



City of Naples

City Council Chamber
735 Eighth Street South
Naples, Florida 34102

City Council Regular Meeting – November 19, 2025 – 8:30 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; and 3) 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
Matthew McConnell, City Attorney
Ciro Dominguez, Police Chief
Erica Martin, Planning Director
Kimberly Nudi, Planner

Patricia Rambosk, City Clerk
Alison Bickett, Deputy City Engineer
Jeffrey Brammer, Senior Planner
Jessica Hernandez, Deputy City Clerk
Ali Duran, Executive Assistant

Others Present:

Edward Gleason
Patrick O'Connor
Russ Warshaw
Vivian Gasperson
Avery MacAskill
Sarah Fallah
Bruce Barone
James Whitaker
Jake Maulin
Barbara Rudd
Branimir Brankov
Donna Adan

Fred Sasser
Hiram Siaba
Angelo Arena
Norman Trebilcock
Gary Cooper
Thomas Scangarello
Kristin Frooshani
Tim McCarthy
Wright Harvey
Lori Thorne
Joanne Smallwood
Bernadette Watkins

2) INVOCATION AND PLEDGE OF ALLEGIANCE

Reverend Edward Gleason, Trinity by the Cove, gave an invocation. Mayor Heitmann subsequently led in the Pledge of Allegiance.

3) SET AGENDA

No changes.

MOTION by Hutchison to SET AGENDA; 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) Do the Right Thing Presentation.

Patrick O'Connor, Do the Right Thing (DTRT) Chair, presented the monthly DTRT awards, noting the Program is now in its 13th year. He then thanked Sky Zone of Fort Myers for serving as that month's sponsor. First, he recognized Vivian Gasperson of Gulfview Middle School, who demonstrated calm judgment during an aggressive incident at the Central Avenue Library and appropriately alerted supervising adults. He then honored Avery MacAskill, a tenth-grade student at the Freedom Institute, who volunteers extensively for the Naples Take a Soldier Fishing program, assisting with events throughout the year. Finally, he recognized Sarah Fallah, a twelfth-grade student at the Freedom Institute, who founded the school's Young America's Foundation chapter and organized a 9/11 remembrance that included placing 2,997 flags on campus.

Chair O'Conner read a letter from U.S. Senator Rick Scott congratulating the award winners. He then presented a plaque to Sky Zone representatives, in appreciation of its sponsorship.

DTRT Committee Member Bruce Barone offered closing remarks, thanking the City Council and community partners for their support and recognizing Master Officer Sean Phillips for his leadership in the DTRT program. He reiterated the students' contributions and the program's positive impact.

Mayor Heitmann then read a proclamation honoring the 100th Anniversary of the Naples Police Department, recognizing its century of service and the leadership of Chief Ciro Dominguez. Chief Dominguez thanked the City Council and announced a public centennial carnival scheduled for the following day at Baker Park.

[Proclamation \(Staff/Added Attachment\)](#) 

4.B) Proclamation for Epilepsy Awareness Month.

Mayor Heitmann read a proclamation declaring November 2025 as Epilepsy Awareness Month, highlighting the need for accessible, comprehensive care, better school education through Seizure Safe Schools initiatives, and stronger protections against discrimination. She encouraged residents to support efforts that improve treatment and reduce stigma.

Russ Warshaw, Community Resource Specialist at the Epilepsy Alliance Florida, thanked Mayor Heitmann and the City Council, expressing appreciation for the community's compassion and support. He stated that Epilepsy Alliance Florida provides training, education, and assistance, and that he maintains an office in the YMCA building to serve local residents.

[Proclamation \(Staff/Added Attachment\)](#) 

5) PUBLIC COMMENTS

James Whitaker thanked the City Council and expressed appreciation for Council Members' service. He noted his concerns about increased development in Naples, stating that growth is shifting away from the small-town character he values. He urged Council Members to honor their oath, represent the entire community, and be mindful of public resistance to large-scale development. **Jake Maulin** representing the Naples Airport Tenants Council, expressed support for the Naples Airport and emphasized its importance to local infrastructure. He encouraged acceptance of federal grants, stating that declining them would shift financial burdens to residents. He requested that the City Council appoint Naples Airport Authority (NAA) members that support the airport and submitted several preferred candidate names for the record. **Barbara Rudd** commented on the Cambier Park playground closure. She recommended improved signage, wayfinding to alternative parks, and a posted project timeline. She also noted concerns regarding the locked pedestrian gate, missing trash-can signage, and the condition of wood-chip surfacing, suggesting a partial return to grass. **Branimir Brankov**, President of Responsible Government Naples, summarized community engagement efforts related to the upcoming NAA appointments. He highlighted survey results and petitions showing broad public support for the airport. He urged the City Council to consider community-driven candidate profiles and avoid politically based appointments. He also raised concerns about conditions at Bayview Park and requested a future opportunity to present details. **Donna Adan** raised concerns about a Naples Pride event advertised for Cambier Park, asking whether it had been approved and noting the organization's suspended charity registration status. She questioned the review process for verifying nonprofit

standing prior to event approvals. She also commented on playground design aesthetics discussed at the November 5, 2025 City Council Regular Meeting and urged consistency with community expectations.

APPROVAL OF CONSENT AGENDA

MOTION by Penniman to **APPROVE** the Consent Agenda; seconded by Hutchison and unanimously carried, all Members present and voting (Barton-yes, Christman-yes, Hutchison-yes, Kramer-yes, Penniman-yes, Petrunoff-yes, Heitmann-yes).

6) MINUTES

- 6.A) Approval of the September 24, 2025 Regular Meeting Minutes and the October 13, 2025 Workshop Meeting Minutes.

[Agenda Memorandum](#)  [September 24, 2025 Regular Meeting Minutes](#) 

[October 13, 2025 Workshop Meeting Minutes](#) 

7) RESOLUTIONS

- 7.A) **RESOLUTION 2025-15763** A Resolution Waiving the Competitive Bidding Process; Approving an Increase to Purchase Order 2500531 With Quality Enterprises USA, Inc. from \$2,560,677.64 to \$5,000,000.00 for Continued Services to Provide Sanitary Sewer and Water Distribution System Improvements to Resolve Utility Conflicts Associated with the Naples Beach Stormwater Outfall Project Located Along Gulf Shore Boulevard; Authorizing the City Manager to Execute the Purchase Order; and Providing an Effective Date.

Title of the Resolution not read.

[Agenda Memorandum](#)  [Resolution](#)  [Resolution 2025-15588](#) 

[Purchase Order 2500531 \(Original Amount\)](#) 

[Purchase Order 2500531 \(Revised Amount w/ Change Order #1, Approved by City Manager, Sept 16 2025\)](#)  [Contractor's Agreement - RFP 21-041 - Quality Enterprises USA, Inc.](#) 

[2025-00157 Quality Enterprises USA, Inc.](#) 

- 7.B) **RESOLUTION 2025-15764** A Resolution Approving an Interlocal Agreement between Collier County and the City of Naples Granting the City Limited Use of the Jolley Bridge Site for Temporary Storage of the Debris Generated from the Naples Pier Reconstruction Project for Use in Offshore Reef Enhancement and for Receipt and Loading of Large Material Staging for the Construction of the Pier; Authorizing the Mayor to Execute the Interlocal Agreement; and Providing an Effective Date.

Title of the Resolution not read.

[Agenda Memorandum](#)  [Resolution](#)  [Interlocal Agreement - Jolley Bridge](#) 

- 7.C) **RESOLUTION 2025-15765** A Resolution Amending the Fiscal Year 2025-26 Budget Adopted by Resolution 2025-15701 Appropriating Funds from the Unappropriated Fund Balance of the 125 Baker Park Fund in the Amount of \$950,000 for Baker Park Improvements as Set Forth Herein; And Providing an Effective Date.

Title of the Resolution not read.

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

- 7.D) **RESOLUTION 2025-15766** A Resolution Approving a Third Amendment to the Contractor's Services Agreement Between the City of Naples and the Davey Tree Expert Company for Hardwood and Palm Tree Trimming, Increasing the Amount of the Agreement by \$1,700,000, Not-to-Exceed the Total Amount of \$4,429,700; Authorizing the City Manager to Execute the Third Amendment to the Contractor's Services Agreement; and Providing an Effective Date.

Title of the Resolution not read.

[Agenda Memorandum](#)  [Resolution](#) 
[Contractor's Services Agreement - Third Amendment \(Unsigned\)](#) 

[Contractor's Services Agreement - Second Amendment](#)

[Contractor's Services Agreement \(Original\) & Resolution 2023-15113](#)

- 7.E) **RESOLUTION 2025-15767** A Resolution for the Purpose of Amending the Fiscal Year 2024-25 Budget Adopted by Resolution 2024-15463 to Appropriate Funds from the Unappropriated Fund Balances of the 001 General Fund in the Amount of \$1,175,972 and the 200 Debt Service Fund in the Amount of \$6,306,258 to Account for the Additional State Insurance Tax Proceeds Distributed to the Fire and Police Pension Funds As Well As Transfers of Debt Proceeds for the 1st Avenue South Parking Garage and Naples Pier Capital Projects; And Providing an Effective Date.

Title of the Resolution not read.

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

- 7.F) **RESOLUTION 2025-15768** A Resolution Amending the Fiscal Year 2025-26 Budget Adopted by Resolution 2025-15701 Appropriating Funds from the Unappropriated Fund Balances of the 350 One-Cent Sales Tax Fund in the Amount of \$830,735.90 for Upgrading the Span-Wire Intersection at 9th Street South and 10th Avenue South to Mast Arms as Set Forth Herein; And Providing an Effective Date.

Title of the Resolution not read.

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

- 7.G) **RESOLUTION 2025-15769** A Resolution naming a Public Dedicated Alley in Honor of Fallen Firefighter Anthony Christensen, Located between 8th Avenue South and 9th Avenue South, extending from 7th Street South to the West and approximately 350 Feet East of 10th Street South to the East behind the Parking Lot across from Fire Station 1, More Particularly Described Herein; Directing the City Manager to make all Appropriate changes to Effectuate the Named Alley; and Providing an Effective Date.

Title of the Resolution not read.

[Agenda Memorandum](#) [Resolution](#) [Notice Letter Christensen Way Oct 2025](#)

8) **OTHER**

None.

END OF CONSENT AGENDA

9) **PUBLIC HEARINGS**

None.

REGULAR AGENDA

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

None.

11) **BOARDS AND COMMITTEES**

- 11.A) **CLERK TRACKING 2025-00158** Consider Recommending Fred Sasser to the Metropolitan Planning Organization (MPO) Citizens Advisory Committee (CAC).

City Clerk Patricia Rambosk introduced the item, explaining that the City of Naples holds two allocated seats on the Metropolitan Planning Organization (MPO) Citizens Advisory Committee (CAC). She explained that one seat is held by Fred Sasser, whose current term expires January 17, 2026. She stated that Mr. Sasser has served two terms and remains eligible for reappointment. No additional applications were received, she noted. Pursuant to the CAC bylaws, she said nominations are recommended by the corresponding MPO Member and ratified by the MPO Board, and that Council Member Penniman, the City's MPO representative, recommended Mr. Sasser's reappointment. If approved by the City Council, City Clerk Rambosk said that the recommendation will be forwarded to the MPO Board for its December 11th meeting.

Mr. Sasser addressed the City Council, expressing appreciation for the opportunity to continue serving and noting the importance of transportation planning given the ongoing growth in the city and county.

MOTION by Petrunoff to RECOMMEND Fred Sasser for appointment as a City of Naples representative on the Citizens Advisory Committee of the Collier Metropolitan Planning Organization for a three-year term; seconded by

Hutchison and unanimously carried, all Members present and voting (Barton-yes, Christman-yes, Hutchison-yes, Kramer-yes, Penniman-yes, Petrunoff-yes, Heitmann-yes).

Agenda Memorandum Fred Sasser Application

11.B) *CLERK TRACKING 2025-00159 AND 2025-00160* Consider Appointing Two Commissioners to the Naples Airport Authority.

City Clerk Patricia Rambosk reported that applicant Peter Weidhorn withdrew his application for consideration, leaving nine applicants for two Naples Airport Authority (NAA) seats. She noted ballots were prepared and invited the City Council to discuss applicants.

City Attorney Matthew McConnell clarified that the ranked-order ballot process was adopted by the City Council on May 5, 2020 by Resolution 2020-14478 and remains the governing method for all board and committee appointments, including the NAA. He confirmed the process complies with the Naples Airport Authority Act and requires a final motion and affirmative vote of at least four City Council Members.

Council Member Penniman asked whether Resolution 2020-14478 could be rescinded. City Attorney McConnell confirmed that the City Council may change the method but emphasized that the existing process remains in effect unless formally replaced.

Vice Mayor Hutchison reviewed prior workshop questions regarding legal consistency. City Attorney McConnell reaffirmed that ranked-order voting is legally permissible and historically used even when filling multiple seats. He added that two separate motions are still required for the two available terms. City Attorney McConnell outlined a possible alternative method should the ranking system be rescinded: after discussion, each Council Member would identify their top three applicants, staff would note recurring names, and the City Council would proceed with motions. The process could be repeated for the second seat if needed, he added.

Council Member Kramer expressed concern about changing the method on the morning of the vote, citing optics, public confidence, and the need for procedural consistency. Council Member Barton said there is significant public concern that the ranked-order appointment process can be manipulated, noting that the previous NAA appointment appeared influenced by intentionally lowering certain applicants' rankings. He expressed openness to considering an alternative method if the City Council believes it will restore confidence.

Council Member Christman provided historical context, explaining that before 2020, appointments were effectively made by a random-draw method, similar to pulling names from a hat. He said the ranked-order system was adopted in 2020 as a good government reform intended to reduce bias. He stated, however, that increasing politicization, particularly regarding the Planning Advisory Board (PAB) and NAA, has undermined public trust. He noted growing concerns with the current system and suggested adopting a more direct and transparent method. He added that any new process adopted for the NAA should apply to all advisory boards and recommended that the City Attorney and Charter officials return with long-term procedural updates after that day's decision.

Council Member Barton suggested that the City Council should first identify a replacement process before rescinding the existing Resolution. Mayor Heitmann expressed the opinion that political influence has historically shaped all board appointments, regardless of methodology.

Council Member Petrunoff stated that although advisory board appointments are inherently political, her prior rankings reflected her genuine assessment of applicants focused on community impacts. She emphasized that differing viewpoints do not equate to manipulation and supported a more open discussion format to clearly explain Council Members' reasoning.

Mayor Heitmann noted that several Council Members expressed interest in rescinding the ranked-order system and requested that the City Attorney clearly outline the replacement process before taking any action.

Council Member Kramer asked whether the change constituted an “emergency,” stating he would support a revision if the goal were to restore public confidence in the process. Council Member Penniman affirmed that reasoning.

City Attorney McConnell summarized the proposed alternative: the City Council would discuss all applicants, then each Member would submit a written, unranked list of their top three applicants. The City Clerk would read the selections into the record, tally recurring names, and the City Council would proceed with motions until a candidate receives four affirmative votes, he added.

Vice Mayor Hutchison stated that maintaining the status quo should not be the goal and that the City Council should consider alternative methods to ensure the most qualified applicants are appointed. He noted community dissatisfaction with both recent NAA appointments and the current process, citing concerns about safety incidents at the airport, increased flight operations, and noise impacts. He expressed opposition to any form of ranking and suggested a direct approach in which Council Members discuss applicants, bring forward one name at a time, and vote until a candidate receives four affirmative votes. The same method would then apply to the second seat.

Council Member Kramer stated that selecting applicants one at a time would mirror the old “names from a hat” approach and supported the City Attorney’s recommended process: discussion first, followed by each Council Member submitting an unranked list of three applicants on a written ballot.

Consensus reached for City Council Members to discuss applicants and submit their top three names, without ranking order, for City Council to select two applicants (Hutchison dissenting).

Mayor Heitmann confirmed consensus for the “top three” method and noted that each ballot must include the Council Member’s name for public-record purposes.

Vice Mayor Hutchison asked whether submitting fewer than three names was allowed; City Attorney McConnell advised it would not be consistent with the agreed process. .

MOTION by Petrunoff to RESCIND Resolution 2020-14478; seconded by Christman and unanimously carried, all members present and voting (Christman-yes, Barton-yes, Kramer-yes, Petrunoff-yes, Penniman-yes, Hutchison-yes, , Heitmann-yes).

Council Members expressed a range of priorities in evaluating applicants. Council Member Barton focused on pragmatism, temperament, and collaboration, identifying Alberto, Arnold, Kobza, Joyce, Allen, and Melanson as strong applicants with valuable experience in aviation, engineering, and problem-solving. Council Member Penniman emphasized professionalism and industry knowledge, strongly supporting Alberto, Arnold, and Melanson and favoring new perspectives over long-time repeat applicants. Council Member Kramer supported narrowing the field by removing long-serving or less-aligned applicant, noting he would not advance Allen, McCabe, Cross, or Schumann and describing the remaining applicants as highly qualified. Council Member Christman praised Arnold’s transportation and government expertise and described Allen as exceptionally capable but questioned whether his assertive style fits the NAA’s need for collaboration, adding that Joyce, Schumann, and others had useful experience but ranked slightly below his top choices. Council Member Petrunoff prioritized addressing rising volume and noise and restoring strong compatibility planning, stressing the need for true change agents with specific, actionable solutions and a firm understanding of local governance. Vice Mayor Hutchison emphasized selecting applicants that will drive meaningful change, prioritizing

noise-reduction strategies, safety, resiliency, and service to the full community, concluding that McCabe was best positioned to deliver measurable progress. Mayor Heitmann said the NAA needs members who understand the enabling act, Comprehensive Plan, and local governance, and who will actively confront issues of noise, volume, and compatibility, acknowledging strengths in several applicants but concluding that McCabe alone offered the governance experience and leadership needed to implement overdue reforms.

City Clerk Rambosk then distributed ballots. After verification, three applicants, Ralph Alberto, Michele Arnold, and Michael McCabe, each received four votes for the two open seats.

MOTION by Barton to APPOINT Ralph Alberto to the Naples Airport Authority; seconded by Penniman and carried 4-3, all Members present and voting (Hutchison-no, Penniman-yes, Christman-yes, Barton-yes, Kramer-yes, Petrunoff-no, Heitmann-no).

MOTION by Hutchison to APPOINT Michael McCabe to serve on the Naples Airport Authority; seconded by Petrunoff; Motion withdrawn.

Council Members noted that three applicants received four votes each for two available seats. They agreed the initial motion created an unfair first-come advantage and did not reflect the intended process. After discussion, at City Attorney McConnell's suggestion, the City Council reconsidered the prior motion, withdrew it, and distributed another ballot to select the two finalists from the three applicants.

MOTION by Kramer to RECONSIDER the appointment of Ralph Alberto; seconded by Christman and carried 6-1, all Members present and voting (Christman-yes, Petrunoff-yes, Barton-yes, Kramer-yes, Hutchison-yes, Penniman-yes, Heitmann-no).

Council Members then agreed to distribute a new ballot listing the top three applicants, with each Council Member selecting two applicants, an approach that ensured a fair, uniform method for determining the final appointments. Council Members emphasized the need to pause, reset, and proceed correctly before continuing the selection process.

In the second ballot, Michele Arnold received six votes, Ralph Alberto five votes, and Michael McCabe three votes. The City Council then proffered two motions:

MOTION by Kramer to APPROVE CLERK TRACKING 2025-00159 appointing Michelle Arnold to the Naples Airport Authority for a four-year term commencing December 1, 2025 and expiring November 30, 2029; seconded by Hutchison and carried 6-1, all Members present and voting (Penniman-yes, Hutchison-yes, Petrunoff-yes, Barton-yes, Christman-yes, Kramer-yes, Heitmann-no).

MOTION by Barton to APPROVE CLERK TRACKING 2025-00160 appointing Ralph Alberto to the Naples Airport Authority for a four-year term commencing December 21, 2025 and expiring December 20, 2029; seconded by Petrunoff and carried 6-1, all Members present and voting (Petrunoff-yes, Hutchison-no, Christman-yes, Barton-yes, Kramer-yes, Penniman-yes, Heitmann-yes).

[Agenda Memorandum](#)  [Airport Authority - Alberto, Ralph](#) 
[Airport Authority - Allen, John](#)  [Airport Authority - Arnold, Michelle](#) 
[Airport Authority - Cross, John](#)  [Airport Authority - Joyce, Michael](#) 
[Airport Authority - Kobza, Craig](#)  [Airport Authority - McCabe, Michael](#) 
[Airport Authority - Melanson, Greg](#)  [Airport Authority - Schumann, Michael](#) 
[Airport Authority - Weidhorn, Peter](#)  [Airport Authority Act](#) 

[First Round Ballots \(Staff/Added Attachment\)](#)

[Second Round Ballots \(Staff/Added Attachment\)](#)

Recess: 11:33 a.m. to 11:47 a.m. It is noted for the record that the same Council Members were present when the meeting reconvened.

12) LAND USE MATTERS

12.A) *RESOLUTION 2025-15770* A Resolution Determining Nonconformity Petition 25-N4 Pursuant to Section 46-35 of the Code of Ordinances, City of Naples, to Allow for the Vertical and Horizontal Expansion of a Nonconforming Single-Family House on Property Located in the R1-15A Residence District at 2575 Half Moon Walk, Owned by Bernadette D.S. Watkins, More Fully Described Herein; Providing Findings and Conditions; and Providing an Effective Date.

City Attorney 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 / had not had contact; Barton / was familiar with the site, and had brief conversations with staff; Christman / had not had contact with the petitioner, was not familiar with the property, but did have a conversation with staff; Kramer / had talked with staff; Petrunoff / was familiar with the site, and not had contact; Hutchison / was familiar with the site, had been by the site, and had not had contact; and Heitmann / was familiar with the site, and had not had contact.

The petitioner's contractor, Hiram Siaba, utilized an electronic presentation to explain that the request is to elevate the existing single-family home at 2575 Half Moon Walk, which has flooded twice, by raising it within the same footprint to meet current flood elevation standards. He explained that the home was compliant when built in 1952 but now encroaches into updated side and rear setbacks. He claimed that no addition or expansion of square footage are proposed,

Planner Kimberly Nudi reviewed the agenda memorandum and noted that staff recommended approval with conditions that the residence remains under the maximum height limit, and will not adversely impact the neighborhood. She also noted the mechanical pad had been relocated to meet Code, and the Planning Advisory Board recommended approval by a vote of 5-2. She confirmed that the footprint was unchanged. The homeowner, Bernadette Watkins, shared her desire to preserve the original Port Royal home and its architectural history.

Public Comment: None.

MOTION by Hutchison to APPROVE RESOLUTION 2025-15770; seconded by Petrunoff 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](#)

[Staff Report](#)

[Application](#)

[Disclosure of Interest](#)

[Survey](#)

[Architectural Plans](#)

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

[Elevations](#)

[Credentials - Petitioner](#)

[Credentials - Staff](#)

[Public Notice Mailing Addresses](#)

[Noticing Statement 25-N4](#)

[7A - Correspondence \(Staff / Added Attachment\)](#)

[Affidavit of Sign Posting - Planning Advisory Board](#)

12.B) *RESOLUTION 2025-15771* 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 McConnell read the title of the Resolution. Planning Director Erica Martin clarified that approval of Item 12.B is required before Item 12.C is to be considered. 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 very familiar with the site, but had not had contact, and knows the petitioner well; Barton / was familiar with the site, had met the petitioner and had conversations with staff; Christman / was familiar with the site, had met with petitioners and the petitioner's representative, and had discussions with staff; Kramer / was familiar with the site, and had discussions with staff; Petrunoff / was familiar with the site, and had not had contact; Hutchison / was familiar with the site, had been a customer of the business, had spoken to the petitioner's agent, had discussions with staff, and had no other contact; and Heitmann / was familiar with the site, had spoken to the petitioner's agent, and had not had contact.

The petitioner, Angelo Arena, described the history of Moorings Plaza and the adjacent former Goodwill building, which he purchased and integrated into a combined 18,000 square foot center, with Jimmy P's occupying about 5,000 square feet. He explained that earlier concerns of residents on Mandarin Road led the owners to clean up and screen the rear of the center, move parking to the front, and later work with the Florida Department of Transportation (FDOT) and the City to secure additional parking to support the shopping center and future outdoor dining.

Traffic Engineer Norman Trebilcock from Trebilcock Consulting Solutions, utilized an electronic presentation to show a revised circulation and parking plan developed with City staff, including one-way circulation around the 1795 building, an adjusted turning radius, two-way flow through the main drive aisle, and use of compact spaces in front of the proposed outdoor dining area to discourage long trucks from parking there.

Senior Planner Jeffrey Brammer confirmed the history, prior continuance, and that the updated plans resolve earlier discrepancies and provide adequate parking to support all uses plus the pending outdoor dining request. He noted that the plan meets all Code requirements for aisle and stall dimensions and that total shared parking spans four contiguous parcels, the front and rear of the Moorings Plaza, a real estate office property, the City lot, and the FDOT leased area. He noted that the revised plan provides 94 spaces where 85 are required. He stated that the Planning Advisory Board (PAB) recommended approval by a vote of 4-3 with conditions which include; 1) the shared-parking agreement be recorded with the Collier County Clerk of Courts before expanded outdoor dining begins, 2) the petitioner obtain all City and FDOT approvals before making any access, circulation, or signage changes, and 3) the City retain the right to require future parking-lot modifications if problems arise.

Council Member Christman asked staff to confirm whether the revised traffic-circulation plan was the best and safest option for the site. In response, Deputy City Engineer Alison Bickett said she reviewed the plan with Norman Trebilcock, suggested several adjustments, and is satisfied the updated layout is the best scenario given existing site constraints. She noted the plan meets Code for a 24-foot two-way aisle, preserves two-way traffic, incorporates compact spaces to improve circulation near the outdoor dining area, and allows the City to require future adjustments if problems arise. She added that the FDOT temporary-use area will expire in 2027, at which point additional refinement may be needed.

Council Member Petrunoff raised concerns about truck parking, safety, and enforcing compact-only spaces. Traffic Engineer Bickett explained that the compact stalls meet full-size Code dimensions but are labeled "compact" to discourage oversized trucks. Enforcement would rely on the property owner, she noted. Traffic Engineer Trebilcock added that the designation serves as a deterrent and that employees can ask drivers to move if needed.

Additional questions from Council Members Petrunoff, Hutchison, and Kramer focused on stall lengths, aisle widths, and whether the plan meaningfully improves traffic flow. Planning Director Martin confirmed the layout meets Code, includes longer stalls near the building, and improves turning radii due to relocation of one parking space.

Vice Mayor Hutchison asked whether the site plan included bicycle parking. Traffic Engineer Trebilcock explained that bike parking is provided behind the building, though not shown on the plan.

Public Comment: Gary Cooper, PAB alternate member, but speaking as a citizen that day, expressed concern about ongoing safety and congestion, stating his view that one-way circulation in front of the building would better control driver behavior than the proposed two-way plan.

In closing, Mr. Arena emphasized the success of the added FDOT-approved parking and the benefits of outdoor dining in improving customer turnover. Traffic Engineer Trebilcock concluded by requesting approval and stated that the petitioner would follow all staff recommendations and the applicable Code criteria in Section 50-102(b)(2).

Before a motion was proffered, Council Member Barton disclosed that Mr. Arena is an insurance client of his, unrelated to this property, and affirmed it would not influence his impartial vote.

MOTION by Kramer to APPROVE RESOLUTION 2025-15771 including staff's three conditions; seconded by Penniman 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](#)  [Staff Report - PAB](#) 
[Application - NEW](#)  [Disclosure of Interest - Property Owner](#)  [Warranty Deed](#) 
[Survey](#)  [Aerial](#)  [Site Plan - NEW](#)  [Parking Numbers - NEW](#) 
[Future Access Concept - NEW](#)  [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](#)  [Petitioner's Credentials](#) 
[Credentials - Staff](#)  [Public Notice Mailing Addresses](#)  [Correspondence](#) 
[Affidavit of Sign Posting](#)  [Affidavit of Sign Posting](#)  [Affidavit of Sign Posting NEW](#) 
[Petitioner Presentation](#) 

12.C) RESOLUTION 2025-15772 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 McConnell read the title of the Resolution. This being a quasi-judicial proceeding, Notary Public Ali Duran 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 very familiar with the site, but had not had contact; Barton / was familiar with the site, and had conversations with staff; Christman / was familiar with the site, and had discussions with staff; Kramer / was familiar with the site, and had discussions with staff; Petrunoff / was familiar with the site, and had not had contact; Hutchison / was familiar with the site, had been a customer of the business, had spoken to the petitioner's agent, had discussions with staff, and had no other contact; and Heitmann / was familiar with the site, had spoken to the petitioner's agent, and had not had contact.

Petitioner's agent, Thomas Scangarello, Professional Planner at Scangarello, LLC., stated that the outdoor dining and conditional use applications were intended to move forward together as companion items, but the process diverged when new parking materials were submitted to staff by Mr. Arena's team without his knowledge. He said this resulted in parts of his original submittal being removed, including expert testimony supporting one-way traffic for safety, an issue he believed the Planning Advisory Board (PAB) considered critical.

Planner Scangarello expressed concern that PAB's recommendations and City Council's established submittal guidelines were not fully respected. Despite this, he emphasized that the outdoor dining request complies with the Code, the life-safety plan, and the Fire Department's requirements. He then highlighted improvements made to the outdoor dining plan, including an awning, new landscaping and planters, a widened three-foot clearance along the building, and an opening in the planter wall in response to Vice Mayor Hutchison's request for a safer exit pathway to the parking lot. He clarified that the request is for five tables and 20 seats and meets all staff standards. He concluded that while broader parking lot safety concerns will not be addressed due to the earlier conditional-use vote, the outdoor dining plan stands on its merits and should be approved.

Senior Planner Jeffrey Brammer explained that the second petition, outdoor dining for Jimmy P's Charred, is what triggered the need for the conditional-use parking approval the City Council previously granted. The request, he said, is for five tables and 20 chairs in a 360-square-foot area in front of the restaurant, screened by planters. He noted the Fire Department reviewed and approved the life-safety plan, and that outdoor dining over 100 square feet requires two additional parking spaces, which have been satisfied. He recommended one remaining condition: limit outdoor dining to 360 square feet, five tables, and 20 chairs, as shown in the life-safety plan, with any future changes requiring City Council approval.

Public Comment: None.

MOTION by Penniman to APPROVE RESOLUTION 2025-15772 subject to including Condition No. One and Removing Condition No. Two; seconded by Hutchison 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](#)  [Application](#)  [Proof of Ownership](#) 
[Disclosure of Interest - Property Owner](#)  [Warranty Deed](#)  [Survey](#) 
[Aerial](#)  [Architectural Plans](#)  [Landscape Plans](#)  [Life Safety Plans](#) 
[Credentials - Petitioner](#)  [Credentials - Staff](#)  [Public Notice Mailing Addresses](#) 
[Affidavit of Sign Posting](#)  [Affidavit of Sign Posting](#)  [Affidavit of Sign Posting NEW](#) 
[Petitioner's Presentation](#) 

Recess: 1:05 p.m. to 1:34 p.m. It is noted for the record that the same Council Members were present when the meeting reconvened.

12.D) RESOLUTION 2025-15773 A Resolution Determining Variance Petition 25-V5 Pursuant to Sections 46-37, 56-41, 56-45, and 56-54 of the Code of Ordinances, City of Naples, to Allow a Variance for an Encroachment into the Front Yard Setback for the Purpose of Installing a Swimming Pool, Pool Deck, and Pool Mechanical Equipment on Property Owned by Kristin Frooshani and Jason Frooshani and Located at 1275 8th Avenue North; More fully Described Herein; Providing Findings and Conditions; Providing for Scrivener's Errors; and Providing an Effective Date.

City Attorney 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: Kramer / had discussions with staff; Petrunoff / was familiar with the site, and had not had contact; Christman / had not had contact, and had talked to staff; Barton / had communications with staff; Penniman / had not had contact, and drove by the site; Hutchison / was familiar with the site, drove by the site, and had not had contact; and Heitmann / drove by the site, and had not had contact.

Kristin Frooshani, homeowner of 1275 8th Avenue North, utilized an electronic presentation to provide an overview of a variance request to allow a swimming pool, pool deck, and pool equipment to encroach into the required front-yard setbacks. She explained that the property has

three front yards and no rear yard, creating a hardship that prevents pool placement under the current Code, and the home, built in 1953, complied with regulations at the time. She further explained that strict application of today's standards would prohibit any pool installation, a hardship not shared by neighboring lots. She noted that the initial plan located the pool equipment on the east side, but the revised plan, based on Planning Advisory Board (PAB) recommendations, relocates the equipment to the west side to meet setback requirements. She said the improvements maintain neighborhood compatibility, support the Comprehensive Plan, and do not negatively affect health, safety, or welfare of the community.

Senior Planner Jeffrey Brammer explained that the property is located within the R1-75 Zoning District and that the corner-lot configuration creates three 25-foot front setbacks, with one previously reduced to 20 feet for a 1996 garage addition. He said the proposed pool would encroach approximately 7.5 feet into the east front setback and 17.5 feet into the north front setback, although the encroachments do not exceed the home's existing wall lines. He confirmed that the revised plan places the mechanical equipment in full compliance. He noted that the PAB recommended approval by a vote of 6-1 with three conditions, and explained that the first two remained applicable to the Resolution before the City Council. The third condition, requesting that the petitioner consider relocating the pool equipment to a compliant setback, had already been satisfied, as shown in the revised plan. Therefore, he suggested that the City Council did not need to include that condition. He stated that the remaining conditions were: 1) the variance applies only to the pool, pool deck, and pool equipment and does not extend to additions, new structures, or other improvements; and 2) at the conclusion of construction and prior to final inspections, a landscape architect must provide a letter of compliance confirming that the installed hardscape and landscape are consistent with the approved plans, including any screening.

Public Comment: None.

MOTION by Kramer to APPROVE RESOLUTION 2025-15773 subject to the following: 1) including staff's conditions; and 2) approving the revised site plan; seconded by Barton and carried 6-1, all Members present and voting (Petrunoff-yes, Kramer-yes, Hutchison-no, Penniman-yes, Christman-yes, Barton-yes, Heitmann-yes).

[Agenda Memorandum](#)  [Resolution](#)  [Staff Report PAB](#)  [Application](#) 
[Disclosure of Interest - Property Owner](#)  [Warranty Deed](#)  [Survey](#)  [Aerial](#) 
[Site Plan](#)  [3D Rendering 1](#)  [3D Rendering 2](#)  [Pool Builders Literature](#) 
[Pool Specifications](#)  [Proposed elevations](#)  [Zoning Letter - 2015](#) 
[Credentials - Staff](#)  [Public Notice Mailing Addresses](#)  [Public Noticing Statement](#) 
[Affidavit of Sign Posting](#)  [7C - Presentation \(Petitioner/Added Attachment\)](#) 
[Petitioner's Presentation - REVISED](#) 

13) OLD BUSINESS

None.

14) NEW BUSINESS

14.A) *RESOLUTION 2025-15774* A Resolution Determining Public Art Petition 25-Pa1 for the Placement of Public Art in Designated Locations Throughout the Naples Beach Club Site and the Reimbursement of The Public Art Fee Pursuant to Section 46-42 of the City of Naples Code of Ordinances on Property Owned by Naples Beach Club Land Trust Trustee, LLC, and Located at 851, 852, 861 Gulf Shore Boulevard North, More Fully Described Herein; 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: Kramer / had studied the packet materials, and had not had contact; Petrunoff / had not had contact; Hutchison/ was familiar with the site, had been to the site, but had not had contact; Christman / was familiar with the site, but had not had contact; Barton / was familiar with

the site, and had a brief conversation with staff; Penniman / was familiar with the site, but had not had contact; and Heitmann / was familiar with the site, and had not had contact.

Tim McCarthy, Managing Partner at Hart Howerton, utilized an electronic presentation to briefly review the evolution of the Four Seasons / Naples Beach Club project and introduced Wright Harvey of Sugar Lift to present the property's exterior public art program, emphasizing that the artwork is intended to reflect Naples' ecology, history, and culture and to tie into conservation themes carried throughout the hotel's interiors. Mr. Harvey, noting that he grew up in Naples, described a six-piece public art program placed in publicly accessible areas from the beach to Market Square, including several wildlife bronzes by David Turner, including Florida's shell, waterfowl, and "Henry the Pelican", and a contemporary stainless-steel and Corten steel sculpture, "Samare," by French artist Guillaume Castell. He explained that the horse conch sculpture, Florida's state shell, is designed to serve as a symbol of conservation. In addition, he noted that each work will include interpretive plaques and QR codes linking to educational content and local partners, and that the "Samare" sculptor would be oriented so that its reflective surface would not face Gulf Shore Boulevard or the golf course for safety and glare reasons.

Council Members thanked Mr. Harvey and Mr. McCarthy for the depth and storytelling of the program, praised the conservation and educational focus, and noted appreciation that a Naples native was involved. Several members commented that the program demonstrates a higher and more creative use of the public art requirement than simply paying into the fund or installing "ordinary" pieces.

Planning Director Erica Martin explained that Section 46-42 of the City of Naples Code of Ordinances allows projects with new non-residential square footage to either pay into the Public Art Fund or install on-site art. She noted that the Naples Beach Club had already paid approximately \$465,373 into the fund for the hotel, HB's/Sunset Beach Bar, and Market Square permits, and is now seeking approval of an on-site public art program whose total value exceeds that amount at the owner's expense. She noted that all pieces are located on private property but in publicly accessible areas, that the Design Review Board (DRB) previously recommended approval, and that the proposed single condition would ensure the "Samare" piece is oriented, so it does not create a life-safety hazard related to glare.

Public Comment: Lori Thorne, on behalf of the Conservancy of Southwest Florida, expressed support for the program, emphasizing its ability to connect art, conservation, and public education, particularly through the horse conch piece and linked educational content. **Joanne Smallwood** spoke in support of David Turner's work, outlining his long history in Naples public spaces and conservation-related sculptures.

MOTION by Hutchison to APPROVE RESOLUTION 2025-15774 subject to adding staff's condition; seconded by Barton and unanimously carried, all Members present and voting (Kramer-yes, Christman-yes, Petrunoff-yes, Barton-yes, Hutchison-yes, Penniman-yes, Heitmann-yes).

[Agenda Memorandum](#)  [Resolution](#)  [DRB Staff Report](#) 
[Public Art Application](#)  [Disclosures of Interest](#) 
[Plat - The Naples Beach Club - Recorded 10-6-2020](#) 
[Naples Beach Club Public Art Program](#) 
[Naples Beach Club - Addressing and permit numbers](#) 
[Naples Beach Club - Public Art Program Budget - NBC budget](#) 
[Credentials - Petitioner](#)  [Credentials - Planning Department](#) 
[Public Notice Mailing Addresses](#)  [Affidavit of Sign Posting \(DRB Hearing\)](#) 
[Petitioner's Presentation - Naples Beach Club Public Art Program NCC Hearing](#) 

14.B) Announcement of Executive Session regarding Riccardo, Theresa v. City of Naples, Case No. 24-CA-002400, 20th Judicial Circuit, in and for Collier County, Florida.

City Attorney Matthew McConnell read the public notice of a request to schedule an Executive Session on December 10, 2025, at 12:30 p.m. for the purpose of providing advice and discussing settlement negotiations and litigation expenditures related to *Riccardo, Theresa v. City of Naples, Case No. 24-CA-002400, 20th Judicial Circuit, in and for Collier County, Florida*.

[Agenda Memorandum](#)  [Public Notice](#) 

ORDINANCES

15) FIRST READING ORDINANCES

15.A) *FIRST READING* An Ordinance Amending Section 30-336 Stormwater Management Utility Fees Set Forth in Appendix “A” Fees and Charges Schedule of the Code of Ordinances, City of Naples, To Reflect a Four-Year Annual Rate Adjustment; Providing for Codification; Conflicts; Severability; Correction of Scrivener’s Errors; Construction; Publication; And an Effective Date.

City Attorney Matthew McConnell read the title of the Ordinance. City Manager Gary Young stated that the item is a continuation of the workshop discussion regarding the proposed four-year implementation of stormwater rate increases for the replacement of stormwater infrastructure over time, adding that this hearing represents the first reading of the Ordinance.

Public Comment: None.

MOTION by Hutchison to APPROVE ITEM 15.A AT FIRST READING; seconded by Penniman and unanimously carried, all Members present and voting (Kramer-yes, Barton-yes, Penniman-yes, Hutchison-yes, Petrunoff-yes, Christman-yes, Heitmann-yes).

[Agenda Memorandum](#)  [Ordinance- First Reading](#) 

[Naples Business Impact Estimate](#) 

16) SECOND READING ORDINANCES

None.

17) PUBLIC COMMENTS

None.

18) COMMUNICATIONS FROM MAYOR, CITY COUNCIL, AND STAFF

Council Member Kramer addressed earlier public comments comparing Naples to Miami, stating that such comparisons are exaggerated. He noted that Miami in 1940 had 8,100 buildings over 50 feet in height within 20.3 square miles and a population of 172,172, whereas Naples is 12.3 square miles and much less dense. He also spoke about aviation safety, citing National Transportation Safety Board data showing aircraft accidents are at historic lows in November 2025 and that perceived increases stem from media amplification rather than actual trends. He then commented on airport strategy, saying that Congressman Byron Donalds’ gubernatorial run leaves an open congressional seat that may draw 12 to 14 candidates. He suggested that Naples’ 18,000 residents could collectively influence that race and seek a candidate willing to support City efforts with the FAA to reduce flight frequency. He noted that the election timeline gives the City time to coordinate.

Council Member Christman referenced the earlier concern raised by Ms. Rudd regarding communication about the Cambier Park playground closure and noted he received similar questions from residents. He encouraged staff to provide clear updates. City Manager Gary Young explained that temporary signs were installed and that a purchase order was issued last week to hire a contractor to remove the existing playground equipment. He added that permanent signage will be installed afterward. He also asked staff to review concerns raised about Bayview Park.

Council Member Barton expressed support for improved communication at Cambier Park, suggesting the placement of QR codes linking to project details.

Vice Mayor Hutchison noted that a resident suggested exploring sponsorship opportunities for the large safety planters, should the City move forward with that option in Cambier Park. He also noted comments made years ago by Miami Mayor Suarez, who expressed regret about excessive density in Brickell, and said Naples should remain mindful of such outcomes.

Mayor Heitmann observed that Bayview Park is a County facility and referenced the interlocal agreement used for pier-material storage. She extended holiday well-wishes, and the meeting was adjourned.

19) ADJOURNMENT

2:39 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: 12/10/2025.