

**POSTED  
05/26/2022**

**NOTICE OF MEETING AND AGENDA**

**Naples City Council**

**Council Chamber, 735 8th Street South, Naples, Florida**

**Mayor: Teresa Heitmann**

**Vice Mayor: Michael McCabe**

**City Council Members:**

**Ted Blankenship, Ray Christman, Terry Hutchison, Paul Perry, Beth Petrunoff**

**City Attorney: Nancy Stuparich • City Clerk: Patricia Rambosk**

**City Manager: Jay Boodheshwar**

**One or more other elected or appointed officials may be in attendance at this meeting.**

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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, June 1, 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. Announcements
  - 3.A. Juneteenth Day Proclamation
  - 3.B. 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.C. Employee Service Awards

4. Set agenda (add or remove items)

5. Public Comment

## CONSENT AGENDA

6. Human Resources

6.A. Flood Insurance Renewal on thirty-three (33) City properties located in flood zones "A" and "V" through the National Flood Insurance Program (NFIP).

Recommended Action: Approve the renewal of thirty-three (33) flood insurance policies on City owned buildings deemed essential by City Council in 2015, that are located in flood zones "A" and "V" through the National Flood Insurance Program (NFIP), for the period June 26, 2022 through June 25, 2023 in an amount not to exceed \$199,684.

[Agenda Memorandum](#)

[Naples Flood Renewal Comparison](#)

[Naples Flood Proposal 22-23](#)

7. City Attorney

7.A. 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 - Dean Ringers May 2022 Invoice](#)

[Exhibit B - NALT Invoice May 2, 2022](#)

## END OF CONSENT AGENDA

## REGULAR AGENDA

8. Board of Appeals

8.A. Resolution - Quasi-Judicial - A RESOLUTION DETERMINING APPEAL OF 22-DRB4 DESIGN REVIEW BOARD RESOLUTION 22-04 SIGNED AND FILED WITH THE CITY CLERK ON MARCH 30, 2022, RELATED TO FINAL DESIGN REVIEW FOR A SEVEN-STORY TRANSIENT LODGING DEVELOPMENT OVER A PARTIALLY BELOW GROUND GARAGE ON APPROXIMATELY 4.0 ACRES OF PROPERTY OWNED BY THE NAPLES BEACH CLUB LAND TRUST TRUSTEE, LLC, AND LOCATED AT 851 GULF SHORE BOULEVARD NORTH, NAPLES, FLORIDA, FILED BY GREGORY MYERS, IN ACCORDANCE WITH SECTION 2-

477 OF THE CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE (11:00 A.M. TIME CERTAIN).

Recommended Action: Adopt Resolution 2022-\_\_ either upholding, modifying or reversing the DRB decision. If City Council decides to reverse the DRB decision specific finding should be made regarding which standards or criteria in Section 50-241 have not been satisfied based on the lack of competent substantial evidence in the record. The City Council's decision shall constitute final agency action.

#### Agenda Memorandum

#### Resolution

Agenda Item 1. Section 2-477

Agenda Item 2. Section 50-241

Agenda Item 3. DRB Handbook

Agenda Item 4. Resolution 2021-14640

Agenda Item 5. Mailing Labels Related to DRB March 30, 2022 Hearing

Agenda Item 6. Executed Decision by DRB

Agenda Item 7. April 12, 2022 Myers Letter

Agenda Item 8. April 25, 2022 Interim City Manager Letter

Agenda Item 9. Email from Myers objecting to June 1, 2022 date

Agenda Item 10. Letter to G. Myers - May 20, 2022

Agenda Item 11. Transcript of March 30, 2022 DRB hearing re 22DRB-4

Agenda Item 12. Myers Email for Inclusion with Attachments

Agenda Item 13. 22-DRB4 Staff Report

Agenda Item 14. Disclosure of Interest

Agenda Item 15. Deeds related to ownership of the Subject Property

Agenda Item 16. Naples Beach Club Plat recorded in Plat Book 86 Page 52

Agenda Item 17. Overview of the Hotel

Agenda Item 18. Architectural Plans - Hotel

Agenda Item 19. Architectural Elevations - Hotel

Agenda Item 20. Civil Exhibits - Hotel

Agenda Item 21. Landscape Plans

Agenda Item 22. Lighting Plans - Hotel

Agenda Item 23. Massing Model - Hotel

Agenda Item 24. Signage Location Plan - Hotel

Agenda Item 25. Qualification of Petitioner's Design Team

Agenda Item 26. Staff Qualifications

Agenda Item 27. Mailing Label for appeal Hearing

Agenda Item 28. Notice to Residents Letter

Agenda Item 29. Design Review Board Petition

Agenda Item 30. Amended Final Summary Judgment 21ca1441

Agenda Item 31. Email from G. Myers May 25, 2022

8.B. Resolution - Quasi-Judicial - A RESOLUTION OF THE NAPLES CITY COUNCIL, SITTING AS THE CITY OF NAPLES BOARD OF APPEALS, DETERMINING

APPEAL OF 1075 SANDPIPER LLC C/O NOEL J. DAVIES, ESQ., DAVIES DUKE, PLLC OF THE ADMINISTRATIVE DECISIONS OF THE BUILDING OFFICIAL REGARDING PERMIT PRF2106400 CORRECTIONS NOTICE DATED 4/18/22 FOR THE PROJECT LOCATED AT 1075 SANDPIPER STREET, NAPLES, FLORIDA; AND PROVIDING AN EFFECTIVE DATE (3:30 P.M. TIME CERTAIN).

[Agenda Memorandum](#)

[Resolution](#)

[Appeal of Building Official Decision - 1075 Sandpiper](#)

[Letter to City Manager and City Attorney - 1075 Sandpiper Street \(Kapelina\)](#)

[Collier County Property Appraiser 1075 Sandpiper Information](#)

[General Warranty Deed 1075 Sandpiper](#)

[Complete Building Permit Appeal File 1075 Sandpiper](#)

[Florida Building Code](#)

[May 24, 2022 - Letter to City Attorney and City Manager re 1075 Sandpiper St](#)

[Legal Notice Published May 25, 2022](#)

[Disclosure of Interest](#)

## PUBLIC HEARINGS

### 9. Planning

- 9.A. 22-T3 - Ordinance - Legislative - First Reading - AN ORDINANCE AMENDING CHAPTER 56, SUPPLEMENTAL STANDARDS, ARTICLE IV, STANDARDS APPLICABLE TO COMMERCIAL DISTRICTS, SECTION 56-122, ALCOHOLIC BEVERAGES, MEDICAL MARIJUANA DISPENSARY, AND MEDICAL MARIJUANA TREATMENT CENTER LOCATION CRITERIA, OF THE CITY OF NAPLES, CODE OF ORDINANCES, TO AMEND WAIVER OF DISTANCE REQUIREMENTS; APPROVING TEXT AMENDMENT 22-T3; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER PROVISION; AND PROVIDING AN EFFECTIVE DATE. Recommended Action: Approve the Ordinance on First Reading and schedule Second Reading and public hearing on June 15, 2022.

[Agenda Memorandum](#)

[Ordinance](#)

[Staff Report](#)

[REDLINE Sec. 56-122. Alcoholic beverages medical marijuana dispensary and medical marijuana treatment center location criteria](#)

[Ordinance 2011-12911](#)

[Ordinance No. 14-13540](#)

- 9.B. 22-T4 - Ordinance - Legislative - First Reading - 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 22-T4; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER PROVISION; AND PROVIDING AN EFFECTIVE DATE.

Recommended Action: Approve the Ordinance on First Reading and schedule Second Reading and Public Hearing for June 15, 2022.

[Agenda Memorandum](#)

[Ordinance](#)

[Staff Report](#)

[5th Avenue South Hardscape and Landscape Palette](#)

[CRA Minutes - September 1, 2020](#)

[For Reference Only: 5th Avenue Streetscape Final Conceptual Design - August 11, 2020](#)

## OTHER BUSINESS

### 10. Community Services

#### 10.A. SPECIAL EVENTS - NEW EVENTS

(1) Juneteenth hosted by the NAACP of Collier County at River Park and Anthony Park on Saturday, June 18, 2022 from 11:00 am to 3:00 pm.

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

[Agenda Memorandum](#)

[Application](#)

### 11. City Clerk

#### 11.A. Consider appointing an alternate member to the Planning Advisory Board.

Recommended Action: Appoint alternate member.

[Agenda Memorandum](#)

[PAB - A. Dwyer application](#)

[PAB - Q. Tyler application](#)

[PAB code](#)

### 12. City Attorney

12.A. Ordinance - Legislative - Second Reading - AN ORDINANCE AMENDING ARTICLE 3, SECTION 3.1 OF THE CITY OF NAPLES CITY CHARTER, ENTITLED "QUALIFICATIONS", TO CHANGE THE CITY MANAGER RESIDENCY REQUIREMENT TO REQUIRE RESIDENCY ANYWHERE WITHIN COLLIER COUNTY, RATHER THAN ONLY WITHIN THE CITY OF NAPLES, WHILE SERVING AS CITY MANAGER; PROVIDING FOR A REFERENDUM ON THE QUESTION OF APPROVAL OF THE PROPOSED AMENDMENT IN ENGLISH AND SPANISH; PROVIDING FOR FILING THE REVISED CHARTER AS AMENDED WITH THE FLORIDA DEPARTMENT OF STATE; PROVIDING FOR COORDINATION WITH THE SUPERVISOR OF ELECTIONS OF COLLIER COUNTY, FLORIDA; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

Recommended Action: Approve the proposed ordinance on Second Reading and direct the City Clerk to timely forward an executed copy to the Collier County Supervisor of Elections.

[Agenda Memorandum](#)  
[Ordinance](#)

- 12.B. Ordinance - Legislative - First Reading - AN ORDINANCE RELATING TO APPEALS FROM DECISIONS OF THE DESIGN REVIEW BOARD FOR THE PURPOSE OF AMENDING SECTION 2-477 OF CHAPTER 2 ADMINISTRATION, ARTICLE V BOARDS, COMMISSIONS AND COMMITTEES, DIVISION 4 DESIGN REVIEW BOARD TO PROVIDE FOR REVIEW OF THE RECORD OF THE DESIGN REVIEW BOARD BY THE CITY COUNCIL AND CLARIFICATION OF NOTICE REQUIREMENTS; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.

Recommended Action: 1) Approve the ordinance on First Reading and schedule Second Reading; and 2) review City Council procedural rules related to appeals of Design Review Board decisions after Second Reading of the ordinance.

[Agenda Memorandum](#)  
[Ordinance](#)

[Rules of Procedure Adopted May 19, 2021](#)

Public Comment

Correspondence and Communications

Adjourn