

**NOTICE OF MEETING AND AGENDA (SUPPLEMENT 2)  
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, September 15, 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. Swearing in of Naples Youth Council

**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. Resolution - Legislative - A RESOLUTION APPROVING AN AMENDMENT TO THE 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, TO PROVIDE FOR EARLY VOTING; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.  
Recommended Action: Approve as submitted.  
[Agenda Memorandum](#)  
[Resolution](#)  
[Amendment to Interlocal Agreement - Election Services](#)
  - 6.B. Acknowledge the selection of John Heinze on the Board of Trustees of the Firefighters' Retirement Trust Fund.  
Recommended Action: Acknowledge Pension Board member.  
[Agenda Memorandum](#)  
[Fire Pension code](#)
7. Community Services
  - 7.A. Resolution - Legislative - A RESOLUTION APPROVING A USE AGREEMENT WITH GULFSHORE PLAYHOUSE FOR THE USE OF THE NORRIS CENTER LOCATED WITHIN CAMBIER PARK AT 755 8th AVENUE SOUTH, NAPLES, FLORIDA; AUTHORIZING THE MAYOR TO EXECUTE THE USE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.  
Recommended Action: Approve the resolution and authorize the Mayor to execute the agreement.  
[Agenda Memorandum](#)  
[Resolution](#)  
[Use Agreement - Gulfshore Playhouse](#)  
[Gulfshore Signed Agreement 2015](#)
8. Planning
  - 8.A. City Council review of the approval of indoor live entertainment petition 21-LE2 for La Trattoria Restaurant, located at 878 5th Avenue South.  
Recommended Action: 6-month review of approval.  
[Agenda Memorandum](#)

[Combined no complaints](#)  
[Original Approved Life Safety Plan](#)  
[2021-14612 res](#)

- 8.B. City Council review of Live Entertainment permit granted under Resolution 2017-14050, and not revoked via Resolution 2021-14602, for Vergina dba Monticello Café, on property owned by Fifth Avenue of Naples, Inc., located at 700 5th Avenue South pursuant to direction in February 2021.  
Recommended Action: Review of approval.

[Agenda Memorandum](#)

[Department Comments](#)

[Resolution 2021-14602](#)

[Resolution 2017-14050](#)

[Approved Plan - Live Entertainment permit 17-LE5](#)

[02-17-2021 CC Minutes](#)

9. Streets & Stormwater

- 9.A. City Council is asked to consider:

1. An Agreement with Kimley-Horn & Associates, Inc. in an amount of \$867,441 for professional engineering services to preform assessments of five stormwater drainage areas and provide design and construction options, with cost estimates, for improving the drainage level of service for each area; and authorize the City Manager to execute the Agreement.
2. Resolution - Legislative - A RESOLUTION AMENDING THE 2020-21 BUDGET ADOPTED BY ORDINANCE 2020-14570 TO FUND THE COST OF STORMWATER BASIN ASSESSMENTS; AND PROVIDING AN EFFECTIVE DATE.

If items 1. And 2. Above are declined, City Council is asked to consider an Agreement with Kimley-Horn & Associates, Inc. in an amount of \$762,566 for professional engineering services to preform assessments of four stormwater drainage areas and provide design and construction options, with cost estimates, for improving the drainage level of service for each area; and authorize the City Manager to execute the Agreement.

Recommended Action: 1. Approve the agreement and authorize the City Manager to execute.

2. Approve the resolution.

[Agenda Memorandum](#)

[Resolution](#)

[Agreement - Kimley-Horn - Five Basin Agreement](#)

[Agreement - Kimley-Horn - Four Basin Assessment](#)

[Figure #1 Assessment Areas](#)

[Figure #2 Assessment Basin Maps](#)

[21-033 Bid Analysis](#)

## END OF CONSENT AGENDA

### 10. Old Business (continued from the September 1, 2021 Regular Meeting) (this section and its items now numbered - SUPPLEMENT 1)

- 10.A. Ordinance - First Reading - Legislative - AN ORDINANCE CREATING A NEW ARTICLE XI, ENTITLED "PROCEDURES GOVERNING CONDUCT OF PUBLIC OFFICIALS WITH RESPECT TO EX PARTE COMMUNICATIONS AS TO QUASI-JUDICIAL MATTERS; STATING THE POLICY AND PURPOSE OF THE ORDINANCE, DEFINITIONS, DISCLOSURE PROCEDURES, AND PENALTIES; PROVIDING FOR A SEVERABILITY CLAUSE, A REPEALER PROVISION; AND AN EFFECTIVE DATE.

Recommended Action: Approve the ordinance at First Reading; schedule for Second Reading and Public Hearing October 6, 2021.

[Agenda Memorandum](#)

[Ordinance](#)

- 10.B. Ordinance - First Reading - Legislative - AN ORDINANCE CREATING A NEW ARTICLE X, ENTITLED "DEFENSE OF CITY OFFICIALS IN ETHICS MATTERS," IN CHAPTER 2, "ADMINISTRATION," OF THE CITY OF NAPLES CODE OF ORDINANCES; PROVIDING DEFINITIONS; PROVIDING FOR AN AMENDMENT WITHIN THE RISK FUND AUTHORIZING THE REIMBURSEMENT PAYMENT OF ATTORNEY'S FEES AND COSTS INCURRED BY CITY OFFICIALS IN THE COURSE OF DEFENDING AGAINST ETHICS COMPLAINTS; PROVIDING A POLICY STATEMENT, AND PURPOSE; PROVIDING FOR THE CITY'S RECOVERY OF FUNDS FOR MALICIOUS OR FRIVOLOUS ALLEGATIONS OF VIOLATION OF THE CODE OF ETHICS; PROVIDING FOR EMPLOYEE DISCIPLINE AND TERMINATION PROCEEDINGS, PROVIDING FOR A SEVERABILITY CLAUSE, A REPEALER PROVISION; AND AN EFFECTIVE DATE.

Recommended Action: Approve the ordinance at First Reading and Public Hearing; schedule Second Reading and Public Hearing October 6, 2021.

[Agenda Memorandum](#)

[Ordinance](#)

[Attachment A](#)

### 11. City Attorney

- 11.A. Ordinance - Second Reading - 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, EXCEPT FOR SECTION 2-974(F)(POST-EMPLOYMENT RESTRICTIONS) AND SECTION 2-976 (CONTRACTS FOR PROFESSIONAL AND CONSTRUCTION SERVICES) IN ARTICLE IX OF CHAPTER 2; CODIFYING AMENDMENTS PRESENTED TO THE CITY COUNCIL BY THE COMMISSION ON ETHICS AND PUBLIC INTEGRITY; PROVIDING FOR RENUMBERING OF APPLICABLE SECTIONS AS NEEDED, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE. (SUPPLEMENT 1 - ADDED ITEM)

Recommended Action: Adopt at Second Reading and Public Hearing.

[Agenda Memorandum](#)

[Ordinance](#)

[Section 2 974f and 2 976, Code of Ordinances](#)

## 12. City Clerk

- 12.A. Consider appointing members to the Carver Finance Board of Directors, the Code Enforcement Board, the Community Redevelopment Agency Advisory Board, and the Planning Advisory Board.

Recommended Action: Appoint members.

[Agenda Memorandum](#)

[Carver Finance Board - A. Dumornay application](#)

[Carver Finance Board - M. Lamb application](#)

[Carver Finance Board - S. Merrick application](#)

[Carver Finance Board resolution](#)

[Code Enforcement Board - S. Greenwald application](#)

[Code Enforcement Board - G. Jarrett application](#)

[Code Enforcement Board - W. Marshall application](#)

[Code Enforcement Board - W. Phillips application](#)

[Code Enforcement Board - C. Russell application](#)

[Fla. Stat. 162.05](#)

[CRAAB - J. Colon application](#)

[CRAAB - A. Gregory application](#)

[CRAAB Code section](#)

[PAB - B. Abbott application](#)

[PAB - P. Coughlan application](#)

[PAB - M. Slagle application](#)

[PAB - K. Petry application](#)

[PAB - G. Veras application](#)

[PAB Code](#)

[Amended Agenda Memorandum \(SUPPLEMENT 1 - ADDED ATTACHMENT\)](#)

## 13. Planning

- 13.A. 21-R3 Ordinance - Second 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 Second Reading and Public Hearing

[Agenda Memorandum](#)

[Ordinance](#)

[Redline PD Comparing 032921 version to 082421 version](#)

[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](#)

- 13.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: Consider the Resolution.

[Agenda Memorandum](#)

[Resolution](#)

[PAB Staff Report](#)

[Site Plan Application](#)

[Disclosure](#)

[Architectural Plans](#)

[Cover Letter Agnoli Barber 082521](#)

[Water Management Report 082521](#)

[ABB memo and attachment](#)

[Revised Civil Plans 082521](#)

[Landscape Plans](#)  
[Fire Truck Exhibit](#)  
[Lighting Plan](#)  
[Traffic Impact Statement](#)  
[Cover Letter from ABB 052821](#)  
[Site Plan Sufficiency Letter 082621](#)  
[Updated Landscape Plan 052821](#)  
[Alta Survey](#)  
[Legal Description](#)  
[Deed](#)  
[Correspondence](#)  
[Petitioner Credentials](#)  
[Planning Department Resumes](#)  
[Labels](#)

- 13.C. 21-WD2 Resolution - Quasi-Judicial - A RESOLUTION DETERMINING WAIVER OF DISTANCE PETITION 21-WD2 TO ALLOW CMX COASTLAND TO OBTAIN AN ALCOHOLIC BEVERAGE LICENSE WITHIN 400 FEET OF AN ESTABLISHED SCHOOL ON PROPERTY LOCATED AT 2000 9TH STREET NORTH OWNED BY GS PORTFOLIO HOLDINGS 2017, LLC, MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Recommended Action: Consider the Resolution.

[Agenda Memorandum](#)  
[Resolution](#)  
[Supplemental Memorandum](#)  
[Waiver of Distance Application](#)  
[Disclosure Business Owner](#)  
[Disclosure Property Owner](#)  
[Cover Letter Summary](#)  
[Theater Floor Plan Life Safety](#)  
[Distance Exhibit](#)  
[Lease Agreement](#)  
[Combined No Comments](#)  
[Petitioner Credentials](#)  
[Planning Department Resumes](#)  
[Labels](#)

- 13.D. 21-ODPV16 Resolution - Quasi-Judicial - A RESOLUTION DETERMINING OUTDOOR DINING PETITION 21-ODPV16 GRANTING OUTDOOR DINING ON PRIVATE PROPERTY TO INCLUDE 5 TABLES AND 15 SEATS, FOR CMX COASTLAND LOCATED AT 2000 9TH STREET NORTH ON PROPERTY OWNED BY GS PORTFOLIO HOLDINGS 2017, LLC, SAID PROPERTY BEING MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Recommended Action: Consider the Resolution.

[Agenda Memorandum](#)

[Resolution](#)  
[Supplemental Memorandum](#)  
[Application](#)  
[Disclosure Business Owner](#)  
[Disclosure Property Owner](#)  
[Floor Plan](#)  
[Picture of facade and terrace](#)  
[Picture of Terrace](#)  
[Lease Agreement](#)  
[Petitioner Credentials](#)  
[Planning Department Resumes](#)  
[Labels](#)

#### 14. Streets and Stormwater

14.A. Ordinance - Second Reading: 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: Adopt the ordinance.

[Agenda Memorandum](#)

[Ordinance](#)

[Attachment #1 - Staff Analysis](#)

[Attachment #2 - FDOT Concurrence](#)

14.B. Ordinance - Second Reading - Legislative - AN ORDINANCE RELATING TO FERTILIZER USE, READOPTING OR AMENDING CHAPTER 52, RESOURCE PROTECTION STANDARDS, ARTICLE VII, FERTILIZER USE AND MAINTENANCE OF URBAN LANDSCAPES, SECTIONS 52-182 THROUGH 52-187, CODE OF ORDINANCES, CITY OF NAPLES; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION, AND AN EFFECTIVE DATE.

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

[Agenda Memorandum](#)

[Ordinance](#)

[Attachment #1-Cocoa Beach Agenda Item Memo](#)

[Attachment #2-NSEMA Fertilizer Support Doc with letter Dec 11](#)

[Attachment #3-Palmer Ranch](#)

[Attachment #8-FAU Harbor Branch Indian River](#)

[Attachment #4-Fertilizer Ordinance Effect](#)

[Attachment #5-Analysis of P N Chla Relative to FertOrd](#)

[Attachment #6-Roberts Bay Fert. Ordinance Results](#)



Attachment #7-N and P Before & After Fertilizer Ordinances  
Attachment #9-Comments from UF IFAS on Naples Fert Ord 2019  
Attachment #10-Gordon Dissolved O2 Final Report  
Attachment #11-Naples NOI Reissuance Signed Final  
Attachment #12-Year-4 Report City of Naples  
Attachment #13-Beever 2016  
Attachment #14-Conservancy of SW FL  
Attachment #15-Erickson 2010  
Attachment #16-LeeCoStudy  
Attachment #17-Grass for FL Lawns  
Attachment #18-Strong Fertilizer Ordinance Coverage, Florida  
Attachment #19-MANATEE COUNTY  
Attachment #20a-City of Naples Sierra Club Support for a Strong Urban Fertilizer Ordinance  
Attachment #20b-Sierra Club Email  
Attachment #21-IFAS response 08 2021  
Attachment #22-DEP City of Naples 2021  
Attachment #23-MS4 Permit City Of Naples Stormwater System Programs  
Attachment #24-TMDL Report Gordon River final 091208  
Attachment #25-fertilizer\_brochure\_final\_3\_7\_2020  
Attachment #26-Verified Impaired Waters Final List 2019  
Attachment #27-Verified-List\_Impaired Waters 06 21 2021  
Attachment #28-07-LassodelaVega-flsc-79-02-125  
Attachment #29-City of Naples 2018 Stormwater Master Plan Update  
Attachment #30-2019 Update Lakes Management Plan  
Attachment #31-Comp Plan Water Quality Objective and Policies  
Attachment #32-Letter of Support from Conservancy of SW Florida  
Attachment #33-Florida Statutes  
Attachment #34-Excerpts from Naples stormwater\_master\_plan\_update  
Attachment #35-Conservancy 10-24-17-City-of-Naples-re-Fertilizer-Ordinance  
Attachment #36-Notice of Publication  
Attachment #37-Naples 2015 WQ Analysis Report - Final (SUPPLEMENT 1 - ADDED ATTACHMENT)

- 14.C. A Resolution providing commitments to William Holekamp, property owner of 275 Gulf Shore Boulevard North, related to stormwater system improvements within the 3rd Avenue North beach end and receive a release of City legal liability from William Holekamp.

A resolution will be provided in a supplement on Friday, September 10, 2021.  
Recommended Action: Consider the resolution.

[Agenda Memorandum](#)

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

15. Police

- 15.A. Consider the approval of a Third Amendment to the Contract for Purchase and Sale of Goods between the City of Naples and Motorola Solutions, Inc. for the provision of the seller to provide maintenance and support services for the PREMIERONE Records System from October 1, 2021 through September 30, 2024, for the amount of \$205,239.00; and authorize the City Manager to execute.

Recommended Action: Approve the agreement; authorize the City Manager to execute.

[Agenda Memorandum](#)

[Motorola 3rd Amendment to Agreement 2021](#)

[Motorola Extension to Maintenance & Support Agreement 2021](#)

[Motorola 2nd Amendment to Agreement 2018](#)

[Motorola 1st Amendment to Agreement 2016](#)

[Motorola Original Agreement 2015](#)

16. City Manager (SUPPLEMENT 2 - ADDED SECTION)

- 16.A. Request to reschedule the September 16, 2021 (1:00 p.m.) joint workshop with the Naples Airport Authority to September 30, 2021 beginning at 9:00 a.m. (SUPPLEMENT 2 - ADDED ITEM).

Recommended Action: Approve the request.

[Agenda Memorandum \(SUPPLEMENT 2 - ADDED ATTACHMENT\)](#)

Public Comment

Correspondence and Communications

Adjourn