

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: Nancy Stuparich • 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, May 5, 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

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.A. Do the Right Thing presentation of Marc Newberry Memorial Scholarship

- 3.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](#)

4. Set agenda (add or remove items)

5. Public Comment

CONSENT AGENDA

6. City Clerk

- 6.A. Approval of the March 1, 2021 Joint City Council and Planning Advisory Board Workshop Meeting minutes and the April 5, 2021 Workshop Meeting minutes.
Recommended Action: Approve as submitted.

[Agenda Memorandum](#)

[March 1, 2021 Joint City Council & Planning Advisory Board Workshop minutes](#)

[April 5, 2021 Workshop Meeting minutes](#)

7. Utilities

- 7.A. Resolution - Legislative - A RESOLUTION AMENDING THE INTERLOCAL AGREEMENT WITH LEE COUNTY PUBLIC UTILITIES AND THE CITY OF NAPLES THAT EXTENDS THE AGREEMENT TERMINATION DATE FOR THE PROCESSING OF RECYCLABLE MATERIAL COLLECTED FROM CITY RESIDENTIAL CUSTOMERS; AUTHORIZING THE MAYOR TO EXECUTE THE AMENDED INTERLOCAL AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.
Recommended Action: Approve the resolution.

[Agenda Memorandum](#)

[Resolution](#)

[Agreement - City County Interlocal](#)

8. Finance

- 8.A. Resolution - Legislative - A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT THE DIRECT ALLOCATION OF FUNDS FROM THE AMERICAN RESCUE PLAN ACT OF 2021 AND TO FURTHER AUTHORIZE THE ESTABLISHMENT OF THE "131 AMERICAN RESCUE PLAN (COVID19) FUND" FOR THE PURPOSE OF DEPOSITING THE PROCEEDS AND RECORDING ALL TRANSACTIONS RELATED TO ACTIVITIES DEFINED UNDER THE TERMS OF THE ACT AND AUTHORIZED BY CITY COUNCIL; AND PROVIDING AN EFFECTIVE DATE.
Recommended Action: Approve the resolution.

[Agenda Memorandum](#)

[Resolution](#)

[American Rescue Plan Act of 2021](#)

[Subtitle M Coronavirus State and Local Fiscal Recovery Fund](#)

[American Rescue Plan - Florida League of Cities - Allocation](#)

9. Community Redevelopment Agency (CRA)

- 9.A. Resolution - Legislative - A RESOLUTION ESTABLISHING THE COMMUNITY REDEVELOPMENT AGENCY (CRA) ADMINISTRATOR POSITION IN THE FISCAL YEAR 2020-21 CRA BUDGET; AUTHORIZING THE CITY MANAGER TO SOLICIT APPLICANTS TO FILL THE POSITION; AND PROVIDING AN EFFECTIVE DATE.
Recommended Action: Approve the Resolution.

[Agenda Memorandum](#)

[Resolution](#)

[Community Redevelopment Administrator Job Classification](#)

[Agenda Memo from 2-2-2022 CRA meeting](#)

10. Streets and Stormwater

- 10.A. Resolution - Legislative - A RESOLUTION APPROVING AN INTERLOCAL AGREEMENT BETWEEN COLLIER COUNTY GOVERNMENT AND THE CITY OF NAPLES TO ALLOW FOR VIDEO AND DATA SHARING BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION, COLLIER COUNTY, AND THE CITY OF NAPLES; AUTHORIZING THE MAYOR TO EXECUTE THE INTERLOCAL AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.
Recommended Action: Approve the resolution.

[Agenda Memorandum](#)

[Resolution](#)

[Agreement - City County Interlocal](#)

[County-FDOT LAP Agreement & NTP](#)

- 10.B. Consider an Award of Contract to V&H Construction, Inc., for maintenance repairs to the Mooring Line Drive bridge and authorize the City Manager to execute a contract in an amount of \$58,360.00.
Recommended Action: Award the contract.

[Agenda Memorandum](#)

[Agreement - V&H Construction, Inc.](#)

[21-024 Bid Analysis](#)

11. Planning

- 11.A. Update on Bayfront Outdoor Dining Plans.
Recommended Action: Informational Update Only - No action required.

[Agenda Memorandum](#)

[Bayfront Outdoor Dining Plans](#)

END OF CONSENT AGENDA

12. City Manager

- 12.A. City of Naples official Vision Statement and Document (Continued from April 21, 2021 meeting).

Recommended Action: Adopt the official Vision Statement and Document.

[Agenda Memorandum](#)

[Vision Statement and Document 2021](#)

13. Streets & Stormwater

- 13.A. Ordinance - Legislative - First Reading - AN ORDINANCE RELATING TO STORMWATER; AMENDING CHAPTER 16, CONSTRUCTION, REHABILITATION AND PROPERTY MAINTENANCE REGULATIONS, ARTICLE II, ADMINISTRATION, DIVISION 2, BUILDING FEES, SECTION 16-51, DEFINITIONS; ARTICLE III, BUILDING AND TECHNICAL CODES, SECTION 16-115, STORMWATER CONSTRUCTION STANDARDS; CHAPTER 30, UTILITIES, ARTICLE VI, STORMWATER MANAGEMENT, SECTION 30-339; ADJUSTMENT OF FEES; CHAPTER 30, ARTICLE VI, SECTION 30-340; CHAPTER 30, ARTICLE VIII, WITH THE ADDITION OF SECTIONS 30-400 THROUGH 30-420; PURSUANT TO TEXT AMENDMENT 21-T1; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER PROVISION; AND PROVIDING AN EFFECTIVE DATE.

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

[Agenda Memorandum](#)

[Ordinance](#)

[Resolution \(Discussion Only\)](#)

[City Council Code Summary 2021-04-21](#)

[Letters to Mayor & Council](#)

14. Planning

- 14.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.

Recommended Action: Consider the ordinance at Second Reading.

[Agenda Memorandum](#)

[2021-04-07 CCR Draft Minutes](#)

[21-R1 PD Document Redline - revised from 1st Reading](#)

21-R1 PD Document clean - revised from 1st Reading
Staff Report
Petition
Deed - WSR Naples Square Commercial, LLC
Deed - WSR Old Naples LLC
Ordinance
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
June 2020 PAB Staff Report
June 2020 PAB minutes
Commercial North - Architectural Plans
Commercial South - Architectural Plans
Commercial South - Uniform Sign Plan
Consolidated Site Plan
OTO - AC Marriott Operations Plan
Letters of Support
Correspondence received after 4-7-21
Petitioner Qualifications
Planning Department Credentials
Mailing Labels
Commercial North Traffic Impact Statement (SUPPLEMENT 1 / ADDED ATTACHMENT)
Commercial South Traffic Impact Statement (SUPPLEMENT 1 / ADDED ATTACHMENT)
Letters of Support (SUPPLEMENT 1 - ADDED ATTACHMENT)
Resume - Gavin, Tim (SUPPLEMENT 1 / ADDED ATTACHMENT)

- 14.B. Consider a Resolution determining a Site Plan for the Downtown District of the Naples Square Planned Development; approving Site Plan Petitions 18-SP19 and 20-SP14 on approximately 6.79 acres of the Naples Square Planned Development on property located at 1195 5th Avenue South, 402 Goodlette-Frank Road and 192 Goodlette-Frank Road.
Recommended Action: Continue to May 19, 2021 Regular City Council meeting.
[Continuance Memorandum](#)
- 14.C. 21-ODPV4 - Resolution - Quasi-Judicial - A RESOLUTION DETERMINING OUTDOOR DINING PETITION 21-ODPV4 TO ESTABLISH OUTDOOR DINING ON PRIVATE

PROPERTY TO INCLUDE 25 TABLES AND 108 CHAIRS FOR DAMICO & SONS, LLC, D/B/A ZIGGY D'AMICO'S WHISKEY BAR & DINER, ON PROPERTY OWNED BY NEW MARKET – NEAPOLITAN, LLC, AND LOCATED AT 4691 9TH STREET NORTH, MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Recommended Action: Consider the resolution

[Agenda Memorandum](#)

[Resolution](#)

[21-ODPV4 Staff Supplemental Memorandum](#)

[Outdoor Dining Petition](#)

[Disclosure of Interest - D'Amico and Son LLC](#)

[Disclosure of Interest - New Market Neapolitan](#)

[D'Amico and Sons Lease](#)

[Tables and Chairs](#)

[Life Safety Site Plan - 04-26-21](#)

[2018-14262 with PNA](#)

[18-CU7 Site Visit - Outside Dining - 10-10-18](#)

[Covid-19 - Ziggy D'Amico's Outdoor Dining Temporary Use Permit](#)

[Planning Department Credentials](#)

[Mailing Labels](#)

[Letters of Objection](#)

- 14.D. 21-LE3 Resolution - Quasi-Judicial - A RESOLUTION DETERMINING LIVE ENTERTAINMENT PETITION 21-LE3 TO ESTABLISH OUTDOOR LIVE ENTERTAINMENT FOR DAMICO & SONS, LLC, d/b/a ZIGGY D'AMICO'S WHISKEY BAR & DINER, ON PROPERTY OWNED BY NEW MARKET – NEAPOLITAN, LLC, AND LOCATED AT 4691 9TH STREET NORTH, MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Recommended Action: Consider the resolution.

[Agenda Memorandum](#)

[Resolution](#)

[Staff Supplemental Memorandum](#)

[Live Entertainment Petition](#)

[Disclosure of Interest - D'Amico & Sons](#)

[D'Amico and Sons Lease](#)

[Life Safety Site Plan - 04-26-21](#)

[Disclosure of Interest - New Market Neapolitan](#)

[2018-14262 with Parking Needs Analysis](#)

[18-CU7 Site Visit - Outside Dining - 10-10-18](#)

[Planning Department Credentials](#)

[Mailing Labels](#)

[Petition in Opposition to 21-LE3](#)

Letters of Objection

- 14.E. 21-LE7 Resolution - Quasi-Judicial - A RESOLUTION RELATING TO INDOOR AND OUTDOOR LIVE ENTERTAINMENT; DETERMINING PETITION 21-LE7 TO ALLOW INDOOR AND OUTDOOR LIVE ENTERTAINMENT ON SUNDAY 12:00 P.M. TO 8:00 P.M., MONDAY THROUGH WEDNESDAY 5:00 P.M. THROUGH 10:00 P.M., AND THURSDAY THROUGH SATURDAY 5:00 P.M. TO 12:00 A.M., FOR GRAPPINO RESTAURANT ON PROPERTY OWNED BY DESIGN PARK HOLDINGS, C/O HOFFMAN COMMERCIAL, AND LOCATED AT 90 9TH STREET NORTH, MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.
Recommended Action: Consider the resolution.

[Agenda Memorandum](#)

[Resolution](#)

[Supplemental Memo](#)

[Application](#)

[Disclosure](#)

[Site Plan](#)

[Planning Department Credentials](#)

[Mailing Labels](#)

15. City Council

- 15.A. Presentation of an amendment to the City of Naples Code of Ethics proposed by the Commission on Ethics and Governmental Integrity (Ethics Commission) (1:00 P.M. TIME CERTAIN).

Recommended Action: Review the Commission's amended Code of Ethics and, if needed, provide direction to the City Attorney to draft an ordinance consistent with Section 166.041, Florida Statutes to codify the Commission's amended Code of Ethics for first reading prior to August 18, 2021.

[Agenda Memorandum](#)

[Comparison Chart of Code Provisions](#)

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

[Amended Naples Ethics Code \(SUPPLEMENT 1 / ADDED ATTACHMENT\)](#)

- 15.B. Ordinance - Legislative - AN ORDINANCE RELATING TO COMMUNICATION BETWEEN CITY COUNCIL MEMBERS AND THE PLANNING ADVISORY BOARD, AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE V, BOARDS, COMMISSIONS AND COMMITTEES, DIVISION 7, PLANNING ADVISORY BOARD, SECTION 552, JURISDICTION; POWERS AND DUTIES; TESTIMONY OR CONTACTS BY COUNCILMEMBERS, SUBSECTION (a), OF THE CODE OF ORDINANCES, CITY OF NAPLES, FLORIDA; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.

Recommended Action: Consider the ordinance.

[Agenda Memorandum](#)

[Ordinance](#)

[Legislative History](#)

2021-0310 PAB minutes (Item 8.A.)

Pertinent Ordinance (SUPPLEMENT 1 / ADDED ATTACHMENT)

16. City Attorney

16.A. Review of the State of Local Emergency resolution.

[Agenda Memorandum](#)

[Resolution 2020-14534](#)

16.B. 20-T1 Ordinance - Legislative - First Reading - AN ORDINANCE RELATING TO BUILDING HEIGHTS; PROVIDING FOR LEGISLATIVE INTENT; AMENDING CHAPTER 44, GENERAL PROVISIONS, SECTION 44-8, DEFINITIONS; CHAPTER 46, ADMINISTRATION, PROCEDURES AND ENFORCEMENT, ARTICLE II, ADMINISTRATIVE PROCEDURES, SECTION 46-37, VARIANCES TO ZONING REQUIREMENTS; AND CHAPTER 56, SUPPLEMENTAL STANDARDS, ARTICLE II, STANDARDS APPLICABLE TO ALL DISTRICTS, SECTION. 56-39, HEIGHT REQUIREMENTS EXCEPTIONS THERETO; PURSUANT TO TEXT AMENDMENT 20-T1 PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER PROVISION; AND PROVIDING AN EFFECTIVE DATE.

Recommended Action: Approve the ordinance at First Reading; schedule a Public Hearing and Second Reading for May 3, 2021.

[Agenda Memorandum](#)

[Ordinance](#)

[Staff Report](#)

[Commercial District Height Standards](#)

[2020-08-12 PAB Minutes](#)

16.C. 1. Executive Session -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); and

2. Discussion of possible settlement of HARRY E. CRISWELL, II and LAURA B. CRISWELL v CITY OF NAPLES, FLORIDA / CASE NO.: 2:19-cv-305-FtM-29MRM.

Recommended Action: 1. Hold executive session; and

2. Discussion and direction.

[Agenda Memorandum](#)

[Mayor's Script](#)

[Public Notice](#)

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

[Revised Mayor's Script \(SUPPLEMENT 1 / ADDED ATTACHMENT\)](#)

[Revised Public Notice \(SUPPLEMENT 1 / ADDED ATTACHMENT\)](#)

16.D. Executive Session relating to CITY OF NAPLES v. VILLAGE ON THE BAY, LLC., a Florida Limited Liability Company; VENETIAN BAY YACHT CLUB CONDOMINIUM ASSOCIATION, INC., a Florida Corporation; and, VENETIAN BAY NORTH YACHT CLUB CONDOMINIUM ASSOCIATION, INC., a Florida Corporation, CASE NO. 18-CA-1255. (4:00 P.M. TIME CERTAIN) (SUPPLEMENT 1 / ADDED ITEM)

Recommended Action: Hold the executive session.

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

[Mayor's Script](#) (SUPPLEMENT 1 / ADDED ATTACHMENT)

[Public Notice](#) (SUPPLEMENT 1 / ADDED ATTACHMENT)

17. Community Services

17.A. Review of July 4, 2021 Special Events.

Recommended Action: Discussion and direction.

[Agenda Memorandum](#)

18. City Clerk

18.A. Consider appointing members to the Planning Advisory Board and the Community Services Advisory Board.

Recommended Action: Appoint members.

[Agenda Memorandum](#)

[T. Koenig application - PAB](#)

[K. Petry application - PAB](#)

[G. Veras application - PAB](#)

[Planning Advisory Board code](#)

[C. Barone application - Comm. Services Advisory Board](#)

[A. Foster application - Comm. Services Advisory Board](#)

[J. Jeffreys application - Comm. Services Advisory Board](#)

[R. Kneedler application - Comm. Services Advisory Board](#)

[W. Phillips application - Comm. Services Advisory Board](#)

[J. Sfara application - Comm. Services Advisory Board](#)

[K. Swingley application - Comm. Services Advisory Board](#)

[Comm. Services Advisory Board code](#)

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

Public Comment

Correspondence and Communications

Adjourn