1. **ROLL CALL**

Present:

Bill Barnett, Mayor
Linda Penniman, Vice Mayor
Reg Buxton
Doug Finlay
Michelle McLeod
Sam Saad III
Ellen Seigel

Also Present:

Roger Reinke, Assistant City Manager
Robert Pritt, City Attorney
Jessica Rosenberg, Exec. Assist. / Deputy City Clerk
Denise Matson, Human Resources Director
Patricia Rambosk, City Clerk
Gregg Strakaluse, Streets and Stormwater Director
Dana Souza, Community Services Director
Thomas Weschler, Police Chief
Robert Middleton, Utilities Director
Robin Singer, Planning Director
Ann Marie Ricardi, Finance Director
Heather Shields, Contract Services Manager
Jed Secory, Purchasing Manager
Stephanie Molloy, Natural Resources Manager
Lori McCullers, Risk Manager
Margaret Perry, Planner
Allen Weiss
John Passidomo
Leslie Lascheid
John Geshay
Jeff Perry
Robert Polizotto
Christopher Shucart
Janeice Martin
Paula DiGrigoli
William Davis
Media:
Joseph Cranney, Naples Daily News

It is noted for the record that all documentation electronically appended hereto is also contained in the file for this meeting in the City Clerk’s Office. It is also noted that all experts who testified during quasi-judicial hearings were accepted as qualified to do so in their respective fields of expertise.

2. **INVOCATION AND PLEDGE OF ALLEGIANCE**

Reverend William E. Davis, St. Ann Church.

3. **ANNOUNCEMENTS**

a. **NATIONAL DRUG COURT MONTH PROCLAMATION**

The proclamation was read and presented by Mayor Barnett.

b. **DROWNING PREVENTION MONTH PROCLAMATION**

The proclamation was read and presented by Mayor Barnett.

c. **EMPLOYEE SERVICE AWARDS**

Human Resources Director Denise Matson introduced department directors who presented awards to their employees for years of service as follows:

- Assistant City Manager Roger Reinke: Karla Gibbs (5 years);
- Purchasing Manager Jed Secory: Greg Givens (10 years);
- Finance Director Ann Marie Ricardi: Lisa Douglass and Elizabeth Willis (5 years);
- Streets and Stormwater Director Gregg Strakaluse: Monique Barnhart (10 years);
City Council Regular Meeting – May 17, 2017 – 8:30 a.m.

- Community Services Director Dana Souza: Jonathan Castle and Pete Zepeda (10 years); and Travis Delashmet, Othniel Torres, Tibor Jakubek and Bertha Gonzalez Bacalla (5 years);
- Police Chief Thomas Weschler: Tyrone Davis (15 years); Christopher Travis, James Ingraham and Nicholas Ware (10 years); and Chad Davenport and Troy Mennig (5 years); and
- Utilities Director Robert Middleton: William Wilcox (35 years); Ben Copeland (20 years) and George Karbach (10 years).

4. SET AGENDA (ADD OR REMOVE ITEMS)

City Attorney Robert Pritt withdrew the request that had been announced at the May 15, 2017 Workshop Meeting to add an item to conduct an attorney/client executive session.

MOTION by Buxton to SET THE AGENDA continuing Item 11 (Live Entertainment Petition 17-LE3) to a date uncertain and continuing Item 12 (Variance Petition 16-V4) to the June 7, 2017 Regular Meeting pursuant to the petitioners’ requests; seconded by Saad and unanimously carried, all members present and voting (Buxton-yes, Finlay-yes, McLeod-yes, Penniman-yes, Saad-yes, Seigel-yes, Barnett-yes).

12:00 PM Time Certain - Supplement Memo (ADDED ATTACHMENT / SUPPLEMENT 1)
Agenda Memorandum (ADDED ATTACHMENT / SUPPLEMENT 1)
Public Notice (ADDED ATTACHMENT / SUPPLEMENT 1)
Mayor’s Announcement (ADDED ATTACHMENT / SUPPLEMENT 1)

5. PUBLIC COMMENT

None.

6. CONSENT

MOTION by Saad to APPROVE CONSENT AGENDA as submitted; seconded by Buxton and unanimously carried, all members present and voting (Buxton-yes, Finlay-yes, McLeod-yes, Penniman-yes, Saad-yes, Seigel-yes, Barnett-yes).

a. MINUTES FOR THE APRIL 17, 2017 WORKSHOP AND THE APRIL 19, 2017 REGULAR MEETING

Agenda Memorandum 4/17/17 Workshop 4/19/17 Regular

b. REAPPOINTMENT OF: CLERK TRACKING 2017-00058 JOSÉ WHITEHEAD TO THE BOARD OF TRUSTEES OF THE POLICE OFFICERS RETIREMENT TRUST FUND

Agenda Memorandum J. Whitehead application and resume

Code Sec. 29-291

c. SPECIAL EVENT - ANNUAL SUMMER JAZZ CONCERT SERIES - NAPLES BEACH HOTEL AND GOLF CLUB - NAPLES BEACH HOTEL AND GOLF CLUB WATKINS LAWN – 6/17/17, 7/8/17, 8/19/17 AND 9/16/17

Agenda Memorandum END OF CONSENT AGENDA

7. APPOINTMENT OF: a. CLERK TRACKING 2017-00059 ONE CANDIDATE TO THE CITIZENS’ POLICE REVIEW BOARD, b. CLERK TRACKING 2017-00060 ONE CANDIDATE AS AN ALTERNATE TO THE COMMUNITY SERVICES ADVISORY BOARD AND c. CLERK TRACKING 2017-00061 REAPPOINTMENT OF ONE CANDIDATE TO THE PUBLIC ART ADVISORY COMMITTEE

City Clerk Patricia Rambosk reviewed the agenda memorandum, following which Council took the following actions:

a) MOTION by Saad NOMINATING Walter Michaelson for the Citizens’ Police Review Board, unanimously carried, all members present and voting (Buxton-yes, Finlay-yes, McLeod-yes, Penniman-yes, Saad-yes, Seigel-yes, Barnett-yes).

Roll call votes by Council Members are recorded in random order, pursuant to City Council policy.
Council Member Saad nominated Derek Perry and Mayor Barnett nominated Linc Barefoot for the Community Services Advisory Board Alternate Member.

b) **MOTION by Saad NOMINATING Derek Perry for the Community Services Advisory Board Alternate Member, carried 5-2, all members present and voting (Penniman-no, Buxton-no, Seigel-yes, Saad-yes, Finlay-yes, McLeod-yes, Barnett-yes).**

Because Mr. Perry was appointed, there was no vote taken on Mr. Barefoot.

c) **MOTION by Saad NOMINATING Derek Perry for the Public Art Advisory Committee, unanimously carried, all members present and voting (Buxton-yes, Finlay-yes, McLeod-yes, Penniman-yes, Saad-yes, Seigel-yes, Barnett-yes).**

**Agenda Memorandum**

W. Michaelson Application  
D. Perry Application and Resume  
L. Barefoot Application and Resume

It is noted for the record that Items 8 and 9 were considered concurrently.

8. **RESOLUTION 2017-13964 - A RESOLUTION APPROVING AND ACCEPTING THE FINAL (RECORD) PLAT OF NEIGHBORHOOD HEALTH CLINIC, TO REPLAT ALL OF LOT 6, AND PART OF LOTS 5 AND 9 ACCORDING TO THE PLAT OF SEABOARD DOWNTOWN SUBDIVISION, RECORDED AT PLAT BOOK 13, PAGE 61, OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA, TO CREATE A TWO-TRACT SUBDIVISION IN THE D-DOWNTOWN ZONING DISTRICT, ON PROPERTY CONTAINING APPROXIMATELY 2.63 ACRES, OWNED BY NEIGHBORHOOD HEALTH CLINIC, INC., A FLORIDA NOT FOR PROFIT CORPORATION, AND 12TH AND GOODLETTE, LLC, A FLORIDA LIMITED LIABILITY COMPANY, AND LOCATED AT 121, 100 AND 40 GOODLETTE-FRANK ROAD, AND 24 12TH STREET NORTH; MORE FULLY DESCRIBED HEREIN; REQUIRE RECORING; APPROVING SUBDIVISION REPLAT PETITION 17-SD1; AND PROVIDING AN EFFECTIVE DATE.**

9. **RESOLUTION 2017-13965 - A RESOLUTION DETERMINING SITE PLAN WITH DEVIATIONS PETITION 17-SPD2 FOR A DEVIATION TO ALLOW A VARIED REAR YARD SETBACK FROM 1.61 FEET TO 8.98 FEET WHERE 10 FEET WITH A 5-FOOT LANDSCAPE STRIP IS REQUIRED PURSUANT TO CODE OF ORDINANCES SECTION 58-909, ON PROPERTY OWNED BY NEIGHBORHOOD HEALTH CLINIC, INC., A FLORIDA NOT FOR PROFIT CORPORATION AND 12TH AND GOODLETTE, LLC, A FLORIDA LIMITED LIABILITY COMPANY, AND LOCATED AT 121 AND 100 GOODLETTE-FRANK ROAD NORTH, MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.**

Titles read by City Attorney Robert Pritt. This being a quasi-judicial proceeding, Notary Public Jessica Rosenberg administered an oath to those intending to offer testimony; all responded in the affirmative. Council Members then made the following ex parte disclosures: Saad / visited the site and had a conversation with staff; Seigel / visited the site and had brief conversations with Leslie Lascheid and Petitioner’s Agent John Passidomo; Penniman and Barnett / visited the site and have known the petitioner for years; Finlay and Buxton / visited the site but had not had contact; and McLeod / met with Mrs. Lascheid and Shannon Anderson the previous day to review the plans and walk the site.

Attorney Passidomo stated that the application was for a replat of the subject property, the Neighborhood Health Clinic, to create a two-tract subdivision. He thereby proffered an electronic presentation which included an aerial view, the current metes and bounds legal descriptions, the tracts, the zoning map, setback requirements in the “D” Downtown District, the site plan, and alternative code compliant rear yard scenarios.

Leslie Lascheid, Neighborhood Health Clinic Chief Executive Officer, provided a history of the Clinic and current operational details, and noted the need for expansion to meet all the patients’ medical needs. Project Architect John Geshay gave an electronic presentation which outlined...
the proposed architectural site plan, the floor and roof plans, and elevations. In response to Council, Mr. Geshay and Ms. Lascheid provided information on the monument sign and bicycle racks, and Senior Transportation Planner Jeff Perry of Stantec Consulting Services, Inc., addressed site ingress and egress.

Planner Margaret Perry reviewed the agenda memorandums for Items 8 and 9, noting that staff recommended approval of both, and she and Planning Director Robin Singer responded to questions regarding the site plan with deviations process.

**Public Comment:** Robert Polizotto, Fun Time Early Childhood Academy Board of Directors member, expressed objection to Item 9 asserting that a reduction of the rear yard setback requirement could potentially impact the Academy’s ability to expand in the future, and submitted two documents (attached). Mr. Passidomo stated that he had met with representatives from the Academy, and asserted that the petition imposes no adverse impact.

**MOTION by Buxton to APPROVE RESOLUTION 2017-13964 as submitted; seconded by Saad and unanimously carried, all members present and voting (McLeod-yes, Finlay-yes, Penniman-yes, Buxton-yes, Seigel-yes, Saad-yes, Barnett-yes).**

**MOTION by Buxton to APPROVE RESOLUTION 2017-13965 as submitted; seconded by Saad and unanimously carried, all members present and voting (Buxton-yes, Finlay-yes, Penniman-yes, Saad-yes, Seigel-yes, McLeod-yes, Barnett-yes).**

**RESOLUTION 2017-13966 - A RESOLUTION REGARDING PUBLIC ART; DETERMINING PUBLIC ART PETITION 17-PAAC01 PURSUANT TO SECTION 46-42 OF THE CODE OF ORDINANCES, CITY OF NAPLES, TO AUTHORIZE A PUBLIC ART INSTALLATION AND REIMBURSEMENT OF THE PUBLIC ART FEE FOR THE PROPERTY LOCATED AT 1200 CENTRAL AVENUE AND OWNED BY VICTORIA SQUARE PROPERTIES, LLC, MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.**

Title read by City Attorney Robert Pritt, who noted that staff had distributed an amended resolution with a corrected photograph. This being a quasi-judicial proceeding, Notary Public Jessica Rosenberg administered an oath to those intending to offer testimony; all responded in the affirmative. Council Members then made the following ex parte disclosures: Seigel, Barnett, Finlay and Buxton / visited the site but had not had contact; Penniman / familiar with the site but had not had contact; and McLeod / familiar with the petition but had not had contact. Upon returning to the meeting, Council Member Saad disclosed that he was familiar with the site but had not had contact.

Roll call votes by Council Members are recorded in random order, pursuant to City Council policy.
Christopher Shucart, President of JCS Realty Group and principal with Victoria Square Properties, LLC, proffered an electronic presentation which outlined the project location, a building rendering, elevations, a site plan showing the location of the sculpture, information on the artist Fredrick Prescott and the sculpture, and the project summary.

Planning Director Robin Singer reviewed the agenda memorandum, provided information on the public art program, and said that staff as well as the Public Art Advisory Committee had recommended approval.

Public Comment: None.

**MOTION by Buxton to APPROVE RESOLUTION 2017-13966 as submitted; seconded by Saad and carried 6-1, all members present and voting (Buxton-yes, Finlay-yes, McLeod-no, Penniman-yes, Saad-yes, Seigel-yes, Barnett-yes).**

Pursuant to Item 4, Council proffered the following motion.

**MOTION by Saad to CONTINUE to the June 7, 2017 Regular Meeting; seconded by Buxton and unanimously carried, all members present and voting (Buxton-yes, Finlay-yes, McLeod-yes, Penniman-yes, Saad-yes, Seigel-yes, Barnett-yes).**

**MOTION by Saad to CONTINUE to a date uncertain; seconded by Buxton and unanimously carried, all members present and voting (Buxton-yes, Finlay-yes, McLeod-yes, Penniman-yes, Saad-yes, Seigel-yes, Barnett-yes).**

It is noted for the record that Items 13-a and 13-b were considered concurrently.
13. STREETS AND STORMWATER
   a. RESOLUTION 2017-13969 - A RESOLUTION APPROVING THE ACCEPTANCE OF FUTURE DONATED FUNDS COLLECTED BY THE COMMUNITY FOUNDATION OF COLLIER COUNTY FOR THE CONSTRUCTION OF ARTIFICIAL REEFS PURSUANT TO A MEMORANDUM OF UNDERSTANDING BETWEEN THE COMMUNITY FOUNDATION OF COLLIER COUNTY AND THE CITY OF NAPLES, APPROVED BY CITY COUNCIL MARCH 19, 2014 THROUGH RESOLUTION 14-13436; AND PROVIDING AN EFFECTIVE DATE.
   b. CLERK TRACKING 2017-00062 – SECOND AMENDMENT TO AGREEMENT WITH MCCULLEY MARINE FOR THE CONSTRUCTION OF ARTIFICIAL REEFS

Title read by City Attorney Robert Pritt. Streets and Stormwater Director Gregg Strakaluse reviewed the agenda memorandum and briefly addressed project monitoring. Purchasing Manager Jed Secory provided clarification on the agreement with McCulley Marine Services, and Natural Resources Manager Stephanie Molloy commented on the donation, noting it would be used for deployment of 34 additional reef modules in June.

Public Comment: None.

MOTION by Penniman to APPROVE RESOLUTION 2017-13969 as submitted; seconded by Buxton and unanimously carried, all members present and voting (Buxton-yes, Finlay-yes, McLeod-yes, Penniman-yes, Saad-yes, Seigel-yes, Barnett-yes).

MOTION by Saad to APPROVE CLERK TRACKING 2017-00062 as submitted; seconded by Buxton and unanimously carried, all members present and voting (Buxton-yes, Finlay-yes, McLeod-yes, Penniman-yes, Saad-yes, Seigel-yes, Barnett-yes).

14. CLERK TRACKING 2017-00063 - AWARD OF CONTRACT TO INNOVATIVE ENVIRONMENTAL SERVICES, INC. OF DEERFIELD BEACH, FLORIDA, IN THE AMOUNT OF $188,785 FOR TIME SPECIFIC PALM PRUNING

Community Services Director Dana Souza briefly reviewed the agenda memorandum. Council discussed the references provided by the contractor, noting that the City itself was named as one of the references. Director Souza and Contract Services Manager Heather Shields offered details on various issues including the tree inventory, the trees lost per year, the City’s history with the vendor and project monitoring.

Public Comment: None.

MOTION by Seigel to APPROVE CLERK TRACKING 2017-00063 as submitted; seconded by Penniman and unanimously carried, all members present and voting (Buxton-yes, Finlay-yes, McLeod-yes, Penniman-yes, Saad-yes, Seigel-yes, Barnett-yes).

15. COMMUNITY SERVICES
   a. ORDINANCE (FIRST READING) - AN ORDINANCE RELATING TO TREE PROTECTION; AMENDING CHAPTER 38, VEGETATION, OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, BY DELETING ARTICLE I. IN GENERAL, AND DELETING ARTICLE II. TREE PROTECTION AND REPLACING WITH A NEW ARTICLE I. IN GENERAL AND A NEW ARTICLE II. TREE PROTECTION; IN ORDER TO UPDATE AND STRENGTHEN REGULATIONS FOR PROTECTION OF TREES, TO REMOVE OUTDATED REGULATIONS, AND TO PROVIDE METHODS OF ENFORCEMENT AND PENALTIES; PROVIDING FOR CONFLICT AND SEVERANCE; PROVIDING A REPEALER PROVISION; PROVIDING AN EFFECTIVE DATE FOR IMPLEMENTATION OF FEE ADJUSTMENTS; AND AN EFFECTIVE DATE.
   b. REVIEW PROPOSED RESOLUTION RELATING TO TREE PROTECTION; AMENDING CHAPTER 38, TREE PROTECTION, OF APPENDIX “A”, FEES AND CHARGES SCHEDULE OF THE CODE OF ORDINANCES
Title read by City Attorney Robert Pritt. Community Services Director Dana Souza briefly reviewed the agenda memorandum, noting that Council had asked the Community Services Advisory Board (CSAB) to review and recommend changes to the applicable section of the Code of Ordinances to provide stronger protection for City-owned trees. In response to Council, he discussed canopy street designations and coordination with the Building Department, and City Attorney Pritt addressed the fines for unauthorized removal of trees as well as the disposal of infected species and the associated assessment for abating the nuisance.

Public Comment: None.

**MOTION by Saad to APPROVE THE ORDINANCE AT FIRST READING as submitted; seconded by Buxton and unanimously carried, all members present and voting (Buxton-yes, Finlay-yes, McLeod-yes, Penniman-yes, Saad-yes, Seigel-yes, Barnett-yes).**

City Attorney Pritt explained that action on Item 15-b could be taken at Second Reading.

**Agenda Memorandum Ordinance Draft Resolution**

16. **CONSIDERATION TO RENEW THIRTY-FIVE FLOOD INSURANCE POLICIES ON ESSENTIAL BUILDINGS LOCATED IN FLOOD ZONES “A” AND “V” THROUGH THE NATIONAL FLOOD INSURANCE IN AN AMOUNT NOT-TO-EXCEED $230,000 FOR THE PERIOD JUNE 26, 2017 THROUGH JUNE 25, 2018**

Risk Manager Lori McCullers reviewed the agenda memorandum noting that the City’s insurance policies renewed in April with an average premium increase of 4%. There were, however, three specific properties which experienced significant increases as they were constructed prior to 1975 and were no longer eligible for Federal Emergency Management Agency (FEMA) subsidies. She added that funding was available in the Risk Management Fund.

Public Comment: None.

**MOTION by Saad to APPROVE ITEM 16 as submitted; seconded by Penniman and unanimously carried, all members present and voting (Buxton-yes, Finlay-yes, McLeod-yes, Penniman-yes, Saad-yes, Seigel-yes, Barnett-yes).**

**Agenda Memorandum Public Risk Insurance Agency Proposal 2017-2018**

2017 - 2018 Flood Renewal Premiums

17. **RESOLUTION 2017-13970 - A RESOLUTION RELATING TO MEETING ATTENDANCE, BY REMOTE MEANS; ESTABLISHING A POLICY FOR ATTENDANCE FOR NOTIFICATION, AND FOR ATTENDANCE AND PARTICIPATION BY REMOTE ELECTRONIC MEANS; AND PROVIDING AN EFFECTIVE DATE.**

Title read by City Attorney Robert Pritt who reviewed the agenda memorandum. Council expressed concern regarding the distractions caused by this practice including a delay in sound transmission and confusion as to whom is speaking when there are multiple remote attendees. City Attorney Pritt confirmed there must still be a quorum present in the room, and clarified the issue of alternates attending meetings. Council also discussed the requirement that board and committee members give notice of their intent to attend telephonically at least two days prior to a meeting, and proposed an amendment as noted in the motion below.

Public Comment: None.

**MOTION by Penniman to APPROVE RESOLUTION 2017-13970 amending references in the resolution from “…at least two days…” to “…at least two business days…” This motion was seconded by Buxton and carried 5-2, all members present and voting (Buxton-yes, Finlay-no, McLeod-no, Penniman-yes, Saad-yes, Seigel-yes, Barnett-yes).**

**Agenda Memorandum Resolution**

**PUBLIC COMMENT**

None.

**CORRESPONDENCE AND COMMUNICATIONS**

Noting correspondence received from the public, Mayor Barnett received consensus for Council to discuss the operating hours of the Fishing Pier at a Council Workshop after the summer recess.

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He then expressed concern regarding a recent newspaper article relating to a $2-million donation for naming the bridge in Baker Park, noting that an honest mistake made by a staff member had since been corrected. Several other members of Council also commented on that issue.

Council Member Buxton recommended that staff expedite its efforts to form a local historic preservation program, as discussed at the May 15, 2017 Council Workshop. Assistant City Manager Roger Reinke affirmed that staff could work on that initiative over the summer, and present it to Council as soon as possible thereafter.

Council Member Finlay questioned whether Council wanted to proceed with adopting a land use application financial disclosure form. City Attorney Robert Pritt explained that the ethics ordinance indicates that the City Manager would provide the form, noting that Council typically does not adopt forms in an ordinance. Council discussed the pertinent section of the ordinance and the subject form which Assistant City Manager Reinke said was being added to the electronic application packet.

Vice Mayor Penniman suggested exploring the use of parking applications to assist motorists in finding available spaces. Assistant City Manager Reinke however said that, upon review, staff had found the cost to be prohibitive. Noting a suggestion by a Planning Advisory Board (PAB) member, Mrs. Penniman received consensus for the Planning Director to email the Council her comments about potentially streamlining the petition approval process, after which the Council could decide on the need for a workshop discussion. Mrs. Penniman expressed concern regarding adequate electronic access to public records, noting that the process to upload them to the City’s new website was not yet complete. City Clerk Patricia Rambosk noted that the website vendor had encountered some difficulty migrating information to the website, but that minutes, attachments and web streaming for City Council and all boards and committees from 2009 is available on the website. She added that staff was working on methods to ensure even easier access to the records when the migration process is complete.

Noting the PAB’s efforts to date, Council Member Seigel recommended that it take the lead in reviewing all sections of the Comprehensive Plan not mandated by the State, and provide recommendations to the Council on how to proceed after the summer recess.

**ADJOURN**

12:56 p.m.

_____________________________
Bill Barnett, Mayor

_____________________________
Patricia L. Rambosk, City Clerk

Minutes prepared by:

_____________________________
Jessica R. Rosenberg, Executive Assistant / Deputy City Clerk

Minutes Approved: __________.

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