



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

Interim City Attorney: Ralf Brookes • 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
Monday, December 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. Announcement of 2023 Naples Christmas Parade Winners

4.B. Trinity Life Foundation Proclamation

4.C. Reverend Dr. Martin Luther King Jr. Day Parade Proclamation

5. PUBLIC COMMENTS

APPROVAL OF CONSENT AGENDA

6. MINUTES

6.A. Approval of the October 18, 2023, Regular Meeting Minutes.

[Agenda Memorandum](#)

[October 18, 2023 Regular Meeting Minutes](#)

7. RESOLUTIONS

7.A. A Resolution for the Purpose of Amending Appendix “A”, Fees and Charges Schedule of the Code of Ordinances to Add a Fee for Restricted Charter’s to Drop-off and Pick-up Six (6) Passengers Maximum Per Day at the Naples City Dock for Only Those Restricted Charters Approved for Landside Use at the City Dock by the Parks, Recreation, and Facilities Director; and Providing an Effective Date.

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

[Agenda Memorandum](#)

[Resolution](#)

7.B. A Resolution for the Purpose of Approving Amendment No. 1 to Standard Grant Agreement LPA0343 Between the State of Florida Department of Environmental Protection and the City of Naples Accepting an Additional \$10 Million in Funding for the Naples Gulf of Mexico Beach Stormwater Outfall Pipe Removal and Water Quality Project for Total Funding in the Amount of \$15 Million; Authorizing the Mayor to Execute the Agreement; and Providing an Effective Date.

(Bob Middleton, Director of Public Works)

[Agenda Memorandum](#)

[Resolution](#)

[Standard Grant Agreement LPA0343 Amendment 1](#)

7.C. A Resolution Approving a Standard Grant Agreement LPA0590 Between the State of Florida Department of Environmental Protection and the City of Naples Accepting \$2.4 Million Funding for the Naples Stormwater Outfall Check Valve Installation Project; Authorizing the Mayor to sign the agreement; and Providing an Effective Date.

(Bob Middleton, Director of Public Works)

[Agenda Memorandum](#)

[Resolution](#)

[Standard Grant Agreement LPA0590](#)

7.D. A Resolution Approving the Third Amendment to the Professional Services Agreement with WSP USA Environment & Infrastructure, Inc. for Additional Inflow Sampling at Four Lakes Within the Moorings Bay Watershed Increasing the Compensation from \$177,700 to \$267,272; Authorizing the City Manager to Execute the Third Amendment to Professional Services Agreement; and Providing

and Effective Date.

(Bob Middleton, Director of Public Works)

[Agenda Memorandum](#)

[Resolution](#)

[WSP Proposal](#)

[3rd Amendment](#)

- 7.E. A Resolution for the Purpose of Approving Task Order No. 1 with Humiston & Moore Engineers to Provide Seawall Design, Permitting and Construction Oversight for Five (5) Beach Ends as part of Hurricane Ian in Recovery in Accordance with the Consultants Competitive Negotiation Act; Authorizing the City Manager to Execute the Task Order No. 1; and Providing an Effective Date.

(Bob Middleton, Director of Public Works)

[Agenda Memorandum](#)

[Resolution](#)

[Humiston & Moore Proposal](#)

[Task order - Humiston & Moore](#)

[First Amendment - Humiston & Moore](#)

- 7.F. A Resolution Approving a First Amendment to Services Agreement with Naples Fire Protection, Inc., for the Purpose of Consenting to an Assignment of the Agreement to Pye Barker Fire & Safety, LLC DBA Naples Fire Protection, due to a Corporate Purchase, Extending the Term of the Agreement and Including Additional Standardized Contract Terms Required by the City for Monitoring, Maintenance & Inspection of Fire Sprinkler Systems; Authorizing the City Manager to Execute the First Amendment to Services Agreement; and Providing an Effective Date.

(Jay Boodheshwar, City Manager)

[Agenda Memorandum](#)

[Resolution](#)

[First Amendment](#)

[Naples Fire Protection, Inc. Agreement](#)

- 7.G. A Resolution for the Purpose of Declaring that City Council shall not be "In Session" from 8:00 am December 19, 2023 to 8:30 am January 11, 2024; and Providing an Effective Date.

(Ralf Brookes, Interim City Attorney)

[Agenda Memorandum](#)

[Resolution](#)

8. OTHER

- 8.A. Approval of the Park Shore Fund Public Art Designed by Raymond Lutgert and Located at 4450 Gulf Shore Boulevard North.

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

[Agenda Memorandum](#)

[Park Shore Public Art - Application Requirement Information](#)

[Park Shore Public Art - Foundation Plan](#)

[Park Shore Public Art - GSAC Letter of Support](#)

[Park Shore Public Art - Park Shore Association Letter of Support](#)

- 8.B. Acknowledge the Selection of John Heinze on the Board of Trustees of the Firefighters' Retirement Trust Fund.
(Patricia Rambosk, City Clerk)
[Agenda Memorandum](#)
[John Heinze Application](#)
[Fire Pension Code](#)

- 8.C. Consideration of the Repeat Special Event Applications Enumerated Below:
1. Private Party – 40 32nd Ave
 2. Private Party – 40 32nd Ave
 3. MLK Day Parade and Celebration
(Chad Merritt, Director of Parks, Recreation & Facilities)
[Agenda Memorandum](#)
[Private Party Application 1.11.24](#)
[Private Party Application 4.27.24](#)
[MLK Day Parade and Celebration Application 1.15.24](#)

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 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)
[Supplemental Memorandum](#)
[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](#)

[Supplemental Information - Presentation](#)

- 11.B. A Resolution Determining Petition 23-CU2, Relating to a Conditional Use Pursuant to Section 58-533(6) of the Code of Ordinances to Allow an Existing Flower Shop to Sell Alcoholic Beverages as a Cocktail Lounge and an Associated Conditional Use for a Parking Needs Analysis per Code Section 50-107 within the C1 Retail Shopping District on Property Owned by S and S Louis, LLC, and Located at 719 12th Avenue South, More Fully Described Herein; and Providing an Effective Date. (Erica Martin, Director of Planning)

[Agenda Memorandum](#)

[Resolution](#)

[Architectural Plans prepared by Victor Morales Architect, dated June 8, 2023](#)

[Parking Needs Analysis prepared by Trebilcock Consulting Solutions, PA, dated October 12, 2023](#)

[Supplemental PAB Staff Report](#)

[PAB Staff Report](#)

[Application](#)

[Disclosure of Interest- Business owner](#)

[Disclosure of Interest- Property owner](#)

[Survey](#)

[Business Plan](#)

[Brochure](#)

[Credentials - Petitioner](#)

[Credentials -Traffic Engineer](#)

[Credentials - Staff](#)

[Public Notice Mailing Addresses](#)

[Petitioner Presentation](#)

- 11.C. A Resolution for the Purpose of Determining Petition 23-V3, Relating to a Variance Pursuant to Section 46-37 and Sections 56-91(b)(2), 58-142, and 58-147 of the City of Naples Code of Ordinances to Allow an Existing Guest House to Remain in Place Without a Principal Residence On Site, for a Period of Time Not to Exceed Five (5) Years, Before Either Obtaining a Building Permit for a New Principal Residence or Demolishing the Existing Guest House for Property Owned by Naples Real Estate, LLC, a Wisconsin Limited Liability Company, and Located at 1900 Gulf Shore Boulevard South, more fully described herein and Providing an Effective Date.

(Erica Martin, Director of Planning)

[Agenda Memorandum](#)

[Resolution](#)

[Staff Report](#)

[Cover Letter](#)

[Application](#)

[Disclosure of Interest](#)
[Special Warranty Deed](#)
[Sunbiz Information](#)
[Survey](#)
[Aerial](#)
[Credentials - Staff](#)
[Public Notice Mailing Addresses](#)
[Affidavit of Sign Posting PAB](#)
[Petitioner's Presentation](#)

12. OLD BUSINESS

- 12.A. Consideration to Fund the East Naples Bay Dredging and Rock Removal Project by an Interfund Loan in the amount of \$1,136,222. Consensus shall also include Discussion and Guidance of the Loan Terms so that the Interfund Loan can be Memorialized in January 2024.
(Bob Middleton, Director of Public Works)
[Agenda Memorandum](#)
[Potential New Loan Amortization East Naples Bay](#)
[Resolution 2021-14656 East Naples Bay Interfund Loan](#)
- 12.B. A Resolution Amending the FY 2023-24 budget adopted by Resolution 2023-15210 in the amount of \$1,136,222 to provide a Supplemental Appropriation to Continue Construction Services and Applicable Construction Engineering and Inspection Services (CEI) required for the East Naples Bay Dredging and Rock Removal Project; and
(Bob Middleton, Director of Public Works)
[Resolution](#)
- 12.C. A Resolution Approving a 2nd Amendment to the Professional Services Agreement with Stantec Consulting Services, Inc. for Additional CEI and construction management services required for the East Naples Bay Dredging and Rock Removal Project in the Amount of \$277,072, Including an Extension to the Agreement for an Additional 28 Weeks in Order to Complete the Project, and Authorizing the City Manager to Execute the Amendment.
(Bob Middleton, Director of Public Works)
[Resolution](#)
[CCNA Stantec Agreement](#)
[CCNA Stantec CEI Agreement](#)
- 12.D. A Resolution Approving a 2nd Amendment to the Agreement with Quality Enterprises USA, Inc. (RFP 21-036) for Additional Construction Services Required for the East Naples Bay Dredging and Rock Removal Project in the Amount of \$859,150, including an Extension to the Agreement for an Additional 28 Weeks in Order to Complete the Project, and Authorizing the City Manager to Execute the Amendment.
(Bob Middleton, Director of Public Works)
[Resolution](#)
[Quality Enterprises USA, Inc Contractor's Agreement](#)

- 12.E. A Resolution for the Purpose of Authorizing the City Manager to Execute a Second Addendum with Greenberg Traurig, LLP for Specialized Aviation Legal Services, and Providing an Effective Date.
(Ralf Brookes, Interim City Attorney)
[Agenda Memorandum](#)
[Resolution](#)
[Second Addendum](#)

13. NEW BUSINESS

- 13.A. Discussion Regarding Upcoming City Council Vacancy.
(Jay Boodheshwar, City Manager)
[Agenda Memorandum](#)
- 13.B. Announcement of an Executive Session for the Purpose of Advice and Discussion of Settlement Negotiations or Strategy Related to Litigation Expenditures in 5th Avenue South Holdings, LP v. City of Naples, Case No. 23-CA-3329, 20th Judicial Circuit, in and for Collier County, Florida.
(Ralf Brookes, Interim City Attorney)
[Agenda Memorandum](#)
[Public Notice](#)

ORDINANCES

14. FIRST READING ORDINANCES - None

15. SECOND READING ORDINANCES

- 15.A. An Ordinance for the Purpose of Amending Chapter 16, Construction, Rehabilitation and Property Maintenance Regulations, of the Code of Ordinances, City of Naples, Updating Section 16-145(2) to Update the Date of the Flood Insurance Study and Flood Insurance Rate Maps and Applying the Larger Horizontal Extent and the Higher of the Base Flood Elevations as Depicted by Flood Insurance Study for Collier County, Florida and Incorporated Areas Dated May 16, 2012, and the Flood Insurance Study for Collier County, Florida and Incorporated Areas Dated February 8, 2024; Providing a Severability Clause and Repealer Provision and Providing an Effective Date.
(Stephen Beckman, Director of Building Services)
[Agenda Memorandum](#)
[Ordinance - Second Reading](#)
[Letter of Final Determination](#)
[FEMA Notice - Congress September 2023](#)
[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.