

# **City of Marco Island Florida**

*51 Bald Eagle Drive  
Marco Island, Florida  
cityofmarcoisland.com*



## **Meeting Minutes - Final**

**Monday, May 5, 2025**

**2:00 PM**

**Special-Called Meeting**

**Community Meeting Room**

### **City Council**

***Chair: Erik Brechnitz***

***Vice-Chair: Stephen Gray***

***City Council: Rene Champagne,  
Tamara Goehler, Deb Henry,  
Darrin Palumbo, Bonita Schwan***

***City Manager: Mike McNees***

***Assistant City Manager: Casey Lucius***

***City Attorney: Alan L. Gabriel***

***City Clerk: Joan Taylor***

## 1. Call to Order

*Chair Brechnitz brought the Special-Called Meeting to order at 2:00 P.M.*

## 2. Roll Call

**Present:** 6 - Councilor Champagne, Councilor Goehler, Vice-Chair Gray, Councilor Henry, Councilor Schwan and Chair Brechnitz

**Not Present:** 1 - Councilor Palumbo

(Note: Councilor Palumbo was not present at Roll Call. He arrived and participated for the full duration of the meeting beginning at 2:01 P.M.)

## Also Present

*Michael McNees, City Manager  
Casey Lucius, Assistant City Manager  
Joan Taylor, City Clerk  
Alan L. Gabriel, City Attorney  
Chris Byrne, Fire Chief  
Justin Martin, Public Works Director  
Angela Johenning, Purchasing & Risk Manager  
Martin Luna, Video/Broadcast Technician  
Jim Kornas, Recording Specialist  
Citizens and Visitors*

## 3. Business - Earthwerks Unsolicited P3 Proposal

- a. [ID 25-4407](#) Public Private Partnership "P3" Proposal Overview and Process, Section 255.065, Florida Statutes - Alan L. Gabriel, City Attorney

**Attachments:** [Summary Memo of 255.065 F.S. \(4-25-2025\)](#)

*City Attorney Alan Gabriel highlighted information regarding Florida Statute 255.065 which he had provided via memorandum to the Council prior to the meeting, emphasizing that this Statute's provisions provide for multiple steps for confirming and executing a legitimate unsolicited Public-Private Partnership (P3) agreement in the State of Florida.*

*He introduced the Proposer's attorney, Zachary W. Lombardo of Woodward, Pires & Lombardo, P.A., and he reminded the Council that the first step in the process is determining whether this is a "qualifying project" as defined under Statute 255.065. Mr. Gabriel also communicated that this Statute contains a provision for the Proposer to pay for expenses (such as compensating experts to review the proposal) prior to the determination that a "qualifying project" exists.*

*The only action required of the Council at this session is to determine if it is interested in retaining technical expertise to review the unsolicited P3 proposal.*

- b. [ID 25-4092](#) C-HAWQ Unsolicited 3P Proposal Submitted March 31, 2025 - Zachary W. Lombardo, Esq., Woodward, Pires & Lombardo, P.A. Attorneys-at-Law

**Attachments:** [Marco Island C-HAWQ Initiative Presentation](#)  
[C-HAWQ P3 Proposal \(appendix not included\)](#)  
[Response to Proposal](#)  
[Woodward, Pires & Lombardo Attorneys Response](#)  
[Proposal - Humiston and Moore Engineers](#)

*Attorney Zachary W. Lombardo presented a perspective on Marco Island's current state and problem definition as it relates to the water quality of its canal system, and he outlined the proposed solution offered by EarthWerks Land Improvement & Development Corporation and its partners to address the problem.*

*Mr. Dan Davies, Owner, EarthWerks Land Improvement & Development Corporation, and Mr. Jonathan Koepke, President of ENCAP, Inc., provided detail on the elements and merits of their proposal, and they addressed a number of questions from members of the Council.*

**MOTION by Councilor Henry, seconded by Councilor Palumbo, that authorization for the City Manager to engage a marine engineering expert to conduct a technical study as defined under Florida Statute 255.065, paid for by EarthWerks Land Improvement & Development Corporation, be Approved. MOTION CARRIED BY THE FOLLOWING COUNCIL VOTE:**

**Yes:** 4 - Councilor Champagne, Councilor Henry, Councilor Palumbo and Councilor Schwan

**No:** 3 - Councilor Goehler, Vice-Chair Gray and Chair Brechnitz

#### **4. Council Discussion**

*The Council discussed the merits and concerns with undertaking this proposed Public-Private Partnership and accepting certain elements of the proposal. City Attorney Gabriel reminded the Council of Statute 255.065's requirement that a formal vote be taken on whether to advance toward the next steps of the process to determine if a "qualifying project" exists.*

*[Editorial Note: the record of the Council's vote is captured under Agenda Item 3b]*

#### **5. Public Comment**

*The following three individuals came forward to express opposition to the proposal:*

- 1) Ms. Nanette Rivera (Ludlow Rd.)*
- 2) Ms. Christine Dowell (Biscayne Way)*
- 3) Mr. Ralph Rohena (Begonia Ct.)*

*No other members of the public came forward to offer comment.*

#### **6. Adjourn**

*There being no further business before the Council, Chair Brechnitz adjourned the Special-Called Meeting at 4:13 P.M.*

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*Erik Brechnitz, Council Chair*

ATTEST:

\_\_\_\_\_  
*Joan Taylor, City Clerk*

PREPARED BY:

\_\_\_\_\_  
*Jim Kornas, Recording Specialist*