

**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

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.

**City Council Regular Meeting
Wednesday, December 5, 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. Recognition of Service of John Vorbach on the Design Review Board
 - 3.B. Do the Right Thing Recognitions
4. Set agenda (add or remove items)

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.

5. Public Comment

CONSENT AGENDA

6. City Clerk

7. Police

- 7.A. Resolution amending the FY 2018-19 budget adopted by Resolution 2018-14215 to appropriate funds from the State Confiscation Trust Fund (Florida Contraband Forfeiture Act) and Federal Confiscation Trust Fund (Federal Equitable Sharing Program)

Recommended Action: Approve the Resolution.

[Agenda Memorandum](#)

[Resolution](#)

8. Finance

- 8.A. Motion to appropriate funds from the General Fund Contingency for FPL undergrounding pricing relating to the Seagate Underground Utility Assessment Area, including the design, and for special assessment legal services
Recommended Action: Appropriate by motion \$22,143 from General Fund contingency for certain costs related to the Seagate Undergrounding Utility Special Assessment.

[Agenda Memorandum](#)

[Resolution 2018-14093](#)

END OF CONSENT AGENDA

9. City Manager

- 9.A. Resolution urging the Florida Legislature to enact legislation prohibiting all motor vehicle drivers from using hand-held electronic communication devices while driving; including a provision in such legislation to enforce the law as a primary offense; and directing the City Clerk to provide a copy of this Resolution to all members of the Collier County Legislative Delegation and to the Executive Director of the Naples Pathway Coalition

Recommended Action: Adopt the Resolution.

[Agenda Memorandum](#)

[Resolution](#)

[Resolution 2017-14042](#)

[Handout - FL DNT TXT N DRV](#)

[Article - U.S. State and Federal Laws Targeting Distracted Driving](#)

[Hands Free Legislation SB 76 by Senator Simpson - 2019](#)

[Distracted Driving 2016](#)

[Hands Free Legislation HB 45 by Representative Slosberg 2019](#)

- 9.B. Ordinance - First Reading - Public Hearing relating to Ethics; amending Chapter 2, Administration, Article V, Boards, Commissions and Committees by creating a new Division 10, Section 2-591 of the Code of Ordinances, City of Naples, to create a Commission on Ethics; to establish powers of the commission; to provide for responsibilities of council; to set minimum standards for ethics legislation and administration; and to provide for staff support and council funding, providing for applicability, severability and conflicts

Recommended Action: Approve the Ordinance on First Reading and schedule a Second Reading and Public Hearing for December 19, 2018.

[Agenda Memorandum](#)
[Ordinance](#)

10. Streets and Stormwater

- 10.A. Presentation by Mr. Gary McAlpin, Collier County Coastal Zone Manager, regarding a County comprehensive watershed project known as the Belle Meade Flow Way Project

Recommended Action: Receive Presentation

[Agenda Memorandum](#)

11. Planning

- 11.A. Resolution - Quasi-Judicial - Public Hearing relating to a subdivision replat; determining Petition 18-SD3 for final replat approval, pursuant to Section 54-7, Zero Lot Line Subdivisions, to replat Lots 17, 18, and 19, Block 19, Tier 6, Plan of Naples, to create a two lot, zero lot line plat known as 537 2nd Ave South Development Subdivision on property containing approximately 0.34 acres owned by Stuart J. Rothman and Lewis H. Robert, Trustees of the 537 2nd Ave Nominee Trust and located at 537 2nd Avenue South

Recommended Action: Approve the Resolution with conditions.

[Agenda Memorandum](#)

[Resolution](#)

[PAB Report](#)

[Application](#)

[Deed](#)

[Disclosure](#)

[Aerial](#)

[Survey](#)

[Declaration of Covenants and Deed Restrictions](#)

[Plat](#)

[Title Opinion Letter](#)

[Labels](#)

[Resume - Jonathan Kukk](#)

[Planning Staff Resumes](#)

- 11.B. Resolution - Quasi-Judicial - Public Hearing determining Fence and Wall Waiver 18-FWW1 to allow a wall that encroaches into the 25-foot required front yard, at a maximum height of 12.7 feet NAVD where code limits the maximum height to 12.3 feet on property owned by William Howard Dwight and Ruth Hoskins-Dwight and located at 1187 10th Avenue North

Recommended Action: Deny the Resolution.

[Agenda Memorandum](#)

[Supplemental Memorandum](#)

[Resolution](#)

[Application and Disclosure](#)

[Letters of Objection](#)

[Planning Staff Resumes](#)

[Mailing Labels](#)

- 11.C. (1) Resolution - Quasi-Judicial - Public Hearing relating to Nonconformity; determining Petition 18-N6 for the property containing the Dock Restaurant, owned by Dock Restaurant Associates Limited Partnership, a Florida Limited Partnership, to allow the existing building to remain where it encroaches into the required 20-foot front yard and 25-foot required rear yard within the C2-A, Waterfront Commercial District at 845 12th Avenue South

(2) Resolution - Quasi-Judicial - Public Hearing relating to Variance; determining Petition 18-V7 for a variance from Section 58-626 of the Land Development Code to allow for the encroachment of an existing building into the required 20-foot front yard and into the required 25-foot rear yard for the property containing the Dock Restaurant, owned by Dock Restaurant Associates Limited Partnership, a Florida Limited Partnership, located at within the C2-A, Waterfront Commercial District at 845 12th Avenue South

Recommended Action: (1) Deny the Resolution (2) Approve the Resolution with conditions.

[Agenda Memorandum](#)

[Resolution 11.C.1.](#)

[Resolution 11.C.2.](#)

[Staff Report](#)

[Application](#)

[Disclosure](#)

[Deeds](#)

[Survey](#)

[Exhibits](#)

[Correspondence](#)

[Planning Staff Resumes](#)

[Mailing Labels](#)

- 11.D. Resolution - Quasi-Judicial - Public Hearing relating to a Conditional Use; determining Petition 18-CU7, pursuant to Section 50-107 of the Code of Ordinances, approving a parking needs analysis for outdoor dining on property owned by New

Market - Neapolitan, LLC, a Delaware limited liability company and located at 900 Neapolitan Way

Recommended Action: Approve the Resolution with conditions.

[Agenda Memorandum](#)

[Resolution](#)

[PAB Report](#)

[Application](#)

[Parking Needs Analysis](#)

[Site Plan](#)

[Objection Letter](#)

[Resume - Norman Trebilcock](#)

[Planning Staff Resumes](#)

[Mailing Labels](#)

- 11.E. Ordinance - Second Reading - Public Hearing relating to Zoning, Land Use and Historic Preservation; amending the City of Naples Code of Ordinances Chapter 2, Administration, Article V, Boards and Commissions, Division 4, Design Review Board, Sections 2-473, Jurisdiction; Powers and Duties, and 2-475, Applicability of Design Review; approving Text Amendment 18-T4
Recommended Action: Hold a Public Hearing and approve an Ordinance on Second Reading.

[Agenda Memorandum](#)

[Ordinance](#)

[PAB Staff Report](#)

[PAB Meeting Minutes](#)

12. Utilities

- 12.A. Resolution - Quasi-Judicial - Public Hearing approving Amendment No. 1 to the South Florida Water Management District's Governmental Agreement No. 4600003766 accepting grant money to construct the Gulf Acres / Rosemary Heights special assessment sanitary sewer system
Recommended Action: Adopt the Resolution.

[Agenda Memorandum](#)

[Resolution](#)

[1st Amendment Agreement](#)

13. Community Services

- 13.A. Discussion of Parks Master Plan
Recommended Action: Discussion and direction for Final Report.

[Agenda Memorandum](#)

[Presentation - Parks Master Plan](#)

14. Human Resources

- 14.A. Ordinance - Second Reading - Public Hearing relating to the Firefighters' Pension and Retirement System; amending Section 29-231, Contributions; directing the City Clerk to file a copy of this Ordinance with the Division of Retirement of the Florida Department of Management Services
Recommended Action: Approve the Ordinance at Second Reading.
[Agenda Memorandum](#)
[Ordinance](#)
[Section 29-231, Code of Ordinances](#)
[Section 175.032\(11\)\(a\), Florida Statutes](#)
[Naples Fire - November 2018 No Impact Letter](#)

15. Streets and Stormwater

- 15.A. A presentation on motorized scooters and the growing interest by private businesses for deploying dockless scooters for ride share in cities throughout the country and how State and local laws apply for the City of Naples.
Recommended Action: Receive presentation for discussion.
[Agenda Memorandum](#)
[Motorized Scooters Presentation](#)
[Article - Lobby Up Scooter Skirmish Hits Sunshine State](#)
[CBS News Report](#)
- 15.B. Resolution - Quasi-Judicial - Public Hearing relating to parking; determining Right-of-Way Conversion to Parking Permit Application 183186 for permeable paver parking in the public right-of-way adjacent to the property located at 840 Myrtle Terrace owned by Jeffrey Hall
Recommended Action: Approve the resolution with special conditions.
[Agenda Memorandum](#)
[Resolution](#)
[Application](#)
[Special Conditions](#)
[A Bickett Resume](#)

Public Comment

Correspondence and Communications

Adjourn