

**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: Pete DiMaria

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, February 16, 2022
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. Election Matters
 - 3.A. Recognition of outgoing Council Members

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. Canvassing Board Certification

3.C. Declaration of winners and swearing in of elected Council Members

4. Recess

5. Roll Call

Announcements

Do the Right Thing Award Presentations

Monthly update from Collier County Commissioner Penny Taylor

6. Set agenda (add or remove items)

7. Public Comment

CONSENT AGENDA

8. City Clerk

8.A. Approval of various City Council meeting minutes.

Recommended Action: Approve as submitted.

[Agenda Memorandum](#)

[November 17, 2021 Regular Meeting minutes](#)

[November 29, 2021 Regular Meeting minutes](#)

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

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

9. Community Services

9.A. SPECIAL EVENTS - REPEAT EVENTS

(1) Evenings on 5th and Sidewalk Sale - Hosted by the FASBID - on 5th Avenue South on April 14, 2022, May 12, 2022, June 9, 2022, July 14, 2022, August 11, 2022, and September 8, 2022, from 6:30 p.m. – 9:30 p.m.

(2) Baker Park 5k Run/Walk - Hosted by the Gulf Coast Runners - begins at the Baker Park

- Saturday, March 5, 2022, from 7:30 a.m. – 9:00 a.m.

(3) Naples Craft Beer Fest - Hosted by the Naples North Rotary Club Foundation, Inc. - at Bayfront – 465 Bayfront Place - Saturday, March 5, 2022 from 12:00 p.m. - 4:00 p.m.

(4) St. Patrick's Day Parade - Hosted by the Naples St. Patrick Foundation, Inc. - traditional parade route along 3rd Street South, 5th Avenue South, and 8th Street

South, and ends at 8th Street South and 8th Avenue South on Saturday, March 12, 2022 from 11:00 a.m. until 1:00 p.m.

(5) The Golden Eagles 5K Race - Hosted by Gulf Coast Runners on Saturday, February 19, 2022 from 7:00 a.m. – 8:30 a.m.

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

[Agenda Memorandum](#)

9.B. SPECIAL EVENTS - NEW EVENTS

(1) Glass Art Exhibit - Hosted by the Shaw Art Gallery - at 761 5th Avenue South, the Shaw Art building location - on Thursday, March 3, 2022, from 6:00 p.m. – 10:00 p.m.

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

[Agenda Memorandum](#)

[Shaw Gallery](#)

9.C. Resolution - Legislative - A RESOLUTION AMENDING FEES AND CHARGES FOR SERVICES AND USE OF CITY PROGRAMS, PARKS, AND FACILITIES AS AUTHORIZED BY SECTION 28-32 OF THE CITY OF NAPLES CODE OF ORDINANCES FOR THE PURPOSE OF CLARIFICATION, ADDING, OR INCREASING EXISTING RECREATIONAL ACTIVITY FEES AND STAFF SERVICE FEES FOR CITY PROGRAMS, PARKS, AND FACILITIES, INCLUDING THE ARTHUR L. ALLEN TENNIS CENTER; AND PROVIDING AN EFFECTIVE DATE.

Recommended Action: Approve the resolution.

[Agenda Memorandum](#)

[Resolution](#)

10. City Attorney

10.A. Consider the approval of the Vose Law firm's representation of City staff before the Code Enforcement Board; and authorize a contract with outside counsel to represent the Code Enforcement Board at its meetings.

Recommended Action: Authorize outside contract for Code Enforcement Board representation.

[Agenda Memorandum](#)

11. Risk Management (SUPPLEMENT 1 - ADDED SECTION)

11.A. Resolution - A RESOLUTION APPROVING A MEMORANDUM OF SETTLEMENT IN NANCY CAPUTO v. CITY OF NAPLES, 20th Judicial Circuit, Case No. 18-CA-000426; AND PROVIDING AN EFFECTIVE DATE. (SUPPLEMENT 1 - ADDED ITEM)

Recommended Action: Approve the resolution.

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

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

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

[General Release - Caputo - Redacted \(SUPPLEMENT 1 - ADDED ATTACHMENT\)](#)

END OF CONSENT AGENDA

REGULAR AGENDA

12. City Clerk

- 12.A. Election of Vice Mayor; appointment of Community Redevelopment Agency (CRA) Chair and Vice Chair; and appointment of City Council Members to various boards and committees.

Recommended Action: Elect and appoint Council Members as appropriate.

[Agenda Memorandum](#)

[Sec. 2.4 - Presiding officer; mayor; vice mayor](#)

[Resolution 2021-14640 - Rules of Procedure](#)

[Fla. Stat. 163.356 \(3\)\(c\) - Community Redevelopment Agency](#)

PUBLIC HEARINGS

13. Planning

- 13.A. 21-WD1 Resolution - Quasi Judicial - A RESOLUTION DETERMINING WAIVER OF DISTANCE PETITION 21-WD1 TO ALLOW DMD FLORIDA RESTAURANT GROUP G., LLC, D/B/A TWIN PEAKS – NAPLES, TO OBTAIN AN ALCOHOLIC BEVERAGE LICENSE WITHIN 400 FEET OF AN ESTABLISHED SCHOOL ON PROPERTY LOCATED AT 2078 9TH STREET NORTH OWNED BY GS PORTFOLIO HOLDINGS 2017, LLC, MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE. (to be considered concurrently with 10.B.)

Recommended Action: Consider the Resolution.

[Agenda Memorandum](#)

[Resolution](#)

[Supplemental Memorandum](#)

[Application](#)

[Disclosure Property Owner](#)

[Disclosure Business Owner](#)

[Cover Letter](#)

[Distance Exhibit](#)

[Site Plan](#)

[Life Safety Plan](#)

[Landscape Plan](#)

[Topo Survey](#)

[Day Rendering](#)

[Night Rendering](#)

[Petitioners Credentials](#)

[Planning Department Resumes](#)

[Labels](#)

[Petitioners Presentation](#)

- 13.B. 21-ODPV15 Resolution - Quasi-Judicial - A RESOLUTION DETERMINING OUTDOOR DINING PETITION 21-ODPV15 GRANTING OUTDOOR DINING ON PRIVATE PROPERTY TO INCLUDE 14 TABLES, 78 SEATS, AND 12 BAR SEATS, FOR DMD FLORIDA RESTAURANT GROUP G, LLC, D/B/A TWIN PEAKS – NAPLES, LOCATED AT 2078 9TH STREET NORTH ON PROPERTY OWNED BY GS PORTFOLIO HOLDINGS 2017, LLC, SAID PROPERTY BEING MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE. (to be considered concurrently with 10.A.)

Recommended Action: Consider the Resolution.

[Agenda Memorandum](#)

[Supplemental Memorandum](#)

[Resolution](#)

[Application](#)

[Disclosure Property Owner](#)

[Disclosure Business Owner](#)

[Cover Letter](#)

[Site Plan](#)

[Life Safety Plan](#)

[Landscape Plan](#)

[Topo Survey](#)

[Day Rendering](#)

[Night Rendering](#)

[Petitioners Credentials](#)

[Planning Department Resumes](#)

[Labels](#)

[Petitioner's Presentation](#)

- 13.C. 21-T2 Ordinance - Legislative - Second Reading - AN ORDINANCE RELATED TO PARKING, AMENDING CHAPTER 50, DEVELOPMENT AND DESIGN STANDARDS, ARTICLE IV, PARKING AND LOADING, OF THE CODE OF ORDINANCES, CITY OF NAPLES TO AMEND THE CITYWIDE PARKING REGULATIONS; PURSUANT TO TEXT AMENDMENT PETITION 21-T2; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER PROVISION; AND PROVIDING AN EFFECTIVE DATE.

Recommended Action: Adopt the ordinance at Second Reading.

[Agenda Memorandum](#)

[Ordinance](#)

[PAB Staff Report](#)

[Parking and Loading "clean"](#)

[Conditional Use and Special Exception Parking Chart](#)

[From Norm Trebilcock - Received at 10-18-2021 CC Workshop](#)

- 13.D. 21-T10 - Ordinance - Legislative - First Reading - AN ORDINANCE RELATING TO HISTORIC PRESERVATION; AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE V, BOARDS, COMMISSIONS AND COMMITTEES, BY AMENDING DIVISION 4, DESIGN REVIEW BOARD, CREATING A NEW SECTION 2-479

PROVIDING FOR DESIGN REVIEW BOARD'S JURISDICTION; POWERS AND DUTIES RELATED TO HISTORIC PRESERVATION; AND AMENDING CHAPTER 52 RESOURCE PROTECTION STANDARDS ARTICLE V. HISTORICAL, CULTURAL AND ARCHEOLOGICAL RESOURCES, AND CREATING SECTION 52-123 PROVIDING FOR EXTERIOR STREET VIEW OF STRUCTURES; SECTION 52-124 PROVIDING FOR DESIGNATION OF HISTORIC SITES, STRUCTURES AND NEW DISTRICTS WITHIN THE CITY; SECTION 52-125 PROVIDING FOR APPLICATIONS FOR CERTIFICATE OF APPROPRIATENESS; SECTION 52-126 PROVIDING FOR DE-DESIGNATION; AND SECTION 52-127 PROVIDING FOR PERFORMANCE OF CERTIFIED LOCAL GOVERNMENT (CLG) RESPONSIBILITIES; PROVIDING FOR SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.

Recommended Action: Consider the Ordinance at First Reading; schedule Second Reading and Public Hearing March 2, 2022.

[Agenda Memorandum](#)

[Ordinance](#)

[CLG - Ordinance - PAB Recommended Changes](#)

[CLG - Ordinance - Revised 12-2-2021 - Prior to PAB's Review and Revisions](#)

[CLG - Ordinance - Original Proposal from Historical Society](#)

[PAB Report](#)

[DIVISION 4. DESIGN REVIEW BOARD](#)

[Elaine Reed letter 10-15-2021](#)

[Elaine Reed letter to Historic District Owners 08-31-2021](#)

[CLG - Society Summary](#)

[Historic District Boundary--City 1987](#)

[Naples Historic District Inventory of Resources - Updated 11 March 2021](#)

[Appendix C - CLG Application](#)

[CLG Ordinance Checklist](#)

[Design Guidelines DRAFT - 3 Aug 2021](#)

[Six Steps to Get You There!](#)

[Preservation Approaches](#)

[Jan 11 2022 State CLG Comments on City of Naples CLG Ordinance Draft](#)

[SHPO CLG program Dec 7 2021 comments re 11-26 version](#)

[CLG HPB ORDINANCE list of individual SHPO designated structures](#)

[SHPO 2 11 22 Gmail - City of Naples CLG Ordinance Draft for Jan 19 2022 1st Reading \(SUPPLEMENT 1 - ADDED ATTACHMENT\)](#)

14. Fire-Rescue

- 14.A. Ordinance - Legislative - Second Reading - AN ORDINANCE RELATED TO FIRE PREVENTION AND PROTECTION, AMENDING CHAPTER 24, FIRE PREVENTION AND PROTECTION, ARTICLE III, STANDARDS, DIVISION 1, GENERALLY, SECTIONS 24-81, 24-88, 24-90 OF THE NAPLES CODE OF ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER PROVISION; AND PROVIDING AN EFFECTIVE DATE.

Recommended Action: Adopt the ordinance at Second Reading.

[Agenda Memorandum](#)

[Ordinance](#)

[Chapter 24 - Fire Prevention and Protection - Sections 24-81 through 24-91](#)

[69A-3.012 Adopting NFPA Codes](#)

[409-16-PDF](#)

15. City Manager

- 15.A. 1. Ordinance - Legislative - Second Reading - AN ORDINANCE OF THE CITY OF NAPLES, FLORIDA, AMENDING CHAPTER 29, PERSONNEL, ARTICLE V, POLICE OFFICERS' PENSION AND RETIREMENT SYSTEM, DIVISION 1, GENERALLY, SECTION 29-271, DEFINITIONS, OF THE CODE OF ORDINANCES, BY AMENDING THE DEFINITION OF "PRIOR SERVICE CREDIT" TO PROVIDE FOR A REFUND OF THE AMOUNT PAID FOR PRIOR SERVICE CREDIT IF A MEMBER SUBSEQUENTLY BECOMES DISABLED IN THE LINE OF DUTY AND THE MEMBER'S DISABILITY BENEFIT IS BASED ON THE APPLICABLE MINIMUM BENEFIT; PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY AND APPLICABILITY, AND PROVIDING AN EFFECTIVE DATE. (11:00 A.M. TIME CERTAIN); and
2. Resolution - Legislative - A RESOLUTION AMENDING THE FISCAL YEAR (FY) 2021-22 BUDGET ADOPTED BY RESOLUTION 2021-14713 TO APPROPRIATE FUNDS FROM THE FUND BALANCE 001 GENERAL FUND TO THE POLICE PENSION ACCOUNT FOR THE PURPOSE OF IMMEDIATE DEPOSIT INTO THE POLICE PENSION PLAN AN AMOUNT EQUAL TO THE AMOUNT REFUNDED AS A RESULT OF THE PLAN AMENDMENT PURSUANT TO ORDINANCE 2022-_____; AND PROVIDING AN EFFECTIVE DATE.

Recommended Action: 1. Adopt the ordinance at Second Reading and Public Hearing; and

2. Approve the resolution.

[Agenda Memorandum](#)

[1. Ordinance](#)

[2. Resolution](#)

[January 11, 2022 Actuarial Impact Statement \(P&F\)-Naples Police](#)

[Updated MOU on Disability Pension Minimum and Purchased Service w JL insight](#)

[Opinion re: Refund of Prior Service Payment](#)

[R. Harp Documents](#)

[B. Gallagher Documents](#)

16. Finance

- 16.A. Resolution - Legislative - A RESOLUTION OF THE CITY COUNCIL OF NAPLES, FLORIDA RELATING TO ESTABLISHMENT OF THE CURLEW CANAL ASSESSMENT AREA; PROVIDING FOR THE IMPOSITION OF NON-AD VALOREM SPECIAL ASSESSMENTS THEREIN TO FUND A CANAL DREDGING PROJECT; DESCRIBING THE PROPERTY TO BE LOCATED WITHIN THE ASSESSMENT AREA AND THE CANAL DREDGING PROJECT; ESTIMATING THE COST OF THE PROJECT; ESTABLISHING THE METHOD OF ASSESSING

THE COST OF THE PROJECT 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 NOTICE MAILED AND PUBLISHED NOTICE; AND PROVIDING AN EFFECTIVE DATE. (11:30 A.M. TIME CERTAIN)

Recommended Action: Approve the resolution.

[Agenda Memorandum](#)

[Resolution](#)

[NBP Letter to City re: Dredging 10.21.2021](#)

[Parcel list for Curlew Canal Slips](#)

[2008-12256 Special Assessment Procedures](#)

[2021-14754 Authorizing Curlew Canal Dredging](#)

[Resolution 2022-14777 - Initial Assessment 01.19.22](#)

17. Ethics Commission

- 17.A. Ordinance - First Reading - Legislative - AN ORDINANCE AMENDING THE CITY OF NAPLES CODE OF ETHICS; AMENDING SECTIONS 2-975(e) IN ARTICLE IX OF CHAPTER 2 RELATED TO PROHIBITED EMPLOYMENT; 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 DATED. (12:30 P.M. TIME CERTAIN)

Recommended Action: Presentation of an amendment to the City of Naples Code of Ethics by the Commission on Ethics and Governmental Integrity (“Ethics Commission”) and consideration of an ordinance on First Reading to codify the amendment, if not rejected by 5 or more members of the City Council.

[Agenda Memorandum](#)

[Attachment - Exhibit A](#)

[Ordinance - First Reading - Exhibit B](#)

OTHER BUSINESS

18. Streets and Stormwater

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

1. An Award of Contract to DBE Management LLC to drill two (2) 30” diameter fusible PVC pipes into the Gulf of Mexico for the Beach Outfall Project South Pump Station in the amount of \$4,219,741.00, which includes a \$100,000 City-controlled contingency, and authorize the City Manager to execute the contract;
2. Approve amendment 7A to the contract with Erickson Consulting Engineers, Inc. for 90% Design and Engineering (Revised) South System Stormwater Pump Station and Underground Infrastructure in the amount of \$92,840.00; and authorize the City Manager to sign; and

3. Approve amendment 7B to the contract with Erickson Consulting Engineers, Inc. for Construction Engineering & Inspection (CEI) Services associated with South Pump Station System Horizontal Drill in the amount of \$193,630.00; and authorize the City Manager to sign.

Recommended Action: 1. Award a contract to DBE Management and authorize the City Manager to execute;

2. Approve amendment 7A to the contract with Erickson Consulting Engineers and authorize the City Manager to execute; and

3. Approve amendment 7B to the contract with Erickson Consulting Engineers and authorize the City Manager to execute

[Agenda Memorandum](#)

[1. Agreement - DBE Management, Inc.](#)

[2. and 3. Agreement - Amendment 7 \(A and B\) Erickson Engineering](#)

[22-002 Bid Analysis](#)

[22-002 Bid Tabulation](#)

[Attachment J - VENDOR PRESENTATIONS - DBE](#)

[Attachment K - VENDOR PRESENTATIONS - QE](#)

19. City Attorney

19.A. Notice of Executive Session.

Recommended Action: Accept notice.

[Agenda Memorandum](#)

[Public Notice](#)

19.B. Consider the payment of invoices relating to conservation easement fees.

Recommended Action: Review and approves fees in relation the Conservation Easement (Naples Beach Hotel).

[Agenda Memorandum](#)

[Exhibit A Invoices - Ausley Law Firm](#)

[Exhibit B Invoices - Dean Ringers](#)

[Exhibit C - Invoices NALT Consulting](#)

Public Comment

Correspondence and Communications

Adjourn