christopher J. Thornton, Esq.
Planning Advisory Board
Recommendation For Approval
Continued from April 20, 2005**

Approved as amended in the first whereas clause "FMT Development, LLC, petitioner, on behalf of City Center Residences, LLC,..." and in Section 3 #4 "The new parking spaces on-site..."

Nocera / Sorey / 5-2 (Wiseman and Taylor dissenting)

**Resolution
Community Development
Live Entertainment Permit Renewal
Petitioner: Comfort Inn & Marina
Agent: Trista Youngquist
Continued from May 4, 2005**

*05-10836 Nocera / Russell / 6-1
(Taylor dissenting)*

**Resolution
Community Development
Live Entertainment Permit Renewal
Petitioner: Yabba Island Grill
Agent: Skip Quillen**

*05-10837 amending Section 2 #7
"Speakers and entertainer shall face in toward the establishment rather than toward the street." and renumbering the current #7 to #8*

Sorey / Russell / 7-0

**Resolution
Community Development
Parking Credits Petition 05-PC1
Petitioner: FB Investments, LLC
Agent: William Dempsey, Esquire**

05-10838 Wiseman / Nocera / 7-0

7. Consider Rezone Petition 05-R1 for property located at the area of land bounded on the east by U.S. 41 North, on the south by Fifth Avenue North, on the west by Eighth Street North, and on the north by Sixth Avenue North in order to permit rezoning from PD, Planned Development to a new PD, Planned Development

8. **Public Hearing** to determine a Live Entertainment Permit Renewal for The Comfort Inn & Marina, 1221 Fifth Avenue South

9. **Public Hearing** to determine a Live Entertainment Permit Renewal for Yabba Island Grill, 711 Fifth Avenue South

10. **Public Hearing** to determine Parking Credits Petition 05-PC1 to obtain credit for 50% of parking spaces constructed on 8th Avenue South and 11th Street South within the rights-of-way adjacent to the property at 750 11th Avenue South

**Resolution
City Attorney**

05-10839 Russell / Nocera / 7-0

**Resolution
City Attorney**

05-10840 Wiseman / Russell / 7-0

11. Consider approving the Assignment and Assumption of the original Ground Sublease relating to the George Washington Carver Apartments property and approving an Amended and Restated Ground Sublease Agreement (***One or more members of the Carver Finance Board of Directors may attend***)

12. Consider authorizing the City Manager to enter into an Owner's Consent for the Petition to be filed by Khosrow Moaveni for Goodlette Self Storage Land Use approvals for a building of up to 5,500 square feet on land now owned by the City

Correspondence and Communications

Consensus to direct staff to provide information on current parking requirements for medical and for zoning districts R3-6, R3-12, and R3T-12, stingray warning signs, Federal Emergency Management Agency (FEMA) update, and appeal of boat speed posting in Naples Bay (Sorey); free internet provider within the City (Taylor); effect of commercial height limitation on potential Pelican Bay annexation (Wiseman).

Public Comment - None

Adjourn – 12:23 p.m.

Order of Consideration:

1, 2, 3, 4, 5, 6(a-j), 7, 8, 9, 10, 11, 12