

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.

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, September 1, 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. Monthly Update from Collier County Commissioner Penny Taylor.

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. Day of Remembrance on 9/11 Proclamation

4. Set agenda (add or remove items)

5. Public Comment

CONSENT AGENDA

6. City Clerk

6.A. Approval of the May 25, 2021 Regular Meeting minutes.

Recommended Action: Approve as submitted.

[Agenda Memorandum](#)

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

7. Community Services

7.A. SPECIAL EVENTS - REPEAT EVENTS

(1) Naples Concert Band - 10/17/21, 11/7/21, 12/5/21, 1/16/22, 2/13/22, 3/6/22, 3/26/22, 4/24/22; (2) Naples Jazz Society Concerts - 10/24/21, 11/28/21, 12/19/21, 2/2/22, 2/23/22, 2/27/22, 3/20/22, 4/3/22; (3) Gulf Coast Big Band - 11/14/21, 12/12/21, 1/9/22, 2/6/22, 3/13/22, 4/10/22; (4) Stardust Memories Big Band Concerts - 12/6/21, 1/24/22, 2/7/22, 2/21/22, 3/21/22, 4/4/22; (5) Naples Big Band Concerts - 11/21/22, 12/13/21, 1/30/22, 2/14/22, 3/27/22, 4/11/21; (6) Evenings on 5th and Sidewalk Sale - 9/9/21, 10/1/21, 10/14/21, 11/5/21, 11/11/21, 1/13/21, 2/10/21, 3/10/22; (7) Art in the Park - Fine Art Show - 12/4/21, 2/5/22, 3/5/22; (8) Naples Artcrafters Fine Arts and Craft Shows - 1/8/22, 2/12/22, 4/9/22, 10/22/22, 11/12/22, 12/10/22; (9) 34th Annual Downtown Naples Festival of Arts - 3/19/22, 3/20/22; (10) 43rd Annual Naples National Art Festival - 2/19/22-2/20/22; (11) 26th Annual New Year's Art Show - 1/8/22-1/9/22; (12) 11th Annual Stone Crab/Seafood Festival at Tin City - 10/29/21-10/31/21; and (13) Tuba Christmas - 12/9/21.

Recommended Action: Review and approve, as submitted.

[Agenda Memorandum](#)

7.B. Resolution - Legislative - A RESOLUTION TO APPROVE THE 2021-2022 TOURIST DEVELOPMENT TAX GRANT AGREEMENT BETWEEN COLLIER COUNTY AND THE CITY OF NAPLES CATEGORY "A" CITY OF NAPLES PROJECTS; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

Recommended Action: Approve the resolution.

[Agenda Memorandum](#)

[Resolution](#)

[Agreement](#)

8. City Attorney (SUPPLEMENT 1 - ADDED SECTION)

- 8.A. Consideration of settlement agreement regarding 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. (SUPPLEMENT 1 - ADDED ITEM)
Recommended Action: Approve the agreement.
[Agenda Memorandum \(SUPPLEMENT 1 - ADDED ATTACHMENT\)](#)
[Settlement Agreement \(SUPPLEMENT 1 - ADDED ATTACHMENT\)](#)

END OF CONSENT AGENDA

9. Finance

- 9.A. FASBID Annual Report and determination of assessment.
Recommended Action: Receive presentation. Discussion.
[Agenda Memorandum](#)
[1 - FASBID Letter - Annual Report](#)
[2 - FASBID Financial Statement 12-31-2020](#)
[3 - FASBID 2020 Tax Return](#)
[2109-14394 Resolution and Agreement](#)
[Presentation](#)
- 9.B. Resolution - Legislative - A RESOLUTION ADOPTING AN ANNUAL SPECIAL ASSESSMENT ROLL FOR THE FIFTH AVENUE SOUTH BUSINESS IMPROVEMENT DISTRICT FOR FISCAL YEAR 2021-22; PROVIDING THAT ASSESSMENTS CONSTITUTE A LIEN ON ASSESSED PROPERTY UPON ADOPTION OF THE ASSESSMENT ROLL; DIRECTING THE CITY CLERK TO RECORD THE ASSESSMENT ROLL; AND PROVIDING AN EFFECTIVE DATE.
Recommended Action: Approve the Resolution.
[Agenda Memorandum](#)
[Resolution](#)
- 9.C. Resolution - Legislative - A RESOLUTION OF THE CITY COUNCIL OF NAPLES, FLORIDA, APPROVING THE FISCAL YEAR 2021-22 NON-AD VALOREM ASSESSMENT ROLL FOR THE AQUALANE SHORES UTILITY LINE EXTENSION ASSESSMENT AREA; DIRECTING CERTIFICATION OF THE ASSESSMENT ROLL TO THE COLLIER COUNTY TAX COLLECTOR; AND PROVIDING AN EFFECTIVE DATE.
Recommended Action: Approve the Resolution.
[Agenda Memorandum](#)
[Resolution](#)
- 9.D. Resolution - Legislative - A RESOLUTION OF THE CITY COUNCIL OF NAPLES, FLORIDA, APPROVING THE FISCAL YEAR 2020-21 NON-AD VALOREM ASSESSMENT ROLL FOR THE BEMBURY ASSESSMENT AREA LOCATED WITHIN THE CITY'S UTILITY SERVICE AREA; DIRECTING CERTIFICATION OF THE ASSESSMENT ROLL TO THE COLLIER COUNTY TAX COLLECTOR; AND PROVIDING AN EFFECTIVE DATE.

Recommended Action: Approve the Resolution.

[Agenda Memorandum](#)

[Resolution](#)

- 9.E. Resolution - Legislative - A RESOLUTION OF THE CITY COUNCIL OF NAPLES, FLORIDA, APPROVING THE FISCAL YEAR 2021-22 NON-AD VALOREM ASSESSMENT ROLL FOR THE GULF ACRES/ROSEMARY HEIGHTS ASSESSMENT AREA LOCATED WITHIN THE CITY'S UTILITY SERVICE AREA; DIRECTING CERTIFICATION OF THE ASSESSMENT ROLL TO THE COLLIER COUNTY TAX COLLECTOR; AND PROVIDING AN EFFECTIVE DATE.

Recommended Action: Approve the Resolution.

[Agenda Memorandum](#)

[Resolution](#)

10. Streets & Stormwater

- 10.A. Resolution - Quasi-Judicial - A RESOLUTION APPROVING A RIGHT-OF-WAY PERMIT APPLICATION # PRRW2102695 TO VALET PROS, LLC, FOR CENTRAL VALET SERVICE IN THE FIFTH AVENUE SOUTH BUSINESS IMPROVEMENT DISTRICT; AUTHORIZING THE CITY MANAGER TO EXECUTE THE RIGHT-OF-WAY PERMIT APPLICATION; AND PROVIDING AN EFFECTIVE DATE.

Recommended Action: Approve the resolution.

[Agenda Memorandum](#)

[Resolution](#)

[Attachment #1 - ROW Permit Application-Ops Plan-Insurance](#)

[Support Letters](#)

[Valet Pros Car Count Report Oct 2020-Apr 2021](#)

11. Technology Services

- 11.A. Technology Services is seeking City Council approval to award a contract valued at \$82,260 annually to provide internet services for the City of Naples for its primary and back up data centers as well as five additional City facilities to T3 Communications. This is a reduction in cost from the previous contract valued at \$142,740.00 annually.

Recommended Action: Award the contract and authorize the City Manager to execute.

[Agenda Memorandum](#)

[Agreement - T3 Communications, Inc.](#)

[21-039 Internet Service Provider Services - RFP](#)

[21-039 Bid Analysis](#)

[Agenda Memorandum - September 2020](#)

[2018-00116 First Amendment](#)

[Agenda Memorandum - September 2017](#)

[2017-00114 Original Agreement](#)

12. Human Resources

12.A. Discussion of the City's Risk Management Program (continued from the August 18, 2021 City Council Regular Meeting).

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](#)

[CAO Ethics Opinion 2007 RDP](#)

12.B. Resolution - Legislative - A RESOLUTION AUTHORIZING CLAIMS FUNDING AND PAYMENT OF SERVICE FEES AND STOP LOSS INSURANCE PREMIUMS FOR GROUP MEDICAL, AND PRESCRIPTION INSURANCE TO CIGNA HEALTH AND LIFE INSURANCE COMPANY; AND PROVIDING AN EFFECTIVE DATE.

Recommended Action: Approve the resolution.

[Agenda Memorandum](#)

[Resolution](#)

[FY22 GG Renewal Evaluation](#)

12.C. Resolution - Legislative - A RESOLUTION APPROVING RENEWAL OF THE CITY'S PROPERTY, LIABILITY, AND WORKERS' COMPENSATION INSURANCE PROGRAM FOR THE PERIOD OCTOBER 1, 2021 THROUGH SEPTEMBER 30, 2022; PROVIDING FOR THE PAYMENT OF PREMIUMS; AUTHORIZING THE CITY MANAGER TO ISSUE PURCHASE ORDERS; AND PROVIDING AN EFFECTIVE DATE.

Recommended Action: Approve the resolution.

[Agenda Memorandum](#)

[Resolution](#)

[Executive Summary](#)

[Naples 10-1 Premium Comparison 21-22 FINAL](#)

[Naples 10-1 Proposal 21-22 8-20-21](#)

[Firefighter Cancer Supplement](#)

13. Streets & Stormwater

13.A. Consider an Award of Contract by Purchase Order to Bonness, Inc., for pavement resurfacing services on Kingstown Drive and Captains Place; and authorize the City Manager to approve the Purchase Order in the amount of \$263,251.72, which includes a \$5,000 contingency amount.

Recommended Action: Award the contract and authorize the City Manager to execute.

[Agenda Memorandum](#)

[Attachment #1 - Bonness Contract & Extension](#)

[Attachment #2 - Contractor Quotes](#)

[Attachment #3 - Scope of Work](#)

- 13.B. Resolution - Legislative - A RESOLUTION APPROVING A LICENSE AGREEMENT BETWEEN HOFFMANN NAPLES TRANSPORTATION AND TOURS, LLC, AND THE CITY OF NAPLES RELATING TO THE USE OF CITY STREETS AND DESIGNATED STOPS FOR SIGHTSEEING BUS STOPS AND ROUTES ON CITY STREETS; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

Recommended Action: Approve the resolution.

[Agenda Memorandum](#)

[Resolution](#)

[Attachment #1 - Agreement - Naples Trolley Tours](#)

[Attachment #2 - Community Comparison](#)

- 13.C. 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: City Council is asked to approve:

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. The resolution.

If items 1. And 2. Above are declined, City Council is asked to approve 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.

[Agenda Memorandum](#)

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

[Resolution](#)

[Figure #1 Assessment Areas](#)

Agreement - Kimley-Horn - Four Basin Assessment
Figure #2-Assessment Basin Maps
21-033 Bid Analysis
Supplemental Agenda Memorandum (SUPPLEMENT 1 - ADDED ATTACHMENT)

- 13.D. Ordinance - First 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: Approve at First Reading and Public Hearing; schedule Second Reading and Public Hearing on September 15, 2021.

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
(SUPPLEMENT 1 - ADDED ATTACHMENT)

[Attachment #24-TMDL Report Gordon River final 091208 \(SUPPLEMENT 1 - ADDED ATTACHMENT\)](#)
[Attachment #25-fertilizer_brochure_final_3_7_2020 \(SUPPLEMENT 1 - ADDED ATTACHMENT\)](#)
[Attachment #26-Verified Impaired Waters Final List 2019 \(SUPPLEMENT 1 - ADDED ATTACHMENT\)](#)
[Attachment #27-Verified-List_Impaired Waters 06 21 2021 \(SUPPLEMENT 1 - ADDED ATTACHMENT\)](#)
[Attachment #28-07-LassodelaVega-flsc-79-02-125 \(SUPPLEMENT 1 - ADDED ATTACHMENT\)](#)
[Attachment #29-City of Naples 2018 Stormwater Master Plan Update \(SUPPLEMENT 1 - ADDED ATTACHMENT\)](#)
[Attachment #30-2019 Update Lakes Management Plan \(SUPPLEMENT 1 - ADDED ATTACHMENT\)](#)
[Attachment #31-Comp Plan Water Quality Objective and Policies \(SUPPLEMENT 1 - ADDED ATTACHMENT\)](#)
[Amended Agenda Memorandum \(SUPPLEMENT 1 - ADDED ATTACHMENT\)](#)

14. Ethics Commission (3:30 P.M. TIME CERTAIN) (Two or more members of the Ethics Commission may be present and may participate at the meeting.)
To be provided in a supplement will be the following item and material: Presentation of proposed amendment to Ethics Code approved on August 27, 2021 by the Ethics Commission.
 - 14.A. Presentation of Proposed Amendment to the City of Naples Code of Ethics by the Commission on Ethics and Governmental Integrity (“Ethics Commission”) (SUPPLEMENT 1 - ADDED ITEM).
Recommended Action: Consider a motion to reject the proposed amendments. If the motion to reject the proposed amendments does not receive 5 or more votes, the proposed amendments do not become law.
[Agenda Memorandum \(SUPPLEMENT 1 - ADDED ATTACHMENT\)](#)
[Code Draft August 27, 2021 \(SUPPLEMENT 1 - ADDED ATTACHMENT\)](#)
[20210820 Code clean version \(SUPPLEMENT 1 - ADDED ATTACHMENT\)](#)
15. City Attorney (to follow Item 14)
To be provided in a supplement will be the following items and materials: A. Ordinance - First Reading - amending the City of Naples Ethics Code; B. Ordinance - First Reading - establishing procedures for ex parte disclosures in quasi-judicial hearings; and C. Ordinance - First Reading - providing for reimbursement of expenses in defense of ethics complaints filed against elected or appointed public officials.
 - 15.A. Ordinance - First 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: Approve the ordinance at First Reading and Public Hearing; schedule Second Reading and Public Hearing September 15, 2021

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

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

[20210820 Code clean version \(SUPPLEMENT 1 - ADDED ATTACHMENT\)](#)

[Amended Code of Ethics 9-1-2021 v1 \(SUPPLEMENT 1 - ADDED ATTACHMENT\)](#)

[Section 2 974f and 2 976, Code of Ordinances \(SUPPLEMENT 1 - ADDED ATTACHMENT\)](#)

- 15.B. 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. (SUPPLEMENT 1 - ADDED ITEM)
- Recommended Action: Approve the ordinance at First Reading; schedule for Second Reading and Public Hearing September 15, 2021.
- [Agenda Memorandum \(SUPPLEMENT 1 - ADDED ATTACHMENT\)](#)
- [Ordinance \(SUPPLEMENT 1 - ADDED ATTACHMENT\)](#)
- 15.C. 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 THE ESTABLISHMENT OF A SELF-INSURANCE FUND FOR 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. (SUPPLEMENT 1 - ADDED ITEM)
- Recommended Action: Approve the ordinance at First Reading and Public Hearing; schedule Second Reading and Public Hearing September 15, 2021.
- [Agenda Memorandum \(SUPPLEMENT 1 - ADDED ATTACHMENT\)](#)
- [Ordinance \(SUPPLEMENT 1 - ADDED ATTACHMENT\)](#)
- [Final Attachment A \(SUPPLEMENT 1 - ADDED ATTACHMENT\)](#)

Public Comment

Correspondence and Communications

Adjourn