

**NOTICE OF MEETING AND AGENDA (SUPPLEMENT 1)  
Naples City Council  
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.**

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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, April 7, 2021  
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 Awards Presentation

**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.B. 2021 Water Conservation Proclamation
- 3.C. National Public Safety Telecommunicators Week Proclamation
- 3.D. Genocide Awareness Month

- 4. Set agenda (add or remove items)
- 5. Public Comment

#### CONSENT AGENDA

- 6. City Clerk
  - 6.A. Approval of the February 16, 2021 Workshop Meeting minutes, the February 17, 2021 Regular Meeting minutes, and the March 3, 2021 Regular Meeting minutes. Recommended Action: Approve as submitted.  
[Agenda Memorandum](#)  
[February 16, 2021 Workshop Meeting minutes](#)  
[February 17, 2021 Regular Meeting minutes](#)  
[March 3, 2021 Regular Meeting minutes](#)
- 7. Community Services
  - 7.A. SPECIAL EVENT - REPEAT EVENTS  
(1) The Evenings on Fifth and Sidewalk Sale - Fifth Avenue South Business Improvement District (FASBID) - 5th Avenue South - May 7, May 14, June 4 and July 2, 2021 - 6:30 p.m. - 9:30 p.m.  
Recommended Action: Review and approve the repeat special events as submitted.  
[Agenda Memorandum](#)
  - 7.B. SPECIAL EVENT - NEW EVENT  
(1) Gulfshore Playhouse Groundbreaking Event - on private property at the SW Corner of Goodlette Road South and 1st Avenue South - Wednesday, April 21, 2021 - 7:00 p.m. – 9:00 p.m.  
Recommended Action: Review and approve the new special event as submitted.  
[Agenda Memorandum](#)  
[Gulfshore Playhouse Groundbreaking](#)
- 8. Utilities
  - 8.A. Consider an agreement with Accurate Power and Technology, Inc. to provide annual maintenance and repair services for the City's standby generators in the amount limited to the adopted budgets approved by City Council and to authorize the City Manager to execute the contract. Annual expenditures for scheduled maintenance

and annual load bank testing services total \$51,564; this amount does not include unexpected repairs.

Recommended Action: Approve the agreement.

[Agenda Memorandum](#)

[Agreement - Accurate Power and Technology, Inc.](#)

[Bid Analysis](#)

- 8.B. Ordinance - Second Reading - AN ORDINANCE RELATING TO CONSERVATION REGULATIONS; AMENDING CHAPTER 30, UTILITIES, ARTICLE II, WATER, DIVISION 2, CONSERVATION REGULATIONS, ADDING SECTION 30-69, VARIANCES; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.

Recommended Action: Adopt the Ordinance at Second Reading.

[Agenda Memorandum](#)

[Ordinance](#)

[VARIANCE SIGN](#)

9. Streets & Stormwater

- 9.A. Resolution - Legislative - A RESOLUTION APPROVING A SUPPLEMENTAL LOCAL AGENCY PROGRAM AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION TO ACCEPT ADDITIONAL GRANT FUNDING AND TIME FOR THE DESIGN AND CONSTRUCTION OF THE SOUTH GOLF DRIVE IMPROVEMENT PROJECT; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE. (RFP 20-042)

Recommended Action: Approve the resolution.

[Agenda Memorandum](#)

[Resolution](#)

[Original Executed LAP](#)

[Agreement - LAP Supplemental](#)

END OF CONSENT AGENDA

10. Streets & Stormwater

- 10.A. 1. Resolution - Legislative - A RESOLUTION AMENDING THE 2020-21 BUDGET ADOPTED BY RESOLUTION 2020-14570 TO FUND THE COST OF STREETScape IMPROVEMENTS TO 12TH AVENUE SOUTH, BETWEEN 7TH AND 8TH STREETS SOUTH; AND PROVIDING AN EFFECTIVE DATE.

2. Consider a contract by purchase order for streetscape improvements on 12th Avenue South, between 7th and 8th Streets South, with Bonness, Inc. in an amount of \$167,924.06; and authorize the City Manager to issue the Purchase Order. This provides for organized permeable brick paver parking area along the south side of 12th Avenue South and expanded asphalt parking along the north side.

Recommended Action: 1. Approve the resolution.

2. Approve the contract by purchase order.

[Agenda Memorandum](#)  
[Resolution](#)  
[Plans-Scope of Work](#)  
[Quote Analysis](#)

- 10.B. A status update of the Naples Beach Restoration and Water Quality Improvement Project (Beach Outfall Removal Project).

Recommended Action: Accept the presentation.

[Agenda Memorandum](#)

[Supplemental Agenda Memorandum \(SUPPLEMENT 1 / ADDED ATTACHMENT\)](#)

[Progress Report #4 \(SUPPLEMENT 1 / ADDED ATTACHMENT\)](#)

11. Community Services

- 11.A. Award of contract to Hannula Landscaping & Irrigation of Ft. Myers, FL for the restoration of the landscape medians on Goodlette-Frank Road from US41 (5th Ave S) to 7th Ave N in the amount of \$254,246.76 (Bid # 21-014).

Recommended Action: Award the contract.

[Agenda Memorandum](#)

[Agreement - Hannula Landscaping & Irrigation, Inc.](#)

12. Planning

- 12.A. 20-CU7 - Resolution - Quasi-Judicial - A RESOLUTION RELATING TO A CONDITIONAL USE FOR A DRIVE-THROUGH FACILITY AS ACCESSORY TO A FINANCIAL INSTITUTION; DETERMINING PETITION 20-CU7, PURSUANT TO SECTION III OF THE PARK SHORE PLAZA PLANNED DEVELOPMENT ON PROPERTY OWNED BY BRIXMOR PARK SHORE SC, LLC, AND LOCATED AT 4395 9TH STREET NORTH, MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE. (1:00 P.M. TIME CERTAIN)

Recommended Action: Consider a continuance to May 19, 2021, 1:00 p.m. TIME CERTAIN.

[Continuance Memorandum](#)

[bdg Continuance Request](#)

- 12.B. 21-SD1 Resolution - Quasi-Judicial - A RESOLUTION RELATING TO A SUBDIVISION REPLAT; DETERMINING PETITION 21-SD1 FOR PRELIMINARY AND FINAL (RECORD) PLAT ACCEPTANCE APPROVAL, PURSUANT TO SECTION 54-4 OF THE CODE OF ORDINANCES, FOR THE NAPLES BEACH HOTEL AND GOLF CLUB, ON PROPERTY CONTAINING APPROXIMATELY 7.45 ACRES OWNED BY NAPLES GOLF AND BEACH CLUB, INC., A FLORIDA CORPORATION, AND LOCATED AT 1090 CRAYTON ROAD, MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Recommended Action: Consider the Resolution.

[Agenda Memorandum](#)  
[Resolution](#)  
[Staff Report](#)  
[Streets & Stormwater Memorandum](#)  
[Petition](#)  
[Disclosure of Interest - Naples Golf and Beach Club, Inc](#)  
[Disclosure of Interest - Naples Property Holding Company LLC](#)  
[Deed](#)  
[Opinion of Title](#)  
[Plat Opinion Tract RT-1](#)  
[Aerial](#)  
[Survey](#)  
[Proposed Plat](#)  
[Existing Plat](#)  
[Ingress Egress Access Easement](#)  
[Petitioner Qualifications](#)  
[Staff Qualifications](#)  
[Mailing Labels](#)

- 12.C. Resolution - Quasi-Judicial - A RESOLUTION SETTING THE PUBLIC HEARINGS FOR TEXT AMENDMENT 20-T3 FOR AN AMENDMENT TO CHAPTER 58, ARTICLE III DIVISION 6, SECTION 58-1134(C) OF THE CITY OF NAPLES CODE OF ORDINANCES TO ALLOW ROOFTOP RESTAURANTS WHICH EXCLUSIVELY OCCUPY THE SECOND OR THIRD STORIES IN EXISTING BUILDINGS IN THE FIFTH AVENUE SOUTH SPECIAL OVERLAY, AS PART OF REGULAR CITY COUNCIL MEETINGS BEFORE 5:00 P.M.; AND PROVIDING AN EFFECTIVE DATE.

Recommended Action: Consider the resolution.

[Agenda Memorandum](#)

[Resolution](#)

13. City Council

- 13.A. Ausley McMullen fees relating to the Naples Beach Hotel project.

Recommended Action: Discussion and direction.

[Agenda Memorandum](#)

- 13.B. Consideration of the Legal Services agreement with the Vose Law Firm (Additional material to be provided).

Recommended Action: Consider the agreement.

[Agenda Memorandum](#)

[Agreement - Vose Law Firm](#)

[2020-21 Extension of Roetzel & Andress Contract](#)

[2019-00127 Roetzel & Andress](#)

[2018-00195 Roetzel& Andress](#)

[Revised Agreement - Vose Law Firm \(SUPPLEMENT 1 / ADDED ATTACHMENT\)](#)  
[Revised Agreement - Vose Law Firm - Redlined \(SUPPLEMENT 1 / ADDED ATTACHMENT\)](#)  
[Exhibit A - Insurance Requirements \(SUPPLEMENT 1 / ADDED ATTACHMENT\)](#)

- 13.C. Discussion of legal services rendered to the Mayor by the Boatman Ricci Law Firm.  
Recommended Action: Discussion.  
[Agenda Memorandum](#)  
[Boatman Ricci Statement 11760](#)  
[Boatman Ricci Statement 11890](#)  
[Email - FW\\_ Engagement Agreement and Invoice. This is confidential information for Mr . Chapman](#)  
[Email Attachment #1 - EA - Retention Contract Office of Mayor](#)  
[Email Attachment #2 - Boatman Ricci Statement 11760 2-22-21](#)  
[Email Attachment #3 - Roetzel and Andress Contract](#)  
[Email Attachment #4 - City Charter sans Legal Description of Geographical Boundaries](#)  
[Email Attachment #5 - City of Naples Procurement Policy](#)

14. City Attorney

- 14.A. Executive Session to discuss settlement negotiations and strategy in reference to the following litigation case: HARRY E. CRISWELL, II and LAURA B. Criswell v CITY OF NAPLES, FLORIDA / CASE NO.: 2:19-cv-305-FtM-29MRM. (12:00 P.M. TIME CERTAIN)  
Recommended Action: Hold the executive session.  
[Agenda Memorandum](#)  
[Public Notice](#)  
[Mayor's Script](#)

- 14.B. Review of the State of Local Emergency resolution.  
[Agenda Memorandum](#)  
[Resolution 2020-14580](#)

15. Planning

- 15.A. 21-R1 Ordinance - Quasi-Judicial - AN ORDINANCE DETERMINING REZONE TO PLANNED DEVELOPMENT PETITION 21-R1, REZONING FROM PD PLANNED DEVELOPMENT TO AN AMENDED AND RESTATED PD PLANNED DEVELOPMENT TO AMEND THE NAPLES SQUARE PLANNED DEVELOPMENT (ORDINANCE 2020-14522) FOR THE PROPERTY OWNED BY WSR NAPLES SQUARE COMMERCIAL, LLC, A FLORIDA LIMITED LIABILITY COMPANY, LOCATED AT 1195 5TH AVENUE SOUTH, 402 GOODLETTE-FRANK ROAD, AND 192 GOODLETTE FRANK ROAD; ADOPTING THE PLANNED DEVELOPMENT DOCUMENT AS AMENDED HEREIN; AND PROVIDING A SEVERABILITY

CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE. (5:05 P.M. TIME CERTAIN)

Recommended Action: Consider the ordinance at First Reading; schedule for Second Reading and Public Hearing on May 5, 2021.

[Agenda Memorandum](#)

[Ordinance with Redlined PD Document](#)

[PD Document - Clean](#)

[Staff Report](#)

[Petition](#)

[Deed - WSR Naples Square Commercial, LLC](#)

[Deed - WSR Old Naples LLC](#)

[Disclosure of Interest - OTO Development, LLC](#)

[Disclosure of Interest - WSR Naples Square Commercial, LLC](#)

[Survey - North](#)

[Survey - South](#)

[Aerial](#)

[Exhibit A](#)

[Exhibit B](#)

[Exhibit D - Naples Square Plat](#)

[Exhibit E](#)

[Planning Staff Qualifications](#)

[Petitioner Qualifications](#)

[Mailing Labels](#)

[Letters of Support \(SUPPLEMENT 1 / ADDED ATTACHMENT\)](#)

Public Comment

Correspondence and Communications

Adjourn