



## 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.**

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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. 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.

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**City Council Regular Meeting**  
**Wednesday, August 16, 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

## 5. PUBLIC COMMENTS (For Items on the Agenda)

### APPROVAL OF CONSENT AGENDA

## 6. MINUTES

- 6.A. Approval of Various City Council Meeting Minutes
  - [Agenda Memorandum](#)
  - [May 1, 2023 Special Meeting minutes](#)
  - [May 15, 2023 Workshop Meeting minutes](#)
  - [May 17, 2023 Regular Meeting minutes](#)
  - [June 5, 2023 Special Meeting minutes](#)
  - [June 7, 2023 Regular Meeting minutes](#)
  - [June 19, 2023 Special Meeting minutes](#)
  - [June 21, 2023 Regular Meeting minutes](#)
  - [2023-0711 Special Meeting as directed by the Mayor](#)

## 7. RESOLUTIONS

- 7.A. A Resolution for the Purpose of Approving Contractor's Services Agreements with Horsepower Electric Inc. and Project Combo, Inc. For the Supply and Installation of City Decorative Street Signs, for the Period of Two Years with the Option to Renew for Three Additional One-Year Periods; Authorizing the City Manager to Execute the Service Agreements; and Providing an Effective Date.  
(Bob Middleton, Director of Public Works)
  - [Agenda Memorandum](#)
  - [Resolution](#)
  - [Bid Analysis](#)
  - [Horsepower Contractors' Services Agreement](#)
  - [Project Combo Contractor's Services Agreement](#)
- 7.B. A Resolution for the Purpose of Adopting an Annual Special Assessment Roll for the Fifth Avenue South Business Improvement District for Fiscal Year 2023-24; Providing that Assessments Constitute a Lien on Assessed Property Upon Adoption of the Assessment Roll; Directing the City Clerk to Record the Assessment Roll; and Providing an Effective Date.  
(Gary Young, Deputy City Manager/CFO)
  - [Agenda Memorandum](#)
  - [Resolution](#)
  - [BID Rate Adjust Request](#)
- 7.C. A Resolution for the Purpose of Approving the Fiscal Year 2023-24 Non-Ad Valorem Assessment Roll for the Aqualane Shores Utility Line Extension Assessment Area; Directing Certification of the Assessment Roll to the Collier County Tax Collector; and Providing an Effective Date.  
(Gary Young, Deputy City Manager/CFO)
  - [Agenda Memorandum](#)
  - [Resolution](#)
- 7.D. A Resolution for the Purpose of Approving the Fiscal Year 2023-24 Non-Ad Valorem Assessment Roll for the Bembury Assessment Area Located within the

City's Utility Service Area; Directing Certification of the Assessment Roll to the Collier County Tax Collector; and Providing an Effective Date.  
(Gary Young, Deputy City Manager/CFO)  
[Agenda Memorandum](#)  
[Resolution](#)

7.E. A Resolution for the Purpose of Approving the Fiscal Year 2023-24 Non-Ad Valorem Assessment Roll for the Gulf Acres/Rosemary Heights Assessment Area Located within the City's Utility Service Area; Directing Certification of the Assessment Roll to the Collier County Tax Collector; and Providing for and Effective Date.

(Gary Young, Deputy City Manager/CFO)  
[Agenda Memorandum](#)  
[Resolution](#)

7.F. A Resolution for the Purpose of Approving the Fiscal Year 2023-24 Non-Ad Valorem Assessment Roll for the Seagate Undergrounding Assessment Area; Directing Certification of the Assessment Roll to the Collier County Tax Collector; and Providing an Effective Date.

(Gary Young, Deputy City Manager/CFO)  
[Agenda Memorandum](#)  
[Resolution](#)

7.G. A Resolution for the Purpose of Approving the Fiscal Year 2023-24 Non-Ad Valorem Assessment Roll for the Curlew Canal Assessment Area; Directing Certification of the Assessment Roll to the Collier County Tax Collector; and Providing an Effective Date.

(Gary Young, Deputy City Manager/CFO)  
[Agenda Memorandum](#)  
[Resolution](#)

7.H. A Resolution for the Purpose of Amending the Rules of Procedure for City Council meetings, as Last Amended by Resolution 2023-15059, to Modify Rules Related to Meeting Decorum, Remote Participation by City Council Members, and Public Comment; Repealing Resolution 2023-15059, and providing an effective date.

(Nancy Stuparich, City Attorney)  
[Agenda Memorandum](#)  
[Resolution](#)  
[2023-15059 Resolution](#)

7.I. A Resolution Authorizing the City Manager to Issue Purchase Orders for Payment to Cigna Health and Life Insurance Company for Administrative Service Fees, Stop Loss Insurance Premiums, and Claims Funding for Group Medical and Prescription Claims for the period October 1, 2023 through September 30, 2024; and Providing an Effective Date.

(Lori McCullers, Deputy Director of Human Resources)  
[Agenda Memorandum](#)  
[Agenda Memorandum Attachment A - Stop Loss Renewal Recommendation](#)  
[Agenda Memorandum B - Stop Loss Options](#)  
[Resolution](#)

- 7.J. A Resolution Amending Resolution 2022-14954 for the Purpose of Increasing the Annual Maximum Expenditure Limits for Outside Contracts with ACF Standby Systems, LLC to Allow the Immediate Purchase of Two (2) Emergency Backup Generators as part of the Beach Restoration and Water Quality Improvements (Beach Outfalls) Project in the Amount of \$523,354.  
(Bob Middleton, Director of Public Works)  
[Agenda Memorandum](#)  
[Resolution](#)  
[ACF North Pump Station Generator Quote](#)  
[ACF South Pump Station Generator Quote](#)

## 8. OTHER

- 8.A. Request for Approval of \$1,000 Donation by City to Collier County Veterans Council, Inc.  
(Jay Boodheshwar, City Manager)  
[Agenda Memorandum](#)
- 8.B. Consideration of the Repeat Special Event Applications Enumerated Below:
1. Outdoor Jazz Concerts – Cambier Park
  2. Big Band Concerts – Naples Big Band, Inc - Cambier Park
  3. Dixieland Concerts– Naples Jazz Society – Cambier Park  
(Chad Merritt, Director of Parks, Recreation & Facilities)  
[Agenda Memorandum](#)  
[Outdoor Jazz Concerts - Stardust Memories Big Band Event Application](#)  
[Naples Big Band Concerts - Event Application](#)  
[Dixieland Concerts - Naples Jazz Society - Event Application](#)
- 8.C. Notice and Ratification of Direction, Action, and Decisions by the Mayor While City Council Was "Out of Session" from June 22, 2023 (8:30 a.m.) to August 14, 2023 (8:30 a.m.).  
(Jay Boodheshwar, City Manager)  
[Agenda Memorandum](#)  
[Agenda Memorandum Cars on 5th Event](#)  
[Agenda Memorandum Fire Training Solutions](#)  
[2023-15145 Resolution - Fire Burn Trailer Purchase](#)
- 8.D. Announcement of an Executive Session Related to a U. S. Equal Employment Opportunity Commission Charge Filed in Troy Law v. City of Naples, EEOC Charge 510-2021-06830, U.S. Equal Employment Opportunity Commission, Miami District Office.  
(Nancy Stuparich, City Attorney)  
[Agenda Memorandum](#)  
[Public Notice](#)

## **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 Live Entertainment Petition 23-LE3 to Establish Amplified Outdoor Live Entertainment with a Maximum of Two Entertainers Thursday Through Sunday From 7:00 PM To 12:00 AM for the AC Marriott Hotel on Property Owned by Palmetto Hospitality of Naples, LLC., A Florida Limited Liability Company and Located at 455 12th 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 Outdoor Dining Petition 23-OD5 to Establish Outdoor Dining on Private Property Including a Total of 46 Tables and 204 Seats for the AC Marriott Hotel on Property Owned by Palmetto Hospitality of Naples, LLC., A Florida Limited Liability Company and Located at 455 12th Street South, More Fully Described Herein; and Providing an Effective Date.  
(Erica Martin, Director of Planning)  
[Continuance Memorandum](#)
- 11.C. A Resolution for the Purpose of Determining Live Entertainment Petition 23-LE1 to Establish Amplified Indoor Live Entertainment with No More Than Two Entertainers Playing Guitar or a DJ Every Friday from 3:00 p.m. to 10:00 p.m. Inside the Hotel Lobby Lounge, for The Hyatt House Naples on Property Owned by Naples 5th Avenue Hotel, LLC, and Located at 1345 5th Avenue South, More Fully Described Herein; and Providing an Effective Date.  
(Erica Martin, Director of Planning)  
[Agenda Memorandum](#)  
[Resolution](#)  
[Life Safety Plan prepared by Finrock Design, Inc. dated June 14, 2023](#)  
[Application](#)  
[Disclosure of Interest](#)  
[Deed](#)  
[Location Map](#)  
[Credentials - Staff](#)  
[Public Notice Mailing Addresses](#)  
[Affidavit of Sign Posting](#)  
[Correspondence](#)  
[Petitioner Presentation](#)
- 11.D. A Resolution for the Purpose of Determining Outdoor Dining Petition 23-OD4, Approving the Existing Outdoor Dining Layouts for the Front Porch and Garden Seating Area at Ridgway Bar and Grill to include 10 Stools, 23 Tables with 98 Seats, 14 Umbrellas, and 14 Standing Heaters; and for the Courtyard Seating Area at Tony's Off 3rd to include 18 Stools, 8 Tables With 27 Seats, 4 Umbrellas, and 3 Standing Heaters, on Properties Owned by Tr#12 Joan F. Tobin & Family Trust, C/O Neapolitan Enterprises LLC, Located at 1300 3rd Street South, 280 13th Avenue South, and 240 13th Avenue South, More Fully Described Herein; and Providing an Effective Date.

(Erica Martin, Director of Planning)

Agenda Memorandum

Resolution

Ridgway Bar and Grill Life Safety & Lighting Plans prepared by Architects Unlimited dated June 1, 2023

Tony's Off Third Life Safety & Lighting Plans prepared by Architects Unlimited dated June 1, 2023

Neapolitan Enterprises 1993 & 1998 Parking Needs Analysis, cover letter prepared by Neapolitan Enterprises dated March 28, 2023

Application

Disclosure of Interest Property Owner & Business

Warranty Deed

Outdoor Patio Heater Specs

Credentials - Petitioner

Credentials - Staff

Public Notice Mailing Addresses

Affidavit of sign posting

Presentation

- 11.E. A Resolution for the Purpose of Determining Outdoor Dining Petition 23-OD9, Establishing Outdoor Dining to Include 18 Tables, 36 Chairs, and 6 Bar Stools for a Restaurant Known as Unidos Restaurant on Property Owned by One South Main Street, LLC/Gorfi Properties, Inc., and Located at One 9th Street North, More Fully Described Herein; and Providing an Effective Date.

(Erica Martin, Director of Planning)

Agenda Memorandum

Life Safety Plan prepared by BDL Design, dated August 3, 2023

Application

Disclosure of Interest- Business owner

Disclosure of Interest- Property owner

Site Plan

Parking Plan

Renderings

Tables Chairs and Bar Stool Images

Credentials - Staff

Public Notice Mailing Addresses

Resolution

- 11.F. A Resolution for the Purpose of Determining Outdoor Dining Petition 23-OD1, Establishing Outdoor Dining to Include 2 Tables and 7 Chairs for a Restaurant Known as Casa Neri on Property Owned by Roubin Associates, LLC and Located at 382 5th Avenue South, More Fully Described Herein; and Providing an Effective Date.

(Erica Martin, Director of Planning)

Agenda Memorandum

Resolution

Site Plan

Application

Disclosure of Interest- Property owner

Disclosure of Interest- Business owner

Tables and Chairs  
Credentials - Petitioner  
Credentials - Staff  
Public Notice Mailing Addresses

## 12. OLD BUSINESS

- 12.A. Naples Pier 30 Percent Plans Update ( **1:30 p.m.Time Certain** )  
(Chad Merritt, Director of Parks, Recreation & Facilities)  
[Agenda Memorandum](#)  
[Naples Pier 30 Percent Design Plan Updated Version](#)  
[Naples Pier 30 Percent Design Plan Options dated 6.7.2023](#)  
[Naples Pier 30 Percent Design Presentation dated 6.7.2023](#)
- 12.B. Discussion Related to Implementation of Sec. 14, SB 250 to Ordinance 2023-15040 (Planned Developments), Ordinance 2023-15041 (Lot Combinations), Ordinance 2023-15048 (Site Plans), Ordinance 2023-15082 (Lot Coverage) and Resolution 2023-15026 (Adjustment to On-Street Parking Allocation Charges).  
(Jay Boodheshwar, City Manager)  
[Agenda Memorandum](#)  
[Vose Opinion - SB 250 interpretation](#)  
[Definitions of Damage - From Steve Beckman](#)  
[DRAFT Affidavit of Property Damage](#)  
[2023-15040 ord - Planned Developments](#)  
[2023-15041 ord - Lot Combinations](#)  
[2023-15048 ord - Site Plans](#)  
[2023-15082 ord - Lot Coverage for SF in MF District](#)  
[2023-15026 Resolution](#)  
[July 24, 2023, Letter from the Law Office of Robert K. Lincoln, P.A.](#)  
[July 28, 2023, Letter from Buchanan, Ingersoll, and Rooney](#)  
[August 1, 2023, Letter from Coleman, and Koester](#)
- 12.C. Continued Discussion Regarding Below-Ground Parking.  
(Jay Boodheshwar, City Manager)  
[Agenda Memorandum](#)  
[Draft Minutes of June 21, 2023, City Council Meeting](#)  
[Letter Dated July 13, 2023, From Robert K. Lincoln Regarding Below-Ground Parking](#)

## 13. NEW BUSINESS

- 13.A. Review and Approval of the 2024 Legislative Priorities and Appropriation Requests for the City of Naples.  
(Jay Boodheshwar, City Manager)  
[Agenda Memorandum](#)
- 13.B. A Resolution for the Purpose of Authorizing the City Manager to Execute an Engagement Letter with Addendum, with Greenberg Traurig, LLP for Specialized Aviation Legal Services and to Terminate the Existing Engagement of Cooley, LLP, and Providing an Effective Date.



(Nancy Stuparich, City Attorney)  
[Agenda Memorandum](#)  
[Resolution](#)  
[Addendum to Engagement Letter - Final](#)  
[Greenberg Traurig LLP Engagement Letter dated 7.18.2023](#)  
[2023-15057 Cooley LLP](#)

## **ORDINANCES**

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

- 14.A. 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 2-637 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, Rezoning, 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 First Reading](#)  
[Minutes from May 3, 2023 City Council Meeting](#)  
[Pass-through Fees Ordinance May 3, City Council Meeting](#)  
[Homestead - Code of Ordinances](#)  
[Palm Beach - Code of Ordinances](#)  
[Town of Oakland - Ordinance 2014-01](#)

### **15. SECOND READING ORDINANCES - None**

### **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.