

**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.**

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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.

**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.

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**City Council Regular Meeting  
Wednesday, November 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 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 the September 21, 2022 City Council Regular Meeting Minutes.  
[Agenda Memorandum](#)  
[September 21, 2022 Regular Meeting Minutes](#)

### **7. RESOLUTIONS**

- 7.A. A RESOLUTION FOR THE PURPOSE OF DETERMINING PUBLIC ART PETITION 22-PAAC1 PURSUANT TO SECTION 46-42 OF THE CODE OF ORDINANCES, CITY OF NAPLES, TO AUTHORIZE A PUBLIC ART INSTALLATION AND REIMBURSEMENT OF THE PUBLIC ART FEE FOR THE PROPERTY OWNED BY FRANK J. DEWANE, AS BISHOP OF THE DIOCESE OF VENICE, A CORPORATION SOLE, LOCATED AT 750 SEAGATE DRIVE, MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.  
(Erica Martin, Director of Planning)

[Agenda Memorandum](#)  
[Resolution](#)  
[PAAC Staff Report](#)  
[Public Art Application](#)  
[Description and Estimate](#)  
[Site Plan](#)  
[Landscape Plans](#)  
[Philip Jackson Resume](#)  
[Planning Department Resumes](#)  
[Public Hearing Addresses](#)  
[Petitioner's Presentation](#)

- 7.B. A RESOLUTION FOR THE PURPOSE OF AWARDING A 3-YEAR CONTRACT WITH TWO (2) ONE (1)-YEAR RENEWAL OPTIONS TO THE DAVEY TREE EXPERT COMPANY REGARDING BID NUMBER 22-032 FOR HARDWOOD AND PALM TREE TRIMMING IN THE AMOUNT NOT TO EXCEED \$1,950,000; AND PROVIDING AN EFFECTIVE DATE.  
(Chad Merritt, Interim Director of Community Services)

[Agenda Memorandum](#)  
[Resolution](#)  
[Declaration of Intent](#)  
[ITB Tabulation Bid Schedule I](#)  
[Contract with attached Exhibits](#)

### **8. OTHER**

- 8.A. Notice of Proclamations Extending the Declaration of Local Emergency Declared by the Honorable Mayor Teresa Heitmann as Required by Section 14-34 of the City of Naples Code of Ordinances.

(Nancy Stuparich, City Attorney)  
[Agenda Memorandum](#)  
[Proclamation 2022-03](#)

## [Proclamation 2022-04](#)

- 8.B. Acknowledge the Appointment of Russell Thomas to the Board of Trustees of the General Retirement System.

[Agenda Memorandum](#)  
[General Pension code](#)

- 8.C. Approval of the 2023 Legislative Priorities Agenda.  
(Jay Boodheshwar, City Manager)

[Agenda Memorandum](#)

- 8.D. Authorization for the Mayor or City Manager to sign a Settlement Participation Form Allowing the City of Naples to Receive Opioid Settlement Proceeds Negotiated Between the State of Florida and Walmart.

[Agenda Memorandum](#)  
[Walmart Settlement Participation Form](#)

## **END OF CONSENT AGENDA**

### **9. PUBLIC HEARINGS**

- 9.A. A RESOLUTION FOR THE PURPOSE OF VACATING A PORTION OF A DRAINAGE EASEMENT LOCATED ON LOT 2, BLOCK D, RIDGEVIEW LAKES SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE(S) 103, PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA, LYING ADJACENT TO 637 PALM CIRCLE WEST, MORE FULLY DESCRIBED HEREIN; AND ACCEPTANCE OF A REPLACEMENT DRAINAGE EASEMENT WITH CONDITIONS; AND PROVIDING AN EFFECTIVE DATE.

(Bob Middleton, Interim Director of Streets & Stormwater)

[Agenda Memorandum](#)

[Resolution](#)

[Application for Vacation of Easement](#)

[Disclosure of Interest](#)

[Exhibits 637 Palm Cir W Drainage Easement](#)

[Resume - Andrea, Christian](#)

[Resume - Foley, Blair](#)

[Resume - Kragh, Matthew](#)

[Attorney Title Opinion Letter](#)

[Notice Address List](#)

[Letter of No Objection](#)

[Drainage Easement Agreement 10-24-22](#)

[637 Palm Cir W - Letter From Adjacent Property Owner](#)

[Petitioner's Presentation](#)

## **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 BROOKS BURGERS TO INCLUDE 2 ADDITIONAL TABLES WITH 32 SEATS FOR A TOTAL OF 6 TABLES AND 40 SEATS ON PROPERTY OWNED BY JACKIELEN, LLC, AND LOCATED AT 409 5TH AVENUE SOUTH 330 9TH STREET SOUTH, MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

(Erica Martin, Director of Planning)

[Agenda Memorandum](#)

[Resolution](#)

[Application](#)

[Disclosure of Interest - Property Owner](#)

[Parking Plan with Aerial](#)

[Parking Plan](#)

[Life Safety Plan](#)

[Credentials - Staff](#)

[Public Notice Mailing Addresses](#)

[Affidavit of Sign Posting](#)

- 11.B. A RESOLUTION FOR THE PURPOSE OF DETERMINING LIVE ENTERTAINMENT PETITION 22-LE2 TO ESTABLISH AMPLIFIED OUTDOOR LIVE ENTERTAINMENT WITH UP TO THREE PERFORMERS ON THURSDAYS FROM 6:00 PM TO 8:00 PM; ON FRIDAYS AND SATURDAYS FROM 7:00 PM TO 10:00 PM AND ON SUNDAYS FROM 12:00 PM TO 3:00 PM AND 5:00 PM TO 8:00 PM FOR THE RESTAURANT KNOWN AS SEA MONKEY TAVERN AND GRILL ON PROPERTY OWNED BY SHOPPES AT DOCKSIDE, LLC, A FLORIDA LIMITED LIABILITY COMPANY AND LOCATED AT 1100 6TH AVENUE SOUTH, SUITES 6 AND 7, MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

(Erica Martin, Director of Planning)

[Agenda Memorandum](#)

[Resolution](#)

[Application](#)

[Disclosure of Intertest - Property Owner](#)

[Disclosure of Intertest - Business Owner](#)

[Site Plan](#)

[Dockside Parking Map](#)

[Credentials - Staff](#)

[Public Notice Mailing Addresses](#)

[Affidavit of sign posting](#)

[Correspondence](#)

- 11.C. A RESOLUTION FOR THE PURPOSE OF DETERMINING OUTDOOR DINING PETITION 22-ODPV15, ESTABLISHING OUTDOOR DINING TO INCLUDE 8 TABLES WITH 32 CHAIRS FOR A RESTAURANT KNOWN AS PJK NEIGHBORHOOD CHINESE ON PROPERTY OWNED BY F.A.B.S HOLDING LLC AND LOCATED AT 835 4TH AVENUE SOUTH, 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  
Warranty Deed  
Lease Agreement  
Survey  
Elevation Certificate  
Life Safety Plan  
Architectural Plans  
Fire Marshal Approval  
Credentials - Petitioner  
Credentials - Staff  
Public Hearing Mailing Addresses  
Affidavit of Sign Posting

- 11.D. A RESOLUTION FOR THE PURPOSE OF DETERMINING OUTDOOR DINING PETITION 22-ODPV13, ESTABLISHING OUTDOOR DINING TO INCLUDE 12 TABLES WITH 48 CHAIRS FOR A RESTAURANT KNOWN AS LE MARTINIQUE ON PROPERTY OWNED BY MICHAEL G. ELDEN AND MARIE C. ELDEN AND LOCATED AT 210 9TH STREET 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](#)

[Architectural Plans](#)

[Credentials - Petitioner](#)

[Credentials - Staff](#)

[Public Notice Mailing Addresses](#)

## **12. OLD BUSINESS**

- 12.A. Appoint One Commissioner to the Ethics Commission and One Alternate Member to the Public Art Advisory Committee.

(Patricia Rambosk, City Clerk)

[Agenda Memorandum](#)

[Ethics Commission - Susan Jones Application](#)

[Ethics Code and Administration](#)

[PAAC - Ginny Veras Application](#)

[PAAC - Roger Weatherbun-Baker Application](#)

[PAAC Code](#)

## **13. NEW BUSINESS**

- 13.A. Discussion and Direction Regarding Temporary Structures Related to Post-Storm Reconstruction.

(Erica Martin, Director of Planning)

[Agenda Memorandum](#)

## **ORDINANCES**

### **14. FIRST READING ORDINANCES**

- 14.A. First Reading of a proposed Ordinance amending the City of Naples Code of Ethics.

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 2-975(f) "POST-EMPLOYMENT RESTRICTIONS AND 2-975(H) "BIDS AND CONTRACTS" AND CREATING A NEW SECTION 2-975(K) "CONE OF SILENCE" IN ARTICLE IX OF CHAPTER 2; ADOPTING 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.

(Nancy Stuparich, City Attorney)

[Agenda Memorandum](#)

[Ordinance - First Reading](#)

[Letter](#)

### **15. SECOND READING ORDINANCES**

### **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.