

**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, Raymond Christman, Terry Hutchison, Michelle McLeod, Ellen Seigel**

**City Attorney: James Fox • City Clerk: Patricia Rambosk • City Manager: Charles Chapman**

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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, March 4, 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 <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. Do the Right Thing recognitions
  - 3.B. Procurement 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. Flood Awareness Week Proclamation

3.D. American Red Cross Month Proclamation

4. Set agenda (add or remove items)

5. Public Comment

## CONSENT AGENDA

6. City Clerk

6.A. APPROVAL OF THE JANUARY 15, 2020 REGULAR MEETING MINUTES AND THE FEBRUARY 5, 2020 REGULAR MEETING MINUTES.

Recommended Action: Approve as submitted.

[Agenda Memorandum](#)

[January 15, 2020 Regular Meeting minutes](#)

[February 5, 2020 Regular Meeting minutes](#)

7. Community Services

7.A. SPECIAL EVENTS - REPEAT EVENTS

(1) 33rd Annual Naples Depot Antique Car Show - Naples-Marco Island Antique Auto Club - Naples Depot - 3/28/2020; (2) 6th Annual 5K Run/Walk - Mason Classical Academy - 4/4/2020; (3) Evenings on Fifth and Sidewalk Sale - Fifth Avenue South Business Improvement District (FASBID) - 5th Avenue South - 4/9/2020, 5/14/2020 and 6/11/2020; (4) 10th Annual Blues, Brews & BBQ - Pinchers/Phelan Family Brands - Tin City - 5/8/2020 and 5/9/2020; (5) 44th Annual Great Dock Canoe Race - Crayton Cove/City Dock - 5/9/2020; (6) Tropicool 5k Race - Gulf Coast Runners (GCR) - Old Naples - 5/17/2020; (7) SNIP Collier 5K Run/Walk - Collier Spay and Neuter Initiative Program (SNIP) - Cambier Park - 5/25/2020 (Memorial Day); (8) 34th Annual Fitness Triathlon - Naples Beach Hotel - 7/7/2020; (9) Moe's Firecracker 5k Run - Gulf Coast Runners (GCR) - Fleischmann Park - 7/4/2020.

Recommended Action: Review and approve as submitted.

[Agenda Memorandum](#)

7.B. Resolution - Legislative - A RESOLUTION APPROVING AMENDMENT #3 TO THE 2017-2018 TOURISM AGREEMENT BETWEEN COLLIER COUNTY AND THE CITY OF NAPLES CATEGORY "A" 8TH AVENUE SOUTH BEACH PARK IMPROVEMENTS; AUTHORIZING THE MAYOR TO EXECUTE THE AMENDMENT; AND PROVIDING AN EFFECTIVE DATE.

Recommended Action: Approve the resolution.

[Agenda Memorandum](#)

[Resolution](#)

[Amendment 3](#)  
[Agreement](#)  
[Amendment 1](#)  
[Amendment 2](#)

8. Technology Services

- 8.A. Legislative - AUTHORIZATION TO PURCHASE HARDWARE, SOFTWARE, AND LICENSING IN THE AMOUNT OF \$156,371.44 FROM CDW-G FOR TECHNOLOGY EQUIPMENT.

Recommended Action: Approve the purchase.

[Agenda Memorandum](#)

9. Utilities

- 9.A. Legislative - APPROVE A TASK ORDER AGREEMENT AMENDMENT WITH WESTON & SAMPSON ENGINEERS, INC. IN AN AMOUNT OF \$69,400 TO PROVIDE PROFESSIONAL DESIGN AND ENGINEERING SERVICES FOR THE REPLACEMENT OF TWO (2) SUB-AQUEOUS SEWER FORCE MAINS LOCATED UNDER THE GORDON RIVER AND ROCK CREEK.

Recommended Action: Approve Task Order Agreement Amendment.

[Agenda Memorandum](#)

[Agreement - Weston & Sampson Engineers, Inc.](#)

END OF CONSENT AGENDA

10. Community Services

- 10.A. SPECIAL EVENT - NEW EVENT REQUEST

(1) Keep Movin' 4 Mental Health 3K Fun Run/Walk - H.E.L.L.P. Inc., of Naples - Baker Park - 5/2/2020

Recommended Action: Review and approve as submitted.

[Agenda Memorandum](#)

[Special Event - Permit Application](#)

- 10.B. Ordinance - Second Reading - Legislative - AN ORDINANCE RELATING TO TREE PROTECTION; AMENDING CHAPTER 38, TREE PROTECTION, CODE OF ORDINANCES OF THE CITY OF NAPLES, FLORIDA TO COMPLY WITH FLORIDA STATE STATUTE 163.045; PROVIDING FOR CONFLICT AND SEVERANCE; PROVIDING A REPEALER PROVISION; AND AN EFFECTIVE DATE.

Recommended Action: Adopt the Ordinance.

[Agenda Memorandum](#)

[Ordinance](#)

- 10.C. Resolution - Legislative - A RESOLUTION RELATING TO PUBLIC ART; ACCEPTING A DONATION OF PUBLIC ART; AMENDING THE FISCAL YEAR 2019-20 BUDGET ADOPTED BY RESOLUTION 2019-14400 BY APPROPRIATING FUNDS FROM THE

PUBLIC ART FUND; AUTHORIZING THE EXPENDITURE OF PUBLIC ART FUNDS FOR THE INSTALLATION AND INSURANCE OF THE ARTWORK; AND PROVIDING AN EFFECTIVE DATE.

Recommended Action: Approve a Resolution.

[Agenda Memorandum](#)

[Resolution](#)

[Katherine Spalding Donation Letter](#)

[Kathy Spalding Biography](#)

## 11. Utilities

- 11.A. 1) Resolution - Legislative - A RESOLUTION AMENDING THE FY 2019-20 BUDGET ADOPTED BY RESOLUTION 2019-14400 IN THE AMOUNT OF \$782,775 TO PROVIDE SUFFICIENT FUNDING FOR THE REPLACEMENT OF THE GENERATORS LOCATED AT THE WATER TREATMENT PLANT; and  
2) AWARD OF CONTRACT BY PURCHASE ORDER WITH ACF STANDBY SYSTEMS LLC FOR THE PURCHASE OF THE THREE REPLACEMENT EMERGENCY STANDBY GENERATORS FOR THE WATER TREATMENT PLANT IN THE AMOUNT OF \$782,775.

Recommended Action: 1) Approve the resolution; and

2) Award the Contract by Purchase Order with ACF Standby Systems LLC in the amount of \$782,775.

[Agenda Memorandum](#)

[Resolution](#)

[FSA Contract](#)

## 12. Building

- 12.A. 19-T9 - Ordinance -Second Reading - Legislative - ORDINANCE RELATED TO FLOODPLAIN MANAGEMENT; AMENDING CHAPTER 16, CONSTRUCTION, REHABILITATION AND PROPERTY MAINTENANCE REGULATIONS, SECTION 16-82, VARIANCES AND APPEALS TO FLOODPLAIN MANAGEMENT REGULATIONS, SECTION 16-112, FLORIDA BUILDING CODE ADOPTED; AMENDMENTS, AND ARTICLE IV, FLOODPLAIN MANAGEMENT (SECTIONS 16-141 THROUGH 16-151); ADDING A NEW SECTION 16-116, HISTORIC BUILDINGS; AMENDING CHAPTER 44, GENERAL PROVISIONS, SECTION 44-8, DEFINITIONS; AND AMENDING SECTIONS RELATING TO MINIMUM YARDS AND MAXIMUM HEIGHT THROUGHOUT CHAPTER 58, ZONING, SECTIONS 58-56, 58-58, 58-86, 58-88, 58-116, 58-118, 58-146, 58-148, 58-176, 58-178, 58-206, 58-208, 58-236, 58-238, 58-298, 58-328, AND SECTION 58-911, STANDARDS FOR SITE DESIGN, TO BRING THE REGULATIONS INTO COMPLIANCE WITH THE MOST CURRENT FEMA-APPROVED FLOODPLAIN MANAGEMENT ORDINANCE FOR FLORIDA COMMUNITIES; AND FOR OTHER PURPOSES; APPROVING TEXT AMENDMENT 19-T9; PROVIDING A SEVERABILITY CLAUSE; A REPEALER PROVISION; AND AN EFFECTIVE DATE.

Recommended Action: Adopt the ordinance.

[Agenda Memorandum](#)

[Ordinance](#)  
[CRS Class 5 Ltr from FEMA](#)

13. Planning

- 13.A. 20-LE1 - Resolution - Quasi Judicial - A RESOLUTION RELATING TO OUTDOOR LIVE ENTERTAINMENT; DETERMINING PETITION 20-LE1 TO ALLOW AMPLIFIED OUTDOOR LIVE ENTERTAINMENT CONSISTING OF UP TO TWO MUSICIANS ON SUNDAY THROUGH WEDNESDAY FROM 5:00 P.M. TO 10:00 P.M., AND ON THURSDAY THROUGH SATURDAY FROM 5:00 P.M. TO 12:00 A.M., TO BE LOCATED EITHER AT THE OUTDOOR AREA IN FRONT OF THE RESTAURANT OR AT THE OUTDOOR COVERED AREA AT THE REAR OF THE RESTAURANT, FOR THE BEVY RESTAURANT ON PROPERTY OWNED BY 360 TWELFTH AVE HOLDINGS, LLC, AND LOCATED AT 360 12TH AVENUE SOUTH, MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Recommended Action: Denial.

[Agenda Memorandum](#)

[Resolution](#)

[Supplemental Memorandum](#)

[Application and Disclosures](#)

[Resolution 2018-14230](#)

[Resolution 2019-14409](#)

[Correspondence](#)

[Memo from Police for 19-LE5](#)

[A Timeline of Events - Police](#)

[Notification Labels](#)

[Planning Staff Resumes](#)

- 13.B. 20-ODPV2 - Resolution - Quasi Judicial - A RESOLUTION DETERMINING OUTDOOR DINING ON PRIVATE PROPERTY PETITION 20-ODPV2, PURSUANT TO SECTION 56-126 OF THE CODE OF ORDINANCES TO ALLOW 16 TABLES, 72 SEATS, 6 BAR SEATS, 4 SPACE HEATERS, AND 5 RENSON AWNINGS OVER THE OUTDOOR DINING AREA ON THE WEST SIDE OF THE RESTAURANT; 3 TABLES AND 12 SEATS ON THE NORTH SIDE OF THE RESTAURANT, AND A SEATING AREA ON THE SOUTH SIDE OF THE RESTAURANT TO INCLUDE 3 COFFEE TABLES, A FIRE PIT, 2 UMBRELLAS, 3 SPACE HEATERS, AND SEATING FOR 30, FOR LAKE PARK DINER, ON PROPERTY OWNED BY MARKIT, LLC, AND LOCATED AT 944 7TH AVENUE NORTH, MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Recommended Action: Approve the resolution.

[Agenda Memorandum](#)

[Resolution](#)

[Supplemental Memo](#)

[Code Enforcement Report 2-25-20](#)

[Application](#)

[Disclosure](#)

[Site Plan](#)

[Furniture](#)

[Administrative approval Lake Park Diner with Attachments](#)

[Resolution 2019-14411](#)

[Site Plan for Resolution 2019-14411](#)

[Correspondence](#)

[Matthew Kragh Bio](#)

[Planning Staff Resumes](#)

[Notification Labels](#)

- 13.C. 20-ODPB1 - Resolution - Quasi Judicial - A RESOLUTION DETERMINING OUTDOOR DINING PETITION 20-ODPB1 GRANTING OUTDOOR DINING ON PUBLIC PROPERTY TO INCLUDE FOUR TABLES AND EIGHT CHAIRS FOR GELATO & CO, LOCATED AT 483 5TH AVENUE SOUTH ON PROPERTY OWNED BY RETAIL AT 5TH & 5TH, LLC SAID PROPERTY BEING MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Recommended Action: Approve the resolution.

[Agenda Memorandum](#)

[Resolution](#)

[Supplemental Memorandum](#)

[Application](#)

[Deed](#)

[Disclosure of Interest](#)

[Plans](#)

[Table and Chair](#)

[Petitioner Resume](#)

[Mailing Labels](#)

[Planning Staff Resumes](#)

- 13.D. 20-N2 - Resolution - Quasi Judicial - A RESOLUTION DETERMINING NONCONFORMITY PETITION 20-N2 PURSUANT TO SECTION 46-35(A)(5) OF THE LAND DEVELOPMENT CODE TO GRANT AN EXTENSION OF TIME TO REESTABLISH A NONCONFORMING USE LOCATED IN THE C1-A COMMERCIAL CORE DISTRICT AND THE 5TH AVENUE SOUTH SPECIAL OVERLAY DISTRICT PROPERTY OWNED BY REINCO, INC, LOCATED AT 494 5TH AVENUE SOUTH; AND PROVIDING AN EFFECTIVE DATE.

Recommended Action: Approve with conditions

[Agenda Memorandum](#)

[Resolution](#)

[Letter of Request](#)

[Deed](#)  
[Exhibit A](#)  
[Exhibit B](#)  
[Exhibit C](#)  
[Exhibit D](#)  
[Exhibit E](#)  
[Correspondence](#)

- 13.E. 19-T15 - Ordinance - Second Reading - Legislative - AN ORDINANCE RELATING TO VARIANCE CRITERIA; AMENDING CHAPTER 46, ADMINISTRATION, PROCEDURES AND ENFORCEMENT, ARTICLE II, ADMINISTRATIVE PROCEDURES, SECTION 46-37, VARIANCES TO ZONING REQUIREMENTS, SUBSECTION 46-37(b)(3) AND SUBSECTION 46-37(c), VARIANCE CRITERIA, OF THE CODE OF ORDINANCES, CITY OF NAPLES, PURSUANT TO TEXT AMENDMENT 19-T15 TO CHANGE THE NOTICE REQUIREMENTS FOR VARIANCES AND AMEND THE CRITERIA FOR GRANTING VARIANCES TO ZONING REGULATIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER PROVISION; AND PROVIDING AN EFFECTIVE DATE.

Recommended Action: Approve Ordinance at Second Reading.

[Agenda Memorandum](#)

[Ordinance](#)

[Memorandum from City Attorney to City Council](#)

[PAB Report](#)

- 13.F. 19-T16 - Ordinance - Second Reading - Legislative - AN ORDINANCE RELATING TO SITE PLAN REVIEW AND SITE PLAN WITH DEVIATIONS; AMENDING CHAPTER 46, ADMINISTRATION, PROCEDURES AND ENFORCEMENT, ARTICLE II, ADMINISTRATIVE PROCEDURES, SECTION 46-33, SITE PLAN REVIEW AND SITE PLAN WITH DEVIATIONS, OF THE CODE OF ORDINANCES, CITY OF NAPLES, PURSUANT TO TEXT AMENDMENT 19-T16 TO AMEND THE PROCESS FOR REVIEW OF SITE PLANS AND ELIMINATE THE SITE PLAN WITH DEVIATIONS PROCESS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER PROVISION; AND PROVIDING AN EFFECTIVE DATE.

Recommended Action: Approve the Ordinance on Second Reading.

[Agenda Memorandum](#)

[Ordinance](#)

[Development Review Process Flow Chart](#)

[PAB Report](#)

[Ordinance 08-12280](#)

- 13.G. Vision 2020, Our Community's Vision for the Future.  
Recommended Action: Review and provide direction.

[Agenda Memorandum](#)

[Memorandum from Chairman Feight](#)

Draft - Naples 2020 - Our Community's Vision for the Future

14. City Clerk

- 14.A. Review and discussion of recommendations and selection of the recipient for the 2020 Sam Noe Award.

Recommended Action: Select the recipient of the 2020 Sam Noe Award.

[Agenda Memorandum](#)

[Selfon recommendation - Mayor Barnett](#)

[Selfon recommendation - Derek Perry](#)

[Resolution 15-13622 - Guidelines for selection process](#)

Public Comment

Correspondence and Communications

Adjourn