



City Council Chamber
735 Eighth Street South
Naples, Florida 34102

City Council Regular Meeting – March 2, 2005 – 9:00 a.m.

Mayor Barnett called the meeting to order and presided.

ROLL CALL ITEM 1

Present:

Bill Barnett, Mayor
Tamela Wiseman, Vice Mayor

Council Members:

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

Also Present:

Robert Lee, City Manager
Robert Pritt, City Attorney
Robin Singer, Community Development Dirct.
Dan Mercer, Public Works Director
Victor Morales, Asst. to the City Manager
Kerry Nielsen, Planner
Jessica Rosenberg, Deputy City Clerk
Karen Kateley, Administrative Specialist

Anthony Landolphi, Code Enforce. Officer
Laurie Hart, Pastor, First Christian Church
Pam Arsenault, AAF Reporting
Rich Yovanovich
Chris Thornton
Sue Smith
Eileen Arsenault
Other interested residents and visitors

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

Pastor Laurie Hart, First Christian Church.

ANNOUNCEMENTS ITEM 3

Preserving the Nature of Our Community Proclamation by Mayor Barnett.

SET AGENDA..... ITEM 4

MOTION by Taylor to ADD ITEM 20 formalizing action on side yard setback proposal in the Moorings subdivision; seconded by Wiseman and unanimously carried, all members present and voting (Wiseman-yes, Nocera-yes, MacIlvaine-yes, Taylor-yes, Russell-yes, Sorey-yes, Barnett-yes).

MOTION by Wiseman to SET AGENDA, continuing Item 10 to March 16 and withdrawing Item 8-c. This motion seconded by Taylor and unanimously carried, all members present and voting (MacIlvaine-yes, Nocera-yes, Russell-yes, Sorey-yes, Taylor-yes, Wiseman-yes, Barnett-yes).

PUBLIC COMMENT..... ITEM 5

None.

CONSENT AGENDA

APPROVAL OF MINUTESITEM 8-a
January 31, 2005 Workshop and February 2, 2005 Regular, as submitted.

SPECIAL EVENTS ITEM 8-b

1. Dinner “Moon Dance” and Auction – Cancer Alliance of Naples, Inc., March 5, 2005.
2. St. Patrick’s Day Celebration – McCabe’s Irish Pub and Grill – Sugden Plaza, March 12 and 17, 2005.

RESOLUTION (Withdrawn; see Item 4)ITEM 8-c

A RESOLUTION APPROVING AN AGREEMENT WITH COUGAR CONTRACTING SPECIALTIES, INC., FOR SIDEWALK CONSTRUCTION ON TEN LOTS ALONG CRAYTON ROAD; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 05-10762..... ITEM 8-d

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF NAPLES AND TEMPLE, INC., FOR SIEMENS ITS SIGNAL EQUIPMENT (EAGLE TRAFFIC CONTROL SYSTEMS) FOR THE PHASE II SIGNAL IMPROVEMENT PROJECT AND DAILY OPERATION AND MAINTENANCE OF THE CITY’S TRAFFIC SIGNAL SYSTEM; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 05-10763.....ITEM 8-e

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF NAPLES AND KYLE CONSTRUCTION, INC., TO PROVIDE STORM DRAIN AND UNDERDRAIN IMPROVEMENTS; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE. Title not read.

RESOLUTION 05-10764..... ITEM 8-f

A RESOLUTION APPROVING AN INTERLOCAL AGREEMENT WITH RESPECT TO THE COLLIER METROPOLITAN PLANNING ORGANIZATION; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE. Title not read.

MOTION by Nocera to APPROVE CONSENT AGENDA, except Item 8-c, which was withdrawn. This motion seconded by MacIlvaine and unanimously carried, all members present and voting (MacIlvaine-yes, Nocera-yes, Russell-yes, Sorey-yes, Taylor-yes, Wiseman-yes, Barnett-yes).

END CONSENT AGENDA

RESOLUTION 05-10765 (Denied; see below)ITEM 9

A RESOLUTION DETERMINING LIVE ENTERTAINMENT PETITION 05-LE4 FOR BLU SUSHI LOCATED AT 1170 3RD STREET SOUTH, SUITE F-105, MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO THE CONDITIONS LISTED HEREIN; AND PROVIDING AN EFFECTIVE DATE. (9:10 a.m.) Title read by City Attorney Robert Pritt. Mayor Barnett offered a motion to deny, seconded by Council Member Sorey, however, City Attorney Pritt advised that this being a quasi-judicial proceeding, an oath must be administered and disclosures made. Notary Public Jessica Rosenberg thereupon offered an oath to those intending to offer testimony; all answered in the affirmative. Council Members offered the following ex parte disclosures: Wiseman, Russell, Barnett and Sorey indicated visits to the site, but no other contact; and Nocera, Taylor, and MacIlvaine indicated no contact.

Community Development Director Robin Singer said that the petitioner had been deemed to be in violation of the Code due to non-permitted live entertainment. Staff issued a courtesy notice, she said, but an additional six complaints were, nevertheless, received. In addition to the violations, the configuration of the building serves to project sound, Director Singer said, and staff recommends denial due to the lack of sufficient sound buffering and proximity to the residential district.

Although various Council Members inquired as to ongoing violations, City Attorney Pritt cautioned that the code enforcement process be allowed to continue and that the live entertainment permit application be the only matter considered at that time.

Code Enforcement Inspector Anthony Landolphi confirmed that his investigation had found Blu Sushi to be in violation as noted above. After speaking with the General Manager, the entertainment was discontinued, he said, although six subsequent complaints were received. However, because no code enforcement officer trained in noise measurement was on duty that weekend, complainants were asked to contact Community Development Director Singer. Recently, Inspector Landolphi said, another complaint had been received and, upon investigation, it was discovered that non-permitted amplified music, not live entertainment, was being used at the establishment. He said that a total of nine complaints had been received, but warnings rather than citations were actually given in this instance.

Public Comment: (9:19 a.m.) **Eileen Arsenault, 1188 Gordon Drive**, chose not to speak when called upon.

MOTION by Barnett to DENY based upon noise ordinance violations, lack of sound buffering, and building configuration causing added projection of sound toward adjacent residential neighborhoods. This motion seconded by Sorey and unanimously carried, all members present and voting (MacIlvaine-yes, Nocera-yes, Russell-yes, Sorey-yes, Taylor-yes, Wiseman-yes, Barnett-yes).

City Manager Robert Lee clarified that weekend violations can nevertheless be reported to the Naples Police & Emergency Services Department. In response to Council Member MacIlvaine, City Manager Lee explained that warnings are issued in an effort to educate and allow an opportunity for compliance; however, he agreed that more aggressive action would be sought when knowing violations continue.

ORDINANCE (Continued; see Item 4).....ITEM 10
AN ORDINANCE DETERMINING REZONE PETITION 05-R1 FOR PROPERTY LOCATED AT THE AREA OF LAND BOUNDED ON THE EAST BY U.S. 41 NORTH, THE SOUTH BY FIFTH AVENUE NORTH, ON THE WEST BY EIGHTH STREET NORTH, AND ON THE NORTH BY SIXTH AVENUE NORTH, MORE FULLY DESCRIBED HEREIN, IN ORDER TO PERMIT REZONING FROM PD TO A NEW PD; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE. Continued; See Item 4.

RESOLUTION 05-10766ITEM 11-a
A RESOLUTION DETERMINING CONDITIONAL USE PETITION 05-CU2 TO ALLOW FOR THE USE OF LOT 48, LOT 53, AND ½ OF LOT 49 ON GALLEON DRIVE FOR CHURCH PURPOSES TO RELOCATE THE RECTORY ONTO LOT 48, TO ALLOW FOR A PARTIAL EXPANSION TO THE PARISH HALL AND ADD SOME ADDITIONAL CLASSROOM SPACE, AND TO ADD AN ADDITIONAL GRASS

PARKING AREA FOR THE CHURCH IN ACCORDANCE WITH SECTION 102-743 (2) OF THE CODE, AT 553 GALLEON DRIVE, MORE FULLY 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. (9:20 a.m.) Title read by City Attorney Robert Pritt.

**RESOLUTION 05-10767..... ITEM 11-b
A RESOLUTION DETERMINING RESIDENTIAL IMPACT STATEMENT PETITION 05-RIS4 FOR TRINITY-BY-THE-COVE CHURCH LOCATED AT 553 GALLEON DRIVE, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE. (9:23 a.m.)** Title read by City Attorney Robert Pritt.

It is noted for the record that Items 11-a and 11-b were considered concurrently.

Notary Public Jessica Rosenberg administered an oath to those intending to offer testimony; all answered in the affirmative. This being a quasi-judicial proceeding, Council Members offered the following ex parte disclosures: Wiseman, MacIlvaine and Sorey/no contact; Nocera/conversation with Attorney Richard Yovanovich; Russell/spoke with members of the congregation and Attorney Yovanovich; Barnett/familiar with site, but no contact; and Taylor/member of Trinity-by-the-Cove congregation.

Community Development Director Robin Singer advised this request involves a reconfiguration of the buildings to position the most frequently used to the center, the rectory to the outside perimeter, and incorporate additional parking. She also advised that the Design Review Board (DRB) had recommend approval subject to shutters being placed on the elevations facing the water and relocation of the area of grasscrete (concrete pavers that allows grass to grow among them) from the western boundary to along the channel; the DRB recommendations have been included in the resolution.

Attorney Richard Yovanovich, representing the petitioner, indicated concurrence with items contained in the resolution, as well as other conditions enumerated.

Public Comment: (9:24 a.m.) None.

MOTION by Russell to APPROVE RESOLUTION 05-10766, as submitted; seconded by Nocera and unanimously carried, all members present and voting (MacIlvaine-yes, Nocera-yes, Russell-yes, Sorey-yes, Taylor-yes, Wiseman-yes, Barnett-yes).

MOTION by Russell to APPROVE RESOLUTION 05-10767, as submitted; seconded by Nocera and unanimously carried, all members present and voting (MacIlvaine-yes, Nocera-yes, Russell-yes, Sorey-yes, Taylor-yes, Wiseman-yes, Barnett-yes).

**RESOLUTION 05-10768..... ITEM 12
A RESOLUTION DETERMINING PETITION 05-EV1 TO VACATE APPROXIMATELY 45 FEET OF AN EXISTING 60-FOOT-WIDE DRAINAGE AND UTILITY EASEMENT AND REDEDICATE THE REMAINING 15 FEET AS A DRAINAGE AND UTILITY EASEMENT, LOCATED EAST OF GORDON DRIVE AT THE EASTERN END OF 33RD AVENUE SOUTH, MORE FULLY DESCRIBED HEREIN; PROVIDING FOR THE CITY CLERK TO RECORD SAID CONDITIONAL**

USE; AND PROVIDING AN EFFECTIVE DATE. (9:24 a.m.) Title read by City Attorney Robert Pritt. Community Services Director Robin Singer explained that a reduction to a 15 foot width was being sought in a utility easement. Ms. Singer indicated that this request is supported by City Engineer George Archibald. The one letter of objection received, however, involves a private access easement agreement with the petitioner and does not involve or affect the City.

Public Comment: (9:26 a.m.) None.

MOTION by Russell to APPROVE RESOLUTION 05-10768, as submitted; seconded by Taylor and unanimously carried, all members present and voting (MacIlvaine-yes, Nocera-yes, Russell-yes, Sorey-yes, Taylor-yes, Wiseman-yes, Barnett-yes).

RESOLUTION 05-10769.....ITEM 13

A RESOLUTION DETERMINING CONDITIONAL USE PETITION 05-CU3 TO ALLOW FOR A COMPUTER SCHOOL AT 4949 TAMiami TRAIL NORTH, MORE FULLY 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. (9:27 a.m.) Title read by City Attorney Robert Pritt. Notary Public Jessica Rosenberg administered an oath to those intending to offer testimony; all answered in the affirmative. This being a quasi-judicial proceeding, each Council Member disclosed that there had been no ex parte contact regarding this petition.

Public Comment: (9:28 a.m.) None.

MOTION by Russell to APPROVE RESOLUTION 05-10769, as submitted; seconded by Nocera and unanimously carried, all members present and voting (MacIlvaine-yes, Nocera-yes, Russell-yes, Sorey-yes, Taylor-yes, Wiseman-yes, Barnett-yes).

RESOLUTION 05-10770.....ITEM 14

A RESOLUTION APPROVING A STANDARDIZED SIGN POST POLICY FOR THE CITY OF NAPLES; AND PROVIDING AN EFFECTIVE DATE. (9:29 a.m.) Title read by City Attorney Robert Pritt. City Manager Robert Lee explained that, based upon consensus achieved at a previous workshop, all metal stop sign supports would be replaced with wood. Also, he said, if a neighborhood desires a different type of signage in this regard, the special assessment process would be utilized to offset additional costs.

Public Comment: (9:29 a.m.) None.

MOTION by MacIlvaine to APPROVE RESOLUTION 05-10770, as submitted; seconded by Nocera and unanimously carried, all members present and voting (MacIlvaine-yes, Nocera-yes, Russell-yes, Sorey-yes, Taylor-yes, Wiseman-yes, Barnett-yes).

ORDINANCE 05-10771.....ITEM 15

AN ORDINANCE OF THE CITY OF NAPLES, FLORIDA, AMENDING THE CITY OF NAPLES CODE OF ORDINANCES BY ADDING SECTION 50-349, ASSIGNMENTS PROHIBITED, TO ARTICLE V, FIREFIGHTERS' PENSION AND RETIREMENT SYSTEM TO COMPLY WITH CHAPTER 2004-21, LAWS OF FLORIDA, TO PROVIDE THAT RETIRANTS MAY AUTHORIZE DIRECT THIRD PARTY PAYMENTS AS A DEDUCTION FROM NET BENEFITS FOR SPECIFIC PURPOSES; PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY AND

APPLICABILITY, AND PROVIDING AN EFFECTIVE DATE. (9:30 a.m.) Title read by City Attorney Robert Pritt.

Public Comment: (9:30 a.m.) None.

***MOTION** by MacIlvaine to **ADOPT ORDINANCE 05-10771**, as submitted; seconded by Sorey and unanimously carried, all members present and voting (MacIlvaine-yes, Nocera-yes, Russell-yes, Sorey-yes, Taylor-yes, Wiseman-yes, Barnett-yes).*

ORDINANCE 05-10772.....ITEM 16
AN ORDINANCE OF THE CITY OF NAPLES, FLORIDA, AMENDING THE CITY OF NAPLES CODE OF ORDINANCES SECTION 50-383(2) TO AMEND THE CONTRIBUTION TO THE POLICE OFFICERS' RETIREMENT TRUST FUND; AMENDING SECTION 50-432(3), POLICE OFFICERS' PENSION AND RETIREMENT SYSTEM, TO PROVIDE FOR CORRECTION OF A SCRIVENER'S ERROR OCCURRING ON PASSAGE OF ORDINANCE 03-10102 IN THAT AMENDMENTS IN ORDINANCE 00-8930 WERE INADVERTENTLY OMITTED; ADDING SECTION 50-445, ASSIGNMENTS PROHIBITED, TO ARTICLE VI, POLICE OFFICERS' PENSION AND RETIREMENT SYSTEM TO COMPLY WITH CHAPTER 2004-21, LAWS OF FLORIDA, TO PROVIDE THAT RETIRANTS MAY AUTHORIZE DIRECT THIRD PARTY PAYMENTS AS A DEDUCTION FROM NET BENEFITS FOR SPECIFIC PURPOSES PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY AND APPLICABILITY; AND PROVIDING AN EFFECTIVE DATE. (9:30 a.m.) Title read by City Attorney Robert Pritt.

Public Comment: (9:31 a.m.) None.

***MOTION** by MacIlvaine to **ADOPT ORDINANCE 05-10772**, as submitted; seconded by Sorey and unanimously carried, all members present and voting (MacIlvaine-yes, Nocera-yes, Russell-yes, Sorey-yes, Taylor-yes, Wiseman-yes, Barnett-yes).*

RESOLUTION 05-10773.....ITEM 17
A RESOLUTION APPROVING A SPECIAL ASSESSMENT PROCEDURES POLICY WHICH ESTABLISHES A PROCESS WHERE PROPERTY OWNERS MAY PETITION FOR THE CREATION OF AN ASSESSMENT AREA TO FUND LOCAL IMPROVEMENTS TO NEIGHBORHOODS; AND PROVIDING AN EFFECTIVE DATE. (9:32 a.m.) Title read by City Attorney Robert Pritt. City Manager Robert Lee said that this formalizes the Special Assessment process so as to clearly define the manner in which neighborhoods can obtain any service over and above the standard.

In response to concerns expressed by Council Member Taylor relative to the level of staff time devoted to researching various requests, City Manager Lee agreed that fees could be considered should the situation demand. In further response to Council Member Taylor, City Manager Lee explained that this policy was created for consistency as a result of a recent initiative by Royal Harbor to install underground utilities. Council Member Sorey commented that the President's Council (of property owner associations) had given the policy its support.

Public Comment: (9:36 a.m.) None.

***MOTION** by Taylor to **APPROVE RESOLUTION 05-10773**, as submitted; seconded by MacIlvaine and unanimously carried, all members present and*

voting (MacIlvaine-yes, Nocera-yes, Russell-yes, Sorey-yes, Taylor-yes, Wiseman-yes, Barnett-yes).

RESOLUTION 05-10774.....ITEM 18
A RESOLUTION CONFIRMING THE REAPPOINTMENT OF JAMES RIVARD AND JAMES McEVOY TO THE BOARD OF TRUSTEES OF THE FIREFIGHTERS' RETIREMENT TRUST FUND, EACH FOR A TWO-YEAR TERM EXPIRING FEBRUARY 18, 2007; AND PROVIDING AN EFFECTIVE DATE. (9:37 a.m.) Title read by City Attorney Robert Pritt.

Public Comment: (9:37 a.m.) None.

MOTION by Taylor to APPROVE RESOLUTION 05-10774, as submitted; seconded by Barnett and unanimously carried, all members present and voting (MacIlvaine-yes, Nocera-yes, Russell-yes, Sorey-yes, Taylor-yes, Wiseman-yes, Barnett-yes).

RESOLUTION 05-10775.....ITEM 19
A RESOLUTION APPROVING A SALARY INCREASE FOR THE CITY MANAGER; AND PROVIDING AN EFFECTIVE DATE. (9:37 a.m.) Title read by City Attorney Robert Pritt.

Public Comment: (9:38 a.m.) Sue Smith, 11-15th Street South, inquired as to the reason Council was considering another pay increase for City Manager Lee in light of the benefits he currently receives. She questioned what she characterized as different methodology for computing the City Manager salary compared to other managers and directors. Mayor Barnett explained that City Manager Lee has agreed to a base pay increase of 5%, which is the same increase the employees had received.

MOTION by MacIlvaine to APPROVE RESOLUTION 05-10775, as submitted; seconded by Sorey and unanimously carried, all members present and voting (MacIlvaine-yes, Nocera-yes, Russell-yes, Sorey-yes, Taylor-yes, Wiseman-yes, Barnett-yes).

Following the vote, Council Member Taylor pointed out that the search firm used by the City to recruit a City Manager had explained to Council how fortunate it had been in obtaining City Manager Lee's services in light of his reluctance to conclude a long tenure with the City of Gulfport. Both Miss Taylor and Council Member MacIlvaine praised City Manager Lee's performance.

.....ITEM 20
CONSIDER TAKING FORMAL ACTION ON MOORINGS BAY SIDE YARD SETBACK PROPOSAL.

City Manager Robert Lee indicated that this item would afford Council an opportunity to formalize a consensus reached at a recent special workshop on the subject. Council Members MacIlvaine and Sorey as well as Mayor Barnett and Vice Mayor Wiseman advocated a survey conducted by City staff to determine the viewpoint of those residents who would be impacted by the proposal, and said that the City would abide by the results. However, Council Member Russell questioned the advisability of amending setbacks merely on the basis of a survey, even though there are legitimate concerns in this instance regarding such issues as neighborhood character and stormwater management. Both he and Council Member Taylor, therefore, recommended additional meetings to fully explore the consequences. Mr. Russell also pointed out that changing a setback neither dictates a smaller home nor does reducing square footage reduce property values.

Council Member Nocera said that he could not support the proposal due to the opposition already voiced by residents. Vice Mayor Wiseman expressed concern regarding the potential financial impact upon those who may have plans for their properties, but no intent to build immediately. She also expressed reservations about a small portion of residents claiming the intent of the whole, noting that some information provided to the Council by this group had been misrepresented. Council Member Taylor disagreed, stating that it was appropriate to make an additional staff presentation to the residents.

MOTION by MacIlvaine DIRECTING staff to survey residents directly affected to determine whether they would consider increasing side yard setbacks to ten feet. This motion seconded by Sorey and carried 6-1 (Nocera-no, Sorey-yes, Taylor-yes, MacIlvaine-yes, Wiseman-yes, Russell-yes, Barnett-yes).

MOTION by Sorey to WITHDRAW the proposed ordinance relative to Moorings side yard setbacks, which had been continued to March 16. This motion seconded by Nocera and unanimously carried, all members present and voting (MacIlvaine-yes, Nocera-yes, Russell-yes, Sorey-yes, Taylor-yes, Wiseman-yes, Barnett-yes).

CORRESPONDENCE AND COMMUNICATIONS.....

Mayor Barnett announced a Town Hall Meeting with Fred Coyle, Chairman of the Collier County Board of Commissioners on March 9 and a joint Lee County/Collier County Town Hall Meeting with the local State Representatives on March 3.

City Manager Lee confirmed for Vice Mayor Wiseman that the planned charrette at the Woman's Club of Naples would be duly noticed.

Council Member Taylor reported receiving complaints from residents regarding board and committee meetings that were changed or cancelled without additional notification. City Manager Lee explained that homeowner association representatives affected by either the Community Redevelopment Agency (CRA) or the Community Redevelopment Agency Advisory Board (CRAAB) would be notified by CRA Manager Chet Hunt. He also responded to Miss Taylor that a noise ordinance amendment would be provided in the near future; Miss Taylor urged that residents affected by the mechanical noise at the Sprint building contact the City Manager.

Council Member Sorey inquired as to the status of implementation of the vessel speed amendments. City Manager Lee advised that no official report had yet been received, and City Attorney Pritt advised that the State had requested additional information, which was currently being prepared.

PUBLIC COMMENT.....

(10:12 a.m.) **Sue Smith, 11-15th Avenue South**, citing the Moorings setback survey mentioned above, warned against passage of regulations without discerning the support of a majority of residents. She also said that she believed that she did not receive a proper response to the questions she posed regarding the City Manager's salary increase, expressing the belief that the City Manager is, in fact, not fulfilling his responsibilities. Mrs. Smith then said that, in light of the current traffic problems, long range planning is necessary and added that the City's fleet does not require a proliferation of identification signage in lieu of those elements of community

safety. Mrs. Smith then read from the City of Naples Vision Statement (see Attachment #1) and said that the lack of proper planning has resulted in problems throughout the City.

Recess: 10:18 a.m. – 11:28 a.m. It is noted for the record that the same Council Members were present when the meeting reconvened.

EXECUTIVE SESSION.....ITEM 6

Mayor Barnett announced that City Attorney Pritt had requested advice concerning the following pending litigation: Allen Walburn v. City of Naples, U.S. District Court, Middle District of Florida, Case No. 2:04-CV-00194-VMC-DNF. The City Council would commence an attorney-client session to discuss settlement negotiations and/or strategy relating to litigation expenditures. The estimated time for this session is 15 minutes after which the meeting will be reopened. The persons attending the attorney-client session are the following: Mayor Bill Barnett, Vice Mayor Tamela Wiseman, Council Members Clark Russell, Penny Taylor, Johnny Nocera, John Sorey, and William MacIlvaine, City Manager Robert Lee; Attorneys Robert Pritt and Clay Crevasse; and Pam Arsenault of AAF Reporting, Court Reporter. The City Council has given notice of the time and date of the attorney-client session. At the conclusion of the attorney-client session the termination of the session will be announced and the meeting reopened.

EXECUTIVE SESSION.....ITEM 7

Mayor Barnett announced that City Attorney Robert Pritt had requested advice of the City Council concerning the following pending litigation: A&B Charters, Inc., Byron C. Thomas, and Jeffrey Player v. City of Naples, Circuit Court Case 04-2386-CA. The City Council would commence an attorney-client session to discuss settlement negotiations and/or strategy relating to litigation expenditures. The estimated time for this session is 15 minutes after which the meeting will be reopened. The persons attending the attorney-client session are the following: Mayor Bill Barnett, Vice Mayor Tamela Wiseman, Council Members Clark Russell, Penny Taylor, Johnny Nocera, John Sorey, and William MacIlvaine; City Manager Robert Lee; Attorneys Robert Pritt and Clay Crevasse; and Pam Arsenault of AAF Reporting, Court Reporter. The City Council has given notice of the time and date of the attorney-client session. At the conclusion of the attorney-client session the termination of the session will be announced and the meeting reopened.

Recess: 11:47 a.m. to 12:07 p.m. It is noted for the record that the same Council Members were present when the meeting reconvened.

ADJOURN.....
12:08 p.m.

Bill Barnett, Mayor

Tara A. Norman, City Clerk

Minutes prepared by:

Pamela M. Koepke, Recording Specialist

Minutes Approved: 3/6/05