

**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**

**Interim City Manager: Dana Souza**

**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, June 16, 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. Naples Pride Day 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.**

4. Set agenda (add or remove items)

5. Public Comment

## CONSENT AGENDA

6. City Clerk

6.A. Approval of the amended April 19, 2021 Workshop Meeting minutes and the May 3, 2021 Special Meeting minutes.

Recommended Action: Approve as submitted.

[Agenda Memorandum](#)

[Amended April 19, 2021 Workshop Meeting minutes](#)

[May 3, 2021 Special Meeting minutes](#)

7. Community Services

7.A. SPECIAL EVENT - REPEAT EVENTS

(1) Moe's Firecracker 5k Run - Gulf Coast Runners - Saturday, July 3, 2021 - 7:00 a.m. - 9:00 a.m. - Fleischmann Park;

(2) John Clay 5k Run - Gulf Coast Runners - Monday, September 6, 2021 (Labor Day) - 7:00 a.m. - 9:00 a.m. - Lowdermilk Park;

(3) Gobble, Gobble 5K Run - Elite Events Florida, Inc - Thursday, November 25, 2021 (Thanksgiving Day) - 7:30 a.m. - 9:15 a.m. - The Village on Venetian Bay;

(4) 21st Annual Halloween Spooktacular - Fifth Avenue South Business Improvement District (FASBID) - Sunday, October 31, 2021 - 11:00 a.m. - 9:30 p.m. - 5th Avenue South and Park Street;

(5) Evenings on 5th and Sidewalk Sales - Fifth Avenue South Business Improvement District (FASBID) - December 31, 2021, January 1, 2022, February 14, 2022 and March 17, 2022 - 6:30 p.m. - 9:30 p.m. - 5th Avenue South and Sugden Plaza;

(6) The 3rd Annual Front and Center Gala - Naples Players Inc - Tuesday, February 8, 2022 - 5:00 p.m. - 9:00 p.m. - Sugden Plaza.

Recommended Action: Review and approve the repeat special events as submitted.

[Agenda Memorandum](#)

7.B. Resolution - Legislative - A RESOLUTION ESTABLISHING THE CREATION OF THE NAPLES YOUTH COUNCIL, IN PARTERSHIP WITH NAPLES HIGH SCHOOL; AND PROVIDING FOR AN EFFECTIVE DATE.

Recommended Action: Approve the resolution.

[Agenda Memorandum](#)

[Resolution](#)

8. Planning

8.A. Petition 19-LE8 - City Council review pursuant to Section 56-125(e)(7) of the approved live entertainment Petition 19-LE8 for Campiellos Ristorante & Bar located at 1177 3rd Street South.

Recommended Action: Consider the information provided.

[Agenda Memorandum](#)  
[Staff Memorandum](#)  
[Resolution 2020-14440](#)

- 8.B. Information Only - Request for Zoning Consistency letter for submittal of a DEP permit by Humiston & Moore Engineers on behalf of Naples Golf & Beach Club, Inc. for the property located at 851 Gulf Shore Boulevard North (parcels 13400800062 and 13400800143).

Recommended Action: Information only.

[Agenda Memorandum](#)  
[DRAFT - Naples Golf & Beach Club - DEP Letter](#)  
[Resolution 2019-14417](#)  
[Ordinance 2019-14420](#)  
[FAC 62B-33.008](#)  
[Request from Humiston & Moore](#)  
[Aerial - Survey - Plot Plan](#)  
[ODP Architecture & Design Plans](#)  
[DRAFT DEP letter - revised 6.11.21. \(SUPPLEMENT 1 - ADDED ATTACHMENT\)](#)

9. Streets & Stormwater

- 9.A. Consider an Award of Contract to Lux Solar, Inc. to construct lighted crosswalk improvements at the intersections of Goodlette-Frank Road and 5th Avenue North and Central Avenue in the amount of \$59,996, to be funded with Community Development Block Grant (CDBG) funds; and authorize the City Manager to sign the Contract (21-034).

Recommended Action: Award the contract.

[Agenda Memorandum](#)  
[Agreement - Lux Solar Inc.](#)  
[Resolution 2020-14451 & Application](#)  
[Resolution 2020-14502 & Agreement](#)  
[Project Map-Details-Photographs](#)  
[21-034 Bid Analysis](#)

10. City Manager

- 10.A. Review and approval of Interim City Manager Employment Agreement.

Recommended Action: Review and approve.

[Agenda Memorandum](#)  
[Agreement - Interim City Manager](#)  
[Agenda Memorandum - revised \(SUPPLEMENT 1 - ADDED ATTACHMENT\).](#)  
[First Amendment - Souza Employment Agreement - revised \(SUPPLEMENT 1 - ADDED ATTACHMENT\)](#)

11. Community Redevelopment Agency (SUPPLEMENT 1 - ADDED SECTION)

- 11.A. Resolution - Legislative - A RESOLUTION AMENDING THE FISCAL YEAR 2020-21 BUDGET, ADOPTED BY RESOLUTION 2020-14529, BY APPROPRIATING FUNDS FROM THE COMMUNITY REDEVELOPMENT AGENCY (CRA) FUND TO DEVELOP A 41-10 MIXED USE AREA MASTER PLAN; AND PROVIDING AN EFFECTIVE DATE. (SUPPLEMENT 1 - ADDED ITEM)  
Recommended Action: Approve the resolution.  
[Agenda Memorandum \(SUPPLEMENT 1 - ADDED ATTACHMENT\)](#)  
[Resolution \(SUPPLEMENT 1 - ADDED ATTACHMENT\)](#)  
[Agreement - DPZ CoDesign LLC approved at 6.10.21 CRA meeting \(SUPPLEMENT 1 - ADDED ATTACHMENT\)](#)
- 11.B. Resolution - Legislative - A RESOLUTION APPROVING A PUBLIC PARKING GARAGE AGREEMENT BETWEEN THE CITY OF NAPLES, THE CITY OF NAPLES COMMUNITY REDEVELOPMENT AGENCY, GULFSHORE PLAYHOUSE, INC., AND DOWNTOWN NAPLES, LLC; AND PROVIDING AN EFFECTIVE DATE. (SUPPLEMENT 1 - ADDED ITEM)  
Recommended Action: Approve the resolution.  
[Agenda Memorandum \(SUPPLEMENT 1 - ADDED ATTACHMENT\)](#)  
[Resolution \(SUPPLEMENT 1 - ADDED ATTACHMENT\)](#)  
[Agreement - Parking Garage \(SUPPLEMENT 1 - ADDED ATTACHMENT\)](#)  
[Item Packet from 6.10.21 CRA meeting \(SUPPLEMENT 1 - ADDED ATTACHMENT\)](#)

END OF CONSENT AGENDA

12. City Attorney

- 12.A. Executive Session re: WOUNDED WARRIORS OF COLLIER COUNTY, INC., A FLORIDA NOT FOR PROFIT CORPORATION V. CITY OF NAPLES, FLORIDA, A FLORIDA MUNICIPAL CORPORATION, FILED IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF FLORIDA AS CIVIL CASE NO. 2:21-CV-367-JES-MRM. (1:00 P.M. TIME CERTAIN)  
Recommended Action: Conduct the executive session.  
[Agenda Memorandum](#)

13. Community Services

- 13.A. SPECIAL EVENT - NEW EVENT  
(1) End of Summer Celebration - City of Naples Community Services Department Recreation Division and Ocean Kids Inc - Saturday, August 7, 2021 - 12:00 p.m. - 6:00 p.m. - Baker Park.  
Recommended Action: Review and approve the NEW special event request as submitted.  
[Agenda Memorandum](#)  
[End of Summer Celebration](#)

14. Streets and Stormwater

- 14.A. 1. Ordinance - Legislative - Second Reading - An Ordinance relating to Stormwater, amending Chapter 16, providing for construction, rehabilitation and property maintenance regulations, amending Article II, Administration Division 2, Section 16-51 Definitions; Article III Building and Technical Codes; amending Section 16-115, Stormwater Construction Standards; amending Section 30-339 adjustment of Stormwater Fees; amending Chapter 30, Article VI, Section 30-340 Stormwater Credits and Surcharges; adopting New Section 30-344 Creating a Stormwater Standards Handbook; adopting New Chapter 30, Article VIII, Sections 30-400 through 30-420 prohibiting illicit stormwater discharges and connections, providing for monitoring, Best Management Practices Watercourse Protection, Spill Notification, Enforcement, Abatement, Violations, Remedies, Penalties, and Costs; providing for Severability; providing for repeal of ordinances in conflict; and providing an effective date. (2:00 P.M. TIME CERTAIN)
2. Resolution - Legislative - A Resolution relating to Building Permit Fees; Amending Appendix A – Fees and Charges Schedule, Section 16-52, Building Permit Fees, Code of Ordinances, City of Naples; and providing an effective date.
- Recommended Action: 1. Adopt the ordinance at Second Reading and Public Hearing; and
2. Approve the resolution.
- [Agenda Memorandum](#)
- [Exhibit A of Ordinance - Handbook \(Redlined\)](#)
- [Ordinance](#)
- [Ordinance \(Redlined with amendments from First Reading\)](#)
- [Handbook Supplement A \(Redlined\)](#)
- [Resolution](#)
- [PowerPoint](#)
- [Resolution - revised \(SUPPLEMENT 1 - ADDED ATTACHMENT\)](#)
- 14.B. City Council is asked to consider:
1. Consider an Award of Contract to Quality Enterprises USA, Inc. to dredge and remove rock from canals within the East Naples Bay Special Taxing District in the amount of \$3,284,325.00, which includes a \$50,000 City-controlled contingency, and authorize the City Manager to execute the Contract;
2. Consider approval a Task Order with Stantec Consulting Services, Inc. for Construction Engineering & Inspection (CEI) Services associated with East Naples Bay Dredging & Rock Removal in the amount of \$758,049.00; and authorize the City Manager to sign; and
3. Resolution - Legislative - A RESOLUTION APPROVING AN INTERFUND LOAN FROM THE CASH CLEARING ACCOUNT / INVESTMENT ACCOUNT TO THE EAST NAPLES BAY SPECIAL TAXING DISTRICT FUND TO FUND THE CANAL DREDGING PROJECT; ESTABLISHING TERMS AND CONDITIONS FOR REPAYMENT; AND PROVIDING AN EFFECTIVE DATE.
- Recommended Action: Staff recommends:
1. Award of Contract to Quality Enterprises USA, Inc.;
2. Approval of a Task Order with Stantec Consulting Services, Inc. and authorize the City Manager to execute; and
3. Approve the resolution approving an Interfund Loan.

[Agenda Memorandum](#)  
[Agreement - Quality Enterprises USA, Inc.](#)  
[Task Order Agreement - Stantec Consulting, Inc.](#)  
[Resolution](#)  
[Attachment #1 - EOR Bid Analysis](#)  
[Attachment #2 - Bid Analysis](#)  
[PowerPoint](#)

15. City Council

- 15.A. Discussion of the City's Risk Management Program. (3:00 P.M. TIME CERTAIN)  
Recommended Action: Discussion and direction.

[Agenda Memorandum](#)  
[PRIA Prof Consultant Agreement](#)  
[PRIA Proposal 20-21](#)  
[PRIA Coverage & Premium Comparison](#)  
[Preferred Gov. Insurance Trust](#)

16. Finance

- 16.A. Discussion and confirmation of the maximum millage rates for the General Fund, East Naples Bay Taxing District (ENB) and Moorings Bay (MB) Taxing District.  
Recommended Action: Discuss and confirm maximum millage rates for the General Fund, East Naples Bay Taxing District and Moorings Bay Taxing District.

[Agenda Memorandum](#)  
[A-5 BUDGET PLANNING CALENDAR 2021-22](#)  
[City of Naples Prelim 6-1-21](#)  
[PowerPoint](#)  
[Various Millage Rate Estimate based on 2021-22 preliminary values](#)

17. Planning

- 17.A. 21-R3 Resolution - Quasi-Judicial - A RESOLUTION SETTING THE PUBLIC HEARINGS FOR REZONE PETITION 21-R3, ASSOCIATED WITH THE NEAPOLITAN WAY PLAZA PLANNED DEVELOPMENT LOCATED AT 4601 9TH STREET NORTH AND 866 NEAPOLITAN WAY, 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](#)

- 17.B. 21-R2 Ordinance - Quasi-Judicial - AN ORDINANCE DETERMINING REZONE TO PLANNED DEVELOPMENT PETITION 21-R2, REZONING FROM D DOWNTOWN AND 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, DOWNTOWN NAPLES, LLC, A FLORIDA LIMITED LIABILITY COMPANY AND GULFSHORE PLAYHOUSE, INC. A FLORIDA NOT FOR PROFIT CORPORATION, LOCATED AT 100 GOODLETTE-FRANK ROAD, 1090 1ST AVENUE SOUTH AND 1170 1ST AVENUE SOUTH; 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 and Public Hearing.

[Agenda Memorandum](#)

[21-R2 Ordinance with Redline PD Document](#)

[Changes since 1st Reading](#)

[Petition - revised May 2021](#)

[PD to Underlying Code Comparison](#)

[PAB Staff Report](#)

[Deed - Gulfshore Playhouse](#)

[Deed - Downtown Naples 1986](#)

[Deed - Downtown Naples 2017](#)

[Affidavit of Conversion](#)

[Disclosure of Interest - Gulfshore Playhouse Inc](#)

[Disclosure of Interest - Downtown Naples](#)

[Disclosure of Interest - WSR](#)

[Survey - Downtown Naples](#)

[Survey - Gulfshore Playhouse](#)

[Traffic Impact Statement](#)

[2021-14598 MOU Resolution](#)

[2020-14521 Public Service District Height](#)

[Petitioner Qualifications](#)

[Planning Staff Qualifications](#)

[Mailing Labels](#)

[Correspondence](#)

[21-R2 Draft PAB minutes 4.14.21](#)

[Ordinance - revised \(SUPPLEMENT 1 - ADDED ATTACHMENT\)](#)

[17.B and 17.C. PowerPoint \(SUPPLEMENT 1 - ADDED ATTACHMENT\)](#)

- 17.C. 21-SD3 Resolution - Quasi-Judicial - A RESOLUTION RELATING TO A SUBDIVISION REPLAT; DETERMINING PETITION 21-SD3 FOR PRELIMINARY AND FINAL (RECORD) PLAT ACCEPTANCE AND APPROVAL PURSUANT TO SECTION 54-4 OF THE CODE OF ORDINANCES, ON PROPERTY CONTAINING APPROXIMATELY 1.24 ACRES OWNED BY DOWNTOWN NAPLES, LLC, A FLORIDA LIMITED LIABILITY COMPANY AND LOCATED AT 1090 1ST AVENUE SOUTH, AND ON PROPRTY CONTAINING APPROXIMATELY 1.05 ACRES OWNED BY GULFSHORE PLAYHOUSE, INC, A FLORIDA NOT FOR PROFIT CORPORATION AND LOCATED AT 1170 1ST AVENUE SOUTH, MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Recommended Action: Consider the Resolution.

[Agenda Memorandum](#)

[Resolution](#)

[PAB Staff Report](#)

[Petition](#)

[Disclosure of Interest - Downtown Naples LLC](#)

[Disclosure of Interest - Gulfshore Playhouse](#)

[Deeds](#)

[Aerial](#)

[Survey](#)

[Proposed Plat](#)

[Naples Square Commercial North Plat](#)

[Lot 1 Sketch and Legal Description](#)

[Lot 2 Sketch and Legal Description](#)

[Title Opinion](#)

[21-R2 District Boundaries Sketch.pdf](#)

[Correspondence](#)

[Planning Department Qualifications](#)

[Mailing Labels](#)

[17.B and 17.C. PowerPoint \(SUPPLEMENT 1 - ADDED ATTACHMENT\)](#)

- 17.D. 20-ODPV3 Resolution - Quasi-Judicial - A RESOLUTION DETERMINING OUTDOOR DINING PETITION 20-ODPV3 FOR APPROXIMATELY 1,237 SQUARE FEET OF OUTDOOR DINING FOR SOUTHERN STYLE KITCHEN & COCKTAILS ON THE PROPERTY OWNED BY BAYFRONT, INC., LOCATED AT 492 BAYFRONT PLACE, MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Recommended Action: Consider the Resolution.

[Agenda Memorandum](#)

[Resolution](#)

[Supplemental Memorandum](#)

[Application](#)

[Disclosure](#)

[Outdoor Seating Plan](#)

[Outdoor Seating and Live Entertainment](#)

[Parking Allocation per PD](#)

[Correspondence](#)

[Planning Department Resumes](#)

[Labels](#)

- 17.E. 20-LE2 Resolution - Quasi-Judicial - A RESOLUTION RELATING TO LIVE ENTERTAINMENT; DETERMINING PETITION 20-LE2 TO ALLOW INDOOR LIVE ENTERTAINMENT FOR SOUTHERN STYLE KITCHEN & COCKTAILS, ON PROPERTY OWNED BY BAYFRONT, INC., AND LOCATED AT 492 BAYFRONT



PLACE, MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Recommended Action: Consider the Resolution.

[Agenda Memorandum](#)

[Resolution](#)

[Supplemental Memorandum](#)

[Application](#)

[Disclosure](#)

[Outdoor Seating and Live Entertainment Plan](#)

[Correspondence](#)

[Planning Department Resumes](#)

[Labels](#)

[PowerPoint \(SUPPLEMENT 1 - ADDED ATTACHMENT\)](#)

- 17.F. 21-ODPV10 Resolution - Quasi-Judicial - A RESOLUTION DETERMINING OUTDOOR DINING PETITION 21-ODPV10 FOR APPROXIMATELY 800 SQUARE FEET OF OUTDOOR DINING FOR INDUSTRY BEER & BARBEQUE ON THE PROPERTY OWNED BY BAYFRONT, INC., LOCATED AT 449 BAYFRONT PLACE, MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Recommended Action: Consider the Resolution.

[Agenda Memorandum](#)

[Resolution](#)

[Supplemental Memo](#)

[Application](#)

[Disclosure Property Owner](#)

[Disclosure Restaurant Owner](#)

[Outdoor Dining Floor Plan](#)

[Parking Allocation per PD](#)

[Correspondence](#)

[Planning Department Resumes](#)

[Labels](#)

- 17.G. Ordinance - Legislative - Second Reading - AN ORDINANCE RELATING TO BUILDING USES IN THE FIFTH AVENUE SOUTH SPECIAL OVERLAY DISTRICT; AMENDING CHAPTER 58, ZONING, ARTICLE III, SPECIAL OVERLAY DISTRICTS, DIVISION 6, 5TH AVENUE SOUTH SPECIAL OVERLAY DISTRICT, SECTION 58-1134, SPECIFIC PROVISIONS, SUBSECTION (c), OF THE CITY OF NAPLES CODE OF ORDINANCES, PURSUANT TO TEXT AMENDMENT 20-T3 TO ALLOW ROOFTOP RESTAURANTS TO BE LOCATED ON THE SECOND AND THIRD FLOORS OF BUILDINGS IN THE FIFTH AVENUE SOUTH SPECIAL OVERLAY DISTRICT THROUGH THE CONDITIONAL USE PROCESS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER PROVISION; AND PROVIDING AN EFFECTIVE DATE.

Recommended Action: Consider the Ordinance at Second Reading and Public Hearing.

[Agenda Memorandum](#)  
[Ordinance](#)  
[Ordinance 2000-8867](#)  
[Map without districts](#)  
[Map with Districts](#)  
[Passidomo Letter to Council](#)  
[Correspondence](#)  
[Correspondence - Bernardi](#)  
[MHK PowerPoint](#)  
[Migliara email](#)  
[ONA Correspondence](#)  
[Keenan Correspondence](#)  
[Correspondence](#)

18. City Attorney

- 18.A. Review of the State of Local Emergency resolution.  
Recommended Action: Review the resolution.

[Agenda Memorandum](#)  
[Resolution 2020-14534](#)

- 18.B. 20-T1 Ordinance - Second 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: Adopt the ordinance at Second Reading and Public Hearing.

[Agenda Memorandum](#)  
[Ordinance](#)  
[Suggested alternative language for ordinance 6.11.21 \(SUPPLEMENT 1 - ADDED ATTACHMENT\)](#)

Public Comment

Correspondence and Communications

Recess for summer