

NOTICE OF MEETING AND AGENDA



**Naples City Council
City Hall Council Chambers
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.

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.

Pledge of Civility

It is the desire of the City of Naples to encourage the open exchange of ideas, fair discussion of the issues, and the participation of all persons in government, therefore, we pledge to be respectful of each other even when we disagree, to direct all comments to the issues, and to avoid personal attacks during all City meetings and workshops.

**City Council Regular Meeting
Wednesday, October 19, 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 property of the City of Naples and will be retained by the City Clerk

- 1. CALL TO ORDER AND ROLL CALL**
- 2. INVOCATION AND PLEDGE OF ALLEGIANCE**
- 3. SET AGENDA (add or remove items)**
- 4. ANNOUNCEMENTS AND PRESENTATIONS**
- 5. PUBLIC COMMENTS**

APPROVAL OF CONSENT AGENDA

6. MINUTES

- 6.A. Approval of Various City Council Meeting Minutes.
(Patricia Rambosk, City Clerk)
[Agenda Memorandum](#)
[September 6, 2022 Regular Meeting Minutes](#)
[September 7, 2022 Regular Meeting Minutes](#)
[September 19, 2022 Workshop Meeting Minutes](#)
[September 30, 2022 Emergency Meeting Minutes](#)

7. RESOLUTIONS

- 7.A. A RESOLUTION FOR THE PURPOSE OF AMENDING THE FY 2022-23 BUDGET ADOPTED PURSUANT TO RESOLUTION 2022-14943 TO APPROPRIATE FUNDS FROM THE STATE CONFISCATION TRUST FUND (FLORIDA CONTRABAND FORFEITURE ACT) AND THE FEDERAL CONFISCATION TRUST FUND (FEDERAL EQUITABLE SHARING PROGRAM); AND PROVIDING AN EFFECTIVE DATE.
(Tom Weschler, Police Chief)
[Agenda Memorandum](#)
[Resolution](#)
[Resolution 2022-14943 - FY22-23 Budget](#)
- 7.B. A RESOLUTION FOR THE PURPOSE OF APPROVING THE SCHEDULING OF PUBLIC HEARINGS FOR REZONING PETITION 22-R2, APPROVING SCHEDULING OF TWO REQUIRED PUBLIC HEARINGS DURING REGULAR CITY COUNCIL MEETINGS HELD BEFORE 5 P.M. AND WAIVING THE ONE PUBLIC HEARING AFTER 5 P.M. REQUIREMENT FOR CONSIDERATION OF REZONE PETITION 22-R2 THAT WOULD IF APPROVED REZONE APPROXIMATELY 0.34 ACRES FROM THE R3-12 MULTIFAMILY DISTRICT TO THE R1-10 RESIDENCE DISTRICT FOR THE PROPERTY OWNED BY 273 10TH AVENUE SOUTH, LLC, AND LOCATED AT 273 AND 285 10TH AVENUE SOUTH; AND PROVIDING AN EFFECTIVE DATE.
(Erica Martin, Director of Planning)
[Agenda Memorandum](#)
[Resolution](#)
- 7.C. A RESOLUTION FOR THE PURPOSE OF ACCEPTING AN ACCESS EASEMENT FOR TRAFFIC ACCESS ON PROPERTY OWNED BY TBC 82 9th STREET, LLC AND LOCATED AT 82 9th ST SOUTH, MORE FULLY DESCRIBED HEREIN; DIRECTING THE CITY CLERK TO RECORD THE ACCESS EASEMENT AND PROVIDING AN EFFECTIVE DATE.
(Bob Middleton, Interim Director of Streets & Stormwater)
[Agenda Memorandum](#)
[Resolution](#)
[Attachment 1 - Access Easement \(City of Naples - 82 9th Street, LLC\)](#)
[Attachment 2 - 82 9th Street South Site Plans](#)

7.D. A RESOLUTION FOR THE PURPOSE OF AWARDING A CONTRACT BY PURCHASE ORDER TO TEN-8 IN THE AMOUNT OF \$2,339,583 FOR THE REPLACEMENT OF A LADDER AND AN ENGINE INCLUDING EQUIPMENT LOST DURING HURRICANE IAN.

(Pete DiMaria, Fire Chief)

[Agenda Memorandum](#)

[Resolution](#)

[Engine - Pumper - Equipment Proposal](#)

[Ladder Proposal](#)

[The Florida Sheriffs Association - Ten - 8 Outside Contract](#)

8. OTHER - NONE

END OF CONSENT AGENDA

9. PUBLIC HEARINGS - NONE

REGULAR AGENDA

10. ITEMS PULLED FROM CONSENT AGENDA (If Needed)

11. LAND USE MATTERS

11.A. A RESOLUTION FOR THE PURPOSE OF DETERMINING OUTDOOR DINING PETITION 22-ODPV8, MODIFYING THE LIFE SAFETY PLAN FOR THE RESTAURANT KNOWN AS BROOKS BURGERS ON PROPERTY OWNED BY JACKIELEN, LLC, AND LOCATED AT 330 9th STREET SOUTH, MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

(Erica Martin, Director of Planning)

[Continuance Memorandum](#)

11.B. A RESOLUTION FOR THE PURPOSE OF DETERMINING SITE PLAN PETITION 22-SP5 FOR A NEW RESTAURANT CALLED BAHAMA BREEZE, CONTAINING APPROXIMATELY 10,390 SQUARE FEET OF INDOOR AND OUTDOOR DINING AREA ON THE PROPERTY OWNED BY GS PORTFOLIO HOLDINGS 2017, LLC, AND LOCATED AT 2088 9TH STREET NORTH, FULLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

(Erica Martin, Director of Planning)

[Agenda Memorandum](#)

[Resolution](#)

[Supplemental Memo](#)

[Staff Report](#)

[Site Plan Application](#)

[Disclosure of Interest Property Owner](#)

[Disclosure of Interest Business Owner](#)

[Special Warranty Deed](#)

[Architectural Plans](#)

[Landscape Plans](#)

[Civil Engineering Plans](#)

[Photometric and Accent Light](#)

[Drainage Statement](#)

Letter from Kimley Horn Re: Equivalency Statement - 030422
Fire Truck Turn Exhibit
Garbage Truck Turn Exhibit
Water As Built
Sewer As Built
Chamber As Built
Drainage As Built
Location Map
Bahama Breeze Site Plan Sufficiency Letter
Additional Information - Aerial Map Key
Additional Information - Context Images 1
Additional Information - Context Images 2
Additional Information - Context Images 3
Additional Information - Drainage Letter to City 082522
Additional Information - Exterior Perspectives 1
Additional Information - Exterior Perspectives 2
Additional Information - North and East Landscape Elevations
Additional Information - South and West Landscape Elevations
Credentials - Staff
Credentials - Petitioner
Public Notice Mailing Addresses
Affidavit of Sign Posting for 081022 PAB
Affidavit of Sign Posting for 091422 PAB
Affidavit of Sign Posting for City Council 101922
Petitioner PAB Presentation 081022
Petitioner Presentation 091422 PAB
Petitioner Presentation 101922 City Council

- 11.C. A RESOLUTION RELATING TO A MINOR SUBDIVISION; DETERMINING PETITION 22-MSD4 FOR THE PURPOSE OF COMBINING TWO SINGLE FAMILY LOTS IN THE R1-10, RESIDENCE DISTRICT TO CREATE ONE SINGLE FAMILY LOT ON PROPERTY OWNED BY RICHARD L. SCHULZE AND MARGARET O'BRIEN SCHULZE AND LOCATED AT 140 SOUTH GOLF DRIVE AND 780 GULF SHORE BOULEVARD NORTH, MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

(Erica Martin, Director of Planning)

Agenda Memorandum

Resolution

Staff Memorandum

Staff Report

Minor Subdivision Application

Disclosure of Interest

Deed - 140 South Golf Drive

Deed - 780 Gulf Shore Boulevard North

Survey - 140 South Golf Drive

Survey - 780 Gulf Shore Boulevard North

Survey - Combined

Proposed Design - NEW for 9-14-22

Property Sections - NEW for 10-19-22 Council

Credentials - Staff

Public Notice Mailing Addresses
Affidavit of Sign Posting - August PAB
Affidavit of Sign Posting - October Council
Affidavit of Sign Posting - September PAB
Correspondence
Correspondence following 8.10.22
Petitioner Presentation

- 11.D. First Reading of a Proposed Ordinance to Rezone approximately 0.34 acres from R3-12 Multifamily District to R1-10 Residence District.

AN ORDINANCE DETERMINING REZONE PETITION 22-R2, FOR THE PURPOSE OF REZONING APPROXIMATELY 0.34 ACRES FROM R3-12, MULTIFAMILY DISTRICT TO R1-10, RESIDENCE DISTRICT FOR THE PROPERTY OWNED BY 273 10TH AVENUE SOUTH, LLC AND LOCATED AT 273 AND 285 10TH AVENUE SOUTH; MORE FULLY DESCRIBED HEREIN AND PROVIDING AN EFFECTIVE DATE.

(Erica Martin, Director of Planning)

[Agenda Memorandum](#)

[Ordinance](#)

[PAB Staff Report](#)

[Rezone Application](#)

[Disclosure of Interest](#)

[Deed - 273 10th Avenue South](#)

[Deed - 285 10th Avenue South](#)

[Survey](#)

[Aerial](#)

[Architectural Plans](#)

[MHK Exhibits SK1-SK4](#)

[Trip Analysis](#)

[Department Comments](#)

[Credentials - Petitioner](#)

[Credentials - Staff](#)

[Public Notice Mailing Addresses](#)

[Affidavit of Sign Posting for PAB 091422](#)

[Affidavit of Sign Posting for City Council 101922](#)

[Petitioner's Presentation](#)

[MHK Presentation](#)

[Agenda Memorandum](#)

- 11.E. A RESOLUTION RELATING TO A MINOR SUBDIVISION; DETERMINING PETITION 21-MSD6 FOR THE PURPOSE OF COMBINING TWO SINGLE FAMILY LOTS IN THE R1-10, RESIDENCE DISTRICT TO CREATE ONE SINGLE FAMILY LOT ON PROPERTY OWNED BY 273 10th AVENUE SOUTH, LLC AND LOCATED AT 273 AND 285 10th AVENUE SOUTH, MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

(Erica Martin, Director of Planning)

[Agenda Memorandum](#)

[Resolution](#)

[Staff Report](#)

Minor Subdivision Application
Disclosure of Interest
Deed - 273 10th Avenue South
Deed - 285 10th Avenue South
Aerial
Survey - 273 10th Avenue South
Survey - 285 10th Avenue South
Combined Survey - 273 and 285 10th Avenue South
Existing Plat
Proposed Plat
MHK Exhibit SK1-SK4
Credentials - Staff
Credentials - Petitioner
Public Notice Mailing Addresses
Affidavit of Sign Posting PAB 091422
Affidavit of Sign Posting City Council 101922

- 11.F. A RESOLUTION RELATING TO AN EXPANSION OF A NONCONFORMITY, FOR THE PURPOSE OF DETERMINING PETITION 22-N1, PURSUANT TO SECTION 46-35 OF THE CODE OF ORDINANCES FOR THE RENOVATION OF EXISTING NONCONFORMING STRUCTURES ON PROPERTY OWNED BY 273 10th AVENUE SOUTH, LLC AND LOCATED AT 273 10th AVENUE SOUTH, MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

(Erica Martin, Director of Planning)

Agenda Memorandum

Resolution

Staff Report

Nonconformity Application

Application Exhibit A

Application Exhibit B

Disclosure of Interest

Deed - 285 10th Avenue South

Deed - 273 10th Avenue South

Aerial

Survey 273 and 285 10th Avenue South

Architectural Plans

Civil Engineering Plans

MHK Exhibit SK1-SK4

Credentials - Staff

Credentials - Petitioner

Public Notice Mailing Addresses

Affidavit of Sign Posting PAB 091422

Affidavit of Sign Posting City Council 101922

- 11.G. A RESOLUTION FOR THE PURPOSE OF DETERMINING OUTDOOR DINING PETITION 22-ODPV14, ESTABLISHING OUTDOOR DINING TO INCLUDE TWO TABLES WITH 16 SEATS AND TWO UMBRELLAS FOR A RESTAURANT KNOWN AS BROOKLYN DOUGH WITH A HOLE ON PROPERTY OWNED BY MY NAPLES SUNSHINE LLC, KILLER COOKE, LLC, AND QUEENY BEE, LLC AND LOCATED AT 935 3RD AVENUE NORTH, MORE FULLY DESCRIBED

HEREIN; AND PROVIDING AN EFFECTIVE DATE.
(Erica Martin, Director of Planning)
[Agenda Memorandum](#)
[Resolution](#)
[Application](#)
[Disclosure of Interest - Property Owner](#)
[Disclosure of Interest - Business Owner](#)
[Deed](#)
[Site Plan](#)
[Credentials “ Staff](#)
[Affidavit of Sign Posting](#)

12. OLD BUSINESS

- 12.A. Update on the Beach Outfall Project Related to the South Pump Station Located at 3rd Avenue North.
(Bob Middleton, Interim Director of Streets & Stormwater)
[Agenda Memorandum](#)
[Revised Pump Station](#)

13. NEW BUSINESS

- 13.A. Consideration and Approval of the Proposed 2023 City Council Regular, Workshop, and Community Redevelopment Agency (CRA) Meeting Schedule.
(Jay Boodheshwar, City Manager)
[Agenda Memorandum](#)
[Proposed 2023 City Council Meeting Schedule](#)

ORDINANCES

14. FIRST READING ORDINANCES

- 14.A. First Reading of a Proposed Ordinance Amending the City of Naples Comprehensive Plan to Include a Property Rights Element.

AN ORDINANCE AMENDING THE CITY OF NAPLES COMPREHENSIVE PLAN; TO ADD A PROPERTY RIGHTS ELEMENT WITH GOALS, OBJECTIVES AND POLICIES; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR SEVERABILITY AND CONFLICT; PROVIDING FOR CODIFICATION AND DIRECTIONS TO THE CODIFIER THAT THIS SHALL BE A SEPARATE NEW ELEMENT IN THE COMPREHENSIVE PLAN; PROVIDING FOR THE IMPLEMENTATION THROUGH THE STATUTORY STATE REVIEW PROCESS OF CHAPTER 163; AND PROVIDING AN EFFECTIVE DATE.

(Nancy Stuparich, City Attorney)
[Agenda Memorandum](#)
[Ordinance - First Reading](#)
[PAB Staff Report](#)
[Section 163.3177\(6\)\(i\) Florida Statutes](#)
[House Bill 59 Chapter Law 2021-195](#)

15. SECOND READING ORDINANCES

- 15.A. Second Reading of a Proposed Ordinance to Amend the Code of Ordinances, to Allow the Mayor or Vice-Mayor to Extend or Terminate the State of Local Emergency as Authorized by Florida Law.

AN ORDINANCE FOR THE PURPOSE OF AMENDING CHAPTER 14 "CIVIL EMERGENCIES," IN ARTICLE II "EMERGENCY PREPAREDNESS" SECTION 14-34 "DECLARATION AND TERMINATION OF STATE OF EMERGENCY" OF THE CODE OF ORDINANCES TO ALLOW THE MAYOR OR VICE-MAYOR TO EXTEND OR TERMINATE THE STATE OF EMERGENCY AS AUTHORIZED BY FLORIDA LAW; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION AND PROVIDING AN EFFECTIVE DATE.

[Agenda Memorandum](#)

[Ordinance - Second Reading](#)

[Resolution](#)

16. PUBLIC COMMENT

17. COMMUNICATIONS FROM MAYOR, CITY COUNCIL, AND STAFF

18. ADJOURNMENT

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.