



City of Naples

City Council Chamber
735 Eighth Street South
Naples, Florida 34102

City Council Regular Meeting – September 24, 2025 – 8:37 a.m.

It is noted for the record that all: 1) documentation electronically appended hereto is also contained in the file for this meeting with the City Clerk's Office; 2) experts who testified during quasi-judicial hearings were accepted as qualified to do so in their respective fields of expertise; 3) added items are referenced in red as "ADDED ITEM"; and 4) added attachments are referenced in red as "ADDED ATTACHMENT".

1) CALL TO ORDER AND ROLL CALL

City Council Members Present

Teresa Heitmann, Mayor
Terry Hutchison, Vice Mayor

Berne Barton
Ray Christman
Bill Kramer
Linda Penniman
Beth Petrunoff

Staff Present:

Gary Young, City Manager
Chad Merritt, Community Services Director
Charlotte Loewel, Human Resources Director
Stephen Beckman, Director of Building Services
Alison Bickett, Deputy City Engineer
Robert Middleton, Public Works Director
Travis Delashmet, Facilities Maintenance Supt.
Monique Barnhart-Tiberio, Communications and
Public Outreach Manager

Matthew McConnell, City Attorney
Patricia Rambosk, City Clerk
Phillip Pennington, Fire Chief
Ciro Dominguez, Police Chief
Corey Adamski, Deputy Fire Chief
Erica Martin, Planning Director
Jeffrey Brammer, Senior Planner
Dan Ohrenstein, City Engineer
Ali Duran, Executive Assistant
Jessica Hernandez, Deputy City Clerk

Others Present:

Rob Stoneburner
Thomas Scangarello
James Pepper
Mark McLean
Clay Brooker
Mary Young
Jeffrey Hurcomb
Charissa Dines
Paul Reinhardt

Fred Schulte
John Ray
Ansley Tilley
Arturo Lopez
Greg Corning
Norman Trebilcock
Judy Freiberg
James Henderson
Jay Hartington

2) INVOCATION AND PLEDGE OF ALLEGIANCE

Pastor James Henderson, Celebration Beach Church, gave an invocation. Vice Mayor Hutchison subsequently led in the Pledge of Allegiance.

3) SET AGENDA (add or remove items)

City Manager Gary Young noted Supplemental Item 12.D, a follow-up discussion on dredging Lakes 8 and 9, to be heard at a time-certain of 2:00 p.m. He added that an Executive Session, 13.D, was scheduled at 12:30 p.m. for a risk management item. He stated that Exhibit A had not been attached to Item 7.I and explained that it was distributed to City Council and provided to the City Clerk to add to the record of the meeting.

MOTION by Hutchison to SET AGENDA subject to setting Time Certain Items 12.D at 2:00 p.m. and 13.D at 12:30 p.m. and accepting Exhibit A as part of the Record for Item 7.I; seconded by Petrunoff and unanimously carried, all members present and voting (Barton-yes, Christman-yes, Hutchison-yes, Kramer-yes, Penniman-yes, Petrunoff-yes, Heitmann-yes).

4) ANNOUNCEMENTS AND PRESENTATIONS

4.A) SERVICE AWARDS RECOGNITION.

Human Resources Director Charlotte Loewel said it was a privilege to honor employees reaching service milestones from five to 40 years. Before presenting the service awards, she recognized four recent retirees: Bill Hamilton, Lead Mechanic (22 years); Thomas Walsh Plant Operator III (14 years); Pablo DeBien, Police Officer (20 years); and Gregory Bruner, Fire Driver Engineer (23 years).

Mayor Heitmann recognized City Clerk Patricia Rambosk (40 years), for her years of service, noting her 28 years as Legal Coordinator and 12 years as City Clerk. She stated that City Clerk Rambosk has exemplified professionalism, integrity, and dedication and expressed gratitude for her leadership and commitment to improving City processes.

City Clerk Rambosk recognized Carmen Hernandez, Records and Fiscal Services Manager (30 years).

City Manager Gary Young recognized Charlotte Loewel, Human Resources Director (15 years), noting that she began with the Parks and Recreation department in 2010. He thanked her for her leadership and commitment to the City.

Community Services Director Chad Merritt recognized Guadalupe Pavon Morrugares, Custodian (5 years); Matthew Rambo, Irrigation Technician (5 years); Roxanne Nieto, Administrative Coordinator (5 years); Chrystal Durity Recreation Coordinator (10 years), noting an additional five years of part-time service. In addition, he recognized Dorothy Marshall, Camp Counselor (10 years); Jason Alfano, Construction Project Manager (10 years); Jeff Zablo, Landscape Technician (10 years); Raul Smaranda, Trades Worker Senior (15 years); Cornelius Mason, Camp Counselor (20 years); and Kelly Lee, Recreation Supervisor (20 years).

Building Services Director Stephen Beckman recognized Cindy Suayero, Executive Assistant (5 years); and Don Maldeney, Building Inspector (5 years).

Fire Chief Philip Pennington recognized Tarin Nagel, Records and Fiscal Manager (10 years); Garrett Ocana, Driver Engineer (10 years); Lieutenant William Thornton (10 years); Lieutenant Kyle Rambosk (15 years); Lieutenant Paul Ferreira (20 years); Lieutenant Chris Clissold (25 years); Division Chief Steven Kofsky (25 years); Abel Ortiz, Driver Engineer (25 years); and Adam Nadelman, Battalion Chief (30 years).

City Manager Gary Young recognized Fire Chief Philip Pennington (10 years), for his service to the City. He noted that the Chief previously served 21 years with Fort Lauderdale Fire Department and six years with Broward County Emergency Services.

Police Chief Ciro Dominguez recognized Kate Mindak, Administrative Specialist (5 years); Leo Rodriguez, Police Officer (5 years); Sergeant Jason Osborne (10 years); Sergeant Emilio Martinez (10 years); Ty Fortune, Police Officer (10 years); Andrea Delisle, Property & Evidence Technician (10 years); and Marie Reese, Administrative Specialist (15 years). He thanked Administrative Specialist Reese for securing grant funding for the new swamp buggy. He also recognized Detective Michael Holmberg (20 years); Lieutenant Kyle Bennett (20 years); Katie Bunker, Telecommunicator (20 years); Lieutenant Seth Finman (30 years); Tony Davenport, Police Officer (30 years); and Assistant Police Chief Matt Fletcher (35 years).

Public Works Director Bob Middleton recognized Carlos Aro, Solid Waste Crew (5 years); Alison Bickett, Deputy City Engineer (10 years); Jose Ferrer, Solid Waste Operations (10 years); Guerdly Dominique, Trades Worker (10 years); Terry Savage, Water Treatment Plant Superintendent (15 years); Jean Duverge, Senior Utility Technician (20 years); Craig Elmer, Wastewater Treatment Plant Operator (20 years); Brad Bennett, Water Distribution Coordinator (25 years); Mark Lachioma, Wastewater Treatment Plant Operator (25 years); Fred Gleim, Cross-Connect Control Technician (30 years); and Jeff Strickler, Equipment Services Lead Mechanic (30 years).

Recess: 9:12 a.m. to 9:22 a.m. It is noted for the record that the same Council Members were present when the meeting reconvened.

Following the break, Council Member Penniman commented that the “Naples Way” reflects a commitment to open communication and collaboration. She explained that she had contacted Florida State Senator Kathleen Passidomo, who expressed willingness to meet with the City Council.

5) PUBLIC COMMENTS

Naples North Rotarian **Rob Stoneburner** reported that the 2025 Naples Craft Beer Fest raised nearly \$108,000 for charity and that the 15th annual event in 2026 is expected to surpass \$1 million in total charitable giving. **Jay Hartington** expressed support for workforce housing initiatives under the Live Local Act. He referenced the 210 9th Street North proposal and asked the City Council to consider how best to advance affordable housing efforts. He stated that this is a critical moment for collaboration and encouraged Council Members to work together to find solutions.

APPROVAL OF CONSENT AGENDA

City Attorney Matthew McConnell clarified that the revised Resolution for Item 7.J would be the version approved as part of the Consent Agenda.

MOTION by Christman to APPROVE THE CONSENT AGENDA; seconded by Penniman and unanimously carried, all members present and voting (Barton-yes, Christman-yes, Hutchison-yes, Kramer-yes, Penniman-yes, Petrunoff-yes, Heitmann-yes).

6) MINUTES

None.

7) RESOLUTIONS

- 7.A) *RESOLUTION 2025-15706* A Resolution Ranking the Top Three (3) Consulting Firms to Provide Professional Services for Stormwater Pond Monitoring and Data Analysis; Approving a Professional Services Consultant's Agreement Between the City of Naples and Stantec Consulting Services, Inc., for Professional Consulting Services for Conducting Stormwater Pond Water Sampling and Data Analysis in the Amount Not-to-Exceed \$199,967.24 For a Three-Year Period Beginning October 1, 2025 and Ending September 30, 2028; Authorizing the City Manager to Execute the Professional Services Consultant's Agreement; Providing for Scrivener's Errors and Providing an Effective Date.**

Title of Resolution not read.

[Agenda Memorandum](#)

[Resolution](#)

[Bid Analysis and SOW](#)

[Unsigned Contractor's Agreement Stantec](#)

- 7.B) *RESOLUTION 2025-15707* A Resolution Approving Amendment No. 2 to Standard Grant Agreement LPA0344, as Previously Amended, Between the State of Florida Department of Environmental Protection and the City of Naples Extending the Agreement to February 28, 2027 and Including other Necessary Revisions; Ratifying and Confirming the Action of the Mayor approving Amendment No. 2 and Providing an Effective Date.**

Title of Resolution not read.

[Agenda Memorandum](#)

[Resolution](#)

[LPA0344 - Amendment 2](#)

- 7.C) **RESOLUTION 2025-15708** A Resolution Selecting Charlotte County Bio-Recycling Center, LLC, a Florida Limited Liability Company, in Response to Request for Proposal No. 25-017; Approving a Contractor's Services Agreement Between the City of Naples and Charlotte County Bio-Recycling Center, LLC, a Florida Limited Liability Company, for the Hauling and Disposal of Dewatered Biosolids Generated at the Wastewater Treatment Plant, in the Annual Amount Not-to-Exceed \$580,200, for the Three-Year Period Beginning October 1, 2025 and Ending September 30, 2028, With the Option to Renew for Two Additional One-Year Periods; Authorizing the City Manager to Execute the Contractor's Services Agreement; and Providing an Effective Date.

Title of Resolution not read.

[Agenda Memorandum](#)

[Resolution](#)

[RFP 25-017 Analysis](#)

[RFP 25-017 Contractor's Services Agreement - Charlotte County Bio-Recycling Center, LLC](#)

- 7.D) **RESOLUTION 2025-15709** A Resolution Approving Task Order No. 25-03-30-40-531010 Between the City of Naples and Hole Montes, a Bowman Company, a Florida Limited Liability Company, to Provide Professional Engineering Services Required for the Implementation of the Aquifer Storage and Recovery System Optimization Plan of Investigation in the Amount of \$282,797.64, in Accordance with the Consultants' Competitive Negotiation Act; Authorizing the City Manager to Execute the Task Order; Providing for Scrivener's Errors and Providing an Effective Date.

Title of Resolution not read. It is noted for the record that a corrected resolution was distributed later in the meeting. (See Page 24.)

[Agenda Memorandum](#)

[Resolution](#)

[Corrected Resolution \(Staff/Added Attachment\)](#)

[Signed - Task Order No. 25-03-30-40-531010 - Hole Montes, a Bowman Company](#)

[Senate Bill 64 - Reclaimed Water \(Approved by Governor, June 29, 2021\)](#)

- 7.E) **RESOLUTION 2025-15710** A Resolution Waiving the Competitive Bidding Process; Approving a Contractor's Services Agreement Between the City of Naples and Coastal Waste & Recycling, Inc., a Delaware Corporation, Authorized to do Business in the State of Florida, for Horticulture Disposal Services, In the Annual Not-To-Exceed Amount of \$205,000 for a Three-Year Period Commencing October 1, 2025 and ending September 30, 2028, with the Option to Renew for Two Additional One-Year Periods; Authorizing the City Manager to Execute the Contractor's Services Agreement; and Providing An Effective Date.

Title of Resolution not read.

[Agenda Memorandum](#)

[Resolution](#)

[Contractor's Services Agreement - Coastal Waste & Recycling, Inc.](#)

- 7.F) **RESOLUTION 2025-15711** A Resolution Approving Task Order No. 25-01-65-02-531010 between the City Naples and Johnson Engineering, LLC., a Delaware Limited Liability Company Authorized to do Business in the State of Florida for Professional CCNA Services to Complete the updated Roundabout Design Plans for Harbour Drive and Crayton Road in the amount of \$133,382.44; Amending the Fiscal Year 2024-2025 Budget Adopted by Resolution 2024-15463 for the Additional Funding Required; Providing Supplemental Appropriations to the Fund 350 (One-Cent Sales Tax Fund) in the Amount of \$84,848.60 and Fund 420 (Water and Sewer) in the Amount of \$48,533.80; Authorizing the City Manager to Execute the Task Order; and Providing an Effective Date.

Title not read.

[Agenda Memorandum](#)

[Resolution](#)

[Task Order](#)

[Proposal](#)

- 7.G) **RESOLUTION 2025-15712** A Resolution Approving a Fiber Relocation Agreement between the City of Naples and Crown Castle Fiber LLC. a New York Limited Liability Company, Authorized to do Business in the State of Florida, to Relocate the Existing Aerial Fiber Underground along Seagate Drive in the amount of \$64,165; Authorizing the City Manager to Execute the Fiber Relocation Agreement; Providing for Scrivener's Errors; and Providing an Effective Date.

Title of Resolution not read.

[Agenda Memorandum](#)

[Resolution](#)

[City of Naples Relocation Agreement](#)

- 7.H) **RESOLUTION 2025-15713** A Resolution Approving a First Amendment to the Professional Services Agreement with OneDigital Investment Advisors, LLC, A Missouri Limited Liability Company, Formerly Known as Resources Investment Advisors, LLC, for the Purpose of the City Consenting to an Assignment of the Agreement from Resources Investment Advisors, LLC, a Missouri Limited Liability Company, Authorized to Do Business in the State of Florida to OneDigital Investment Advisors, LLC, A Missouri Limited Liability Company for Retirement Plan Consulting Services; Including Additional Standardized Contract Terms Required by the City; Authorizing the City Manager to Execute the First Amendment to the Professional Services Agreement; and Providing an Effective Date.

Title of Resolution not read.

[Agenda Memorandum](#)

[Resolution](#)

[First Amendment OneDigital Retirement Plan Services](#)

- 7.I) **RESOLUTION 2025-15714** A Resolution Approving a Second Amendment to the Professional Services Agreement with OneDigital Investment Advisors, LLC, a Missouri Limited Liability Company, Formerly Known as Resources Investment Advisors, LLC, for the Purpose of Extending the Term of the Professional Services Agreement for an Additional Two-Year Period Commencing on October 1, 2025 and Ending on September 30, 2027; Authorizing the City Manager to Execute the Second Amendment to the Professional Services Agreement; and Providing an Effective Date.

Title of Resolution not read.

[Agenda Memorandum](#)

[Resolution](#)

[Second Amendment OneDigital Retirement Plan Services](#)

[Exhibit A \(Staff/Added Attachment\)](#)

- 7.J) **RESOLUTION 2025-15715** A Resolution Authorizing the City Manager to Increase the Budget Amount for Labor Legal Services in the Amount Of \$15,000 with Allen, Norton & Blue, P.A.; Providing for Scrivener's Errors; and Providing an Effective Date.

Title of Resolution not read.

[Agenda Memorandum](#)

[Resolution](#)

[Corrected Resolution \(Staff/Added Attachment\)](#)

8) OTHER

None.

END OF CONSENT AGENDA

9) PUBLIC HEARINGS

None.

REGULAR AGENDA

10) ITEMS PULLED FROM CONSENT AGENDA (If Needed)

11) LAND USE MATTERS

None.

11.A) A Resolution Determining Conditional Use Petition 25-CU4, Relating to a Conditional Use Pursuant to Section 50-102(b)(2) of the Code of Ordinances, City of Naples, to Allow Required Parking Within 600 Feet of a Lot to Accomplish Shared Parking on Property Owned By Hygate Properties, LLC., and Located at 1795, 1801-1841 9th Street North, More Fully Described Herein; Providing Findings and Conditions; and Providing an Effective Date.

City Attorney Matthew McConnell read the resolution title, explaining that it concerns a Conditional Use Petition allowing the required parking to be located within 600 feet of the property at 1795 and 1801–1841 9th Street North to enable shared parking.

This being a quasi-judicial proceeding, Notary Public Jessica Hernandez administered an oath to those intending to offer testimony; all responded in the affirmative. Council Members then made the following ex parte disclosures: Penniman / had not had contact; Barton / had not had contact, but had communications with staff; Christman / was familiar with the site, had visited the site many times, and was briefed by staff on the issue; Kramer / was familiar with the site and had talked with staff; Petrunoff / was familiar with the site, had spoken with staff, and had not had contact; Hutchison / was familiar with the site, had visited the site, had spoken with staff on the matter, and had no other contact; and Heitmann / was familiar with the site, had visited the site, and had spoken with the petitioner's agent.

Petitioner's agent, Thomas Scangarello, Professional Planner at Scangarello, LLC., utilized an electronic presentation to explain that the property, part of Moorings Plaza and occupied by Jimmy P's, has inherited several parking issues stemming from previous approvals and site conditions. He stated that a 2017 Resolution allowed 11 remote parking spaces, but the design was never reviewed or approved by the City. He explained that an additional ten spaces were later installed through a Florida Department of Transportation (FDOT) agreement, also without City review, and that increased seating at the restaurant from the former Mamma Mia's operation has contributed to congestion. He attributed the parking congestion on the property to the presence of two curb cuts along U.S. 41. He stated that the applicant intends to address these issues by committing to five improvements: 1) expanding to five tables with four feet of clearance; 2) replacing planter boxes and landscaping, 3) adding new plantings and an awning, 4) implementing one-way traffic circulation, and 5) allowing a return to two-way traffic with an attendant if required. He concluded by expressing the applicant's commitment to improving circulation and safety on the site while accommodating shared parking. He asserted that the request complies with the Comprehensive Plan and Land Development Code by providing shared parking within 600 feet. He noted that 94 spaces are available, exceeding the required 85 spaces, and that the outdoor dining plan was reduced from nine to five tables. He added that no dining would encroach into extended parking spaces.

Senior Planner Jeffrey Brammer reviewed the agenda memorandum, and explained that parking is distributed across four parcels, including Moorings Plaza, an adjacent office, a City lot, and an FDOT leased lot, and that the plan resolves previous circulation issues. He noted the Planning Advisory Board (PAB) recommended approval by a vote of 4–3 with three conditions and that no public objections were received. He explained that the conditions require the shared parking agreement to be recorded before expanded outdoor dining begins, approvals for site and signage changes by the City and FDOT, and parking lot modifications required by the City if circulation issues arise. He added that the applicant has committed to securing FDOT driveway approvals to improve safety.

Council Member Kramer expressed concern regarding the outdoor dining layout and how it would work with the proposed parking changes. City Attorney McConnell clarified that while the petitions are related, each would be acted on separately. Planner Scangarello offered a brief description of the related outdoor dining proposal, noting that it was reduced from nine tables and 26 seats to five tables and 20 seats, with four feet of clearance from the building. He stated that the plan includes new planters and landscaping and that the tables would not encroach into parking

spaces. He stated that the layout has been reviewed and approved by the Fire Marshal for life safety compliance.

Planner Scangarello stated that whether the request is approved or not, the parking and traffic flow would remain unchanged. He stated that the only difference would be the ability to seat additional guests outdoors, which he believes would improve flow and reduce wait times. He stated that existing congestion is the result of prior design decisions and that the current application represents an opportunity to improve safety and operations.

Petitioner James Pepper stated that his restaurant has operated in the plaza for 23 years and that relocation is not an option. He explained that the reason for the requested outdoor seats was to help alleviate long wait times and improve circulation without increasing traffic volumes. He noted that the business has communicated with neighboring tenants, who did not express opposition, and that the proposed improvements would enhance the plaza's appearance and functionality.

Council Member Barton stated that the proposed seating increase would not worsen existing parking issues and said circulation problems should be addressed separately. Vice Mayor Hutchison congratulated the petitioner on the restaurant's success and asked about landscaping details. Planner Scangarello said resin planters with podocarpus are planned and requested irrigation be required for proper maintenance. Vice Mayor Hutchison sought clarification on the planter layout, noting inconsistencies in the drawings. Planner Scangarello explained that one plan showed a continuous planter wall and another a split design with a walkway, but only the continuous wall was part of the final life safety approval. Deputy Fire Chief Corey Adamski confirmed that the split-planter version was not approved. Vice Mayor Hutchison said he was not prepared to vote without clarity on the final configuration.

In response to Council Member Christman, Senior Planner Brammer stated that 94 spaces are currently available across four parcels and that the outdoor dining request adds a requirement of two spaces. Senior Planner Brammer confirmed that the shared parking agreement already allows patrons to use any of the existing parcels and that the parking circulation plan proposed by the petitioner has not yet been approved by staff or FDOT.

Council Member Christman questioned the conditions recommended by the Planning Advisory Board. Senior Planner Brammer clarified that recording a shared parking agreement with the Collier County Clerk of Courts is a standard procedural requirement under the City Code, included here to emphasize its importance. He further explained that the second condition requires the petitioner to secure City and FDOT approval for any circulation or access modifications.

Council Member Christman raised concerns about the clarity of the second condition and suggested that it should more clearly state that a final approved circulation plan must be developed in coordination with the City and FDOT. He also asked about responsibility for installing and maintaining site improvements, including the awning, landscaping, and parking lot modifications. Mr. Pepper stated that he and the property owner would share installation costs with the landlord responsible for maintaining planters and the parking lot, and the restaurant responsible for its immediate outdoor dining area.

In response to City Attorney McConnell, Planner Scangarello confirmed they could proceed with the shared parking petition if the outdoor dining petition were denied but outdoor dining could not proceed without it. City Attorney McConnell said this distinction would help shape how conditions are crafted. In addition, City Attorney McConnell expressed concern about imposing conditions on the property owner without their representative present. In addition, he requested to review and update the 2017 Temporary Use Agreement for legal sufficiency.

Norman Trebilcock, Traffic Engineer, speaking on behalf of the property owner, Mr. Arena, explained the City initiated the parking conversion to alleviate street parking on Mandarin Road.

He added that Mr. Arena invested in landscaping and lighting, offered traffic control during peak periods, and remains open to further improvements that would improve traffic flow.

Council Member Christman asserted that important details on circulation, landscaping, and maintenance remain unclear, and suggested a continuance. Deputy Fire Chief Adamski corrected his earlier statement, confirming the four-foot split planter plan was approved in the final life safety plan and included in Item 11.B as the governing exhibit.

Vice Mayor Hutchison questioned why the five northern parking spaces do not match spacing requirements for the rest of the lot and whether they create circulation or pedestrian safety issues. In response, Planner Scangarello clarified that FDOT approved a lease for 10 spaces in front of the Moorings Plaza. Traffic Engineer Trebilcock added that the 11-space satellite lot to the south lies outside FDOT's jurisdiction, though the agency was aware of it during design.

Planner Scangarello noted that the City approved a 2017 agreement and Resolution for the lot, but staff found no documented approval for the design. Deputy City Engineer Alison Bickett noted that the lot later went through a right-of-way permit review, including permeable parking requirements. She acknowledged some outstanding issues with the parking plan that should be addressed.

Vice Mayor Hutchison noted that vehicles are parking parallel to U.S. 41 instead of using the 11 designated spaces, creating unsafe ingress and egress, and said the issue should be corrected.

Vice Mayor Hutchison referenced Americans with Disabilities Act (ADA) parking and said it must follow the shortest accessible route and be properly dispersed then progressed. He identified two conflicting illustrations which showed different handicap parking locations. Planner Scangarello acknowledged Vice Mayor Hutchison's concerns and suggested that continuing the application would allow time to align the site plan with the life safety plan.

Public Comment: None.

MOTION by Christman to CONTINUE ITEM 11.A until the November 19, 2025 Regular City Council meeting; seconded by Hutchison and unanimously carried, all Members present and voting (Christman-yes, Barton-yes, Kramer-yes, Petrunoff-yes, Penniman-yes, Hutchison-yes, Heitmann-yes).

[Agenda Memorandum](#)

[Resolution](#)

[Staff Report - PAB](#)

[Warranty Deed](#)

[Application](#)

[Disclosure of Interest - Property Owner](#)

[Survey](#)

[Aerial](#)

[Site Plan](#)

[Parking Calculations - REVISED](#)

[Petitioner - Cover Letter](#)

[Resolution - ROW Improvements - 2017](#)

[Temporary Use Agreement - 2017](#)

[Temporary Use Extension - 2021](#)

[FDOT Lot Use Agreement - 2023](#)

[Proposed City Parking Agreement - 2023](#)

[Resolution - City Council Denial - 2023](#)

[Public Notice Mailing Addresses](#)

[Affidavit of Sign Posting](#)

[Affidavit of Sign Posting](#)

[Petitioner's Presentation](#)

11.B) A Resolution Determining Outdoor Dining Petition 25-OD8 Establishing Outdoor Dining on Private Property to Include Five (5) Tables and Twenty (20) Chairs for the Restaurant Known as Jimmy P's Charred on Property Owned by Hygate Properties, LLC, and Located at 1833 9th Street North; More Fully Described Herein; Providing for Scrivener's Errors; and Providing an Effective Date.

City Attorney Matthew McConnell read the title of the Resolution.

MOTION by Barton to CONTINUE ITEM 11.B until the November 19, 2025 City Council Regular Meeting; seconded by Christman and unanimously carried, all Members present and voting (Hutchison-yes, Penniman-yes, Christman-yes, Barton-yes, Kramer-yes, Petrunoff-yes, Heitmann-yes).

[Agenda Memorandum](#)

[Resolution](#)

[Application](#)

[Proof of Ownership](#)

[Disclosure of Interest - Property Owner](#)

[Warranty Deed](#)

[Survey](#)

[Aerial](#)

[Architectural Plans](#)

[Landscape Plan](#)

[Life Safety Plans](#)

[Credentials - Petitioner](#)

[Credentials - Staff](#)

[Public Notice Mailing Addresses](#)

[Affidavit of Sign Posting](#)

[Affidavit of Sign Posting](#)

[Petitioner's Presentation](#)

Recess: 11:17 a.m. to 11:30 a.m. It is noted for the record that the same Council Members were present when the meeting reconvened.

11.C) *RESOLUTION 2025-15718* A Resolution Determining Outdoor Dining Petition 25-OD15 Establishing Outdoor Dining on Private Property to Include Two (2) Tables and Six (6) Chairs for the Restaurant Known as Yacht Club Subs on Property Owned by F A B S Holdings, LLC, and Located at 847 4th Avenue South, More Fully Described Herein; Providing for Scrivener's Errors; and Providing an Effective Date.

City Attorney Matthew McConnell read the title of the Resolution. This being a quasi-judicial proceeding, Notary Public Jessica Hernandez administered an oath to those intending to offer testimony; all responded in the affirmative. Council Members then made the following ex parte disclosures: Penniman / was familiar with the site, and not had contact; Barton / was familiar with the site, and had communications with staff; Christman / was familiar with the site, and had discussions with staff; Kramer / was familiar with the site and talked with staff; Petrunoff / was familiar with the site, had spoken to staff, and had no contact; Hutchison / was familiar with the site, had spoken with staff on the matter, and had no other contact; and Heitmann / was familiar with the site, drove by the site, and had no further contact.

Petitioner's agent, Thomas Scangarello, Professional Planner at Scangarello, LLC., utilized an electronic presentation to provide an overview of the Yacht Club Subs outdoor dining petition, which included two tables and six chairs on 70 square feet of private property at 847 4th Avenue South. He noted that the shop currently operates under temporary approval, the dining area will not impact traffic circulation, no alcohol service or signage is planned, and the owner will be responsible for maintaining the space.

Senior Planner Jeffrey Brammer reviewed the staff report. He confirmed that the request met Code requirements and is under 100 square feet. He noted that staff recommended one condition relative to limiting the outdoor dining area to 70 square feet with a maximum of two tables and six chairs, with future modifications requiring City Council approval.

Public Comment: None.

MOTION by Petrunoff to APPROVE RESOLUTION 2025-15718 subject to staff's condition contained in the resolution; seconded by Kramer and unanimously carried, all Members present and voting (Christman-yes, Petrunoff-yes, Barton-yes, Kramer-yes, Hutchison-yes, Penniman-yes, Heitmann-yes).

[Agenda Memorandum](#)

[Resolution](#)

[Application](#)

[Disclosure of Interest - Property Owner](#)

[Proof of Ownership](#)

[Warranty Deed](#)

[Survey](#)

[Aerial](#)

[Architectural Plans](#)

[Life Safety Plans](#)

[Specifications - Tables & Chairs](#)

[Temporary Permit- Yacht Club Subs](#)

[Administrative Permit - Divine Coffee 2019](#)

[Credentials - Petitioner](#)

[Credentials - Staff](#)

[Public Notice Mailing Addresses](#)

[Affidavit of Sign Posting](#)

[Petitioner's Presentation](#)

It is noted for the record that Items 11.D and 11.E were considered concurrently.

11.D) *RESOLUTION 2025-15719* A Resolution Determining Fifth Avenue South Parking Allocation Petition 25-PKAL1 for the Purpose of Allocating Eight Public Parking Spaces Pursuant to Section 58-1134(d)(2) of the Code of Ordinances to Meet the Parking Requirements for a New Mixed-Use Development with a Restaurant and Three Residential Units on Property Owned by AG Naples, LLC, a Florida Limited Liability Company, and Located at 472 5th Avenue South, More Fully Described Herein; and Providing an Effective Date.

11.E) *RESOLUTION 2025-15720* A Resolution Determining Outdoor Dining Petition 25-OD16 Establishing Outdoor Dining on Private Property to Include Twenty-Seven (27) Tables and Sixty-Six (66) Chairs for the Restaurant Known as Avenue 31 on Property Owned by AG Naples, LLC, and Located at 472 5th Avenue South; More Fully Described Herein; Providing for Scrivener's Errors; and Providing an Effective Date.

City Attorney Matthew McConnell read the titles of the Resolutions for 11.D and 11.E together to consolidate the record since both involve one presentation and one petitioner. This being a quasi-judicial proceeding, Notary Public Jessica Hernandez administered an oath to those intending to offer testimony; all responded in the affirmative. Council Members then made the following ex parte disclosures: Penniman / was familiar with the site, and had no contact; Barton / was familiar with the site, and had spoken with staff; Christman / was familiar with the site, had discussions regarding the petition with staff, and had no other contact; Kramer / was familiar with the site and talked with staff; Petrunoff / was familiar with the site, and had spoken with staff, and had no contact with the petitioner; Hutchison / was familiar with the site, had been to the site, had spoken with staff on the matter, and had no other contact; and Heitmann / was familiar with the site, had gone to the site, and had no further contact.

Mark McLean, Architect at MHK Architecture, utilized an electronic presentation noting that the site and building had previously been reviewed by City Council, but the current request had been modified since the last appearance from transient lodging to condominiums. The reason for the modification in the request, he stated, is so the project can proceed within a granted use versus pursuing a conditional use. Given site constraints, he said the request before the City Council is for a parking allocation. He noted that the site requires 15 parking spaces, six for residents, one

Americans Disabilities Act (ADA) space for the restaurant and a loading zone. He asserted that the request is for eight additional spaces from the City garage to meet restaurant parking requirements.

Architect McLean stated that the second request is for outdoor dining at Avenue 31 and includes 27 tables, 30 chairs, and 36 cushioned seats, all on private property within the building footprint. The rear includes resident parking, ADA spaces, loading, and an enclosed dumpster. He noted that, with the owners living on-site, the area will be well maintained. He then explained that the ground floor will house the restaurant and outdoor dining area, with residential units on the upper floors. The second floor, he noted, includes front and rear-facing condominiums, and the third floor features a single unit with balconies. Architect McLean said the outdoor space includes planters and wood features and remains entirely on private property. He explained that the employee parking spaces will be in the City Parking Garage.

Architect McLean explained that the dumpster enclosure is custom designed to address alley aesthetics and access concerns. Council Member Christman noted ongoing complaints from residents near the western end of the alley between 5th and 3rd Streets, including Spring Lake homes and Flamingo Hideaway. He claimed that the problems with commercial dumpsters, placement, maintenance, and pickup schedules, have persisted for years. He added that a uniform enclosure like the one proposed could greatly improve the alley's appearance. He acknowledged past efforts to use trash compactors, but said practical challenges have limited broader implementation.

Senior Planner Jeffrey Brammer reviewed the staff report and conditions contained therein. He then overviewed two requests made by the petitioner: 1) allocation of eight parking spaces in the City Parking Garage and 2) approval for outdoor dining. He noted that the project includes a 2,900-square-foot restaurant on the ground floor with two condominiums on the second floor and one on the third. Total parking required, he said, is 15 spaces, six for residents, one ADA space on site, and eight from the City Parking Garage. He noted that the Community Redevelopment Agency Advisory Board (CRAAB) unanimously recommended approval.

Senior Planner Brammer said staff recommended one condition for the outdoor dining petition: it must be limited to 1,619 square feet with no more than 27 tables and 66 chairs, consistent with the approved Life Safety Plan. He stated that any future expansion or modification of the outdoor dining area will require City Council approval. He explained that the approved Life Safety Plan applies only to the outdoor dining area and would govern changes such as adding umbrellas or moving tables.

Planning Director Erica Martin clarified that the indoor dining area is reviewed separately through the building permit process and would not require City Council action unless it affects the outdoor layout. Architect McLean confirmed that the indoor dining area includes 21 tables and 70 seats, with ten of those seats located at the bar. He asserted that the ten bar seats are included in the total indoor seating count.

Deputy Fire Chief Corey Adamski confirmed that the Life Safety Plan follows the National Fire Protection Association (NFPA) 101, adopted by the City, with a required 44-inch egress aisle and a 92.5-foot travel distance. He added that the distance between the couch and table is 74 inches.

Vice Mayor Hutchison asked about the cushioned seating. Architect McLean explained each setup includes a three-seat sofa, two two-top tables, and two chairs. He stated the space in front of the sofa meets life safety and aisle access standards, and he confirmed corner access. Architect McLean noted tables can be pushed together, improving clearance, and the Deputy Fire Chief confirmed it remains compliant.

Mayor Heitmann asked about residential access. Architect McLean explained owners enter through a rear door with an elevator or stairs or use a front entrance. Planning Director Martin confirmed preliminary Design Review Board (DRB) approval and clarified the City Council is only reviewing the outdoor dining, while the mixed-use development is approved by right.

Architect McLean confirmed that the building height is 42 feet with no embellishments. Council Member Petrunoff questioned the chimney height, and Architect McLean confirmed it is part of the parapet and not accessible. He also clarified the rooftop only holds mechanical equipment. Council Member Petrunoff raised zoning concerns regarding the area south of the property. In response, Planning Director Martin explained that the Fifth Avenue Overlay District allows three stories and 42 feet, overriding R-1 limits, citing Sections 58-1133 and 58-1134.

Architect McLean clarified that the project consists of condominiums, not lodging. Planning Director Martin explained transient lodging, renting less than 30 days more than three times a year, is not permitted.

Public Comment: None.

MOTION by Kramer to APPROVE RESOLUTION 2025-15719 (Item 11.D); seconded by Petrunoff and unanimously carried, all Members present and voting (Penniman-yes, Hutchison-yes, Petrunoff-yes, Barton-yes, Christman-yes, Kramer-yes, Heitmann-yes).

MOTION by Kramer to APPROVE RESOLUTION 2025-15720 (Item 11.E) subject to staff's condition contained in the resolution; seconded by Barton and unanimously carried, all members present and voting (Petrunoff-yes, Hutchison-yes, Christman-yes, Barton-yes, Kramer-yes, Penniman-yes, Heitmann-yes).

Item 11.D Attachments

[Agenda Memorandum - City Council](#)

[Resolution](#)

[Agenda Memorandum - CRAAB](#)

[Application](#)

[Disclosure of Interest - Property Owner](#)

[Warranty Deed](#)

[Survey](#)

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[Traffic Impact Statement](#)

[Vehicle Tracking Exhibit](#)

[Site Plan Sufficiency Letter](#)

[Resolution - Preliminary DRB](#)

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[Credentials - Petitioners](#)

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[Life Safety Plan](#)

[Credentials - Petitioner](#)

[Credentials - Staff](#)

[Public Notice Mailing Addresses](#)

[Affidavit of Sign Posting](#)

[Petitioner's Presentation](#)

12) OLD BUSINESS

12.A) *RESOLUTION 2025-15722* A Resolution Amending Resolution 2025-15610 Approving Modifications to the Plans Prepared by Southeast Texas Windstorm Inspections Allowing for an Increase in the Elevation of the Finished Floor to 13.89 Feet NAVD for the Previously Approved Nonconformity Petition 25-N2 Which Allowed for the Vertical Expansion of a Nonconforming Single-Family House on Property Located in the R1-7.5 Residence District at 508 13th Street North, and Owned by Jackie L. Dean; More Fully Described Herein; Providing Findings and Conditions; and Providing an Effective Date.

City Attorney Matthew McConnell read the title of the Resolution, amending Resolution 2025-15610 to correct the finished floor elevation for 508 13th Street North. This being a quasi-judicial proceeding, Notary Public Jessica Hernandez administered an oath to those intending to offer testimony; all responded in the affirmative. Council Members then made the following ex parte disclosures: Penniman / was familiar with the site, and had no contact; Barton / was familiar with the site, and had spoken with staff; Christman / was familiar with the site, and had conversations with staff and the petitioner over the course of the project; Kramer / was familiar with the site and had spoken with staff, the petitioner, and the Community Foundation; Petrunoff / was familiar with the site, had spoken with staff, and had no contact; Hutchison / was familiar with the site, had driven by the site several times, had talked with staff, and had not had contact; and Heitmann / was familiar with the site, and had no further contact.

Planning Director Erica Martin explained that the original Resolution approval listed the elevation at 11 feet NAVD, but the final elevation is actually 13.89 feet. The change reflects a plan correction only, with no alterations to location or design. She confirmed the discrepancy was a drafting error and noted that the added height improves storm resilience. There were no public comments.

Public Comment: None.

MOTION by Petrunoff to APPROVE RESOLUTION 2025-15722; seconded by Hutchison and unanimously carried, all Members present and voting (Barton-yes, Penniman-yes, Christman-yes, Petrunoff-yes, Kramer-yes, Hutchison-yes, Heitmann-yes).

[Agenda Memorandum](#)

[Resolution](#)

[Resolutions - City Council - 2025-15610](#)

[Proposed Revised Plans](#)

[PAB Staff Report](#)

[Original Application - 25-N2](#)

[Deed](#)

[Survey](#)

[Originally Approved Plans](#)

[Proposed Residence Remediation Report](#)

[General Contractor's License](#)

[Petitioner's Credentials](#)

[Planning Department Credentials](#)

[Public Notice Mailing Addresses](#)

13.D) Executive Session regarding Lamonda, Joseph v. City of Naples, Case No. 2024-CA-001301, 20th Judicial Circuit, in and for Collier County, Florida (12:30 p.m. Time Certain).

City Attorney Matthew McConnell announced an Executive Session to discuss settlement negotiations or strategy related to the case styled Lamonda, Joseph v. City of Naples, Case No. 2024-CA-001301, 20th Judicial Circuit, in and for Collier County, Florida. He noted those attending the Executive Session that day would include Mayor Teresa Heitmann, Council Members Terry Hutchison, Ray Christman, Beth Petrunoff, Bill Kramer, Linda Penniman, Berne Barton, City Manager Gary Young, City Attorney Matthew McConnell, Attorney Jeffrey Hurcomb, and Charissa Dines from Dines Court Reporting.

[Agenda Memorandum](#)

[Public Notice](#)

Executive Session from 12:32 p.m. to 1:17 p.m. it is noted for the record the same Council Members were present when the meeting reconvened.

13.E) Any Action taken following the Executive Session regarding Lamonda, Joseph v. City of Naples, Case No. 2024-CA-001301, 20th Judicial Circuit, in and for Collier County, Florida.

No action announced.

11.F) *RESOLUTION 2025-15721* A Resolution Determining Outdoor Dining petition 25-OD17, Pursuant to Section 56-126 of the Code of Ordinances to Allow Sixteen (16) Tables and Ninety-two (92) Chairs On Private Property for the Restaurant Known as Prime Social Reserve, Owned by 5th Ave South Investments, LLC, a Florida Limited Liability Company, Located at 837 5th Avenue South; and More Fully Described Herein; Providing Findings and Conditions; and Providing an Effective Date.

City Attorney Matthew McConnell read the title of the resolution for Outdoor Dining Petition 25-OD17 for Prime Social Reserve at 837 5th Avenue South, allowing 16 tables and 92 chairs on private property. This being a quasi-judicial proceeding, Notary Public Jessica Hernandez administered an oath to those intending to offer testimony; all responded in the affirmative. Council Members then made the following ex parte disclosures: Penniman / had visited the site with the petitioner, and had no contact; Barton / had visited the site with the petitioner, and had communicated with staff; Christman and Kramer / had visited the site with the petitioner, and had discussions with the petitioner and with staff; Petrunoff / was familiar with the site, and had spoken to staff; Hutchison / was familiar with the site, had visited the site, had spoken with the petitioner, and had spoken with staff; and Heitmann / had looked at the outside of the building, but did not tour inside, had spoken with staff, and had no other contact.

Mark McLean, Architect at MHK Architecture (sworn separately), utilized an electronic presentation to explain that the petition reflects a reduction in outdoor dining area due to an enlarged air conditioning unit, converting the rear patio to a mechanical platform. He confirmed that the front patio remains unchanged and that Life Safety and Egress Plans have been reviewed and approved by the Fire Department. He confirmed that the outdoor dining area includes 16 tables and 92 seats, with 70 seats located on the main front patio. He explained that the larger banquette-style tables seat six to eight guests each, resulting in a lower table count but higher seating capacity compared to the original plan with smaller tables. He further clarified that indoor dining includes 66 seats in Dining Room A and 36 seats in Dining Room B, for a total of 173 indoor seats.

Council Member Petrunoff raised concerns regarding whether the restaurant operates as a private club given its reservation-only model. Architect McLean clarified that it is a public restaurant with a preferred access program, a VIP program allowing members priority reservations but does not restrict access to others outright. He confirmed that reservations are exclusively for VIP members and non-members cannot make reservations. He further clarified that access to the restaurant for non-members would only occur as guests of a VIP member, not through walk-ins or independent reservations. Planning Director Martin confirmed no City Code or prior Resolution prevents this business model.

Council Members Petrunoff and Christman noted the policy implications of allocating public parking to membership-based or club-like establishments and suggested the issue may need future consideration.

Council Member Kramer compared the situation to venues like Sugden Theatre, noting that priority access through membership is not exclusionary. Council Member Penniman sought clarity on the original approval. Planning Director Martin confirmed it was for a rooftop restaurant with a preferred access program, not explicitly reservation-only.

City Council Members agreed the operational model is separate from the dining petition but may warrant future policy discussion on membership-based venues and public parking. Council Member Barton emphasized the discussion should remain focused on the outdoor dining request, noting that the membership policy was not part of the agenda action for the meeting that day.

Planning Director Martin reviewed the staff report and the conditions contained therein. She explained that the change is a reduction to 16 tables and 92 seats, with parking already allocated from the City Parking Garage. She noted that the restaurant was approved for outdoor dining in 2023. She said the request meets Code requirements, received no public objections, and parking remains covered through a prior public garage allocation.

Planning Director Martin spoke about the right-of-way and valet modifications tied to the original 2023 approval. At that time, she said, the Fire Department identified access issues in the alley behind the restaurant due to congestion from valet operations and required improvements to ensure fire and emergency access. In response, Architect McLean committed to making the requested improvements. He noted that construction is now underway under a right-of-way permit to widen access, remove curb sections, and establish a shared valet/loading zone while maintaining the 20-foot fire access lane. Deputy Fire Chief Corey Adamski confirmed the alley now accommodates their largest truck.

In response to Mayor Heitmann, Planning Director Martin said the outdoor dining space itself was reduced, not expanded, and only booth seating calculations changed. Architect McLean stated that any future awnings or umbrellas will be reviewed separately through building or outdoor dining permit processes to ensure required pedestrian clearances are maintained.

The discussion then focused on whether the proposed mural should be classified as public art, signage, or façade design. Architect McLean explained that the planned mural was reviewed by the Design Review Board (DRB) as part of the façade design, not as public art. Planning Director Martin explained that while public art has a clear approval process under Section 46, decorative murals are not defined in Chapter 2 and do not require Council approval unless tied to a public art obligation. City Attorney McConnell explained that public art requires City Council approval under Chapter 46, signage follows separate size limits, and the mural is treated as façade design reviewed by the DRB. Mayor Heitmann said definitions must be clarified, noting the DRB supported the mural but recommended removing “Naples” from the east wall. She said it was not included in the Resolution and stressed consistent approvals. Planning Director Martin confirmed the DRB reviews aesthetics, but Council approves outdoor dining.

Planning Director Martin said she was unaware of any conditions placed on other restaurants restricting membership programs or special privileges. She noted this is the only rooftop restaurant approved by conditional use in the Fifth Avenue South Special Overlay District, so no direct comparison exists. In response, Vice Mayor Hutchison added that several establishments, including Chops City Grill, Pazzo Cucina Italiana, Café Milano, and La Trattoria, offer membership or loyalty programs. He cautioned City Council to be careful about overregulating how businesses structure their customer base, noting that flexibility is often necessary for them to adapt to changing market conditions.

Council Member Christman said transparency on the evolving business model was the goal of earlier questions, not opposition.

Public Comment: None.

MOTION by Petrunoff to APPROVE RESOLUTION 2025-15721 subject to amending outdoor dining square footage in Condition Number One to 1,413 square feet and correcting the date of the Life Safety Plan to August 8, 2025 in Section 3; seconded by Hutchison and carried 6-1, all Members present and voting (Hutchison-yes, Penniman-yes, Christman-yes, Barton-yes, Kramer-yes, Petrunoff-yes, Heitmann-no).

[Agenda Memorandum](#)

[Resolution](#)

[Application](#)

[Deed](#)

[Disclosure of Interest - Prime Social](#)

[Disclosure of Interest - 5th Ave South Investments](#)

[Life Safety Plan](#)

[Resolution 2023-15197](#)

[Operational Plan prepared by Cameron Mitchell Restaurants, dated 6-23-2023](#)

[Credentials - Petitioner](#)

[Credentials - Planning Department](#)

[Public Notice Mailing Addresses](#)

[Petitioner's Presentation](#)

12.D) Follow-Up on City Council Member's Conversation Regarding the Dredging of Lakes 8 and 9, as Discussed Under Correspondence and Communication at the September 3, 2025 City Council Meeting (Supplement 1/Added Item).

City Manager Gary Young introduced the item and noted that he added the dredging discussion to the item so all parties could be present. Public Works Director Robert Middleton stated that on September 3, 2025, the City Council approved a \$290,580 change order for Lakes 8 and 9 hauling, bringing the contract to \$2.98 million. He said the South Florida Water Management District (SFWMD) permit allowed removal of 17,297 cubic yards and reported post-dredge surveys show 17,447 cubic yards removed, a plus 168 cubic yards variance. He added the project's purpose is water-quality improvement via nutrient removal, not depth increase. He said the packet for the item includes data showing how dredged muck equates to measurable nitrogen and phosphorus removal, demonstrating significant nutrient reduction. He noted that Energy Resources provided a written justification for additional dredging. He added that an independent engineering review by AECOM, commissioned by Premier Properties and forwarded by a Council Member, evaluates the project's design and Water Management District permit.

Project Manager, Greg Corning, Senior Civil Engineer from WSP, explained the pre-design phase used U.S. Army Corps of Engineers (USACE) rod-probe bathymetry and sediment coring to distinguish consolidated bottom from unconsolidated fluff. He said the contractor's hydro survey can overstate volume by penetrating soft layers and that dredging never removes every inch of material. He described the dewatering process with geotextile bags and polymer and said the design included inlet filters, a littoral shelf on North Lake, and new water-control structures on both lakes to retain water longer for pollutant settling. He added the City conducts outfall monitoring to track effectiveness and prioritize future restorations.

Council Member Petrunoff asked whether the dredging project addressed both flood control and water quality and if the original contract included sediment volume targets to increase capacity and reduce nutrients. In response, Project Manager Corning stated that the project's primary goal is water quality improvement, not increasing storage capacity. He explained no lake expansion or level-of-service changes were included, though new outfall structures will allow the City to lower lake levels in advance of storms to create limited additional storage. He noted the sand and muck removal targets were set to support nutrient reduction rather than flood mitigation.

Public Works Director Middleton confirmed the contract specified removal volumes but focused on nutrient-laden muck, not flood storage. He said additional capacity would come secondarily through operational drawdown, supported by the Beach Outfall project.

Council Member Petrunoff expressed concern that past discussions emphasized capacity, noting the need for clear project expectations. She then asked about the project schedule enforcement and penalties. In response, City Attorney Mathew McConnell confirmed the contract includes term limits and liquidated damages. He said staff typically enforces them only if the contractor fails to perform. Public Works Director Middleton noted the project started earlier this year is roughly two months behind due to equipment issues, with a 90-day extension request pending. He added the September change order was tied to increased hauling costs, not a shortfall in dredging performance. Project Manager Corning explained that the project accounted for Hurricane Ian impacts during the pre-design survey and identified a sand layer above the muck, which required more complex removal but was anticipated. He confirmed dredging was completed as specified in the contract and the remaining work involves installing inlet filters, littoral shelves, and water control structures. Public Works Director Middleton said the contractor has not demobilized equipment since September 5th, pending the City Council's decision on whether additional dredging will be required.

City Manager Young confirmed that the contract includes 365 days plus a 60-day administrative closeout period. He said the contractor met the dredging scope outlined in the permit, and internal correspondence confirms the required volume was removed. He emphasized that the City Council must now decide whether to accept the completed scope or direct additional work.

Council Member Christman noted that the project is essentially complete, and the permit requirements have been met. He said revisiting the issue at this stage raises ethical concerns and undermines prior City Council action. He also referenced a letter from the contractor offering to remove additional muck at a reduced price in exchange for future contracts, which he described as troubling. He questioned why the contractor is suggesting more dredging after meeting permit obligations. In response, Project Manager Corning confirmed that he is responsible for certifying the project's compliance with all dredging requirements and will do so upon completion.

Council Member Christman asserted that several residents, represented by Matthew Ehrhart of Premier Properties, have requested that the City hire another firm to conduct additional surveying and analysis of Lakes 8 and 9 to determine if more muck removal is needed. He noted Premier represents the property owner whose easement was used for staging and said the relationship between the residents and the consultant should be clarified during public comment. He emphasized that while residents can pursue further analysis, the current project should not be delayed, especially since it meets the permit requirements and supports the Beach Outfall project. He suggested that if additional work is later deemed beneficial, it should be handled through a separate, future procurement process as a potential second phase.

Vice Mayor Hutchison noted that the depth achieved during dredging supports the treatment train approach connected to the Beach Outfall project. He underscored that deeper lakes improve dilution capacity, helping nutrients settle before water reaches downstream systems. He asked for confirmation that the current dredged depths meet expectations for water quality performance under the existing treatment system. In response, Project Manager Corning responded that the stormwater lakes are designed to act as nutrient settling basins, not clearwater systems, and the dredging completed aligns with the required water quality goals. He added that the work was performed under the previous SFWMD permit criteria, and the improvements satisfy those standards even with the more stringent nutrient reduction requirements adopted in June 2024.

Vice Mayor Hutchison asked whether the lakes are now considered impaired. Project Manager Corning clarified that impairment thresholds apply to downstream waters such as Naples Bay and Moorings Bay, not the lakes themselves. He explained that the City's Municipal Separate Storm

Sewer Systems permit ensures ongoing compliance with State Nutrient Reduction Standards, and the completed dredging meets the water quality goals established for the project. He cited the City's past restoration projects, Lake Manor, Spring Lake, East Lake, and Lake 19 at Fleischmann Park, as successful examples of similar work. He reiterated that the removal of organic muck "recharges" the system, allowing improved nutrient uptake and long-term performance.

Vice Mayor Hutchison concluded by confirming with staff and the engineer that the dredging met project intent and water quality improvement goals. Project Manager Corning affirmed this, noting the methodology and monitoring data support the outcome.

Public Comment: **Fred Schulte** said he has lived on South Lake since 1995 and helped lead neighborhood efforts to improve water quality through aeration and regular maintenance. He agreed to act as a liaison for the dredging project, drawing on his mining engineering background to monitor procedures and protect resident interests. He noted early issues with vibration and runoff were resolved through coordination with staff and the contractor. He said most residents strongly oppose extending dredging due to noise and seasonal disruption and urged Council to follow the engineer's recommendation to close the project and restore normalcy. **John Ray** said he has lived on South Lake for 17 years and witnessed the entire dredging project. He noted the contractor's barge broke down in October 2024, delaying work 90 days before restarting on New Year's Day, then operated six days a week, disrupting residents. He said the lake is at its lowest level, causing weed growth and raising concerns about mosquitoes and swamp conditions. He urged reactivating the resident-funded aerators, calling them the best tool for water quality. He said further dredging is unnecessary and would exceed \$1 million with permit changes. He called the supporting engineering report biased and urged Council to close the project, shift funds to other lakes, and restore aeration. **Ansley Tilley**, Principal Engineer of EcoStasis, LLC., introduced herself as an independent reviewer with 21 years of water resource experience, including leadership at the South Florida Water Management District. She clarified that she was hired directly by Mr. Ehrhart and has no affiliation with the contractor. She explained that the Environmental Resources Permit (ERP) is based on bottom elevation and stage-storage volume, not just dredged quantity. She explained that volumes are approximate, but the required elevation, shown by Project Manager Corning, determines compliance with water quality standards. She said meeting volume estimates alone does not prove compliance if the elevation target is not achieved. She said her firm believes the permit has not been fully met because the bottom elevation is unclear and not consistent across the lakes. She stated the required 4:1 side slope also appears unmet and recommended continuing dredging only until the original design elevations and slopes are achieved, emphasizing no redesign is needed because the existing plan is adequate.

Engineer Tilley clarified that her firm was not asserting the City is out of compliance but believes the permit conditions are not yet met for closure without modification. She explained that property owner, Mr. Remington, engaged her firm, providing an alternate technical perspective.

Council Member Penniman voiced concern about focusing on dredging without identifying the pollution source, noting the City would face ongoing costs unless the source is addressed.

Noting conflicting dredge volume estimates for Lake 9, Council Member Barton said the discussion was meant to ensure the City's process was sound. He asked whether the removal estimate was ever officially revised and stressed the contractor's numbers, not those of outside parties, prompted his concern.

In response, Project Manager Corning explained the difference resulted from two survey methodologies: a hydro survey capturing unconsolidated material versus a physical probe to the lake's true bottom. The City relied on the latter, he said, confirming the dredging met the permit and project requirements.

Council Member Christman clarified that Mr. Remington and possibly the adjacent property owner engaged Engineer Tilley's firm. He noted that while residents and consultants disagree, testimony shows the project met its objectives and most lakefront residents want it closed out. He added that the City already absorbed extra costs from the contractor's disposal error, and Energy Resources' proposal for more dredging in exchange for future work further eroded confidence. He said this reinforced the need to rely on the engineer of record and conclude the project.

Public Comment: Paul Reinhardt, owner of Energy Resources, apologized for the project's delayed start, explaining that an engine failure required an out-of-state rebuild. He said core samples underestimated muck and overestimated sand, leading to more truckloads and extended work time, though no additional time claim was submitted. He stated the company's survey found more material than expected and had notified the City months earlier. While he disagreed with some decisions, he said Energy Resources ultimately deferred to the engineer of record and was ready to move on.

Vice Mayor Hutchison said the goal is to complete the project correctly without unnecessary extension. In response, Project Manager Corning confirmed the dredging met design intent and permit requirements and that final as-built surveys will be provided to the Water Management District. He said no further work is required to meet the updated stormwater Code. City Attorney McConnell said contracts and permits are in place and legal exposure appears minimal but deferred to the City Council for direction.

Council Member Kramer said the debate came down to whether the City Council trusts its staff and engineer of record, noting the project followed the contract and permit requirements. He added that differing opinions are inevitable, but they do not override professional oversight and completed work.

City Manager Young clarified that the contractor is prepared to demobilize and finish the remaining weir work, and staff will review the contract to ensure closeout is completed promptly. He acknowledged the contractor's diligence and said the goal is to finalize the project without unnecessary delay.

[Agenda Memorandum \(Supplement 1/Added Attachment\)](#)

[Energy Resources, Inc Letter \(Supplement 1/Added Attachment\)](#)

[EcoStasis Independent Engineering Review \(Supplement 1/Added Attachment\)](#)

Recess: 4:03 p.m. to 4:12 p.m. It is noted for the record that the same Council Members were present when the meeting reconvened.

13.B) *RESOLUTION 2025-15724* A Resolution Ranking the Top Three (3) Consulting Firms to Provide Professional Services for Architectural and Engineering Services Associated with the Replacement of Fire-Rescue Station 2; Approving a Professional Services Consultant's Agreement Between Wannemacher Jensen Architects, LLC and the City of Naples in the Amount of \$1,175,412.00, which Includes a Five Percent Design Contingency; Authorizing the City Manager to Execute the Professional Services Consultant's Agreement; and Providing an Effective Date.

City Attorney Matthew McConnell read the title. City Engineer Dan Ohrenstein outlined the Resolution to approve a \$1.175 million design contract to Wannemaker Jensen Architects for replacing Fire Station 2. He noted that the current station, built in 1974, is outdated and too small to house modern apparatus.

City Engineer Ohrenstein announced that Wannemacher Jensen Architects (WJA) was selected as the top-ranked firm out of 11 respondents for its fire station design expertise. He said the new fire station will include 14 bunk rooms, an Emergency Operations Center, and a training tower to help maintain the City's ISO 1 fire rating. He added that the design will incorporate the latest health and safety standards, along with best practices for indoor air quality and comfort. In addition, he said the architect will also prepare at least three concept renderings with different

architectural styles for City Council review. Arturo Lopez of WJA confirmed the firm's extensive experience and commitment to integrating modern flood-resiliency measures into the design.

MOTION by Christman to APPROVE RESOLUTION 2025-15724; seconded by Barton and unanimously carried, all members present and voting (Penniman-yes, Kramer-yes, Hutchison-yes, Christman-yes, Barton-yes, Petrunoff-yes, Heitmann-yes).

[Agenda Memorandum](#)

[Resolution](#)

[Professional Services Agreement](#)

12.C) Update on the September 15, 2025, Collier County Legislative Delegation Meeting and Discuss Possible Revisions to the City's 2026 State of Florida Legislative Priorities.

City Manager Gary Young introduced the item. Communications Manager and Public Information Officer Monique Barnhart Tiberio stated that she represented the City at the September 15, 2025 Collier County Legislative Delegation meeting. She explained that staff received the delegation agenda one week prior, which included a proposed Local Bill by Representative Adam Botana titled "Special Act Relating to the Naples Airport Authority."

Communications Manager Barnhart-Tiberio noted that the delegation considered and unanimously approved the Local Bill, which proposes to restructure the Naples Airport Authority (NAA) Board of Commissioners from a City-appointed body to a five-member elected body. She clarified that the proposed composition would include three members residing in the City and two residing in Collier County. She advised that, as a result of the delegation's action, the City Council should determine whether to update the City's 2026 State Legislative Priorities to reflect the Local Bill and clearly state the City's position. She asked direction from the City Council on whether to incorporate this legislative issue into the City's official priorities.

Council Member Petrunoff said she attended the meeting to observe and support staff and had informal discussions with delegates. She remarked that the bill appeared to have been treated as a foregone conclusion, noting that several speakers delivered coordinated, pre-prepared remarks.

Vice Mayor Hutchinson expressed concern with the timing of the bill's release and the lack of opportunity for Council Members to discuss the matter publicly before the delegation meeting. He clarified that the bill language arrived after the September 3rd City Council meeting and said the process fell short of the "Naples Way."

City Attorney Matthew McConnell summarized that the bill would amend the NAA Enabling Act, transferring board appointments from the City Council to a countywide election and requiring aerospace experience for board service.

Council Member Christman pointed out that the County has no financial or operational responsibility for the Airport but would gain 40 percent representation under the proposal. He expressed concern that governance would shift away from residents most directly impacted by airport operations.

Council Member Kramer acknowledged frustration but emphasized the need to engage directly with Representative Botana and the delegation to understand their motivations. He said knowing the legislative intent would help the City Council build a strategic response.

Mayor Heitmann stated that the term "Naples Municipal Airport" matters, noting the decision to drop "Municipal" in the bill is misleading and weakens the Airport's identity as a City-owned facility. She expressed concern that the City Council was caught off guard by the local bill and said this reflects a long-standing "us versus them" dynamic between those seeking expansion and those preserving the airport's community character. In addition, she questioned why Collier County

seeks representation after previously expressing no interest in having the airport in the county and urged clarity on the bill's true intent. She discouraged speculation and recommended drafting a clear position and inviting Representative Botana to address the City Council publicly. Council Member Kramer noted the timing may not be coincidental, coming shortly after the City initiated legal action against the State, and observed that discussions about moving the Airport have been ongoing for years. He concluded that the issue reflects poor communication and the need to rebuild relationships with legislative representatives.

City Attorney McConnell clarified that the legislation does not propose changing the name of the City of Naples Municipal Airport. City Manager Young explained that the reference to "Naples Airport" in the Bill is an oversight, noting that paragraph one omits "Municipal," while section three includes the full name.

Council Member Penniman questioned the reasoning behind the Legislation, noting the extensive and costly past efforts to study the relocation of the Airport and the lack of a viable alternative site. She said the bill appears to disregard that history.

Council Member Barton said the situation is frustrating and stated that the best path forward is to open direct dialogue with State representatives. He acknowledged that Council Members, including himself, should have maintained better communication with the delegation. He supported amending the City's Legislative Priorities to address the issue, either under Home Rule or as a separate item, and emphasized making it a clear priority moving forward.

Consensus reached to direct staff to update the 2026 Legislative Priorities packet to include a new section addressing the proposed state legislation affecting the Naples Airport Authority and the City's Home Rule authority.

Mayor Heitmann stated that while she appreciated the City's Lobbyist Lisa Hurley and her efforts, she believes the City needs a dedicated lobbyist focused on Home Rule and airport issues. She explained that these bills will move quickly through the Legislature and emphasized the need for someone positioned in Tallahassee to represent and defend the City's interests.

In addition, Mayor Heitmann stated that the City Council must be ready to hire legal counsel to protect Home Rule if the legislation advances. She said the City should plan now to retain an attorney with the expertise to challenge State actions if necessary. She expressed frustration that State officials can push legislation more easily than residents and criticized dismissing opposition as a "minority group." She emphasized that quality of life is at stake and said she will not allow the State to erode local control. She insisted that the City must stand firm, asserting that Naples is capable of self-governance without State interference, and added that if current representatives do not defend local authority, they can be replaced.

Council Member Kramer claimed that the vague language in Senate Bill 250 was not unique to Naples and is common in legislation until clarified by the courts. He said the City Council had asked the State to define "more burdensome" but received no response, which he believes was intentional to maintain leverage. He added that Senate Bill 180 should have been amended collaboratively rather than opposed, noting State contacts were willing to work on clearer language. He called the City's decision to oppose the bill a strategic mistake and said there is still time to fix the vague language.

Council Member Kramer suggested that the City provide the State with bullet points to help guide a constructive dialogue and make the legislation more workable. He then asked how far the City had moved toward paying the \$10,000 previously discussed for legal action against the State and whether a contract existed. City Attorney McConnell explained that no contract had been executed, no funds allocated, and no payments made. He clarified that the prior Resolution only authorized the City Manager to enter into an agreement, but none had been finalized. City Manager Young confirmed no payment or contract activity has occurred.

Council Member Kramer said Senate Bill 250 has not legally stopped the City from taking action and urged Council Members to proceed with needed policies, letting legal challenges arise later if necessary. Mayor Heitmann countered that the law has created hesitation in decision-making, though that was the City Council's choice. Council Member Kramer reiterated the need to act decisively despite potential threats.

Public Comment: **Judy Freiberg**, Collier County resident, expressed support for maintaining City control of the Airport. She said the City Council listens to the community more effectively than the County Commission and urged the City to secure legal counsel to strengthen its negotiating position. She said citizens' frustration stems from feeling unheard and urged Council to hire legal counsel to clarify remedies if the legislation passes, strengthening the City's negotiating power. **Mary Young**, Old Naples Association, stated that residents overwhelmingly support retaining City governance over the Airport. She urged the City Council to pursue legal expertise to balance negotiations with the Legislature and recommended Attorney Jamie Cole of Weiss Serota for Home Rule matters.

Vice Mayor Hutchinson summarized that the legislative delegation unanimously supported the Bill, which he characterized as an overreach and a threat to Home Rule. He outlined the legislative timeline, noting Committee Weeks begin on October 6 and the regular session runs from January 13 to March 13, 2026. He warned that, without Senate intervention, the measure would likely move forward. He said State legislators advanced the Bill without public discussion, calling it legislative overreach, and expressed faith that Senator Passidomo would uphold local values. He emphasized the City's 57-year precedent appointing commissioners to the Airport, Authority arguing it should remain local since the airport is City-owned and impacts residents.

Council Member Christman stated that the City Council should begin discussions with the delegation while preparing legal options should the Bill advance.

After a motion was proffered by Vice Mayor Hutchison which included hiring a specific law firm, Council Member Kramer clarified that although specific firms were mentioned, the City Attorney should evaluate and recommend legal counsel since he will work with them. Vice Mayor Hutchison confirmed the motion's intent is for the City Attorney to research and return with recommendations, not preselect firms.

Council Member Christman noted the discussion involves two separate issues: securing legal support if the airport legislation passes and lobbying to influence the Legislature before that happens. He cautioned that pursuing litigation preparation alone could strain relationships with the delegation. He emphasized the need to hire a lobbyist well connected in Tallahassee to help shape the bill rather than fight it after the fact. He supported the motion but stressed the importance of tone and prioritizing collaboration with lawmakers before preparing for litigation.

City Attorney McConnell clarified that the pre-suit notice challenging Resolution 2025-15651 will be discussed at the October 1st City Council Regular Meeting. He requested clarity from the City Council on whether the current direction involves only legal action regarding City property, lobbying efforts, or both, so he can accurately carry out the motion if it passes.

Council Member Barton stated he supported the motion because he wants to be fully informed and educated before engaging in open dialogue with state representatives. He emphasized that his support is not about pursuing litigation but about understanding the City's legal position through expert counsel. Council Member Kramer noted lawsuits should be a last resort and expressed a preference to work collaboratively toward a resolution.

Council Member Hutchison clarified that references to Friends of Naples Airport are related to a potential lawsuit that will be discussed separately at the October 1st meeting. He noted the City has received a 14-day statutory notice but no lawsuit has been filed. He stated that, on the advice

of the City Attorney, he would remove that portion from the current motion if necessary and revisit it after October 1st. He then clarified that the motion pertains solely to identifying legal counsel for potential litigation related to the proposed local bill on the Naples Airport Authority. He emphasized that no lobbying component was included in the motion and stated that any discussion or action on lobbying would need to be addressed separately at a future meeting. He then rephrased the previous motion.

MOTION by Hutchison to 1) IDENTIFY appropriate legal counsel to represent the City of Naples in all matters including possible litigation related to the rights of the City of Naples regarding the proposed local bill by the Collier County delegation described as a Special Act relating to the Naples Airport Authority and 2) SOLICIT the opinion of Weiss Serota Helfman Cole and Bierman as well as the City's aviation attorney, Andrew Barr, in identifying such counsel. The City Attorney will present findings to City Council so that appropriate legal representation may be considered and possibly engaged by City Council: seconded by Heitmann and unanimously carried, all Members present and voting (Kramer-yes, Christman-yes, Petrunoff-yes, Barton-yes, Hutchison-yes, Penniman-yes, Heitmann-yes).

Mayor Heitmann asked staff to prepare a draft letter to Representative Botana and the legislative delegation to outline the City's concerns, invite dialogue, and request clarification of legislative intent. She stated that the letter should emphasize Home Rule, City ownership of the Airport, representation dilution, and board qualification flexibility.

City Manager Young suggested addressing the issue in two phases. He proposed including the Airport legislation in the broader legislative priorities packet, while also preparing a separate targeted letter. He explained the packet would provide overall context, and the letter would focus specifically on this topic, inviting legislators to meet with the City Council for direct discussion. He added that the letter would first be circulated in draft form for City Council review and agreement before being sent, ensuring unified talking points.

Vice Mayor Hutchinson requested that City Attorney McConnell monitor compliance with Senate Bill 7016 regarding public funds and ballot initiatives, should the bill progress.

[Agenda Memorandum](#)

[2026 Legislative Priorities, Appropriations, and Budget at a Glance Packet](#)

[Special Act Relating to the Naples Airport Authority](#)

13) NEW BUSINESS

13.A) RESOLUTION 2025-15723 A Resolution Approving Task Order No. 25-02-09-01-25A03 Between the City of Naples and Kimley-Horn and Associates, Inc., a North Carolina Corporation, Authorized to do Business in the State of Florida, for Design and Permitting Services to Add a Restroom at Baker Park, Add Office Space and Replace Pavers at the Eva Sugden-Gomez Center, in the Amount of \$131,393.99; Authorizing the City Manager to Execute the Task Order; Providing for Scrivener's Errors; and Providing an Effective Date.

City Attorney Matthew McConnell read the title. Chad Merritt, Community Services Director, said the task order covers design and permitting for a new restroom and office space at Baker Park and paver replacement at the Eva Sugden Gomez Center. He said Kimley-Horn's involvement dates back to the Park's original design, making them well-positioned for the work. Travis Delashmet, Facilities Maintenance Superintendent, said repeated paver failures stem from value engineering that removed a concrete base.

Mayor Heitmann and Council Member Petrunoff questioned the \$131,000 cost and lack of competitive bidding. Mr. Young explained the scope includes conceptual design, permitting, and construction-phase services, noting the amount reflects full project delivery. He added that using the existing vendor reduces cost and time.

MOTION by Kramer to APPROVE RESOLUTION 2025-15723; seconded by Christman and carried 6-1, all members present and voting (Kramer-yes,

Barton-yes, Penniman-yes, Hutchison-yes, Petrunoff-no, Christman-yes, Heitmann-yes).

[Agenda Memorandum](#)

[Resolution](#)

[Task Order 25-02-09-01-25A03](#)

[Quote & Scope of Work - Kimley-Horn and Associates](#)

13.C) *RESOLUTION 2025-15725* A Resolution Approving an Extension and Fifth Amendment to the Interlocal Agreement between Collier County and the City of Naples regarding Parks and Recreation; providing for Scrivener's Errors; and Providing an Effective Date.

City Attorney Matthew McConnell read the title of the resolution. City Manager Gary Young detailed the proposed two-year extension and fifth amendment to the Interlocal Agreement with Collier County for beach parking and parks and recreation funding. He said the County has kept its commitment to increased Tourist Development Council (TDC) support, including \$2.2 million for Naples Pier maintenance and \$200,000 annually for Lowdermilk Park. He noted the County also unanimously approved \$10 million toward the Outfall Project.

City Manager Young said the two-year renewal at \$1.5 million annually includes an option for a third year with a 5 percent increase, reducing the need for yearly negotiations while ensuring stable funding during the Pier closure.

MOTION by Christman to APPROVE RESOLUTION 2025-15725; seconded by Kramer and unanimously carried, all members present and voting (Barton-yes, Christman-yes, Hutchison-yes, Petrunoff-yes, Penniman-yes, Kramer-yes, Heitmann-yes).

[Agenda Memorandum](#)

[Resolution](#)

[Extension and Fifth Amendment to Interlocal Agreement](#)

[Original Interlocal Agreement - CON Beach Parking](#)

[First Amendment to Interlocal Agreement](#)

[Second Amendment to Interlocal Agreement](#)

[Third Amendment to Interlocal Agreement](#)

[Fourth Amendment to Interlocal Agreement](#)

[Extension to Fourth Amendment to Interlocal Agreement](#)

Recess: 6:10 p.m. to 6:16 p.m. It is noted for the record that the same Council Members were present when the meeting reconvened.

12.B) Approval of Revised 2026 City Council and CRA Meeting Schedule.

City Manager Gary Young introduced the item. Council Members then reviewed the 2026 revised City Council and CRA meeting schedule. Council Member Christman discussed alternative dates for the May CRA meeting due to the Memorial Day holiday and scheduling conflicts. After discussion, City Council agreed to remove the May 28, 2026 CRA meeting, and changing the June 4 CRA meeting to June 11.

MOTION by Christman to APPROVE the 2026 City Council and CRA Meeting Schedule subject to removing the May 28th CRA meeting and changing the June 4th CRA meeting to June 11, 2026; seconded by Penniman and unanimously carried, all members present and voting (Barton-yes, Christman-yes, Hutchison-yes, Petrunoff-yes, Penniman-yes, Kramer-yes, Heitmann-yes).

[Agenda Memorandum](#)

[Revised 2026 City Council and CRA Meeting Schedule](#)

At that point in the meeting, City Attorney Matthew McConnell clarified that an incorrect version of the resolution for Consent Agenda Item 7.D had been approved earlier. He said staff had distributed the corrected version during the previous break. He then read the title of the Resolution and suggested a vote be taken to approve it.

7.D) *RESOLUTION 2025-15709* A Resolution Approving Task Order No. 25-03-30-40-531010 Between the City of Naples and Bowman Gulf Coast LLC, DBA Hole Montes, A Bowman

Company, Florida Limited Liability Company For Professional Engineering Services Necessary For The Implementation of the Plan Of Investigation for the Aquifer Storage and Recovery System (ASR) Optimization In The Amount Of \$282,797.64, Authorizing The City Manager To Execute The Task Order And Providing An Effective Date.

MOTION by Penniman to APPROVE RESOLUTION 2025-15709; seconded by Barton and unanimously carried, all members present and voting (Barton-yes, Christman-yes, Hutchison-yes, Petrunoff-yes, Penniman-yes, Kramer-yes, Heitmann-yes).

14) ORDINANCES

15) FIRST READING ORDINANCES - None.

16) SECOND READING ORDINANCES - None.

17) PUBLIC COMMENTS - None

18) COMMUNICATIONS FROM MAYOR, CITY COUNCIL, AND STAFF

Council Member Barton referenced earlier public comment on affordable housing and identified the mention of a unique opportunity to explore a project without the City purchasing land or carrying the full workload. City Manager Gary Young confirmed the topic is scheduled for the October 15th Regular City Council meeting.

Council Member Christman highlighted the strong staff effort behind the new Resiliency Plan presented during the September 22nd Workshop meeting and thanked staff for producing a clear framework with measurable pillars and project prioritization.

Council Member Petrunoff cautioned against incremental loss of public land and discussed Airport governance and Home Rule concerns. Mayor Heitmann urged stricter attention to Resolution language over staff reports.

Vice Mayor Hutchinson recapped his conversation with State Representative Adam Botana, noting his own concerns over Airport grants and state oversight. Mayor Heitmann expressed frustration with State preemption and the erosion of Home Rule.

Mayor Heitmann stressed the need to review boards and committees and align Codes with resiliency and redevelopment goals, particularly regarding density and Downtown incentives.

City Attorney Matthew McConnell offered a brief history of Home Rule, explaining its constitutional foundation and the State's ongoing efforts to reclaim authority.

19) ADJOURNMENT

6:47 p.m.

Teresa Lee Heitmann, Mayor

Patricia L. Rambosk, City Clerk

Meeting clerked by:

Jessica Hernandez, Deputy City Clerk

Minutes prepared by:

David Horton, Executive Assistant

Minutes Approved: 11/19/2025.