



## 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, October 18, 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. Proclamation in Support of Israel and the Jewish Community

4.B. Proclamation for Domestic Violence Awareness Month

4.C. Centennial Fun Fact

## 5. PUBLIC COMMENTS

### APPROVAL OF CONSENT AGENDA

## 6. MINUTES

- 6.A. Approval of the September 5, 2023 Special Meeting Minutes.  
(Patricia Rambosk, City Clerk)  
[Agenda Memorandum](#)  
[September 5, 2023 Special Meeting minutes](#)

## 7. RESOLUTIONS

- 7.A. A Resolution Accepting a Linear Public Park Easement from Palmetto Hospitality of Naples, LLC, Containing Approximately 0.08 Acres, on Property Located at 455 12<sup>th</sup> Street South, More Fully Described Herein; and Providing an Effective Date.  
(Erica Martin, Director of Planning)  
[Agenda Memorandum](#)  
[Resolution](#)  
[Exhibit B](#)  
[Linear Public Park Easement - Execution Copy](#)
- 7.B. A Resolution Accepting a Utility Easement from Palmetto Hospitality of Naples, LLC, Containing Approximately 0.23 Acres, on Property Located at 455 12<sup>th</sup> Street South, More Fully Described Herein; and Providing an Effective Date.  
(Bob Middleton, Director of Public Works)  
[Agenda Memorandum](#)  
[Resolution](#)  
[Exhibit A](#)  
[Utility Easement - Execution Copy](#)
- 7.C. A Resolution Accepting a Utility Easement from WSR Naples Square Commercial, LLC, Containing Approximately 0.08 Acres, on Property Located at 325 12<sup>th</sup> Street South, More Fully Described Herein; and Providing an Effective Date.  
(Bob Middleton, Director of Public Works)  
[Agenda Memorandum](#)  
[Resolution](#)  
[Exhibit A](#)  
[Utility Easement - Execution Copy](#)
- 7.D. Resolution Amending the FY 2023-24 Budget Adopted Pursuant to Resolution 2023-15207 to Appropriate Funds from the State Confiscation Trust Fund (Florida Contraband Forfeiture Act) and the Federal Confiscation Trust Fund (Federal Equitable Sharing Program) for Law Enforcement Related Items; Authorizing the City Manager to Manage the Accounting for These Funds; and Providing an Effective Date.  
(Matthew Fletcher, Interim Police Chief)

[Agenda Memorandum](#)  
[Resolution](#)  
[Resolution 2023-15207](#)

7.E. 1. A Resolution Approving a First Amendment to the Professional Services Agreement with Wood Environment & Infrastructure Solutions, Inc for the Purpose of Consenting to an Assignment of the Agreement to WSP USA Environmental & Infrastructure, Inc. and Including Additional Standardized Contract Terms Required by the City for Environmental and Stormwater Quality Sampling, Analysis and Reporting Services; Authorizing the City Manager to Execute the First Amendment to Professional Services Agreement; and Providing an Effective Date.

2. A Resolution Approving a Second Amendment to Professional Services Agreement with WSP USA Environment & Infrastructure, Inc. for the Purpose of Extending the Term of the Agreement an Additional Year, Increasing the Scope to Include two Additional Sample Locations at the Inflows of the North Lake and Spring Lake and increasing compensation from \$165,358 to \$177,700; Authorizing the City Manager to Execute the Second Amendment to Professional Services Agreement; and Providing and Effective Date.

(Bob Middleton, Director of Public Works)

[Agenda Memorandum](#)  
[RESOLUTION - Amendment 1 WSP](#)  
[RESOLUTION - Amendment 2 WSP](#)  
[1st Amendment](#)  
[2nd Amendment](#)

7.F. A Resolution for the Purpose of Amending the Table of Contracts in Section 1 as Adopted by Resolution 2023-15217; Approving Purchase Order Agreements for the Utilization of Outside Contracts for the Purchase of Goods and Services Between the City of Naples and Multiple Vendors Listed in Sections and 2 of This Resolution; Authorizing the City Manager to Execute the Purchase Order Agreements; Repealing and Superseding Resolution 2023-15217; and Providing an Effective Date.

(Gary Young, Deputy City Manager/CFO)

[Agenda Memorandum](#)  
[Resolution](#)

## **8. OTHER**

8.A. Modification of December 2023, City Council Meeting Dates.

(Jay Boodheshwar, City Manager)

[Agenda Memorandum](#)

## **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 Petition 22-V2, Pursuant to Section 46-37 of the City of Naples Code of Ordinances, Relating to a Variance from Section 58-206 of the City of Naples Code of Ordinances to Allow for a New Screen Enclosure to Encroach into the Required Rear and Side Yards for Property Owned by Donald W. Dipietro Trust, and Located at 3750 Fountainhead Lane, More Fully Described Herein; and Providing an Effective Date.

(Erica Martin, Director of Planning)

[Agenda Memorandum](#)

[Resolution](#)

[Site Plan](#)

[PAB Staff Report.](#)

[Application](#)

[Disclosure of Interest- Property owner](#)

[Right-of-Way Permit 153724](#)

[Credentials - Petitioner](#)

[Credentials - Staff](#)

[Public Notice Mailing Addresses](#)

[Affidavit of Sign Posting](#)

[Correspondence - Davis](#)

[Presentation](#)

- 11.B. A Resolution for the Purpose of Determining Outdoor Dining Petition 23-OD11, Establishing Outdoor Dining on Public Property Consisting of 7 Tables, 18 Chairs, 6 Umbrellas, and 2 Heaters; and Outdoor Dining on Private Property Consisting of 5 Tables, 20 Chairs, and 2 Heaters for Chops City Grill, a Restaurant Operated by Phelan Chops Naples #133, LLC, a Florida Limited Liability Company and Located at 837 5th Avenue South on Property Owned by 5th Ave South Investments, LLC, a Florida Limited Liability Company, More Fully Described Herein; and Providing an Effective Date.

(Erica Martin, Director of Planning)

[Agenda Memorandum](#)

[Resolution](#)

[Life Safety Plan prepared by MHK Architecture, dated July 17, 2023](#)

[Application](#)

[Disclosure of Interest - Business Owner](#)

[Disclosure of Interest - Property owner](#)

[Deed](#)

[Resolution 2020-1443](#)

[Resolution 2011-12839](#)

[Resolution 2004-10659](#)

[Credentials - Staff](#)

[Affidavit of Sign Posting](#)

[Petitioner's Presentation](#)

- 11.C. A Resolution for the Purpose of Determining Outdoor Dining Petition 23-OD13 Establishing Outdoor Dining on Public Property Consisting of Nine (9) Tables, 32 Chairs, Three (3) Umbrellas, and Four (4) Heaters; And Outdoor Dining on Private Property Consisting of One (1) Floor Mounted Menu Board for Pazzo! Cucina

Italiana, A Restaurant Operated by 853 5th Avenue South #135, LLC, a Florida Limited Liability Company and Located at 853 5th Avenue South on Property Owned by Michael and Joy Holland Living Trust, Dated the 12th Day of July 2021, More Fully Described Herein; and Providing an Effective Date.

(Erica Martin, Director of Planning)

[Agenda Memorandum](#)

[Resolution](#)

[Life Safety Plan prepared by MHK Architecture, dated July 17, 2023](#)

[Application](#)

[Disclosure of Interest - Property Owner](#)

[Disclosure of Interest - Business Owner](#)

[Deed](#)

[Resolution 1996-7872](#)

[2009 Outdoor Dining Permit](#)

[ROW 2010-40](#)

[Credentials - Staff](#)

[Public Notice Mailing Addresses](#)

[Affidavit of Sign Posting](#)

[Petitioner's Presentation](#)

- 11.D. A Resolution for the Purpose of Determining Live Entertainment Petition 23-LE6 Establishing Amplified Indoor Live Entertainment with up to Three Entertainers Sunday through Thursday from 5:00 P.M. to 11:30 P.M. and Friday through Saturday from 5:00 P.M. to 12:00 A.M. for Pazzo! Cucina Italiana, a Restaurant Operated by 853 5th Avenue South #135, LLC, a Florida Limited Liability Company and Located at 853 5th Avenue South on Property Owned by Michael and Joy Holland Living Trust, Dated the 12th Day of July 2021, More Fully Described Herein; and Providing an Effective Date.

(Erica Martin, Director of Planning)

[Agenda Memorandum](#)

[Resolution](#)

[Life Safety Plan prepared by MHK Architecture, dated July 17, 2023](#)

[Application](#)

[Disclosure of Interest - Property Owner](#)

[Disclosure of Interest - Business Owner](#)

[Deed](#)

[Resolution 2020-14560](#)

[Resolution 2003-10232](#)

[Credentials - Staff](#)

[Public Notice Mailing Addresses](#)

[Affidavit of Sign Posting](#)

[Petitioner's Presentation](#)

- 11.E. A Resolution for the Purpose of Determining Outdoor Dining Petition 23-OD16, Establishing Outdoor Dining on Public Property Consisting of Two Tables and Four Chairs for Café Marquise, A Restaurant Operated By Burak Bulgan and Owned by 630 Fifth Ave South Holdings, LLC, a Florida Limited Liability Company and Located at 520 Park Street More Fully Described Herein; and Providing an Effective Date.

(Erica Martin, Director of Planning)

[Agenda Memorandum](#)  
[Resolution](#)  
[Life Safety Plan](#)  
[Application](#)  
[Disclosure of Interest- Business owner](#)  
[Disclosure of Interest- Property Owner](#)  
[Warranty Deed](#)  
[Tables and Chairs](#)  
[Public Notice Mailing Addresses](#)  
[Affidavit of Sign Posting](#)

- 11.F. A Resolution for the Purpose of Determining Outdoor Dining Petition 23-OD14, for Outdoor Dining on Private Property to include a Total of 22 Tables, 72 Seats, 2 Outdoor Space Heaters, a Moveable Hostess Stand with Associated Umbrella, and Additional Planters for the Restaurant known as Warren Restaurant, on Property Owned by 10th Street Collective, LLC, and located at 111 10th Street South, more fully described herein, and Providing an Effective Date.

(Erica Martin, Director of Planning)

[Agenda Memorandum](#)  
[Resolution](#)  
[Outdoor Dining Plans](#)  
[Application](#)  
[Disclosure of Interest - Property Owner](#)  
[Disclosure of Interest - Business Owner](#)  
[Deed](#)  
[Survey](#)  
[Existing Landscaping Plans](#)  
[Credentials - Petitioner](#)  
[Credentials - Staff](#)  
[Public Notice Mailing Addresses](#)  
[Affidavit of Sign Posting](#)

- 11.G. A Resolution Determining On-Street Parking Allocation Petition 23-PDWN1 in the D-Downtown District for the Purpose of Allocating Two On-Street Parking Spaces from the On-Street Parking Pool South of Central Avenue in the D-Downtown District for Property Owned by 10th Street Collective, LLC, A Florida Limited Liability Company, Located at 111 10th Street South, More Fully Described Herein; and Providing an Effective Date.

(Erica Martin, Director of Planning)

[Agenda Memorandum](#)  
[Resolution](#)  
[Outdoor Dining Plan](#)  
[CRAAB Memorandum](#)  
[Cover Letter](#)  
[Application](#)  
[Disclosure of Interest - Property Owner](#)  
[Disclosure of Interest - Business Owner](#)  
[Deed](#)  
[Aerial](#)  
[Survey](#)

[On-Street Parking Allocation Track Sheet 8-29-2023](#)

[Credentials - Petitioner](#)

[Credentials - Staff](#)

[Public Notice Mailing Addresses](#)

[Affidavit of Sign Posting - CRAAB](#)

[Affidavit of Sign Posting - City Council](#)

[Petitioner's Presentation](#)

- 11.H. A Resolution Determining Petition 23-PIL1 for the Purpose of Payment In-Lieu-Of Parking in the D-Downtown District, Pursuant to Section 58-920 of the Code Of Ordinances, for 25 Parking Spaces on the Property Owned by The Neighborhood Health Clinic, Inc., a Florida Not For Profit Corporation, Located at 88 12th Street North, More Fully Described Herein; to Meet the Parking Needs Generated by a New Pathology Laboratory and Associated Uses; and Providing an Effective Date.

(Erica Martin, Director of Planning)

[Agenda Memorandum](#)

[Resolution](#)

[CRAAB Agenda Memorandum](#)

[Cover Letter](#)

[Application](#)

[Disclosure of Interest](#)

[Deed 1](#)

[Deed 2](#)

[Pathology Building Site Plan](#)

[Aerial](#)

[Survey](#)

[Credentials - Staff](#)

[Public Notice Mailing Addresses](#)

[Affidavit of Sign Posting - CRAAB](#)

[Affidavit of Sign Posting City Council](#)

[Petitioner's Presentation](#)

- 11.I. A Resolution for the Purpose of Determining Petition 23-V2, Relating to a Variance Pursuant to Section 46-37 and Section 58-116 of the City of Naples Code of Ordinances to Allow a Pool Deck to Exceed the Maximum Elevation Allowed in the Required Side Yard, for Property Owned by Nancy B. Carlson Revocable Trust and Located at 2575 Lantern Lane, More Fully Described Herein; and Providing an Effective Date.

(Erica Martin, Director of Planning)

[Agenda Memorandum](#)

[Resolution](#)

[Pool Permit #PRPO2303418 Site Plan, prepared by Benchmark Land Services, Inc., signed August 17, 2023](#)

[Staff Report](#)

[Application](#)

[Disclosure of Interest - Property Owner](#)

[Legal Description](#)

[Architectural Plans](#)

[Landscape Plan](#)

[Credentials - Petitioner](#)

[Credentials - Staff](#)  
[Public Notice Mailing Addresses](#)  
[Affidavit of Sign posting](#)  
[Correspondence](#)  
[Petitioner's Presentation](#)

- 11.J. A Resolution for the Purpose of Determining Conditional Use Petition 23-CU3 Pursuant to Section 46-34 of the Code of Ordinances, City of Naples, and Ordinance 2017-13978, Section III, of the Park Shore Plaza Planned Development, for the Installation of one(1) ATM/VAT Tube Drive-Through Canopy for the Fifth Third Bank on the Property Owned by Brixmor Park Shore SC LLC, and Located at 4395 9th Street North, more Fully Described Herein; and Providing an Effective Date.

(Erica Martin, Director of Planning)

[Agenda Memorandum](#)

[Resolution](#)

[Boundary Survey prepared by EBI Surveying, signed May 2020](#)

[Topographic Survey prepared by EBI Surveying, signed January 27, 2023](#)

[Site Plan prepared by BDG Architects, dated June 23, 2023](#)

[Architectural Plans prepared by BDG Architects, dated July 14, 2023](#)

[Civil Plans prepared by Infinity Engineering Group, LLC, signed July 10, 2023](#)

[Landscape Plans prepared by BDG Architects, dated June 23, 2023](#)

[Transportation Review Letter prepared by Norm Trebilcock, dated July 14, 2023](#)

[Electrical Plans prepared by BDG Architects, dated March 3, 2023](#)

[Staff Report](#)

[Application](#)

[Disclosure of Interest - Property Owner](#)

[Disclosure of Interest - Business Owner](#)

[Deed](#)

[Email Response to Transportation Questions from Norm Trebilcock, dated July 28, 2023](#)

[Credentials - Petitioners](#)

[Credentials - Staff](#)

[Public Notice Mailing Addresses](#)

[Affidavit of Sign Posting](#)

[Petitioner's Presentation](#)

- 11.K. A Resolution for the Purpose of Determining Outdoor Dining Petition 23-OD15, Approving a Revised Life Safety Plan and Change in Seating Layout to Include 28 Tables and 84 Chairs for LO LA 41, on Property Owned by GolfHunt, LLC, Located At 560 9th Street South, More Fully Described Herein; and Providing an Effective Date.

(Erica Martin, Director of Planning)

[Agenda Memorandum](#)

[Resolution](#)

[Life Safety Plan, Sheet SK-3P, prepared by MHK Architecture, undated](#)

[Outdoor Patio Planting Concept prepared by Windham Studios, Inc., dated September 6, 2023](#)

[Application](#)

[Deed](#)



Disclosure of Interest - Property Owner  
Disclosure of Interest - Business Owner  
Survey prepared by Coastal Engineering Consultants, Inc., dated September 18, 2015  
Architectural plans prepared by MHK Architecture, undated  
Signage Plan prepared by Atlas, dated May 2, 2023  
Credentials - Petitioner  
Credentials - Staff  
Public Notice Mailing Addresses  
Affidavit of Sign posting

## **12. OLD BUSINESS**

- 12.A. Appoint One Member to the Carver Finance Board of Directors, Three Members to the Citizens Police Review Board, and Three Members to the Code Enforcement Board.

(Patricia Rambosk, City Clerk)

Agenda Memorandum

Carver Finance Board - Andrew Cribbs application

Carver Finance Board - Antonio Dumornay application

Carver Finance Board - Kevin Fitzpatrick application

Carver Finance Board - Eric Levy application

Carver Finance Board Resolution 1980-3514

CPRB - Debbie Groover application

CPRB - Timothy Moffitt application

CPRB - Joy Spivak application

CPRB Code

Code Enforcement Board - Mike Faucett application

Code Enforcement Board - Henry Johnson application

Code Enforcement Board - John Krol application

Code Enforcement Board - Nicholas Spahr application

Chapter 162.05 Fl. Statute

## **13. NEW BUSINESS**

- 13.A. Consider Approval of a Right-of-Way Permit to Install a Monumental Mailbox at 1675 Gordon Drive.

(Bob Middleton, Director of Public Works)

Agenda Memorandum

Right-of-Way application

Hold Harmless

USPS Mailbox Requirements

FDOT Mailbox Standards

Monumental Mailbox Photos

## **ORDINANCES**

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

- 14.A. First Reading of an Ordinance amending the minimum lot size in the PS Public

Service District.

An Ordinance for the Purpose of Amending Minimum Lot Size and Minimum Lot Width in the Public Service District; Amending Section 46-32(D), Standards for Consideration of a Change in Zoning, of Article II, Administrative Procedures of Chapter 46, Administration, Procedures and Enforcement, Amending Section 58-834, Minimum Lot Area, and Section 58-835, Minimum Lot Width, of Division 28, PS Public Service District, of Article II, Zoning Districts of Chapter 58, Zoning, of the Code of Ordinances of The City of Naples to Amend the Minimum Lot Size and Minimum Lot Width for Public Service District Land owned by The City of Naples; Approving a Severability Clause; Providing a Repealer Provision; and Providing an Effective Date.

(Erica Martin, Director of Planning)

[Agenda Memorandum](#)

[Ordinance - First Reading](#)

[Staff Report](#)

[Business Impact Statement](#)

## **15. SECOND READING ORDINANCES**

- 15.A. Second Reading of an Ordinance Amending Sections of the Public Art Advisory Committee, Community Services Advisory Board, Public Art, and the Design Review Board.

An Ordinance Relating to Public Art Dissolving the Public Art Advisory Committee and Reassigning Its Duties to the Community Services Advisory Board: 1) Amending Sections 46-42(D) and (H) of Article II Administrative Procedures of Chapter 46 Administration, Procedures and Enforcement, to Transfer Duties and Responsibilities From the Public Art Advisory Committee to the Community Services Advisory Board; 2) Removing Sections 2-581 to 2-584 of Division 9 of Article V Boards, Commissions and Committees of Chapter 2 Administration, to Dissolve the Public Art Advisory Committee; 3) Amending Section 2-503 of Division 5 Community Services Advisory Board of Article V Boards, Commissions and Committees of Chapter 2 Administration to Add Duties and Responsibilities Related to Review of Public Art to the Community Services Advisory Board; 4) Amending Section 2-476(C)(2)(I) of Division 4 Design Review Board of Article V Boards, Commissions and Committees of Chapter 2 Administration to Substitute the Community Services Advisory Board to Replace the Public Art Advisory Committee; and 5) Providing for Conflict, Severability Clause, Repealer, and an Effective Date.

(Chad Merritt, Director of Parks, Recreation & Facilities)

[Agenda Memorandum](#)

[Ordinance - Second Reading](#)

[Business Impact Estimate](#)

## **16. PUBLIC COMMENTS**

## **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.