



## 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. 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, March 22, 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. Centennial Map Presentation (*Todd Turrell*)

- 4.C. Proclamation for American Red Cross Month
- 4.D. Proclamation for Guardianship Awareness Month
- 4.E. Sam Noe Award Presentation
- 4.F. Naples Art Institute Presentation (*Frank Verpoorten, Executive Director & Chief Curator*).

## 5. PUBLIC COMMENTS

### APPROVAL OF CONSENT AGENDA

## 6. MINUTES

- 6.A. Approval of Various City Council Meeting Minutes.  
(Patricia Rambosk, City Clerk)  
[Agenda Memorandum](#)  
[January 18, 2023 Regular Meeting Minutes](#)  
[February 1, 2023 Regular Meeting Minutes](#)  
[February 13, 2023 Workshop Meeting Minutes](#)

## 7. RESOLUTIONS

- 7.A. A RESOLUTION FOR THE PURPOSE OF APPROVING AN AMENDMENT NO.6 TO THE BUILDING DEPARTMENT PERMITTING SOFTWARE SUBSCRIPTION AGREEMENT BETWEEN THE CITY OF NAPLES AND N. HARRIS COMPUTER CORPORATION TO EXTEND THE SUBSCRIPTION AGREEMENT FOR AN ADDITIONAL FIVE-YEAR PERIOD; RATIFYING AND APPROVING AMENDMENTS NO. 2,3,4 AND 5 PREVIOUSLY APPROVED BY THE BUILDING OFFICIAL; WAIVING THE REQUIREMENTS FOR COMPETITIVE BIDDING, AND PROVIDING AN EFFECTIVE DATE.  
(Stephen Beckman, Director of Building Services)  
[Agenda Memorandum](#)  
[Resolution](#)  
[City View Contract FY17 Bid Waiver 04-26-2017](#)  
[Amendment 1](#)  
[Amendment 2](#)  
[Amendment 3](#)  
[Amendment 4](#)  
[Amendment 5](#)  
[Amendment 6](#)
- 7.B. A RESOLUTION FOR THE PURPOSE OF HONORING RENÉE ZEPEDA AS THE 2023 RECIPIENT OF THE SAM NOE AWARD; AND PROVIDING AN EFFECTIVE DATE.  
(Patricia Rambosk, City Clerk)  
[Agenda Memorandum](#)  
[Resolution](#)
- 7.C. A RESOLUTION FOR THE PURPOSE OF WAIVING THE FORMAL BID

REQUIREMENTS AND APPROVING A CONTRACT-BY-PURCHASE ORDER BETWEEN THE CITY OF NAPLES AND TEMPLE, INC. AS A SOLE SOURCE PROVIDER TO PROVIDE A DIRECT MATERIAL PURCHASE FOR SIXTEEN SOLAR WIRELESS PEDESTRIAN FLASHERS FOR TWO ROUNDABOUTS WITHIN THE CITY; AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT-BY-PURCHASE ORDER; AND PROVIDING AN EFFECTIVE DATE.

(Bob Middleton, Director of Public Works)

[Agenda Memorandum](#)

[Resolution](#)

[Temple Proposal](#)

[Carmanah Sole Source Letter](#)

## 8. OTHER

8.A. Acknowledge the Election of Erik Noe and Sean Phillips to the Board of Trustees of the Police Officers' Retirement Trust Fund; and Acknowledge the Reappointment of Charlotte Loewel and Russell Thomas to the Board of Trustees of the General Retirement System.

(Patricia Rambosk, City Clerk)

[Agenda Memorandum](#)

[Police Pension Code](#)

[General Pension Code](#)

8.B. Ratification of Agenda Memorandum.

(Nancy Stuparich, City Attorney)

[Agenda Memorandum](#)

[Agenda Memorandum Second Reading Temporary Use 3.1.23](#)

## END OF CONSENT AGENDA

## 9. PUBLIC HEARINGS

9.A. A RESOLUTION FOR THE PURPOSE OF VACATING A PORTION OF A UTILITY EASEMENT LOCATED WITHIN BLOCK 3, TIER 2, INCLUDING LOTS 13, 14 AND 15, TOGETHER WITH THAT PART OF THE VACATED ALLEY (BY ORDINANCE RECORDED IN OFFICIAL RECORDS BOOK 223, PAGE 550), PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA, LYING ADJACENT TO 1625 GULF SHORE BOULEVARD SOUTH, MORE FULLY DESCRIBED HEREIN; AND ACCEPTANCE OF A REPLACEMENT DRAINAGE, ACCESS AND STORMWATER EASEMENT; DIRECTING THE CITY CLERK TO RECORD THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE (Continued from the February 15, 2023 Regular City Council Meeting).

(Bob Middleton, Director of Public Works)

[Agenda Memorandum](#)

[Resolution](#)

[Attachment #1 - Ordinance 1239](#)

[Attachment #2 - OR 938-799 and 800](#)

[Attachment #3 - Lake Ownership - Combined City Clerk Report - April 2010](#)

[Attachment #4 - Easement](#)

[Letters of No Objection](#)

**REGULAR AGENDA**

**10. ITEMS PULLED FROM CONSENT AGENDA (If Needed)**

**11. LAND USE MATTERS**

11.A. A RESOLUTION FOR THE PURPOSE OF DETERMINING REVISION NO. 2 TO SITE PLAN PETITION 19-SP8 APPROVED BY RESOLUTION 2019-14421, RELATING TO A SITE PLAN FOR TRACT RT-2 OF THE NAPLES BEACH CLUB PLAT ON PROPERTY OWNED BY NAPLES BEACH CLUB LAND TRUST TRUSTEE, LLC A DELAWARE LIMITED LIABILITY COMPANY LOCATED WITHIN THE NAPLES BEACH CLUB RESIDENCES AND GOLF CLUB PLANNED DEVELOPMENT AT 851 GULF SHORE BOULEVARD NORTH, MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

(Erica Martin, Director of Planning)

[Agenda Memorandum](#)

[Resolution](#)

[Staff Report](#)

[Site Plan Application](#)

[Exhibit A - Public Utilities Adequacy Letter](#)

[Exhibit B - Transportation Certification Letter](#)

[Disclosure of Interest](#)

[Deed](#)

[The Naples Beach Club Plat](#)

[19-SP8 Revision #2 Gulf Residences Sufficient with Conditions 1-10-2023](#)

[Architectural Plans](#)

[Landscape Plans](#)

[Civil Plans](#)

[Lighting Plans](#)

[Architectural Elevations with Lighting Details](#)

[Glass Manufacturer Specification Sheet](#)

[Traffic Impact Study - January 2019](#)

[Traffic Impact Study Supplement - May 2019](#)

[Overview of Changes](#)

[Coastal High Hazard Area Evaluation Memorandum - October 2019](#)

[CCL Approved Plans & Survey](#)

[FDEP Approved CCL Permit - CO-1134](#)

[FDEP Approved ERP Permit - 387544-001](#)

[FEMA Letter of Map Revision Determination](#)

[FEMA Letter of Map Revision Workmap](#)

[FDEP Letter of Map Revision Wave Crest Modeling Storm Analysis](#)

[FDEP Letter of Map Revision Wave Crest Modeling 100-yr Storm Letter](#)

[Credentials - Petitioners](#)

[Credentials - Staff](#)

[Public Notice Mailing Addresses](#)

[Affidavit of Sign Posting - PAB Hearing](#)

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

Petitioner's Presentation - Hart Howerton  
Petitioner's Presentation

- 11.B. A RESOLUTION FOR THE PURPOSE OF DETERMINING PETITION 22-N2, RELATING TO THE EXPANSION OF A NONCONFORMITY FROM SECTION 46-35 OF THE CODE OF ORDINANCES TO ALLOW THE RENOVATION OF EXISTING NONCONFORMING STRUCTURES ON PROPERTY OWNED BY ELLEN MACKS, TRUSTEE OF THE ELLEN MACKS REVOCABLE TRUST AND LOCATED AT 4080 CUTLASS LANE, MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

(Erica Martin, Director of Planning)

[Agenda Memorandum](#)

[Resolution](#)

[Staff Report](#)

[Application](#)

[Exhibit A - Resolution 87-5439](#)

[Exhibit B - Zoning Verification Letter](#)

[Disclosure of Interest - Property owner](#)

[Deed](#)

[Survey](#)

[Architectural Plans](#)

[Civil Plans](#)

[Credentials - Petitioner](#)

[Credentials - Staff](#)

[Public Notice Mailing Addresses](#)

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

[Correspondence](#)

[Petitioner's Presentation](#)

## 12. OLD BUSINESS

- 12.A. Appoint Two Regular Members and One Alternate Member to the Community Services Advisory Board, One Regular Member and One Alternate Member to the East Naples Bay Citizens Advisory Committee, and One City Resident to the Board of Trustees of the General Retirement System.

(Patricia Rambosk, City Clerk)

[Agenda Memorandum](#)

[CSAB - Greg Morris Application](#)

[CSAB - Christina Muracco Application](#)

[CSAB - Brian Smith Application](#)

[CSAB - Nathaniel Smith Application](#)

[CSAB Code](#)

[E. Naples Bay - Forrest Milkowski Application](#)

[E. Naples Bay - Gary Gregg Application](#)

[Resolution 2018-14135](#)

[General Pension - John Chadwick Application](#)

[General Pension - Paul Moskowitz Application](#)

[General Pension - Scott Weatherby Application](#)

[General Pension - Paul Wetzal Application](#)

[General Pension Code](#)

### **13. NEW BUSINESS**

- 13.A. Acknowledgment and Discussion of a Resolution Approving a Special Magistrate's Recommendation of Settlement of a Florida Land Use and Environmental Dispute Resolution Act ("FLUEDRA") Claim Filed by Mr. Richard L. Schulze and Mrs. Margaret O'Brien Schulze Related to the City Council's October 19, 2022 Denial of a Lot Combination of Properties Located at 140 South Golf Drive and 780 Gulf Shore Boulevard North to Create a Single Lot.

(Nancy Stuparich, City Attorney)

[Agenda Memorandum](#)

[Resolution](#)

[Exhibit A - FLUEDRA Settlement Agreement](#)

[70.51 Petition for Relief](#)

[FLUEDRA Claim Response](#)

- 13.B. A RESOLUTION FOR THE PURPOSE OF AUTHORIZING THE CITY MANAGER TO EXECUTE AN ENGAGEMENT LETTER WITH COOLEY, LLP FOR SPECIALIZED AVIATION LAW LEGAL SERVICES SUBJECT TO LEGAL SIGN OFF; AND PROVIDING AN EFFECTIVE DATE.

(Nancy Stuparich, City Attorney)

[Agenda Memorandum](#)

[Resolution](#)

[City of Naples - Draft Engagement Letter](#)

- 13.C. A RESOLUTION FOR THE PURPOSE OF AMENDING THE FISCAL YEAR (FY) 2022-23 BUDGET ADOPTED BY RESOLUTION 2022-14943 TO APPROPRIATE FUNDS FROM THE GENERAL FUND TO THE FY 2022-23 CITY ATTORNEY'S OFFICE BUDGET FOR OTHER LEGAL SERVICES IN THE AMOUNT OF \$120,000; AND PROVIDING AN EFFECTIVE DATE.

(Nancy Stuparich, City Attorney)

[Agenda Memorandum](#)

[Resolution](#)

### **ORDINANCES**

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

- 14.A. First Reading of an Ordinance Amending the Signage Regulations for Gas Service Stations.

AN ORDINANCE FOR THE PURPOSE OF AMENDING SIGNAGE REGULATIONS FOR GAS SERVICE STATIONS, AMENDING SUBSECTIONS (2) AND (3) OF SECTION 50-35(d), GAS SERVICE STATIONS, OF ARTICLE II, SIGNS, CHAPTER 50, DEVELOPMENT AND DESIGN STANDARDS, 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](#)  
[Florida Statute 553.79\(24\)\(a\)](#)  
[Reed v. Town of Gilbert 2015 Case Law Summary](#)  
[Applicable Code Section - Sec. 50-35. Permitted signs - commercial zoning districts](#)

- 14.B. First Reading of an Ordinance to Establish Maximum Density Limitations for Transient Lodging Units.

AN ORDINANCE FOR THE PURPOSE OF ESTABLISHING MAXIMUM DENSITY LIMITATIONS FOR TRANSIENT LODGING; AMENDING SUBSECTION (5) OF SECTION 58-533, CONDITIONAL USES OF DIVISION 18 - C1 RETAIL SHOPPING DISTRICT; SUBSECTION (6) OF SECTION 58-563, CONDITIONAL USES OF DIVISION 19 - C1-A COMMERCIAL CORE DISTRICT; SUBSECTION (18) OF SECTION 58-593, CONDITIONAL USES OF DIVISION 20 - C2 GENERAL COMMERCIAL DISTRICT; SUBSECTION (4) OF SECTION 58-623, CONDITIONAL USES OF DIVISION 21 - C2-A WATERFRONT COMMERCIAL DISTRICT; SECTION 58-802, USES PERMITTED OF DIVISION 27 - PD PLANNED DEVELOPMENT DISTRICT; AND SUBSECTIONS (17) AND (20) OF SECTION 58-904, CONDITIONAL USES OF DIVISION 30 – DOWNTOWN DISTRICT OF ARTICLE II, ZONING DISTRICTS, OF CHAPTER 58, ZONING, OF THE CODE OF ORDINANCES, CITY OF NAPLES; PROVIDING A REPEALER PROVISION; AND PROVIDING AN EFFECTIVE DATE.

(Erica Martin, Director of Planning)

[Agenda Memorandum](#)

[Ordinance](#)

[Staff Report](#)

[Applicable Code Sections](#)

[Ordinance No. 12-13094](#)

[Ordinance No. 13-13265](#)

- 14.C. First 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](#)

14.D. **First Reading of an Ordinance Amending Setback Zone Regulations in Front Yards and Authorized Street Trees in the D-Downtown Zoning District.**

AN ORDINANCE FOR THE PURPOSE OF AMENDING THE SETBACK AND LANDSCAPING REGULATIONS IN FRONT YARDS AND AMENDING THE AUTHORIZED STREET TREES AS SET FORTH IN THE DESIGNATED STREET TREE PROGRAM AND THE NAPLES URBAN FOREST PLAN; ADDING A NEW SUBSECTION (1)(e) TO SECTION 58-909, BUILDING PLACEMENT; ADDING A NEW SUBSECTION (1)(e) TO SECTION 58-912, STANDARDS FOR BUILDING DESIGN; AMENDING SUBPARAGRAPH (8)b. OF SECTION 58-915, PARKING FACILITIES GENERALLY, LANDSCAPING, OF DIVISION 30, D DOWNTOWN DISTRICT, OF CHAPTER 58, ZONING, ARTICLE II, ZONING DISTRICTS, OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER PROVISION; AND PROVIDING AN EFFECTIVE DATE.

(Erica Martin, Director of Planning)

[Agenda Memorandum](#)

[Ordinance](#)

[Staff Report](#)

[Resolution 2022-14986 - Adopting Designated Street Tree Program](#)

[Approved 2023 Tree Planting List](#)

[DIVISION 30. D DOWNTOWN DISTRICT - Existing regulations](#)

**15. SECOND READING ORDINANCES - NONE**

**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.