

Posted
April 27, 2023



NOTICE OF MEETING AND AGENDA

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. Public comments about items on the agenda will be heard during Item 5 or during specific agenda items. Public comments about issues not on the agenda will be heard at the end of the meeting. 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, May 3, 2023
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**
 - 4.A. Centennial Fun Fact

- 4.B. National Drug Court Month Proclamation
- 4.C. Drowning Prevention Month Proclamation
- 4.D. National Day of Prayer Proclamation
- 4.E. Collier County Update from Commissioner Dan Kowal
- 4.F. Update on Collier County Coastal Storm Risk Management Feasibility Study
(Bob Middleton, Director of Public Works)

5. PUBLIC COMMENTS (For Items on the Agenda)

APPROVAL OF CONSENT AGENDA

6. MINUTES - NONE

7. RESOLUTIONS

- 7.A. A RESOLUTION FOR THE PURPOSE OF APPROVING THE SCHEDULING OF PUBLIC HEARINGS FOR REZONING PETITION 22-R3, 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-R3 THAT WOULD IF APPROVED REZONE APPROXIMATELY 0.34 ACRES FROM THE R1-10 RESIDENCE DISTRICT TO THE PS-PUBLIC SERVICE DISTRICT FOR THE PROPERTY OWNED BY NAPLES HISTORICAL SOCIETY, INC., A FLORIDA NOT FOR PROFIT CORPORATION, AND LOCATED AT 163 12TH AVENUE SOUTH; AND PROVIDING AN EFFECTIVE DATE.

(Erica Martin, Director of Planning)

[Agenda Memorandum](#)

[Resolution](#)

- 7.B. A RESOLUTION FOR THE PURPOSE OF AMENDING AN AGREEMENT WITH WATER SCIENCE ASSOCIATES, INC., WHICH IS IN THE CITY'S PROFESSIONAL SERVICES LIBRARY OF CONSULTANTS UNDER FLORIDA STATUTE 287.055 – RFQ, CLERK TRACKING NO. 2019-00091, TO CONSENT TO A NAME CHANGE AND ASSIGNMENT OF THE AGREEMENT TO WATER SCIENCE ASSOCIATES, LLC, AND THE INCLUSION OF ADDITIONAL STANDARDIZED CONTRACT TERMS; AND PROVIDING AN EFFECTIVE DATE.

(Nancy Stuparich, City Attorney)

[Agenda Memorandum](#)

[Resolution](#)

[Exhibit A - Water Science Associates Amendment](#)

- 7.C. A RESOLUTION FOR THE PURPOSE OF APPROVING TASK ORDER NO. 3 IN THE AMOUNT OF \$589,675 WITH WATER SCIENCE ASSOCIATES, LLC., TO CONTINUE PROVIDING HYDROGEOLOGICAL SERVICES INCLUSIVE OF EVALUATION OF WELL PERFORMANCE DATA TO REHABILITATE FOUR RAW WATER PRODUCTION WELLS WITHIN THE GOLDEN GATE WELLFIELD

IN FISCAL YEAR 2022-2023; AUTHORIZING THE CITY MANAGER TO EXECUTE THE TASK ORDER; AND PROVIDING AN EFFECTIVE DATE.

(Bob Middleton, Director of Public Works)

[Agenda Memorandum](#)

[Resolution](#)

[Water Science Associates LLC Task Order](#)

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 VACATING A PORTION OF A PLATTED 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, Director of Public Works)

[Agenda Memorandum](#)

[Resolution](#)

[Exhibit A to Resolution](#)

[Exhibit B to Resolution](#)

[Attachment #1 - Alternate Engineering Drainage Analysis \(Hydraulic Report\)](#)

[Attachment #2 - Application for Vacation or Abandonment](#)

[Attachment #3 - Drainage Easement Agreement & Exhibits A & B Referenced in Resolution](#)

[Alternate Drainage Pipe Relocation Plans - 637 Palm Circle West](#)

[Disclosure of Interest](#)

[Attorney Title Opinion Letter](#)

[Maps - Additional Documents](#)

[Resume - Foley, Blair](#)

[Petitioner Presentation](#)

[Legal Notice Advertisement April 16, 2023](#)

12. OLD BUSINESS

12.A. A RESOLUTION FOR THE PURPOSE OF APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN ENGAGEMENT LETTER AND A LETTER OF INFORMED CONSENT WITH AND REQUESTED BY GRAYROBINSON, P.A. FOR SPECIALIZED CELL TOWER LEGAL SERVICES; AND PROVIDING AN EFFECTIVE DATE.

(Nancy Stuparich, City Attorney)

[Agenda Memorandum](#)
[Resolution](#)
[City of Naples - Informed Consent Letter](#)
[Gary Resnick - Bio](#)
[City of Naples - Engagement Letter](#)
[Amended Complaint](#)
[Order on Motion to Dismiss](#)

13. NEW BUSINESS

- 13.A. Consider Approval of Right-of-Way Permit Application PRRW2301719 to Close 4th Avenue South Between 7th Street South and the Westernmost Edge of the City of Naples Parking Garage on 4th Avenue South for Partial Demolition and Construction of the Naples Players Theatre.
(Bob Middleton, Director of Public Works)
[Agenda Memorandum](#)
[Attachment #1 - Permit Application](#)
[Attachment #2 - Maintenance of Traffic Plan](#)
[Attachment #3 - 2023 Maintenance Of Traffic Calendar](#)
[Draft Special Conditions for Maintenance of Traffic - 701 5th Avenue South](#)
[Naples Players Road Closure Letter - 04.04.23](#)
- 13.B. Risk Management Executive Session - Steven Hunton v. City of Naples, OJCC Case No. 22-023452FJC, State of Florida, Division of Administrative Hearings, Office of Judge of Compensation Claims, Ft. Myers District (12:00 p.m. Time Certain)
(Lori McCullers, Deputy Director of Human Resources)
[Agenda Memorandum](#)
- 13.C. Any Action Needed as a Result of the Risk Management Executive Session - Steven Hunton v. City of Naples, OJCC Case No. 22-023452FJC, State of Florida, Division of Administrative Hearings, Office of Judge of Compensation Claims, Ft. Myers District.
(Nancy Stuparich, City Attorney)
- 13.D. Update and Discussion of Professional Services for a Downtown Traffic Study Analysis Proposal Submitted by David Plummer & Associates, Inc. under the Continuing Services Contract for Professional Consultants Competitive Negotiation Act (CCNA) in the Amount of \$338,026.98.
(Bob Middleton, Director of Public Works)
[Agenda Memorandum](#)
[Attachment #1 - Letters of Interest - Professional Services for Downtown Naples Traffic Analysis](#)
[Attachment #2 - Task Order](#)
[Attachment #3 - Scope Of Work](#)
[Exhibit A - Scope & Fee Estimate](#)

ORDINANCES

14. FIRST READING ORDINANCES

- 14.A. An Ordinance for the Purpose of Amending the Definition of Market Value in Chapter 16-144 Concerning Value Based on a Reasonable Percentage Adjustment of the Collier County Property Appraiser's Assessment Value.

AN ORDINANCE FOR THE PURPOSE OF AMENDING CHAPTER 16, CONSTRUCTION, REHABILITATION AND PROPERTY MAINTENANCE REGULATIONS, OF THE CODE OF ORDINANCES, CITY OF NAPLES, REMOVING LANGUAGE THROUGHOUT CHAPTER 16 RELATING TO FLOODWAYS, RIVERINE AND WATERCOURSES NOT PRESENT IN THE CITY TO BE CONSISTENT WITH FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) REGULATIONS; AMENDING THE DEFINITION OF MARKET VALUE IN CHAPTER 16-144 TO DEFER TO A QUALIFIED INDEPENDENT APPRAISER OR THE COLLIER PROPERTY APPRAISER FOR VALUATIONS AND ADJUSTMENTS AND TO ALIGN OTHER DEFINITIONS TO BE CONSISTENT WITH FEMA DEFINITIONS; AMENDING SECTION 16-81, GENERALLY; SECTION 16-82(a)(2), (3) and (4), VARIANCES AND APPEALS TO FLOODPLAIN MANAGEMENT REGULATIONS; SECTION 16-112(a), FLORIDA BUILDING CODE ADOPTED; AMENDMENTS; SECTION 16-115(a), STORMWATER CONSTRUCTION STANDARDS; SECTION 16-142(1), FINDINGS OF FACT; SECTION 16-144 DEFINITIONS, TO AMEND THE DEFINITION OF MARKET VALUE; SECTION 16-146, DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR; SECTION 16-148 (1)(g)(2) and (3), SITE PLANS AND CONSTRUCTION DOCUMENTS; AND SECTIONS 16-146 (8), b., c., d., e., AND f. AND (9), DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR; PROVIDING A SEVERABILITY CLAUSE; A REPEALER PROVISION AND PROVIDING AN EFFECTIVE DATE.

(Stephen Beckman, Director of Building Services)

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

[Florida Division of Emergency Management - Office of Floodplain Management - Guidance for Adjustment Factors Applied to Tax Assessment Values](#)

[Florida Division of Emergency Management - State Floodplain Management Office - Guidance for Amending the Definition of Market Value](#)

[Chapter 16 - Full Version with Markups](#)

- 14.B. First Reading of an Ordinance to Amend the Code of Ordinances to Provide for the Pass-through of costs to Applicants and Property Owners, which may be Incurred by the City Pertaining to Review, Inspection, and Regulation of Development Activities.

AN ORDINANCE TO CREATE SECTIONS 2-634 TO 2-639 IN CHAPTER 2, ARTICLE IV, FINANCE, DIVISION 2 FEES AND FUNDS, TO AUTHORIZE THE PASS-THROUGH OF CERTAIN COSTS RELATED TO DEVELOPMENT REVIEW, INSPECTIONS. TESTING OR ANALYSIS OF APPLICATIONS FOR SUBDIVISION PLANS OR PLATS, REZONINGS, COMPREHENSIVE PLAN AMENDMENTS, VARIANCES, THE COASTAL CONSTRUCTION CONTROL LINE, CONDITIONAL USES, PLANNED DEVELOPMENTS, SITE PLANS, TRAFFIC IMPACTS, DEVELOPMENT PERMITS FOR CONSTRUCTION, INSPECTION, OR TESTING, CONCEPTUAL SITE PLAN REVIEWS, STORMWATER MANAGEMENT PERMITS, TREE REMOVAL PERMITS,

WETLAND ALTERATION PERMITS, DEVELOPMENT AGREEMENTS, ANNEXATION PETITIONS, LOT COMBINATIONS, LOT SPLITS, ADMINISTRATIVE APPEALS, DREDGE AND FILL PERMITS, FENCE AND WALL WAIVERS, EXPANSION, ENLARGING OR CHANGING A NONCONFORMING USE OR STRUCTURE, VACATION OF AN ALLEY, EASEMENT OR SUBDIVISION PLAT; TEMPORARY USE PERMITS, SPECIAL EVENT PERMITS, AND OTHER DEVELOPMENT RELATED MATTERS FOR WHICH CITY APPROVAL OR REVIEW MAY BE REQUIRED, TO THE APPLICANT OR PROPERTY OWNER, FOR COMPLIANCE WITH THE CITY'S LAND DEVELOPMENT AND BUILDING REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION AND PROVIDING AN EFFECTIVE DATE.

(Nancy Stuparich, City Attorney)

[Agenda Memorandum](#)

[Ordinance](#)

[Homestead - Code of Ordinances](#)

[Palm Beach - Code of Ordinances](#)

[Town of Oakland - Ordinance 2014-01](#)

15. SECOND READING ORDINANCES

- 15.A. Second Reading of an Ordinance Amending Maximum Lot Coverage Regulations for Single Family Residences in Multifamily Zoning Districts.

AN ORDINANCE FOR THE PURPOSE OF AMENDING LOT COVERAGE REGULATIONS FOR SINGLE FAMILY RESIDENCES CONSTRUCTED IN MULTIFAMILY DISTRICTS; AMENDING CHAPTER 58, ZONING, ARTICLE II, ZONING DISTRICTS, DIVISION 9 - R3-6 MULTIFAMILY DISTRICT, SECTION 58-270, MAXIMUM LOT COVERAGE BY ALL BUILDINGS, DIVISION 10 - R3-12 MULTIFAMILY DISTRICT, SECTION 58-300, MAXIMUM LOT COVERAGE BY ALL BUILDINGS, DIVISION 11 - R3T-12 MULTIFAMILY DISTRICT, SECTION 58-330, MAXIMUM LOT COVERAGE BY ALL BUILDINGS, DIVISION 12 - R3-15 MULTIFAMILY DISTRICT, SECTION 58-360, MAXIMUM LOT COVERAGE BY ALL BUILDINGS, DIVISION 13 - R3-15 MULTIFAMILY DISTRICT, COQUINA SANDS (CS), SECTION 58-390, MAXIMUM LOT COVERAGE BY ALL BUILDINGS, DIVISION 14 - R3-15 MULTIFAMILY DISTRICT, MOORINGS (MOR), SECTION 58-420, MAXIMUM LOT COVERAGE BY ALL BUILDINGS, DIVISION 15 - R3-18 MULTIFAMILY DISTRICT, SECTION 58-450, MAXIMUM LOT COVERAGE BY ALL BUILDINGS, DIVISION 16 - R3T-18 MULTIFAMILY DISTRICT, SECTION 58-480, MAXIMUM LOT COVERAGE BY ALL BUILDINGS, OF THE CITY OF NAPLES, CODE OF ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER PROVISION; AND PROVIDING AN EFFECTIVE DATE.

(Erica Martin, Director of Planning)

[Agenda Memorandum](#)

[Ordinance](#)

[Staff Report](#)

[Zero Lot Line Development Example](#)

- 15.B. Second Reading of an Ordinance for the Purpose of Amending Chapter 29 of

General Retirement System providing a One-Time 5% COLA Adjustment to the Monthly Benefit for Current Retirees Not Otherwise Eligible for a COLA Increase.

AN ORDINANCE OF THE CITY OF NAPLES, FLORIDA, AMENDING THE CITY OF NAPLES CODE OF ORDINANCES, CHAPTER 29, ARTICLE III, GENERAL RETIREMENT SYSTEM; AMENDING DIVISION 3, SECTION 29-115, PENSION AMOUNT, BY ADDING SUBSECTION (g), TO PROVIDE FOR A ONE-TIME INCREASE IN BENEFITS FOR RETIREES AND BENEFICIARIES; DIRECTING THE CITY CLERK TO FILE A COPY OF THIS ORDINANCE WITH THE FLORIDA DEPARTMENT OF MANAGEMENT SERVICES, DIVISION OF RETIREMENT; PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY AND APPLICABILITY; AND PROVIDING AN EFFECTIVE DATE.

(Gary Young, Deputy City Manager/CFO)

[Agenda Memorandum](#)

[General Pension One-Time COLA Increase Ordinance](#)

- 15.C. Second Reading of an Ordinance for the Purpose of Amending Chapter 29 of Police Retirement System Providing a 5% COLA Adjustment to the Monthly Benefit for Current Retirees Not Otherwise Eligible for a COLA Increase.

AN ORDINANCE OF THE CITY OF NAPLES, FLORIDA, AMENDING THE CITY OF NAPLES CODE OF ORDINANCES, CHAPTER 29, ARTICLE V, POLICE OFFICERS' PENSION AND RETIREMENT SYSTEM; AMENDING DIVISION 3, SECTION 29-312, REQUIREMENTS FOR RETIREMENT, BY AMENDING SUBSECTION (5), TO PROVIDE FOR A ONE-TIME INCREASE IN BENEFITS FOR RETIREES AND BENEFICIARIES; DIRECTING THE CITY CLERK TO FILE A COPY OF THIS ORDINANCE WITH THE FLORIDA DEPARTMENT OF MANAGEMENT SERVICES, DIVISION OF RETIREMENT; PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY AND APPLICABILITY; AND PROVIDING AN EFFECTIVE DATE.

(Gary Young, Deputy City Manager/CFO)

[Police Pension - One-Time COLA Increase Ordinance](#)

- 15.D. Second Reading of an Ordinance Amending Chapter 29 of Fire Retirement System Providing a 5% COLA Adjustment to the Monthly Benefit for Current Retirees Not Otherwise Eligible for a COLA Increase.

AN ORDINANCE OF THE CITY OF NAPLES, FLORIDA, AMENDING THE CITY OF NAPLES CODE OF ORDINANCES, CHAPTER 29, ARTICLE IV, FIREFIGHTERS' PENSION AND RETIREMENT SYSTEM; AMENDING DIVISION 3, SECTION 29-232 BY ADDING SUBSECTION 9(e), REQUIREMENTS FOR RETIREMENT, TO PROVIDE FOR A ONE-TIME INCREASE IN BENEFITS FOR RETIREES AND BENEFICIARIES; DIRECTING THE CITY CLERK TO FILE A COPY OF THIS ORDINANCE WITH THE FLORIDA DEPARTMENT OF MANAGEMENT SERVICES, DIVISION OF RETIREMENT; PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY AND APPLICABILITY; AND PROVIDING AN EFFECTIVE DATE.

(Gary Young, Deputy City Manager/CFO)

[Fire Pension - One-Time COLA Increase Ordinance](#)

16. PUBLIC COMMENTS (For Items NOT on the Agenda)

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.