#### Naples City Council Notice of Meeting and Agenda City Council Chamber, 735 8th Street South, Naples, Florida Mayor: Teresa Heitmann Vice Mayor: Terry Hutchison City Council Members: Ted Blankenship, Ray Christman, Mike McCabe, Paul Perry, Gary Price City Attorney: James Fox • City Clerk: Patricia Rambosk • City Manager: Charles Chapman

# Accommodation will be made to allow public comment during the meeting while maintaining social distancing.

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, August 19, 2020 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 <u>https://www.naplesgov.com/</u> 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
- 4. Set agenda (add or remove items)
- 5. Public Comment

#### 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.

#### CONSENT AGENDA

#### 6. City Clerk

6.A. Approval of the June 3, 2020 Regular Meeting minutes, the June 15, 2020 Workshop Meeting minutes, the June 17, 2020 Regular Meeting minutes, and the July 29, 2020 Special Meeting minutes. Recommended Action: Approve as submitted. Agenda Memorandum June 3, 2020 Regular Meeting minutes June 15, 2020 Workshop Meeting minutes June 17, 2020 Regular Meeting minutes

#### 7. Community Services

#### 7.A. SPECIAL EVENTS - REPEAT EVENTS

(1) Naples Concert Band Outdoor Concerts - 10/18/20, 11/8/20, 12/6/20, 1/17/21, 2/14/21, 3/7/21, 3/27/21, 4/18/21 - Cambier Park; (2) Naples Jazz Society Outdoor Concerts - 10/25/20, 11/15/20, 12/20/20, 1/3/21, 1/24/21, 2/28/21, 3/21/21, 4/4/21, 4/25/21 - Cambier Park; (3) Gulf Coast Big Band Outdoor Concerts - 11/1/20, 12/13/20, 1/10/21, 2/7/21, 3/14/21, 4/11/21 - Cambier Park; (4) Naples Big Band Outdoor Concerts - 11/9/20, 11/22/20, 1/31/21, 2/15/21, 3/28/21, 4/12/21 - Cambier Park; (5) Stardust Memories Big Band Outdoor Concerts - 12/7/20, 1/25/21, 2/8/21, 2/22/21, 3/1/21, 3/22/21, 3/29/21 - Cambier Park; (6) Snip Collier 5K - Gulf Coast Runners - 10/3/20 - Cambier Park/Downtown area; (7) Art in the Park - Naples Art Association - 12/5/20, 2/6/21, 3/6/21 - Cambier Park; (8) The 25th Annual New Year's Art Show - Naples Art Association - 1/2&3/21 - 5th Avenue South (9) 42nd Annual Naples National Art Festival - Naples Art Association - 2/20&21/21 - Cambier Park; (10) The 33rd Annual Downtown Naples Festival of Arts - Naples Art Association - 3/20&21/21 - 5th Avenue South; (11) Fine Arts and Crafts Show -Naples Art Crafters Inc. - 1/9/21, 2/13/21, 4/10/21, 10/23/21, 11/13/21, 12/11/21 -Cambier Park and 3/13/21 - Fleischmann Park; (12) Evenings on Fifth and Sidewalk Sale - Fifth Avenue South Business Improvement District (FASBID) - 10/8/20, 11/12/20 - 5th Avenue South; (13) The Fifth Avenue South Christmas Walk, Tree Lighting, Holiday Village and Savor the Avenue-Long Table Event - Fifth Avenue South Business Improvement District (FASBID) - 12/4&5/21 - 5th Avenue South; (14) Tuba Christmas - Fifth Avenue South Business Improvement District (FASBID) -12/10/20 - Sugden Plaza; (15) Candlelight Christmas Carols - Jon Strohmeyer -12/18/20 - Cambier Park; (16) Annual Christmas Eve Service - Celebration Community Beach Church - 12/24/20 - Cambier Park; (17) Empty Bowls event -Empty Bowls Naples, Inc. - 1/23/21 - Cambier Park; (18) Cars on Fifth - Naples Ferrari Club - 2/6/21 - 5th Avenue South from U. S. 41 to 3rd Street South; (19) 2nd Annual Front and Center Gala - The Naples Players, Inc. - 2/9/21 - Sugden Plaza. Recommended Action: Review and approve as submitted. Agenda Memorandum

- 7.B. Resolution Legislative A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION TO THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES FOR FUNDING UNDER THE 2020 NATIONAL URBAN AND COMMUNITY FORESTRY GRANT PROGRAM FOR FUNDING SUPPORT TO OBTAIN A CITY OF NAPLES URBAN FOREST STORM MANAGEMENT PLAN; AND PROVIDE AN EFFECTIVE DATE Recommended Action: Approve the resolution. Agenda Memorandum Resolution Grant Application
- 8. Utilities
  - 8.A. Resolution Legislative A RESOLUTION ACCEPTING A UTILITY EASEMENT FOR THE CONSTRUCTION, ACCESS, AND MAINTENANCE OF CITY OF NAPLES UTILITIES ON PROPERTY OWNED BY SOUTHERN REGION DEVELOPMENT, LLC, LOCATED AT 2600 AND 2636 DAVIS BOULEVARD, NAPLES, FLORIDA, MORE FULLY DESCRIBED HEREIN; DIRECTING THE CITY CLERK TO RECORD THE UTILITY EASEMENT; AND PROVIDING AN EFFECTIVE DATE. Recommended Action: Approve the resolution. Agenda Memorandum Resolution Utility Easement Owner's Affidavit Attorney's Affidavit
- 9. Streets & Stormwater
  - 9.A. It is recommended that City Council award an Agreement for construction services to Sea and Shoreline, LLC to construct oyster reefs at Site 3 (Gordon River/Rock Creek site) in Naples Bay and authorize the City Manager to execute the Agreement and approve a Purchase Order for \$63,625 (\$55,326 submitted bid amount + 15% City-controlled contingency) for FY2019-2020. (RFP 20-038) Recommended Action: Award the contract; authorize the City Manager to execute the contract and approve a purchase order. Agenda Memorandum Agreement - Sea & Shoreline LLC RFP 20-038 Bid Analysis
  - 9.B. Resolution Legislative A RESOLUTION APPROVING THE ACCEPTANCE OF A FINANCIAL ASSISTANCE AWARD FROM THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AND AN AGREEMENT BETWEEN THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AND THE CITY OF NAPLES FOR THE DETERMINATION OF PRIORITY STORMWATER OUTFALL INVERT ELEVATIONS; AND PROVIDING AN EFFECTIVE DATE. Recommended Action: Approve the resolution.

Agenda Memorandum Resolution Grant Application Agreement - FDEP

9.C. Award of contract for traffic signal mast-arm painting to Crazy Horse Enterprises, Inc. (d.b.a. Vic's Painting & Reconstruction); and authorize the City Manager to execute the contract and approve a purchase order in the amount of \$101,700. (RFP 20-020) Recommended Action: Award the contract; authorize the City Manager to execute the contract; and approve a purchase order in the amount of \$101,700. Agenda Memorandum

Agreement - Crazy Horse Enterprises, Inc. dba Vic's Painting & Reconstruction 20-010 Bid Analysis

9.D. Award of Contract to Heritage Utilities, LLC to construct a lighted eight-foot wide pervious pathway from 3rd Avenue North, south to an existing concrete sidewalk located in the public open space area at the terminus of 12th Street North in the amount of \$80,839.76, to be funded with CDBG funds and authorize the City Manager to execute the contract. Recommended Action: Award the contract.

Agenda Memorandum Agreement - Heritage Agreement - CDBG Resolution 2019-14293 Lighted Pathway Connectivity Project Presentation ITB & Plans Bid Analysis 20-027

- 10. Human Resources / Risk Management
  - 10.A. Approve a Professional Consultant Services Agreement with the Gehring Group, Inc. for Employee Benefits Consulting and Brokerage Services for a three-year period, commencing October 1, 2020 through September 30, 2023, with the option to renew for two, one-year renewal periods for an annual amount of \$75,000. (Bid 20-046) Recommended Action: Approve the agreement.

Agenda Memorandum Agreement - Gehring Group Bid Analysis

END OF CONSENT AGENDA

- 11. Planning
  - 11.A. 19-CPA2 (May be heard concurrently with 19-R7) Ordinance First Reading -Quasi-Judicial - AN ORDINANCE APPROVING COMPREHENSIVE PLAN AMENDMENT 19-CPA2 DETERMINING AN AMENDMENT TO THE FUTURE

LAND USE MAP OF THE COMPREHENSIVE PLAN TO AMEND THE DENSITY WITHIN THE BAYFRONT PLANNED DEVELOPMENT WITHIN THE DOWNTOWN MIXED USE FUTURE LAND USE DESIGNATION OF THE COMPREHENSIVE PLAN FOR THE PROPERTY LOCATED AT 401-499 BAYFRONT PLACE, 1301, 1320, AND 1333 3RD AVENUE SOUTH, AND OWNED BY BAYFRONT, INC., MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE. (TIME CERTAIN - 9:30 A.M.)

Recommended Action: Approve the ordinance at First Reading and Public Hearing; schedule Second Reading and Public Hearing November 4, 2020.

Agenda Memorandum Ordinance Staff Report Application Disclosure of Interest Warranty Deed Legal Description - Buildings 2-8 Location Map FLU Designation - Bayfront Bayfront PD Traffic Impact Analysis 19-10-28 Planning Staff Resumes Mailing Labels Correspondence

11.B. 19-R7 (May be heard concurrently with 19-CPA2) Ordinance - First Reading - Quasi Judicial - AN ORDINANCE DETERMINING REZONE PETITION 19-R7 REZONING APPROXIMATELY 11.5 ACRES OF PROPERTY FROM PD, PLANNED DEVELOPMENT. TO PD. PLANNED DEVELOPMENT. TO AMEND THE BAYFRONT PLANNED DEVELOPMENT ON PROPERTY OWNED BY BAYFRONT, INC., LOCATED AT 401-499 BAYFRONT PLACE, 1301, 1320, AND 1333 3RD AVENUE SOUTH, MORE PARTICULARLY DESCRIBED HEREIN; ADOPTING THE PLANNED DEVELOPMENT DOCUMENT AS AMENDED HEREIN; AND PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE. (TIME CERTAIN - 9:30 A.M.) Recommended Action: Approve the ordinance at First Reading and Public Hearing; schedule Second Reading and Public Hearing September 2, 2020. Agenda Memorandum Ordinance Staff Report **Bayfront History** Ron Lee Letter - Scrivener's Error Application **Disclosure of Interest** 

Warranty Deed

Boundary Survey and Description - Buildings 6 & 7 Boundary Survey - less Buildings 6, 7, Allen Systems Building) Location Map REVISED Bayfront PD Document - Redline Outdoor Dining Map Outdoor Dining Photographs FLU Designation - Bayfront Bayfront PD Traffic Impact Analysis 19-10-28 Planning Staff Resumes Mailing Labels Correspondence

11.C. 20-N3 Resolution - Quasi-Judicial - A RESOLUTION RELATING TO A NONCONFORMITY; DETERMINING PETITION 20-N3 PURSUANT TO SECTION 46-35 OF THE CODE OF ORDINANCES, FOR AN EXPANSION OF A NONCONFORMITY TO CONSTRUCT A COVERED SCREEN PORCH; ON PROPERTY OWNED BY STEVE AND NANCY BLISS, LOCATED IN THE R1-10 ZONING DISTRICT AT 205 11TH AVENUE SOUTH; AND PROVIDING AN EFFECTIVE DATE.

Recommended Action: PAB recommended approval. Agenda Memorandum Resolution Petition Staff Report Disclosure of Interest Plans 2017 Survey 2017 Zoning Letter Resolution 2017-13955 Planning Staff Resumes Mailing Labels PAB Draft Minutes

11.D. 20-CU3 Resolution - Quasi-Judicial - A RESOLUTION DETERMINING PETITION 20-CU3, RELATING TO A CONDITIONAL USE TO PERMIT AN ANIMAL DAYCARE CENTER, BOARDING KENNEL AND OUTDOOR KENNEL RUN PURSUANT TO SECTION 58-933(5), AND A CONDITIONAL USE TO PROVIDE A PARKING NEEDS ANALYSIS FOR AN ANIMAL DAYCARE CENTER, BOARDING KENNEL AND OUTDOOR KENNEL RUN PURSUANT TO SECTION 50-107, ON PROPERTY OWNED BY LUND/CPOC DEVELOPMENT COMPANY, LLC, A DELAWARE LIMITED LIABILITY COMPANY AND LOCATED AT 1010 AIRPORT ROAD NORTH, MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Recommended Action: PAB recommended approval. Agenda Memorandum Resolution Staff Report **Disclosure of Interest** Petition Exhibit A - Operational Plan **Exhibit B - Parking Needs Analysis** Survey Deed Aerial Site Plan **Architectural Plans** Landscape Plans Parking Needs Analysis - Supplemental Data 06-19-2020 **Expert Resumes Planning Staff Resumes Mailing Labels PAB Draft Minutes** 

11.E. 20-CU4 Resolution - Quasi-Judicial - A RESOLUTION RELATING TO A CONDITIONAL USE; DETERMINING PETITION 20-CU4 TO PERMIT A TOTAL OF FOUR RESIDENTIAL DWELLING UNITS ON THE SECOND AND THIRD FLOORS OF A MIXED USE DEVELOPMENT AT A DENSITY OF 6.96 UNITS AN ACRE PURSUANT TO SECTION 58-593(24) ON PROPERTY OWNED BY EIGHT ELEVEN NAPLES, LLC, A FLORIDA LIMITS LIABILITY COMPANY, AND LOCATED AT 675 8TH STREET SOUTH, MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Recommended Action: PAB recommended approval. Agenda Memorandum Resolution **Staff Report** Petition **Disclosure of Interest** Deed Name Change Aerial Survey Site Plan **Architectural Plans** Landscape Plans **Expert Resumes Planning Staff Resumes Mailing Labels PAB Draft Minutes** 

11.F. 20-ODPV4 Resolution - Quasi-Judicial - A RESOLUTION RELATING TO OUTDOOR DINING; DETERMINING PETITION 20-ODPV4 TO ESTABLISH OUTDOOR DINING ON PRIVATE PROPERTY TO INCLUDE THREE TABLES AND EIGHT CHAIRS FOR A RESTAURANT ON PROPERTY OWNED BY EIGHT ELEVEN NAPLES, LLC, A FLORIDA LIMITED LIABILITY COMPANY, LOCATED AT 675 8TH STREET SOUTH, MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Recommended Action: Approve the resolution. Agenda Memorandum Resolution Supplemental Memo Disclosure of Interest Name Change Petition Warranty Deed Plans Survey Mailing Labels Petitioner Qualifications Planning Staff Resumes

- 12. Community Services
  - 12.A. Resolution Legislative A RESOLUTION APPROVING AN EXTENSION TO THE CURRENT USE AGREEMENT WITH GULFSHORE PLAYHOUSE FOR THE USE OF THE NORRIS CENTER, LOCATED WITHIN CAMBIER PARK AT 755 8th AVENUE SOUTH, NAPLES, FLORIDA; AUTHORIZING THE CITY MANAGER TO EXECUTE THE EXTENSION; AND PROVIDING AN EFFECTIVE DATE. Recommended Action: Approve the resolution. Agenda Memorandum Resolution Resolution 15-13646
- 13. Utilities
  - 13.A. Resolution Legislative A RESOLUTION VACATING A PORTION OF A CITY UTILITY EASEMENT AS RECORDED IN O.R. BOOK 2720, PAGE 3180, PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA, MORE FULLY DESCRIBED HEREIN; ACCEPTING AN ALTERNATIVE UTILITY EASEMENT FOR THE CONSTRUCTION, ACCESS, AND MAINTENANCE OF CITY OF NAPLES UTILITIES ON PROPERTY OWNED BY LB NAPLES GRANDE, LLC, MORE FULLY DESCRIBED HEREIN; ACCEPTING AN ACCESS EASEMENT TO ENTER UPON, OVER, AND ACROSS PROPERTY OWNED BY LB NAPLES GRANDE, LLC, FOR ACCESS AND MAINTENANCE OF CITY OF NAPLES UTILITIES, MORE FULLY DESCRIBED HEREIN; DIRECTING THE CITY CLERK TO RECORD THE

VACATION OF UTILITY EASEMENT, THE UTILITY EASEMENT AND ACCESS EASEMENT; AND PROVIDING AN EFFECTIVE DATE.

Recommended Action: Approve the resolution. Agenda Memorandum Resolution City UE Vacation Sketch & Legal Description Utility Easement Agreement Access Easement Owner's Affidavit - Access Easement Owner's Affidavit - Utility Easement Utility Facilities Subordination Consent & Joinder Utility Facilities Warranty Deed & Bill of Sale

- 14. Streets & Stormwater
  - 14.A. Resolution Legislative A RESOLUTION APPROVING A LOCAL AGENCY PROGRAM AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE DESIGN AND CONSTRUCTION OF A SIDEWALK PROJECT ALONG MANDARIN ROAD AND PINE COURT; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE. Recommended Action: Approve the resolution. Agenda Memorandum Resolution Agreement - LAP / FDOT 2013 Public Input & Priorities Mandarin Greenway Sidewalk Loop Public Input
  - 14.B. Resolution Quasi-Judicial A RESOLUTION DETERMINING RIGHT-OF-WAY CONVERSION TO PARKING PERMIT APPLICATION PRRW2000290 FOR PERMEABLE PAVER PARKING IN THE PUBLIC RIGHT-OF-WAY ADJACENT TO THE PROPERTY LOCATED AT 729 10th AVENUE SOUTH OWNED BY TURKEY SHACK WORLDWIDE; AUTHORIZING THE CITY MANAGER TO EXECUTE THE PERMIT WITH SPECIAL CONDITIONS; AND PROVIDING AN EFFECTIVE DATE. Recommended Action: Approve the resolution. Agenda Memorandum

Resolution Current Conditions Photos Application Special Conditions for ROW Permit

14.C. Consider a Contract by Purchase Order for streetscape improvements on 12th Avenue South between 7th and 8th Streets South with Pavement Maintenance, LLC, in an amount of \$132,050.75 that includes a \$5,000 contingency that City staff may allocate for unforeseen conditions if they arise during construction; and authorize the City Manager to issue the Purchase Order.

Recommended Action: Pervious Pavement Option

Authorize a Contract by Purchase Order for streetscape improvements on 12th Avenue South between 7th and 8th Streets South with Pavement Maintenance, LLC in an amount of \$132,050.75 that includes a \$5,000 contingency that City staff may allocate for unforeseen conditions if they arise during construction; and authorize the City Manager to issue the Purchase Order.

Standard Asphalt Pavement Option

Instead of constructing a pervious parking area, City Council may approve an impervious asphalt parking area by authorizing a Contract by Purchase Order with Bonness, Inc. in the amount of \$84,199.76; and authorize the City Manager to issue the Purchase Order.

Agenda Memorandum Plans-Scope Quote Summary 2018-00066 Pavement Maintenance, LLC.pdf 2018-00063 Bonness, Inc.

- 15. City Council
  - 15.A. 20-011 Provision of Legal Services RFP distribution of submittals. Recommended Action: Accept the submittals. Agenda Memorandum RFP 20-011
- 16. Code Enforcement

16.A. Quasi-Judicial - A RESOLUTION DETERMINING A REQUEST TO COMPROMISE AND RELEASE A LIEN AND TO REDUCE THE REQUIRED PAYMENT FOR PREVIOUSLY ACCUMULATED FINES UNDER CODE ENFORCEMENT BOARD CASE NO. 18-406698; AND PROVIDING AN EFFECTIVE DATE. Recommended Action: Staff recommends City Council consider the following: 1. No reduction of the lien. Amount due is \$29,500. 2. A reduction in the lien from \$29,500 to \$ 3. The fine reduction set forth in the Resolution is contingent upon receipt by the City Naples of the full payment in the specified amounts of on or before \_\_\_\_\_, 2020. Agenda Memorandum Resolution **Respondents' Request Respondents' Documents Notice of Violation** Notice of Hearing Findings of Fact, Conclusions of Law and Order

### Recorded Order Imposing Fine/Lien

- 17. City Attorney
  - 17.A. Review of State of Local Emergency Resolution. Recommended Action: Discussion and direction. Agenda Memorandum Resolution 2020-14473
  - 17.B. Request for Executive Sessions to be hele during the August 28, 2020 Special City Council Meeting to discuss pending litigation cases 2:19-cv-305-FtM-29MRM; and 2018-CA-OO1255. Recommended Action: Approve requests. Agenda Memorandum Request by City Attorney

Public Comment

Correspondence and Communications

Adjourn