

NOTICE OF MEETING AND AGENDA (SUPPLEMENT 3)

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.

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, November 3, 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 Award Presentations

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 from 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](#)

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

[September 9, 2021 Regular Meeting minutes](#)

[September 13, 2021 Workshop Meeting minutes](#)

[September 15, 2021 Regular Meeting Minutes](#)

[September 27, 2021 Special Meeting minutes](#)

7. Community Services

7.A. SPECIAL EVENT - REPEAT EVENTS

(1) Collier Freedom Inc. Annual March and Celebration - Saturday, January 15, 2022 from 10:00 a.m. until 2:00 p.m. - Cambier Park

(2) Annual Naples Boat Show - Marine Industries Association of Collier county - Thursday, January 20, 2022 through Sunday, January 23, 2022 from 10:00 a.m. until 5:00 p.m. each day - Naples Airport and Naples City Dock

(3) Kids Free Fishing Clinic - Saturday, March 5, 2022 from 9:00 a.m. until 1:00 p.m. - Naples Fishing Pier

(4) Cars on 5th Show - Naples Ferrari Club - 5th Avenue South from U.S. 41 to 3rd Street South - 10:00 a.m. until 4:00 p.m.

(5) Annual Fleet Review & Commissioning Ceremony - Naples Yacht Club - December 4, 2021 from 10:00 a.m. until 3:00 p.m.

(SUPPLEMENT 1 - CORRECTED LIST OF REPEAT EVENTS)

(1) Celebration Community Beach Church Weekly Church Service - Sunday mornings, November 23, 2021 –November 23, 2022, from 9:30 a.m. until 10:30 a.m. at Cambier Park

(2) Naples Artcrafters Fine Arts and Craft Shows - Saturday, March 12, 2022, from 10:00 a.m. until 4:00 p.m. at Fleischmann Park

(3) Celebration Community Beach Church Annual Christmas Eve Service - Friday, December 24, 2021, from 6:00 p.m. to 7:00 p.m. at Cambier Park

(4) Gulf Coast Runners Turkey Trot 5K Run - Thursday, November 25, 2021, from 7:00 a.m. until 10:00 a.m. at Cambier Park

(5) 44th Annual Third Street South Christmas Tree Lighting - Monday, November 22, 2021 from 6:00 p.m. until 9:00 p.m. at 3rd Street South

(6) Christmas Comes to 3rd Street South - November 23, 24, 26, and 27, 2021, and December 2, 3, 9, 10, 16, 17, 23, 24, and 30, 2021, from 5:00 p.m. until 8:00 p.m.

(7) Gulf Coast Runners Old Naples 10K - Sunday, November 14, 2021, from 7:00 am until 9:00 am. at Downtown Naples, concluding at Cambier Park

(8) Gulf Coast Runners Naples Half Marathon - Sunday, January 16, 2022, from 7:00 a.m. until 10:00 a.m. at Downtown Naples, concluding at Cambier Park

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

[Agenda Memorandum](#)

8. Finance

- 8.A. Resolution - Legislative - A RESOLUTION AMENDING THE FISCAL YEAR (FY) 2021-22 BUDGET ADOPTED BY RESOLUTION 2021-14713 TO: APPROPRIATE FUNDS FROM THE FUND BALANCES OF THE PUBLIC SERVICE TAX/CAPITAL PROJECT FUND, ONE CENT SALES TAX CAPITAL PROJECT FUND, NAPLES BEACH FUND, TECHNOLOGY SERVICES FUND, AND CRA FUND TO RE-APPROPRIATE VARIOUS FY 2020-21 PROJECTS NOT FULLY EXPENDED NOR FULLY ENCUMBERED PRIOR TO YEAR END; AND PROVIDING AN EFFECTIVE DATE.

Recommended Action: Approve the resolution.

[Agenda Memorandum](#)

[Resolution](#)

9. Police

- 9.A. Approval of a contract to Inventech Marine Solutions, LLC, to purchase one 2021 Life Proof 25HT102-Pro police vessel, to include motors, accessories, electronics, and delivery for a total amount of \$193,722.87, under the terms of U.S Governmental Services Agency (GSA) contract 47QSWA18D0015, which expires January 7, 2023; and authorize the City Manager to award the contract via purchase order.

Recommended Action: Approve the contract and authorize the City Manager to award via purchase order.

[Agenda Memorandum](#)

[Quote - Life Proof](#)

10. Streets & Stormwater

- 10.A. Resolution - Legislative - A RESOLUTION APPROVING A TEMPORORARY WORK AREA EASEMENT AGREEMENT BETWEEN THE CITY OF NAPLES AND 550 FIFTH AVENUE SOUTH, LLC FOR TEMPORARY CONSTRUCTION OPERATIONS RELATED TO THE SPRING LAKE RESTORATION PROJECT; AUTHORIZING THE CITY MANAGER TO EXECUTE THE TEMPORARY WORK AREA EASEMENT; DIRECTING THE CITY CLERK TO RECORD; AND PROVIDING AN EFFECTIVE DATE.

Recommended Action: Approve the resolution.

[Agenda Memorandum](#)

[Resolution](#)

11. City Manager

11.A. Review and approval of the 2022 Legislative Priorities.

Recommended Action: Approve the 2022 Legislative Priorities.

[Agenda Memorandum](#)

[2022 Legislative Priorities](#)

11.B. Memorandums of Understanding between the City of Naples and AFSCME, IAFF, FOP Officers, and FOP Supervisors unions regarding annual cash payment for unused personal leave for the period October 1, 2021 through September 30, 2022. Recommended Action: Approve the MOU 'sand authorize the City Manager to execute.

[Agenda Memorandum](#)

[2021 PL MOU - City of Naples AFSCME MOU.](#)

[2021 PL MOU - City of Naples IAFF MOU](#)

[2021 PL MOU - FOP](#)

[2021 PL MOU - FOPS](#)

END OF CONSENT AGENDA

12. Community Services

12.A. SPECIAL EVENT - NEW EVENTS

(1) Nash to Naples hosted by the Hacienda of Hope - Saturday, January 15, 2022, from 7:00 p.m. – 9:00 p.m. at Cambier Park

(2) Hope Shines 20th Annual Mental Health Walk hosted by NAMI of Collier County - Saturday, January 29, 2022, from 8:00 a.m. - 11:00 a.m. at Baker Park

(3) The Nest Vendor Show and Family Fun day hosted by the Nest - Sunday, December 5, 2021 from 10:00 a.m. – 2:00 p.m. at Baker Park

(4) Naples Jet Center Private Party - hosted by the Naples Jet Center on Friday, December 3, 2021 from 6:30 p.m. – 11:30 p.m. at the Naples Airport

(5) YogaCAN hosted by Cancer Alliance of Naples - Sunday, November 14, 2021 from 8:30 a.m. - 12:30 p.m. at Baker Park

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

[Agenda Memorandum](#)

[Nash to Naples](#)

[NAMI](#)

[NEST](#)

[Jet Center Private Party](#)

[YogaCAN](#)

13. Finance

13.A. Resolution - Legislative - A RESOLUTION OF THE CITY COUNCIL OF NAPLES, FLORIDA RELATING TO ESTABLISHMENT OF THE SEAGATE UNDERGROUNDING ASSESSMENT AREA; PROVIDING FOR THE IMPOSITION OF NON-AD VALOREM SPECIAL ASSESSMENTS THEREIN TO FUND THE

UNDERGROUNDING OF ELECTRIC, CABLE AND COMMUNICATION LINES AND FACILITIES AND STREET LIGHT IMPROVEMENTS; DESCRIBING THE PROPERTY TO BE LOCATED WITHIN THE ASSESSMENT AREA AND THE UTILITY UNDERGROUNDING AND STREET LIGHT IMPROVEMENTS TO BE CONSTRUCTED THEREIN; ESTIMATING THE COST OF THE IMPROVEMENTS; ESTABLISHING THE METHOD OF ASSESSING THE COSTS OF THE IMPROVEMENTS AGAINST REAL PROPERTY THAT WILL BE SPECIALLY BENEFITED THEREBY; DESIGNATING THE CITY FINANCE DIRECTOR AS ASSESSMENT COORDINATOR; DIRECTING THE ASSESSMENT COORDINATOR TO PREPARE A PRELIMINARY ASSESSMENT ROLL; ESTABLISHING A PUBLIC HEARING TO CONSIDER IMPOSITION OF THE PROPOSED ASSESSMENTS AND DIRECTING THE PROVISION OF MAILED AND PUBLISHED NOTICE; AND PROVIDING AN EFFECTIVE DATE.

Recommended Action: Approve the resolution.

[Agenda Memorandum](#)

[Resolution](#)

[Seagate Presentation](#)

[Resolution 2018-14093](#)

[Resolution 2008-12256 - Special Assessment Procedures](#)

14. Planning

- 14.A. 20-SP16 Resolution - A RESOLUTION DETERMINING A SITE PLAN FOR THE PUBLIC SERVICE DISTRICT OF THE NAPLES SQUARE PLANNED DEVELOPMENT; APPROVING SITE PLAN PETITION 20-SP16; ON PROPERTY OWNED BY GULFSHORE PLAYHOUSE, INC., A FLORIDA NOT FOR PROFIT CORPORATION, LOCATED AT 100 GOODLETTE-FRANK ROAD AND 1170 1ST AVENUE SOUTH, MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE. (Rescheduled from October 20, 2021 meeting)

Recommended Action: Consider the resolution.

[Agenda Memorandum](#)

[Resolution](#)

[20-SP16 Staff Report](#)

[Site Plan Petition](#)

[Affidavit of Authorization](#)

[Disclosure of Interest - Gulfshore Playhouse](#)

[Deed](#)

[Gulfshore Playhouse Sunbiz](#)

[Survey](#)

[Architectural Plans](#)

[Architectural Plans 9-24-21](#)

[Civil Plans](#)

[Landscape Plans 10-6-21](#)

[Uniform Sign Plan Narrative](#)

[Uniform Sign Plan](#)

[Parking Needs Analysis](#)

Traffic Impact Statement - Trebilcock
Traffic Impact Study Supplement - Stantec
Level of Service Build-Out Analysis - Stantec
Preliminary Utilities Engineering Report
Resolution 2021-14653 - Parking Garage Agreement
20-SP16 Sufficiency Letter 10-07-21
Petitioner Qualifications
Staff Qualifications
Mailing Labels

- 14.B. 21-T9 Ordinance - First Reading - Legislative - AN ORDINANCE RELATED TO LIVE ENTERTAINMENT, AMENDING CHAPTER 56, SUPPLEMENTAL STANDARDS, ARTICLE IV, STANDARDS APPLICABLE TO COMMERCIAL DISTRICTS, SECTION 56-125, LIVE ENTERTAINMENT, OF THE CODE OF ORDINANCES, CITY OF NAPLES; PURSUANT TO TEXT AMENDMENT PETITION 21-T9; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER PROVISION; AND PROVIDING AN EFFECTIVE DATE.
Recommended Action: Consider the ordinance at First Reading; schedule for Second Reading and Public Hearing on December 1, 2021.
[Agenda Memorandum](#)
[21-T9 Ordinance](#)
[21-T9 Ordinance \(Redlined with PAB amendments\)](#)
[PAB Report](#)
[Sec 56-125. Live entertainment permit](#)
[2021-1013 pabr draft minutes \(SUPPLEMENT 3 - ADDED ATTACHMENT\)](#)
- 14.C. 21-T8 Ordinance - First Reading - Legislative - AN ORDINANCE RELATED TO OUTDOOR DINING, AMENDING CHAPTER 56, SUPPLEMENTAL STANDARDS, ARTICLE IV, STANDARDS APPLICABLE TO COMMERCIAL DISTRICTS, SECTION 56-126, OUTDOOR DINING, OF THE CODE OF ORDINANCES, CITY OF NAPLES; PURSUANT TO TEXT AMENDMENT PETITION 21-T8; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER PROVISION; AND PROVIDING AN EFFECTIVE DATE.
Recommended Action: Consider the Ordinance at First Reading; and schedule Second Reading and Public Hearing on December 1, 2021.
[Agenda Memorandum](#)
[21-T8 Ordinance](#)
[21-T8 Ordinance \(Redlined with PAB amendments\)](#)
[PAB Report](#)
[Florida Fire Prevention Code - Applicable Sections](#)
[Sec. 56-126. Outdoor dining - 2021 regulations](#)
[Sec. 56-126. Outdoor dining - 2018 regulations](#)
[Ordinance 2020-14457](#)
[2021-1013 pabr draft minutes \(SUPPLEMENT 3 - ADDED ATTACHMENT\)](#)

- 14.D. 21-T3 Ordinance - First Reading - Legislative - AN ORDINANCE AMENDING CHAPTER 58, ZONING, ARTICLE III, SPECIAL OVERLAY DISTRICTS, DIVISION 6, 5TH AVENUE SOUTH SPECIAL OVERLAY DISTRICT, SECTION 58-1134, SPECIFIC PROVISIONS, OF THE CITY OF NAPLES, CODE OF ORDINANCES; APPROVING TEXT AMENDMENT 21-T3 RELATING TO PARKING REQUIREMENTS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER PROVISION; AND PROVIDING AN EFFECTIVE DATE.
(SUPPLEMENT 2 - ADDED ITEM - Continued from November 1, 2021 meeting.)
Recommended Action: Consider the ordinance at First Reading; schedule for Second Reading and Public Hearing on December 1, 2021.
- [Agenda Memorandum](#)
[21-T3 Ordinance](#)
[PAB Report](#)
[1994 - DPZ Master Plan](#)
[2004 Duany Report](#)
[21-T3 - Ordinance \(SUPPLEMENT 2 - ADDED ATTACHMENT\)](#)
[2021-1013 pabr draft minutes \(SUPPLEMENT 3 - ADDED ATTACHMENT\)](#)

15. Utilities

- 15.A. Resolution - Legislative - A RESOLUTION APPROVING THE INTERLOCAL AGREEMENT WITH COLLIER COUNTY BOARD OF COUNTY COMMISSIONERS AND THE CITY OF NAPLES THAT ESTABLISHES CONDITIONS AND CONCESSIONS TO INCLUDE DESIGN AND CONSTRUCTION OF A CITY-OWNED WATER DISTRIBUTION SYSTEM AND A COUNTY-OWNED STORMWATER SYSTEM LOCATED ON HOLIDAY LANE, HARBOR LANE, AND HARBOR PLACE, WITHIN THE BROOKSIDE COMMUNITY; AUTHORIZING THE MAYOR TO EXECUTE THE INTERLOCAL AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.
Recommended Action: Approve the resolution and authorize the Mayor to execute the agreement.
- [Agenda Memorandum](#)
[Interlocal Agreement](#)
[Resolution](#)

16. City Attorney

- 16.A. Ordinance - Second 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 TO AUTHORIZE 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 CRITERIA; 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: Adopt the ordinance at Second Reading and Public Hearing.

[Agenda Memorandum](#)

[Ordinance](#)

- 16.B. Ordinance - First Reading - Legislative - AN ORDINANCE RELATING TO PROCEDURES REGARDING APPROVAL OF CHANGE ORDERS AND CONTRACT AMENDMENTS; AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE VI, FINANCE, DIVISION 3, PROCUREMENT PROCEDURES, SECTION 2-667, AWARD OF CONTRACTS AND CHANGE ORDERS, OF THE CITY OF NAPLES CODE OF ORDINANCES; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION; AND AN EFFECTIVE DATE.

Recommended Action: Approve at First Reading; schedule Second Reading and Public hearing on November 17, 2021.

[Agenda Memorandum](#)

[Ordinance](#)

17. City Council (SUPPLEMENT 3 - ADDED SECTION)

- 17.A. Employment Agreement for Interim City Manager Pete DiMaria. (Agreement to be provided in a supplement prior to this meeting.) (SUPPLEMENT 3 - ADDED ITEM - Continued from November 1, 2021 meeting)

Recommended Action: Approve the agreement and authorize the mayor to execute.

[Agenda Memorandum](#)

[Employment Agreement - DiMaria \(SUPPLEMENT 2 - ADDED ATTACHMENT\)](#)

[3 p.m. Draft Agreement provided during the 11.1.21 meeting \(SUPPLEMENT 3 - ADDED ATTACHMENT\)](#)

[11.2.21 Draft Interim City Manager Employment Agreement \(amending 3 p.m. draft provided during the 11.1.21 meeting\)\(SUPPLEMENT 3 - ADDED ATTACHMENT\)](#)

Public Comment

Correspondence and Communications

Adjourn