City of Marco Island Florida

51 Bald Eagle Drive
Marco Island, Florida
cityofmarcoisland.com

Meeting Minutes - Final

Monday, January 8, 2024

5:30 PM

Community Meeting Room

City Council

Chair: Jared Grifoni
Vice-Chair: Erik Brechnitz

City Council: Rich Blonna,
Greg Folley, Becky Irwin,
Darrin Palumbo, Joe Rola

City Manager: Mike McNees
Assistant City Manager: Casey Lucius
City Attorney: Alan L. Gabriel
City Clerk: Joan Taylor

1. Call to Order

Chair Grifoni called the meeting to order at 5:30 P.M.

2. Roll Call

Present: 7 - Councilor Blonna, Vice-Chair Brechnitz, Councilor Folley, Councilor Irwin, Councilor Palumbo, Councilor Rola and Chair Grifoni

Also Present

Michael McNees, City Manager
Casey Lucius, Assistant City Manager
Joan Taylor, City Clerk
Alan L. Gabriel, City Attorney
Chris Byrne, Fire Chief
John Wallace, Police Captain
Guillermo Polanco, Finance Director
Daniel J. Smith, Community Affairs Director
Justin Martin, Public Works Director
Jose Duran, Information Technology Director
Jeff Poteet, Water & Sewer General Manager
Raul Perez, Chief Building Official
Angela Johenning, Purchasing & Risk Manager
Mary Holden, Senior Planner
Kelli DeFedericis, Flood Plain Coordinator
Martin Luna, Video/Broadcast Technician
Jim Kornas, Recording Specialist
Citizens and Visitors

3. Invocation

Offered by Pastor Casey Nowlin of The Family Church.

4. Pledge of Allegiance

Led by Chair Grifoni.

5. Approval of the Agenda

MOTION by Vice-Chair Brechnitz, seconded by Councilor Irwin, that the Agenda be Approved. MOTION CARRIED BY THE FOLLOWING VOICE VOTE:

Yes: 7 - Councilor Blonna, Vice-Chair Brechnitz, Councilor Folley, Councilor Irwin, Councilor Palumbo, Councilor Rola and Chair Grifoni

6. Approval of the Minutes

ID 23-3175 Approval of the City Council Meeting Minutes of December 4, 2023

MOTION by Councilor Folley, seconded by Councilor Palumbo, that the City Council Meeting Minutes of December 4, 2023 be Approved. MOTION CARRIED BY THE FOLLOWING VOICE VOTE:

Yes: 7 - Councilor Blonna, Vice-Chair Brechnitz, Councilor Folley, Councilor Irwin, Councilor Palumbo, Councilor Rola and Chair Grifoni

7. Approval of Consent Agenda

Councilor Rola requested that Agenda Item 7c. (Resolution - Approving the Use of the Parking Lot Located at the Jewish Congregation of Marco Island), and Agenda Item 7d. (Authorize the City Manager to Issue a Purchase Order ... for the Purchase of Four Ancillary Equipment Systems) be removed from the Consent Agenda. [Note: Both Items are now recorded in these Minutes under Agenda Item 13 (Items Removed From The Consent Agenda]

MOTION by Councilor Folley, seconded by Councilor Rola, that the Consent Agenda be Approved as Amended. MOTION CARRIED BY THE FOLLOWING VOICE VOTE:

Yes: 7 - Councilor Blonna, Vice-Chair Brechnitz, Councilor Folley, Councilor Irwin, Councilor Palumbo, Councilor Rola and Chair Grifoni

[Approval of the Consent Agenda Passed the Routine Items Listed Below]

a. ID 23-3260 Resolution - Appointment of Elena J. McFann to the Audit Advisory Committee - Joan Taylor, City Clerk

b. ID 23-3288 Resolution - Approving the 2023 State of Florida Statewide Mutual Aid Agreement - Chris Byrne, Fire Chief, Fire-Rescue Department

e. ID 23-3337 Approval of a Lease Agreement Providing Space within Fire Station 50 to the Collier County Board of County Commissioners for the Purposes of Co-locating a Collier County EMS Ambulance and Crew Members and Authorizing the City Manager to Execute the Agreement - Chris Byrne, Fire Chief, Fire-Rescue Department

f. ID 23-3348 Approving a Purchase Order to Coastal Engineering and Surveying Services, in the Amount of $61,970 for the Hideaway Beach Erosion Control Project 2024 Annual Monitoring - Justin Martin, P.E., Director, Public Works

g. ID 23-3362 Award of Contract - Cloud Based Phone System (RingCentral) $34,211.98./Year - Three Year (3-Year) Agreement ($102,635.94) - Jose Duran, I.T. Director, Information Technology

h. ID 23-3347 Award of Auditing Services Contract to CliftonLarsonAllen LLP for Auditing of the City of Marco Island Financial Statements, not to Exceed $80,000 - Angela Johenning, Purchasing & Risk Manager

8. Proclamations and Presentations

a. ID 23-3265 Employee Service Awards:
Jesse Hayes - 5 Years
Robert Marvin - 10 Years

Sergio DeLeon - 15 Years
Edward Cabal - 15 Years
Lori Rizzo - 20 Years

City Manager McNees recognized and called forward the City employees noted above to receive their appreciation of service recognition certificate and pin as presented by City Council Chair Jared Grifoni.

Each individual received a warm round of applause from all present.

b. ID 23-3360 Presentation - Traffic Study for Intelligent Transportation System - Trebilcock Consulting Solutions, P.A. - Justin Martin, P.E., Director, Public Works

Public Works Director Justin Martin introduced Mr. Norman Trebilcock, President, Trebilcock Consulting Solutions PA, and Mr. Phillip Kurth, Vice President of Operations, Florida Transportation Engineering, Inc., who together with Director Martin, presented the results and recommendations from the City's 2023 Peak Season Traffic Study of the Island's 10 signaled and 7 non-signaled intersections.

Public Comment

Mr. Michael Josephs (Wintergreen Ct.) raised concern with pedestrian safety as cars turning left (southbound) from San Marco Road onto Collier Boulevard encounter pedestrians crossing the street at that intersection.

Next Steps

With the Council's review and understanding of the Study's results and recommendations now complete, Public Works Director Martin will proceed to solicit construction cost estimates and grant funding opportunities to address the Study's highest impact intersection improvement project (i.e. North Collier Boulevard at North Barfield Drive) and review it with the Council prior to the development of the City's budget for the 2024 - 2025 Fiscal Year.

9. Citizens' Comments on Agenda Items Not Scheduled for Public Hearing and Items Other Than Those Appearing on the Agenda

No members of the public came forward to offer comment during this portion of the Agenda.

10. Quasi-Judicial Public Hearing

None.

11. Ordinances

A. Public Hearings

1. ID 23-3333 Ordinance - Second Reading - Referendum Amendments to the Charter of the City of Marco Island to Provide for an Increase in Salary for the Chairman and Council Members - Chairman Jared Grifoni

City Clerk Joan Taylor read Ordinance 24-01 into the record by title only.

City Attorney Alan Gabriel advised the Council that their draft of Ordinance 24-01 did not include an intended footnote identifying that struck-through text in the document represented

deletions from the First Reading of the Ordinance on December 4, 2023, and that underlined text in the document represented additions to the Ordinance since its December 4th First Reading. He requested that the Council recognize this as an amendment in any Motion to approve Ordinance 24-01 on Second Reading.

No members of the public came forward to offer comment.

MOTION by Councilor Folley, seconded by Councilor Blonna, that Ordinance 24-01 - Referendum Amendments to the Charter of the City of Marco Island to Provide for an Increase in Salary for the Chairman and Council Members be Approved on Second Reading with identified footnotes. MOTION CARRIED BY THE FOLLOWING VOTE:

Yes: 5 - Councilor Blonna, Councilor Folley, Councilor Irwin, Councilor Palumbo and Chair Grifoni

No: 2 - Vice-Chair Brechnitz and Councilor Rola

2. ID 23-3334 Ordinance - Second Reading - Referendum Charter Amendment Change in the Title of the Chief Elected Officers from Chairman and Vice-Chairman to Mayor and Vice-Mayor - Chairman Jared Grifoni

City Clerk Joan Taylor read Ordinance 24-02 into the record by title only.

City Attorney Alan Gabriel noted that his request regarding the missing footnote in the Council's action on Ordinance 24-01 (Agenda Item 11(A)1) should also be recognized as an amendment in any Motion to approve Ordinance 24-02 on Second Reading.

Public Comment

Mr. Chris Hansen (Shenandoah Ct.) requested that the Council consider outlining the specific duties of the Mayor and Vice-Mayor positions prior to approving Ordinance 24-02 on its Second Reading. [Editorial Note: Chair Jared Grifoni responded by noting that the duties of the Mayor and Vice-Mayor are unchanged and identical to the duties of the City Council Chair and Vice-Chair as noted in the City's Charter]

MOTION by Councilor Folley, seconded by Councilor Irwin, that Ordinance 24-02 - Referendum Charter Amendment changing the titles of the City Council's Chief Elected Officers from: 1) "Chairman" and "Vice-Chairman" to "Mayor" and "Vice-Mayor" and; 2) with amendment of Section 3.04 General Provisions to reflect the service terms of each office to be one year (rather than two years) at the first meeting following the Council election in 2024 and every year thereafter, be Approved on Second Reading along with the identified footnotes. MOTION CARRIED BY THE FOLLOWING VOTE:

Yes: 6 - Councilor Blonna, Vice-Chair Brechnitz, Councilor Folley, Councilor Irwin, Councilor Palumbo and Chair Grifoni

No: 1 - Councilor Rola

3. ID 23-3335 Ordinance - Second Reading - Health Freedom Bill of Rights - Councilor Greg Folley

City Clerk Joan Taylor read Ordinance 24-03 into the record by title only.

Councilor Folley briefly thanked the Council for supporting his initiative to craft a Health Freedom Bill of Rights for Marco Island's citizens.

Public Comment

Dr. Richard Schroeder (Naples) outlined the risks of mRNA technology, and he referenced Florida Surgeon General Dr. Joseph A. Ladapo's December 6, 2023 letter of concern to United States Food and Drug Administration (FDA) Commissioner Dr. Robert M. Califf, and U.S. Center for Disease Control and Prevention (CDC) Director Dr. Mandy Cohen.

Ms. Jill Kiley (Cutler Ct.) indicated her support of the proposed Health Freedom Bill of Rights, and she provided three documents for the public record referenced in Dr. Schroeder's comments. [Editorial Note: the documents provided by Ms. Kiley can be found on www.cityofmarcoisland.com under Our Government > Agendas and Minutes > City Council 1/8/2024 > Meeting Details]

MOTION by Councilor Blonna, seconded by Vice-Chair Brechnitz, that Ordinance 24-03 - Health Freedom Bill of Rights, be Approved on Second Reading. MOTION CARRIED BY THE FOLLOWING VOTE:

Yes: 7 - Councilor Blonna, Vice-Chair Brechnitz, Councilor Folley, Councilor Irwin, Councilor Palumbo, Councilor Rola and Chair Grifoni

B. First Readings

1. ID 23-3281 Ordinance - First Reading - Proposed Changes to Land Development Code (LDC) Regarding Floodplain - Kelli DeFedericis, CFM, Floodplain Coordinator, Community Affairs - Growth Management

City Clerk Joan Taylor read the Ordinance into the record by title only.

Ms. Kelli DeFedericis, City of Marco Island Flood Plain Coordinator, came forward to address questions from members of the Council.

No members of the public came forward to offer comment.

MOTION by Councilor Folley, seconded by Councilor Irwin, that the proposed Ordinance implementing changes to the Land Development Code (LDC) resulting from the new Flood Insurance Rate Maps (FIRM) issued by FEMA (Federal Emergency Management Agency) and consistent with the language of the State of Florida model ordinance, be Approved on First Reading. MOTION CARRIED BY THE FOLLOWING VOTE:

Yes: 7 - Councilor Blonna, Vice-Chair Brechnitz, Councilor Folley, Councilor Irwin, Councilor Palumbo, Councilor Rola and Chair Grifoni

2. ID 23-3291 Ordinance - First Reading - Proposed Ordinance for Adoption of the Latest Edition of the Florida Building Code - Raul Perez, Chief Building Official

City Clerk Joan Taylor read the Ordinance into the record by title only.

City of Marco Island Chief Building Official Raul Perez addressed questions from members of the Council. City Attorney Alan Gabriel also provided clarification regarding the repeal and

replacement of language in the City's Code to align with the State of Florida Building Code.

No members of the public came forward to offer comment.

MOTION by Vice-Chair Brechnitz, seconded by Councilor Palumbo, that the proposed Ordinance for Adoption of the Latest Edition of the Florida Building Code be Approved on First Reading. MOTION CARRIED BY THE FOLLOWING VOTE:

Yes: 7 - Councilor Blonna, Vice-Chair Brechnitz, Councilor Folley, Councilor Irwin, Councilor Palumbo, Councilor Rola and Chair Grifoni

12. Resolutions & City Council Items

None.

13. Items Removed from the Consent Agenda

7c. ID 23-3344 Resolution - Approving the use of the Parking Lot Located at the Jewish Congregation of Marco Island, 991 Winterberry Drive, Marco Island, Florida for Community Events and for an Additional Twenty-Eight (28) Day Extension for Community Events - Samantha Malloy, Manager, Parks, Recreation & Culture

City Clerk Joan Taylor read Resolution 24-03 into the record by title only.

Councilor Rola, as the Councilor requesting that this item be removed from the Consent Agenda, initiated and precipitated a number of questions by members of the Council regarding the City's process for evaluating and granting parking lot utilization extension requests for community events. Community Affairs Director Daniel Smith, along with City Manager Mike McNees, provided response and insight.

Public Comment

Mr. Michael Josephs (Wintergreen Ct.) encouraged the Council to allow the citizens of Marco Island to speak on this issue.

Ms. Sheelah Yawitz (N. Collier Blvd.) cautioned the Council to remain vigilant regarding potential attempts to circumvent the current restrictions on paid public beach parking along the Collier Boulevard corridor.

MOTION by Councilor Irwin, seconded by Councilor Blonna, that Resolution 24-03, Approving the Use of the Parking Lot Located at the Jewish Congregation of Marco Island, 991 Winterberry Drive, Marco Island, Florida for Community Events and for an Additional Twenty-Eight (28) Day Extension for Community Events, be Approved. MOTION CARRIED BY THE FOLLOWING VOTE:

Yes: 4 - Councilor Blonna, Councilor Irwin, Councilor Palumbo and Chair Grifoni

No: 3 - Vice-Chair Brechnitz, Councilor Folley and Councilor Rola

7d. ID 23-3346 Authorize the City Manager to Issue a Purchase Order to Lightning Fleet Solutions for the Purchase of 4 Ancillary Equipment Systems for 4 Police Vehicles in the Amount of $102,648.00 - Tracy Frazzano, Police Chief, Police Department

Council Rola raised several questions regarding the City's process for migrating police vehicle upfit

equipment from retired vehicles to new vehicles. Police Captain John Wallace provided responses to Councilor Rola's questions.

No members of the public came forward to offer comment.

MOTION by Councilor Rola, seconded by Councilor Palumbo, that Authorization of the City Manager to Issue a Purchase Order to Lightning Fleet Solutions for the Purchase of 4 Ancillary Equipment Systems for 4 Police Vehicles in the Amount of $102,648.00, be Approved. MOTION CARRIED BY THE FOLLOWING VOTE:

Yes: 7 - Councilor Blonna, Vice-Chair Brechnitz, Councilor Folley, Councilor Irwin, Councilor Palumbo, Councilor Rola and Chair Grifoni

14. Council Communications & Future Agenda

Councilor Blonna requested an update on the status of candidates who have self-nominated to be considered for membership on the City's planned Ad Hoc Business Development and Re-Development Advisory Committee. [Editorial Note: Following a brief conversation with City Clerk Joan Taylor, Chair Grifoni requested that the City re-post the opportunity for a period of four weeks]

Councilor Folley commended the City's Fire Rescue and Building Services teams for their collaborative and cooperative effort in working with the Monterrey Condominium management and reconstruction teams at Cape Marco in readying the affected towers for re-occupancy following its October 16, 2023 electrical incident.

Vice-Chair Brechnitz recalled his interrogatory regarding the replacement and funding of the Police and Community Room Building's Outdoor Air System (Consent Agenda Item 8c.) at the December 4, 2023 City Council Meeting. City Manager McNees clarified that the item will be funded from the reserve of the one-cent sales tax fund.

Councilor Palumbo read portions of a complimentary email praising the response by the Marco Island Police and Fire Rescue teams that he received from a Marco Island resident. He also, in referencing the Traffic Study presentation received by Council earlier in the evening (Agenda Item 8b.), expressed uneasiness with GPS tracking devices capturing the movement of vehicles on the Island. Later, during the City Manager's Report, Councilor Palumbo also asked Councilor Blonna for insight on the proper procedure for interested citizens to have their property parcels considered for purchase and habitat protection by Conservation Collier.

Councilor Rola and Chair Grifoni provided updates on topics currently ascribed to them on the Council's Future Agenda (see Future Agenda Items below), and Chair Grifoni asked City Manager McNees to extend an invitation to representatives from LCEC to address hurricane-related electrical utility performance issues with the Council.

ID 23-3081 Future Agenda Items

Councilor Palumbo requested that a Microtransit Traffic Services presentation by Slidr, Inc. be added to the Council's Future Agenda.

Councilor Blonna requested that he assume responsibility for the Trolley presentation currently ascribed to Councilor Palumbo on the Council's Future Agenda.

Councilor Rola advised the Council that his existing County Water Quality Test Status & Reporting topic on the Future Agenda will come forward for Council review after the Waterways Advisory Committee's upcoming Goal Setting Workshop.

Chair Grifoni requested that two of his topics on the Council's Future Agenda: 1) LCEC Underground Line

Presentation, and; 2) Gas Station Generator Education Report, be removed from the Future Agenda.

[Editorial Note: During Agenda Item 17 (City Attorney's Report), City Attorney Alan Gabriel was asked to prepare and bring forward a State of Florida Form 6 Injunction Petition Resolution for Council consideration at a future meeting of the City Council]

15. Council Reports

None.

16. City Manager's Report

City Manager Mike McNees updated the Council regarding: 1) his discussion with a vendor promoting the installation and use of surveillance cameras on the Island; 2) the City's recent reminder to City Committee members of the meeting attendance policy and the resumed enforcement of that policy beginning in the New Year, and; 3) forthcoming management and human resource skills training sessions for the City's first and second line supervisors.

17. City Attorney's Report

City Attorney Alan Gabriel advised the Council of his legal firm's plan to petition for injunctive relief from the 2024 State of Florida Form 6 Full and Public Disclosure of Financial Interests submission on behalf of its interested municipal clients.

Following a brief verbal polling of interest by Chair Grifoni, Mr. Gabriel was asked to bring forward a Resolution and formal discussion of the topic to a future meeting of the City Council.

18. Departmental Reports

ID 23-3083 Monthly Departmental Reports

No comments or questions were raised regarding the Monthly Department Reports.

19. Citizens' Comments

No members of the public came forward to offer comment during this portion of the Agenda.

20. Adjournment

There being no further business before the Council, Chair Grifoni adjourned the meeting at 8:47 P.M.

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Jared Grifoni, Council Chair

ATTEST:

_____

Joan Taylor, City Clerk

PREPARED BY:

_____

Jim Kornas, Recording Specialist