

**Naples City Council Notice of Meeting and Agenda  
City Council Chamber, 735 8th Street South, Naples, Florida**

**Mayor: Bill Barnett**

**Vice Mayor: Gary Price**

**City Council Members:**

**Reg Buxton, Terry Hutchison, Michelle McLeod, Linda Penniman, Ellen Seigel**

**City Attorney: Robert D. Pritt • City Clerk: Patricia L. Rambosk • City Manager: Bill Moss**

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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 3 minutes and that large groups name a spokesperson whenever possible. Thank you for your interest and participation in City government.

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**City Council Regular Meeting  
Wednesday, October 17, 2018  
8:30 AM**

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 on the City of Naples home page <https://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
2. Invocation and Pledge of Allegiance
3. Announcements
  - 3.A. Guardianship Awareness Month Proclamation
  - 3.B. Florida Native Plant Month Proclamation

**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 (239) 213-1015 WITH REQUESTS AT LEAST TWO BUSINESS DAYS BEFORE THE MEETING DATE.**

3.C. Domestic Violence Awareness Month Proclamation

4. Set agenda (add or remove items)

5. Public Comment

CONSENT AGENDA

6. City Clerk

6.A. Approval of the September 17, 2018 Regular Meeting minutes

Recommended Action: Review and approve.

[Agenda Memorandum](#)

[September 17, 2018 Regular Meeting minutes](#)

7. Community Services

7.A. Special Events - Repeat Events

(1) Annual Lake Park Neighborhood Block Party - The Lake Park Neighborhood Association - vacant lot on the corner of 10th Avenue N and 11th Street N (Lake Park neighborhood) - 11/10/18

(2) Pets on Third Festival and Pet Parade - Third Street South Area Association - 3rd Street South - 1/20/19

(3) Run for the Paws 5K Run/Walk - The Humane Society of Naples - Naples Airport - 1/26/19

(4) Naples Art, Antique and Jewelry Show - Palm Beach Show Group - The Commons, 850 Goodlette- Frank Road - 2/22/19, 2/23/19, 2/24/19, 2/25/19 and 2/26/19

Recommended Action: Approve as submitted.

[Agenda Memorandum](#)

8. Streets and Stormwater

8.A. Consideration to authorize the City Manager to approve a Purchase Order for emergency traffic signal pre-emption equipment with Transportation Control System in an amount of \$207,512.50

Recommended Action: Authorize the City Manager to approve a Purchase Order for emergency traffic signal pre-emption equipment with Transportation Control System in an amount of \$207,512.50.

[Agenda Memorandum](#)

[Attachment #1 - LAP Agreement](#)

[Attachment #2 - Sole Source-Buy America-FDOT Qualls-Renewal](#)

[Attachment #3 - FINAL Quote](#)

9. City Manager - Purchasing

- 9.A. Consideration to approve using Collier County Fixed Term Service Agreement No. 18-7321 awarded to Palmdale Oil Company Inc. for the purchase of gasoline and diesel fuels required for the City's fleet, the City Dock, and emergency standby generators  
Recommended Action: Approve using Fixed Term Service Agreement No. 18-7321 pursuant to City Code Sec.2-667(4) with an estimated annual expenditure cap at \$2,500,000.00 and an award period of three years, with the option to renew for two additional one-year periods.  
[Agenda Memorandum Agreement](#)

END OF CONSENT AGENDA

10. City Manager - 11:00 A.M. TIME CERTAIN

- 10.A. Final Assessment Resolution relating to the establishment and funding of the Gulf Acres / Rosemary Heights Assessment Area; determining that real property therein will be specially benefited by construction and provision of wastewater collection and treatment improvements; establishing the method of assessing the costs of the improvements against the real property that will be specially benefited thereby; establishing other terms and conditions of the Assessments; approving the Assessment Roll; providing the method of collection; directing the provision of notice in connection therewith; amending, ratifying and confirming Resolution 2018-14194  
Recommended Action: Adopt the Resolution.  
[Agenda Memorandum Resolution](#)  
[Sample of Mailed Notice](#)  
[9/24/18 Naples Daily News Ad](#)  
[10/1/18 Naples Daily News Ad](#)  
[Area 4-5 Calculation](#)  
[Agenda Memorandum re: Reconsideration of 8/15/18 Resolution 2018-14194 - Amended and Restated Initial Assessment Resolution Gulf Acres/Rosemary Heights](#)

11. Utilities - IMMEDIATELY FOLLOWING AGENDA ITEM 10

- 11.A. Resolution authorizing the Issuance of its Special Assessment Revenue Bond, Series 2019 (Gulf Acres/Rosemary Heights Assessment Area Project) in the principal amount of not to exceed \$6,500,000 for the principal purpose of financing, refinancing and/or reimbursing the cost of sanitary sewer collection system improvements and/or wastewater treatment capacity improvements to serve the Gulf Acres/Rosemary Heights Assessment Area; providing that such Bond shall be a limited obligation of the City payable solely from certain assessments as described herein; providing for the rights, securities and remedies for the owner of such Bond; making certain covenants and agreements in connection therewith; authorizing a validation proceeding; establishing intent to reimburse such improvements incurred with proceeds of such Bond

Recommended Action: Approve the Resolution.

[Agenda Memorandum](#)

[Resolution](#)

[Certificate of Public Meeting](#)

- 11.B. Award of contract to WPM – Southern, LLC in the amount of \$7,654,761 to construct sanitary sewer and potable water improvements within the Gulf Acres/Rosemary Heights Special Assessment area.

Recommended Action: Award a contract to WPM – Southern, LLC in the amount of \$7,654,761 to construct sanitary sewer and potable water improvements within the Gulf Acres/Rosemary Heights Special Assessment area.

[Agenda Memorandum](#)

[Agreement - WPM Southern, LLC](#)

[City Council Action History](#)

[Collier County Notice of Recommended Award](#)

[Bid Schedule](#)

[Consultant's Recommendation of Award](#)

[Construction Administration Proposal](#)

12. City Attorney

- 12.A. 12:30 P.M. TIME CERTAIN

Attorney / Client Executive Session to discuss strategy in reference to the following pending litigation case:

City of Naples vs. Ethics Naples, Inc., in the Circuit Court of the Twentieth Judicial Circuit in and for Collier County, Florida, Case No. 18-CA-001166

Recommended Action: Hold Attorney / Client Executive Session.

[Agenda Memorandum](#)

[Public Notice](#)

[Mayor's Script](#)

- 12.B. Resolution authorizing and directing the Chief Election Official (Naples City Clerk) to submit to the Collier County Supervisor of Elections referendum language amending the Charter of the City of Naples relating to ethics to be placed on the ballot for the March 26, 2019 Special Election; directing the Chief Election Official to obtain the necessary Spanish translation of the referendum and perform all other ministerial acts necessary for the referendum

Recommended Action: Approve the Resolution.

[Agenda Memorandum](#)

[Resolution](#)

13. City Clerk

- 13.A. Consideration to appoint one candidate to the Code Enforcement Board, two candidates to the Design Review Board, one candidate to the Board of Trustees of the Firefighters Retirement Trust Fund, and one candidate to the Public Art Advisory Committee.

Recommended Action: Appoint candidates to various Boards and Committees.

[Agenda Memorandum](#)

[CEB Phillips Application](#)

[CEB Statute](#)

[DRB Fredrickson Application](#)

[DRB Hruby Application](#)

[Code Sec. 2-404 Attendance at meetings](#)

[DRB Code](#)

[PAAC Schlehr Application](#)

[PAAC Code](#)

#### 14. Community Services

##### 14.A. Special Events - Revised Repeat Request

(1) 14th Annual Bike Brunch and Family Festival - The Naples Pathways Coalition - Fleischmann Park - 3/3/19

Recommended Action: Review and consider the revised repeat special event request as submitted.

[Agenda Memorandum](#)

[Naples Bike Brunch](#)

#### 15. Planning

15.A. Resolution - Quasi-Judicial - Pubic Hearing relating to a Variance; determining Petition 18-V6 for a variance from Section 58-236 of the Code of Ordinances to allow for the encroachment of an existing house approximately 2.5 feet into the required 7.5 foot side yard abutting the northern property line on property owned by Deborah Ann Vaccher and John Lo Faso as Trustees of the Vaccher Trust 1 dated April 13, 2018, located at 941 5th Street South ~ Planning Advisory Board recommended approval

Recommended Action: Adopt the Resolution determining Petition 18-V6 with condition.

[Agenda Memorandum](#)

[Resolution](#)

[Application & Disclosure](#)

[PAB Staff Report](#)

[PAB Minutes](#)

[Plans](#)

[1991 Building Permit & Approvals](#)

[Mailing Labels](#)

[Planning Staff Resumes](#)

15.B. Resolution - Quasi-Judicial - Public Hearing relating to Conditional Use; determining Petition 18-CU5, pursuant to Section 58-563(6) and Section 58-1134(c)(2) of the Code of Ordinances, to allow transient lodging facilities in the C1-A Commercial Core District and the 5th Avenue South Special Overlay District for property owned

by 555 on Fifth Condominium Association, Inc., and located at 555 5th Avenue South ~ Planning Advisory Board recommended approval with condition  
Recommended Action: Adopt the Resolution with condition.

[Agenda Memorandum](#)

[Resolution](#)

[PAB Staff Report](#)

[PAB Minutes](#)

[Application and submittal documents](#)

[On site parking exhibit](#)

[Operating plan](#)

[Excerpt from Condo Docs](#)

[Resolution 06-11356](#)

[Labels](#)

[Planning Staff Resumes](#)

- 15.C. Resolution - Quasi-Judicial - Public Hearing relating to a Nonconformity; determining Petition 18-N5 for the vertical and horizontal expansion of a nonconformity pursuant to Section 46-35 of the Code of Ordinances, for property owned by 15 11th Avenue South LLC, located in the R1-15 Zoning District at 15 11th Avenue South  
Recommended Action: Adopt the Resolution determining Nonconformity Petition 18-N5.

[Agenda Memorandum](#)

[Resolution](#)

[Staff Report](#)

[PAB Minutes](#)

[Petition Disclosure](#)

[Survey](#)

[Architectural Plans](#)

[Landscape Plans](#)

[Petitioner Resumes](#)

[Staff Credentials](#)

[Mailing Labels](#)

- 15.D. Resolution - Quasi Judicial - Public Hearing relating to a Site Plan; determining Petition 18-SP11 for the construction of 3 multifamily buildings containing a total of 210 units and approximately 5,116 square feet of commercial space with associated parking, drainage, and utility infrastructure on property owned by WSR 1075, LLC, located at 1075 Central Avenue, located at 1111 (f.k.a. 1075) Central Avenue within the 1075 Central PD Planned Development  
Recommended Action: Adopt the Resolution determining Site Plan Petition 18-SP11.

[Agenda Memorandum](#)

[Resolution](#)

[PAB Staff Report](#)

[Application](#)

[Disclosure of Interest](#)

[PAB Minutes](#)  
[Warranty Deed](#)  
[Boundary Survey](#)  
[Site Development Plans](#)  
[Master Site Plan Comparison](#)  
[Architectural Drawings](#)  
[Landscape Plans](#)  
[Traffic Impact Statement](#)  
[Administrative Site Plan Approval Letter](#)  
[Resolution #2015-13619 - Rezone to PD](#)  
[Resolution #2015-13620 - Site Plan](#)  
[14-SP7 Site Plan](#)  
[Credentials - Petitioner's Agents](#)  
[Credentials - Planning Staff](#)  
[Mailing Labels](#)

- 15.E. Resolution - Quasi-Judicial - Public Hearing relating to Outdoor Live Entertainment; determining Live Entertainment Petition 18-LE5 to allow non-amplified outdoor live entertainment consisting of one to two performers from 5:00 p.m. to 9:00 p.m., Monday through Sunday, at The Bevy Restaurant on property owned by 360 Twelfth Avenue Holdings, LLC, located at 360 12th Avenue South  
Recommended Action: Deny the Resolution determining Live Entertainment Petition 18-LE5.

[Agenda Memorandum](#)  
[Resolution](#)  
[Supplemental Memo](#)  
[Application and submittal documents](#)  
[Memo from Police](#)  
[Email of Objection](#)  
[Email and letter from Engles](#)  
[Mailing Labels](#)  
[Planning Staff Resumes](#)

- 15.F. Resolution - Quasi-Judicial - Public Hearing relating to Outdoor Live Entertainment; determining Petition 18-LE6 to allow non-amplified outdoor live entertainment consisting of one to two performers from 5:00 p.m. to 9:00 p.m., Monday through Sunday, at La Colmar Bakery and Bistro, and Timeless, an MHK Eatery, on property owned by Design Park Holdings, LLC, located at 90 9th Street North  
Recommended Action: Deny the Resolution determining Live Entertainment Petition 18-LE6.

[Agenda Memorandum](#)  
[Resolution](#)  
[Application and Submittal Documents](#)  
[Supplemental Memo](#)  
[Memo from Police](#)

[Mailing Labels](#)  
[Planning Staff Resumes](#)

- 15.G. Resolution - Quasi-Judicial - Public Hearing relating to Live Entertainment; determining Petition 18-LE8 to allow indoor live entertainment consisting of one to two performers from 6:00 p.m. to 9:00 p.m. Monday through Sunday at Chatterbox II restaurant, on property owned by Michael Elden, located at 210 9th Street North  
Recommended Action: Approve the Resolution determining Live Entertainment Petition 18-LE8 with conditions.

[Resolution](#)

[Agenda Memorandum](#)

[Application, Disclosure & Plans](#)

[Supplemental Memo](#)

[Code & Police Memos](#)

[Planning Staff Credentials](#)

[Mailing Labels](#)

16. Streets and Stormwater

- 16.A. Resolution - Quasi-Judicial - Public Hearing relating to Lakes; determining Lake Fill Application 185353 to apply for a permit that includes the removal of the existing dock, construction of a new dock and littoral plantings on property that abuts Lake 10 (Alligator Lake) and is located at 305 South Lake Drive, owned by Karen Van Arsdale  
Recommended Action: Adopt the Resolution approving Lake Fill Petition Application 185353.

[Agenda Memorandum](#)

[Resolution](#)

[Attachment 1 - Lake Fill Application](#)

[Attachment 2 - Photos](#)

[S. Molloy Resume](#)

- 16.B. Resolution - Quasi-Judicial - Public Hearing relating to Lakes; determining Lake Fill Application 185354 to apply for a permit that includes the reconstruction of the pond bank slope, reconfiguration of the shoreline, construction of three decks that cantilever over the pond, and to perform littoral planting on Lake 25; located at 179 17th Avenue South, owned by Mike Hacikyan  
Recommended Action: Adopt a Resolution approving Lake Fill Petition Application 185354 and require a final survey be performed and submitted to the City after the shoreline work is completed.

[Agenda Memorandum](#)

[Resolution](#)

[Attachment 1 - Application](#)

[Attachment 2 - Photos](#)

[Attachment 3 - Zoning Interpretations](#)

[Email](#)



[E. Martin Resume](#)

[S. Molloy Resume](#)

- 16.C. Resolution - Quasi-Judicial - Pubic Hearing relating to a Franchise; approving an Agreement between The Nickel Ride, LLC and the City of Naples, relating to the use of City streets and designated stops within the limits of the City of Naples for up to six, six passenger low-speed vehicles

Recommended Action: Adopt a Resolution approving a Franchise Agreement between The Nickel Ride, LLC and the City of Naples.

[Agenda Memorandum](#)

[Resolution](#)

[Attachment #1 - The Nickel Ride Request & ROW Application](#)

[Attachment #2 - Franchise Agreement & Operations Plan](#)

## 17. Building

- 17.A. (1) Resolution amending FY 2018-19 budget adopted by Resolution 2018-14215 by appropriating \$164,025 from the Fund Balance of the Building Fund for Year 2 Maintenance and Subscription Fees for CityView Permitting, Code Enforcement, and Planning Electronic Permitting Software

(2) First Amendment to Agreement with CityView, a division of N. Harris Computer Corporation, for Electronic Permit Plans Review/Inspection, Planning and Code Enforcement Software Subscription Agreement

Recommended Action: (1) Approve the Resolution amending FY 2018-19 budget by appropriating \$164,025 from the Building Fund Balance; and (2) Approve the First Amendment to Agreement with CityView for Electronic Permit Plans Review/Inspection, Planning and Code Enforcement Software Subscription Agreement.

[Agenda Memorandum](#)

[Resolution](#)

[CityView First Amendment](#)

## 18. Fire-Rescue

- 18.A. Ordinance - Second Reading - Public Hearing relating to administration of the City Fire-Rescue Department; amending Subtitle and Catchline of Division 5 - Department of Police and Fire, under Chapter 2 Administration, Article Iv – Departments; amending Section 2-381; creating a new Section 2-382

Recommended Action: Hold a Public Hearing and adopt the Ordinance on Second Reading.

[Agenda Memorandum](#)

[Ordinance](#)

Public Comment

Correspondence and Communications

Adjourn