

This document is promulgated solely for the purposes of providing a brief reference to City Council action. It is not to be construed as the minutes of the City Council meeting or in any way the official record of said meeting

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, April 6, 2005
Convened 9:00 a.m./Adjourned 12:10 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 – *All present*
2. Invocation and Pledge of Allegiance - *Council Member MacIlvaine*
3. Announcements - *None*

Distinguished Public Service Awards Day - *Mayor Barnett*
Call Before You Dig Month - *Mayor Barnett*
National Public Safety Telecommunicators Week Proclamation - *Mayor Barnett*
Certificate of Achievement for Excellence in Financial Reporting - *Mayor Barnett*
4. Set agenda (*add or remove items*) – *Add Item 16 (Executive Session) and Withdraw Item 9b Russell / MacIlvaine / 7-0*
5. Public Comment – *Jim Boula and Joe Biasella – mooring field and hurricane recovery plans; Everett Thayer – dust from Naples Airport affecting Avion Park subdivision*

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.

SCHEDULED ITEMS	
<hr/> <hr/> Finance <hr/>	<hr/> <hr/> 9:45 a.m.
<i>Presentation by KPMG Auditors; no action taken</i> <hr/>	6. Presentation by the City's Auditors, KPMG, LLP of the September 30, 2004 Audit and Comprehensive Annual Financial Report (CAFR) <hr/>
City Attorney <hr/>	11:00 a. m.
<i>City Attorney to respond to Collier County proposal and City Manager to negotiate with County Manager Russell / Wiseman / 6-1 (MacIlvaine dissenting)</i> <hr/>	7. Attorney/Client Executive Session pertaining to Collier County v. Department of Community Affairs and the City of Naples, 2 DCA 2D05-392 <hr/>
City Attorney <hr/>	11:15 a.m.
<i>No Action</i> <hr/> <hr/>	8. Attorney/Client Executive Session pertaining to Allen Walburn v. City of Naples, U.S. District Court, Middle District of Florida, Case No. 2:04-CV-00194-FTM-DNF <hr/>
<hr/> <hr/> Approve Consent Agenda Sorey / MacIlvaine / 7-0 <hr/>	<hr/> <hr/> CONSENT AGENDA <hr/>
 9-a) February 28 Workshop and March 2 Regular, as submitted <hr/>	9. 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/>
Community Services <hr/>	9-a. Approval of Minutes. <hr/>
 <i>Withdrawn by petitioner</i> <hr/>	9-b. Approve the following special event: Tropicool Street Dance – Grand Central Station parking lot and field – Zonta Club of Naples – 04/15/05 <hr/>

**Resolution
Police and Emergency Services**

05-10796 Approved with Consent Agenda

**Resolution
Finance**

05-10797 Approved with Consent Agenda

**Resolution
Public Works**

05-10798 Approved with Consent Agenda

**Resolution
Construction Management**

05-10799 Approved with Consent Agenda

**Resolution
Mayor's Office**

05-10800 Approved with Consent Agenda

**Resolution
City Clerk**

05-10801 Approved with 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 03/16/05**

Continued to April 20

MacIlvaine / Russell / 7-0

9-c. Approve providing for municipal enforcement of Collier County's Animal Control Ordinance

9-d. Approve amending the 2004-05 Budget adopted by Ordinance 04-10603 in order to fund an emergency purchase of a sump pump at the City Dock and for telephone services at City parks

9-e. Consider approving an Agreement for Purchase and Sale of Goods in order to purchase the City's annual requirements for automobiles and light trucks: \ Vendor: Tamiami Ford, Inc., Naples, FL \ \$511,430.00 \ Funding: CIP No's. 05F25, 05F30, 05H01, 05E24, 05B05, 05B01, 05K35, 05L29, 05N23, 05X16, and 05P21 (Various Departments for Vehicle Purchases)

9-f. Consider approval of an Agreement in order to furnish and install landscaping and irrigation in the medians along U.S. 41 between 7th Avenue North to Goodlette-Frank Road: \ Vendor: Vila & Son Landscaping Corporation, Miami, FL \ Cost: \$358,405.15 \ Funding: CIP 00C12 – 41-10 Revitalization

9-g. Approve rescheduling the July 6, July 20, and August 3, 2005 Regular City Council Meetings to the Regular City Council Meeting of August 17, 2005

9-h. Approve a salary increase for City Clerk Tara Norman

END OF CONSENT AGENDA

10. 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

**Second Reading of an Ordinance
Police and Emergency Services
Approved at First Reading 03/16/05**

05-10802 MacIlvaine / Russell / 7-0

**First Reading of an Ordinance
Mayor**

Approved at First Reading

Wiseman / Russell / 6-1 (Sorey dissenting)

**Resolution
City Clerk**

05-10803 MacIlvaine / Nocera / 7-0

**Resolution
City Manager**

05-10804 MacIlvaine / Nocera / 7-0

**Resolution
City Manager**

05-10805 MacIlvaine / Taylor / 7-0

Added Item

No Action

11. Consider amending Section 38-91(a) of the Code of Ordinances of the City of Naples for the purpose of adopting the 2004 Edition of the Florida Fire Prevention Code

12. Consider proposing to the Electors of the City of Naples, Florida, an amendment to the Charter of the City of Naples, Section 2.1, Subsection (3), to change the term limits for Mayor from a single term to two terms; providing for the proposed amendment to be submitted to the electors of the City of Naples at a municipal election to be held on February 7, 2006 or at an earlier date to be designated by City Council by Resolution; providing ballot language; directing the City Clerk to take all appropriate actions necessary to carry out the provisions of this ordinance; providing a date for the amendment to take effect and directing the City Clerk to incorporate the amendment into the Charter and to file the revised Charter with the Florida Secretary of State

13. Consider endorsing a candidate to represent the City of Naples on the Collier County Coastal Advisory Committee

14. Consider urging the Legislature to decline to adopt HB 1521 and SB 2060, in that this legislation would amend Part III, Chapter 163, Florida Statutes, with the effect of severely reducing the ability of Community Redevelopment Agencies to accomplish their statutory redevelopment tasks.

15. Consider referring an inquiry of Messrs. Khosrow and Ardavan Moaveni regarding the proposed extension of Third Avenue North to the Planning Advisory Board

16. Attorney/Client Executive Nicolas Marsit v. City of Naples, 03-1232-CA.

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Regular Meeting of Wednesday, April 6, 2005

Page 5

Correspondence and Communications – *Land Rover (formerly Shelton Motors) test track explanation (Barnett); discussion regarding impact fee State legislation and request for Council consensus for support of resolution (Taylor); lack of specific answers from Naples Airport Authority (NAA) regarding voluntary curfew, fuel shortage and Delta Airlines ticket prices (MacIlvaine); update on Caribbean Gardens/Fleischmann property Blue Ribbon Committee membership/resignation, inlet maintenance and impact on County, and update on beach access committee meeting (Sorey); right-of-way parking near beach ends and request for comparisons of the number of County beach accesses and parking to those provided by the City (Taylor); request for City bottled water update and update on compost project at Public Works (Nocera); and update on sidewalk program (Wiseman).*

Public Comment – None

Adjourn – 12:10 p.m.

Order of Consideration:

1, 2, 3, 4, 9b, 5, 9a, 9b, 9c, 9d, 9e, 9f, 9g, 9h, 11, 13, 14, 15, 6, 10, 12, 16, 7, 8