

**NOTICE OF MEETING AND AGENDA**

**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, August 18, 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. SWFLC Home Rule Hero Award presentation to Council Member Gary Price

**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. Monthly Update by Collier County Commissioner Penny Taylor

4. Set agenda (add or remove items)

5. Public Comment

## CONSENT AGENDA

6. City Clerk

6.A. Approval of various City Council Meeting minutes.

Recommended Action: Approve as submitted.

[Agenda Memorandum](#)

[April 21, 2021 Regular Meeting minutes](#)

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

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

[May 5, 2021 Regular Meeting minutes](#)

[May 13, 2021 Regular Meeting minutes](#)

[May 17, 2021 Workshop Meeting minutes](#)

[May 25, 2021 Special Meeting minutes](#)

[June 1, 2021 Regular Meeting minutes](#)

[June 16, 2021 Regular Meeting minutes](#)

7. Community Services

7.A. Resolution - Legislative - A RESOLUTION AMENDING THE FISCAL YEAR 2020-21 BUDGET, ADOPTED BY RESOLUTION 2020-14529, BY APPROPRIATING FUNDS FROM THE UNAPPROPRIATED FUND BALANCE AND RESERVE OF THE TENNIS FUND TO MEET THE PROFESSIONAL SERVICE EXPENSES RESULTING FROM THE PROPORTIONAL SHARE OF INCREASE REVENUE FROM TENNIS LESSONS IN FY2020-21; AND PROVIDING AN EFFECTIVE DATE.

Recommended Action: Approve the resolution.

[Agenda Memorandum](#)

[Resolution](#)

7.B. Resolution - Legislative - A RESOLUTION AMENDING THE FISCAL YEAR 2020-21 BUDGET, ADOPTED BY RESOLUTION 2020-14529, BY APPROPRIATING FUNDS FROM THE UNAPPROPRIATED FUND BALANCE AND RESERVE OF THE CITY DOCK FUND TO MEET FUEL EXPENSES RESULTING FROM INCREASED SALES AND REVENUE IN FISCAL YEAR 2020-21; AND PROVIDING AN EFFECTIVE DATE.

Recommended Action: Approve the resolution.

[Agenda Memorandum](#)

[Resolution](#)

8. Streets and Stormwater

- 8.A. 1. Consider a Contract-by-Purchase Order with YSI Inc. in the amount of \$97,647.47 for the purchase of five additional EXO water quality datasondes and installation services at two locations in Naples Bay / Gordon River.  
2. City Council is also asked to waive formal bid requirements as authorized by the City of Naples Procurement Code; Section 2-666 Exemptions, Paragraph (9)(a)(b) and (10) as this is an expansion upon services already rendered by YSI Inc., whereby the purchase of three EXO water quality datasondes and one installation location have been established, and YSI Inc. being the sole manufacturer of EXO datasondes.

Recommended Action: 1. Approve the contract by purchase order; and  
2. Waive formal bid requirements.

[Agenda Memorandum](#)

[Datasonde Location Map](#)

[YSI Inc. Proposal](#)

[YSI Sole Source Letter](#)

- 8.B. Authorizing the Mayor to execute a submerged land easement renewal with the Florida Department of Environmental Management for the north jetty at Doctor's Pass.

Recommended Action: Authorize the Mayor to execute the submerged land easement renewal.

[Agenda Memorandum](#)

[Submerged Land Easement Renewal](#)

[Attachment #1 - 1995 Interlocal](#)

[Attachment #2 - Prior Easement](#)

## 9. City Attorney

- 9.A. Payment of Roetzel & Andress invoices.

Recommended Action: Waive the contractual term and authorize payment or provide other direction.

[Agenda Memorandum](#)

[2020-21 Extension of Jim Fox Contract](#)

[2019-00127 Roetzel and Andress](#)

[2018-00195 Roetzel and Andress](#)

[Mace](#)

[Magnussen](#)

[Park Shore Seawalls](#)

[Superior Landscaping](#)

END OF CONSENT AGENDA

## 10. Community Services

- 10.A. Request by Collier County Veterans Council Inc., and Rolling Thunder®, Inc. Chapter 5 Florida for the placement of a POW MIA Chair of Honor at the Veterans Memorial Plaza located on the northeast corner of Cambier Park.  
Recommended Action: Approve the request of Collier County Veterans Council Inc., and Rolling Thunder®, Inc. Chapter 5 Florida POW MIA Chair of Honor placement at Cambier Park.

[Agenda Memorandum](#)

[Chair of Honor Photos](#)

[Chair of Honor location 1](#)

[Cambier Ariel](#)

11. City Clerk

- 11.A. 1. Resolution - Legislative - A RESOLUTION DESIGNATING PATRICIA L. RAMBOSK, CITY CLERK, AS CHIEF ELECTION OFFICIAL FOR THE CITY OF NAPLES GENERAL ELECTION OF FEBRUARY 1, 2022; AND PROVIDING AN EFFECTIVE DATE.  
2. Resolution - Legislative - A RESOLUTION APPOINTING A CITY ELECTOR TO THE CANVASSING BOARD FOR THE CITY OF NAPLES GENERAL ELECTION OF FEBRUARY 1, 2022; AND PROVIDING AN EFFECTIVE DATE.  
3. Resolution - Legislative - A RESOLUTION APPROVING AN INTERLOCAL AGREEMENT FOR ELECTION SERVICES WITH THE BOARD OF COLLIER COUNTY COMMISSIONERS AND THE COLLIER COUNTY SUPERVISOR OF ELECTIONS FOR SERVICES AND THE USE OF VOTING AND BALLOT TABULATION EQUIPMENT IN CONJUNCTION WITH THE CITY OF NAPLES GENERAL ELECTION TO BE HELD ON FEBRUARY 1, 2022; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.  
4. Resolution - Legislative - A RESOLUTION AUTHORIZING AND APPROVING THE USE OF THE COLLIER COUNTY VOTING AND BALLOT TABULATION EQUIPMENT FOR THE CITY OF NAPLES GENERAL ELECTION TO BE HELD FEBRUARY 1, 2022; AND PROVIDING AN EFFECTIVE DATE.  
5. Resolution - Legislative - A RESOLUTION DETERMINING THAT EARLY VOTING WILL NOT BE OFFERED IN CONJUNCTION WITH THE CITY OF NAPLES GENERAL ELECTION ON FEBRUARY 1, 2022; AND PROVIDING AN EFFECTIVE DATE.

Recommended Action: Consider the resolutions.

[Agenda Memorandum](#)

[1. Resolution](#)

[2. Resolution](#)

[3. Resolution](#)

[4. Resolution](#)

[5. Resolution](#)

[Interlocal Agreement for Election Services - Naples](#)

[Carole Trimmer resume](#)

- 11.B. Resolution - Legislative - A RESOLUTION REESTABLISHING THE “BLUE RIBBON” COMMITTEE; APPOINTING SEVEN RESIDENTS TO THE COMMITTEE FOR THE PURPOSE OF STUDYING AND MAKING RECOMMENDATIONS TO CITY COUNCIL ON THE LEVEL OF EMPLOYMENT COMPENSATION AND BENEFITS FOR THE MAYOR AND COUNCIL MEMBERS; AND PROVIDING AN EFFECTIVE DATE.

Recommended Action: Consider the resolution.

[Agenda Memorandum](#)

[Resolution](#)

12. City Manager

- 12.A. 1. Ordinance - First Reading - Legislative - AN ORDINANCE OF THE CITY OF NAPLES, FLORIDA, AMENDING CHAPTER 29, PERSONNEL, ARTICLE IV, FIREFIGHTERS' PENSION AND RETIREMENT SYSTEM; DIVISION 3, MEMBERSHIP AND BENEFITS, SECTION 29-231, CONTRIBUTIONS, SECTION 29-232, REQUIREMENTS FOR RETIREMENT; AND SECTION 29-235, SEPARATION FROM MUNICIPAL SERVICE; REFUNDS, CODE OF ORDINANCES, CITY OF NAPLES, FLORIDA, TO ALLOW OPTIONAL PARTICIPATION OF THE FIRE CHIEF, TO PROVIDE FOR PAYMENT OF BENEFITS UPON REEMPLOYMENT OF RETIRED MEMBERS, AND TO PROVIDE FOR CONTINUED PAYMENT OF BENEFITS UPON REEMPLOYMENT OF RETIRED MEMBERS; DIRECTING THE CITY CLERK TO FILE A COPY OF THIS ORDINANCE WITH THE FLORIDA DEPARTMENT OF MANAGEMENT SERVICES, DIVISION OF RETIREMENT; PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY AND APPLICABILITY; AND PROVIDING AN EFFECTIVE DATE.; and

2. Approve a Memorandum of Understanding (MOU) between the City of Naples and the Professional Firefighters of Naples, IAFF, Local 2174; and authorize the City Manager to execute the MOU.

Recommended Action: 1. Approve at First Reading; and schedule Second Reading and Public Hearing September 1, 2021; and

2. Approve the MOU and authorize the City Manager to execute.

[Agenda Memorandum](#)

[1. Ordinance](#)

[2. Memorandum of Understanding](#)

[2021.08.05, No Impact Letter, Naples Fire](#)

13. Human Resources / Risk Management

- 13.A. Executive Session - Labor Negotiations (12:00 P.M. TIME CERTAIN)

Recommended Action: Conduct the executive session.

[Agenda Memorandum](#)

- 13.B. Discussion of the City's Risk Management Program.

Recommended Action: Discussion and direction.

[Agenda Memorandum](#)

[Naples 10-1 Proposal 20-21](#)

[Naples 10-1 Premium Comparison 20-21](#)  
[20-21 Muni Excess Structure Final Revised 091120](#)

14. City Attorney
  - 14.A. Executive Session re: SUPERIOR LANDSCAPING & LAWN SERVICES INC. V. CITY OF NAPLES IN THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR COLLIER COUNTY, FLORIDA, CASE NO. 20-CA-2822. 2:00 P.M. TIME CERTAIN)  
Recommended Action: Conduct executive session.  
[Agenda Memorandum](#)  
[Public Notice](#)  
[Mayor's Script](#)
  - 14.B. Public Discussion of Possible Settlement re: SUPERIOR LANDSCAPING & LAWN SERVICES INC. V. CITY OF NAPLES IN THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR COLLIER COUNTY, FLORIDA, CASE NO. 20-CA-2822.  
Recommended Action: Motion (if necessary).
15. Ethics Commission (two or more members of the Ethics Commission may be present and may participate at the meeting)
  - 15.A. Presentation of Proposed Amended Ethics Code (3:00 P.M. TIME CERTAIN).  
Recommended Action: Review and approve.  
[Agenda Memorandum](#)  
[Exhibit A](#)  
[Exhibit B](#)  
[Exhibit C](#)
  - 15.B. Ordinance - First Reading - Legislative - AN ORDINANCE AMENDING THE CITY OF NAPLES CODE OF ETHICS CONTAINED IN ARTICLE IX OF CHAPTER 2 ENTITLED "ADMINISTRATION" IN THE CITY OF NAPLES CODE OF ORDINANCES; AMENDING SECTIONS 2-971 THROUGH 2-983 IN ARTICLE IX OF CHAPTER 2; ADOPTING AMENDMENTS PRESENTED TO THE CITY COUNCIL BY THE COMMISSION ON ETHICS AND GOVERNMENTAL INTEGRITY; PROVIDING FOR RENUMBERING OF APPLICABLE SECTIONS AS NEEDED, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.  
Recommended Action: Approve at First Reading and Public Hearing; schedule Second Reading and Public Hearing on September 1, 2021.  
[Agenda Memorandum](#)  
[Ordinance](#)
16. Streets & Stormwater
  - 16.A. Ordinance - First Reading - Legislative - AN ORDINANCE AMENDING CHAPTER 36, TRAFFIC AND VEHICLES, ARTICLE II, OPERATION OF VEHICLES, SECTION 36-32, SPEED RESTRICTIONS, OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, FLORIDA, IN ORDER TO REMOVE 8TH STREET FROM THE LIST

OF 30 MILES PER HOUR STREETS WITHIN THE CITY; AUTHORIZING THE STREETS AND STORMWATER DEPARTMENT TO INSTALL APPROPRIATE SIGNAGE; AND PROVIDING A REPEALER PROVISION AND AN EFFECTIVE DATE.

Recommended Action: Approve at First Reading; schedule Second Reading and Public Hearing on September 1, 2021.

[Agenda Memorandum](#)

[Ordinance](#)

[Attachment #1 - Staff Analysis](#)

[Attachment #2 - FDOT Concurrence](#)

[Florida Statute](#)

## 17. Planning

- 17.A. 21-R3 Ordinance - First Reading - Quasi-Judicial - AN ORDINANCE DETERMINING REZONE TO PLANNED DEVELOPMENT PETITION 21-R3, REZONING APPROXIMATELY 14.5 ACRES FROM PD PLANNED DEVELOPMENT (NAMED PARK SHORE PLANNED DEVELOPMENT) TO A NEW PD PLANNED DEVELOPMENT KNOWN AS NEAPOLITAN WAY PLAZA ON PROPERTY OWNED BY NEW MARKET – NEAPOLITAN, LLC, A DELAWARE LIMITED LIABILITY COMPANY, LOCATED AT 4601 9TH STREET NORTH AND 866 NEAPOLITAN WAY MORE PARTICULARLY DESCRIBED HEREIN; ADOPTING THE PLANNED DEVELOPMENT DOCUMENT INCLUDED HEREIN; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE. (To be considered concurrently with 20-SP11.)

Recommended Action: Consider the Ordinance at First Reading and Public Hearing; and schedule Second Reading and Public Hearing on September 15, 2021.

[Agenda Memorandum](#)

[Ordinance](#)

[PAB Staff Report](#)

[Application](#)

[Disclosure](#)

[Deed](#)

[Code Comparison](#)

[Parking Demand Study](#)

[Traffic Impact Study](#)

[Site Plan](#)

[Survey](#)

[Aerial](#)

[Sec. 56-129 Shopping Centers](#)

[Responses to Chairman Selfon 5/4/2021](#)

[Draft PAB Minutes 060921](#)

[Petitioner Credentials](#)

[Planning Department Resumes](#)

[Labels](#)

- 17.B. 20-SP11 Resolution - Quasi-Judicial - A RESOLUTION DETERMINING SITE PLAN PETITION 20-SP11 FOR THE PROPOSED DEMOLITION OF THE EXISTING PUBLIX STORE AND ADJACENT RETAIL UNIT AND STORAGE AREA, AND THE REPLACEMENT WITH A NEW PUBLIX STORE CONTAINING APPROXIMATELY 51,908 SQUARE FEET OF SPACE, ON PROPERTY OWNED BY NEW MARKET – NEAPOLITAN, LLC, A DELAWARE LIMITED LIABILITY COMPANY, AND LOCATED AT 4601 9TH STREET NORTH, MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE. (To be considered concurrently with 21-R3.)

Recommended Action: Discussion only.

[Agenda Memorandum](#)

[PAB Staff Report](#)

[Site Plan Application](#)

[Disclosure](#)

[Architectural Plans](#)

[Civil Engineering Plans](#)

[Landscape Plans](#)

[Fire Truck Exhibit](#)

[Lighting Plan](#)

[Water Management Report](#)

[Traffic Impact Statement](#)

[Cover Letter from ABB 052821](#)

[Updated Landscape Plan 052821](#)

[Site Plan Sufficiency Letter 061021](#)

[Alta Survey](#)

[Legal Description](#)

[Deed](#)

[Correspondence](#)

[Petitioner Credentials](#)

[Planning Department Resumes](#)

[Labels](#)

[Resolution \(discussion only\)](#)

- 17.C. 21-ODPV7 Resolution - Quasi-Judicial - A RESOLUTION DETERMINING OUTDOOR DINING PETITION 21-ODPV7 GRANTING OUTDOOR DINING ON PRIVATE PROPERTY FOR DEL MAR RESTAURANT, LOCATED AT 494 5TH AVENUE SOUTH ON PROPERTY OWNED BY REINCO, INC., SAID PROPERTY BEING MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Recommended Action: Consider the Resolution.

[Agenda Memorandum](#)

[Resolution 21-OPDV7](#)

[Supplemental Memo](#)

[Department Review Comments](#)

[Application](#)



[Disclosure Property Owner](#)  
[Disclosure Business Owner](#)  
[MHK Plans](#)  
[Plan of Operation](#)  
[Furniture](#)  
[Furniture 2](#)  
[Petitioner Credentials](#)  
[Planning Department Resumes](#)  
[Labels](#)

- 17.D. 21-ODPV6 - Resolution - Quasi-Judicial - A RESOLUTION DETERMINING OUTDOOR DINING PETITION 21-ODPV6 TO ESTABLISH OUTDOOR DINING ON PRIVATE PROPERTY FOR CAFE CREME DE LA CREME, ON PROPERTY OWNED BY BRIXMOR PARK SHORE SC LLC, AND LOCATED AT 4339 9TH STREET NORTH, MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Recommended Action: Consider the resolution.

[Agenda Memorandum](#)

[Resolution](#)

[Supplemental Memorandum](#)

[Outdoor Dining Application](#)

[Creme de la Creme LLC - Disclosure](#)

[Briarmor Park Shore SC LLC - Disclosure](#)

[Life Safety Seating Plan](#)

[Fire, Police, Code Memorandums](#)

[Staff Qualifications](#)

[Mailing Labels](#)

## 18. City Council

- 18.A. City Council, serving as the Evaluation Committee of submitted proposals for the Request for Proposals (RFP 21-042) City of Naples Executive Search Firm (City Manager), is asked to score and rank submitted proposals.

Recommended Action: Score and rank submitted proposals and provide staff with direction related to the top ranked firm(s).

[Agenda Memorandum](#)

[Executive Search Firm - City Manager - Evaluation Instructions](#)

[Executive Search Firm - City Manager - INDIVIDUAL Committee Evaluation Form](#)

[Executive Search Firm - City Manager with Addendum 1](#)

[Baker Tilly US, LLP, Submittal](#)

[Colin Baenziger & Associates - Volume 1 Submittal](#)

[Colin Baenziger & Associates - Volume 2 Submittal](#)

[Ralph Andersen & Associates -Submittal](#)

- 18.B. COVID-19 information presentation and discussion.

Recommended Action: Discussion and direction.

[Agenda Memorandum](#)

[COVID Recommendations 8-2-2021](#)

18.C. Request for additional City Council meetings in September 2021.

Recommended Action: Approve the request.

[Agenda Memorandum](#)

18.D. Discussion relating to the powers of the Mayor.

Recommended Action: Discussion.

[Agenda Memorandum](#)

Public Comment

Correspondence and Communications

Adjourn