

City of Marco Island Florida

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



Meeting Minutes - Draft

Monday, July 15, 2019

5:30 PM

Community Meeting Room

City Council

Chair: Erik Brechnitz

Vice-Chair: Victor Rios

*City Council: Jared Grifoni, Larry Honig, Howard Reed,
Charlette Roman and Sam Young*

City Manager: Michael McNees

City Attorney: Alan L. Gabriel

City Clerk: Laura Litzan

1. Call to Order

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

2. Roll Call

Present: 7 - Councilor Reed, Councilor Honig, Chair Brechnitz, Councilor Young, Councilor Roman, Councilor Grifoni and Vice-Chair Rios

Also Present

*Michael McNees, City Manager
David Harden, Interim City Manager
Alan Gabriel, City Attorney
Laura Litzan, City Clerk
Guillermo Polanco, Finance Director
Dave Batiato, Deputy Fire Chief
Dave Baer, Acting Police Chief
Tim Pinter, Director of Public Works
Jeff Poteet, General Manager of Water and Sewer
Lina Upham, Purchasing and Risk Manager
Daniel Smith, Community Affairs Director
Mary Holden, Senior Planner
Jose Duran, Information Technology Manager
Lisa Smith, Recording Specialist
Bill Miller, Special Detail Police Officer
Citizens and Visitors*

3. Invocation - Led by Councilor Reed**4. Pledge of Allegiance - Led by Chair Brechnitz****5. Approval of the Agenda**

Chair Brechnitz removed Item 8 (Presentation - Marco Island Fire-Rescue Anniversary Milestones) and Item 11-A (Ordinance - Second Reading & Public Hearing - Section 30-1012 of the Land Development Code - Supplemental District Regulations - Solid Waste Disposal - Requiring Dumpster Enclosures) from the Agenda.

MOTION by Vice-Chair Rios, seconded by Councilor Young, to approve the Agenda as amended. MOTION CARRIED BY THE FOLLOWING VOTE:

Yes: 7 - Councilor Reed, Councilor Honig, Chair Brechnitz, Councilor Young, Councilor Roman, Councilor Grifoni and Vice-Chair Rios

6. Approval of the Minutes

- a. [ID 19-367](#) Approval of the Operating Budget Workshop Minutes of June 17, 2019

MOTION by Vice-Chair Rios, seconded by Councilor Honig, to approve the City Council June 17, 2019 Operating Budget Workshop Minutes. MOTION CARRIED BY THE FOLLOWING VOTE:

Yes: 7 - Councilor Reed, Councilor Honig, Chair Brechnitz, Councilor Young, Councilor Roman, Councilor Grifoni and Vice-Chair Rios

b. [ID 19-197](#) Approval of the City Council Meeting Minutes of June 17, 2019

Councilor Grifoni requested amending Item 18 (Citizen's Comments) to include City Attorney Alan Gabriel's response to what the process would be if any Councilor gained monetarily from voting yes.

Original Minutes:

Ms. Marge Merklinghaus, 1140 San Marco Road, questioned the ethics of Councilors who may gain monetarily from voting yes for the medical marijuana dispensaries.

Amended Minutes:

Ms. Marge Merklinghaus, 1140 San Marco Road, questioned the ethics of Councilors who may gain monetarily from voting yes for the medical marijuana dispensaries and wanted to know the process. City Attorney Alan Gabriel noted no Councilor indicated a conflict or abstained from the vote; so there is no conflict.

MOTION by Vice-Chair Rios, seconded by Councilor Grifoni, to approve the June 17, 2019 City Council Meeting Minutes as amended. MOTION CARRIED BY THE FOLLOWING VOTE:

Yes: 7 - Councilor Reed, Councilor Honig, Chair Brechnitz, Councilor Young, Councilor Roman, Councilor Grifoni and Vice-Chair Rios

7. Approval of the Consent Agenda

Councilor Honig requested removing Item 7-c (Resolution Vacating a Utility Easement (LV-19-000919) from the Consent Agenda.

MOTION by Vice-Chair Rios, seconded by Councilor Grifoni, to approve the Consent Agenda as amended. MOTION CARRIED BY THE FOLLOWING VOTE:

Yes: 7 - Councilor Reed, Councilor Honig, Chair Brechnitz, Councilor Young, Councilor Roman, Councilor Grifoni and Vice-Chair Rios

[Approval of Consent Agenda passes all routine items. Consent Agenda items are not considered separately unless a council member so requests. In the event of such a request, the item is returned to the Regular Agenda.]

(IT IS NOTED FOR THE RECORD, THE ITEMS ON THE AGENDA APPEAR IN NUMERICAL ORDER IN THE MINUTES.)

- a.(*) [ID 19-393](#) Resolution Accepting a 2018 State of Florida Homeland Security Grant for \$28,450.

This item was approved under the Consent Agenda.

- b.(*) [ID 19-395](#) Award Contract for Purchase of AreaRAR Pro RDK (Haz-Mat monitoring equipment) to Geotech Environmental Equipment, Inc. for \$74,077.45.

This item was approved under the Consent Agenda.

- c. [ID 19-385](#) Resolution Vacating a Utility Easement (LV-19-000919) on the Common Lot Line of Lots 23 & 24, Marco Beach Unit 13, Block 403, at 919 and 929 Caxambas Drive

(Editorial History: Mr. Ross Tackett, on behalf of Mr. and Mrs. Iordanou, is requesting approval to vacate two (2) utility easements along the common lot lines. The Planning Board considered this request and provided for public input at their July 5, 2019 meeting. The request was presented to the Planning Board and their questions primarily centered on the process of vacating the easement and how it had been addressed in the past. After discussion the Planning Board voted 5-0 to forward a recommendation of approval with the finding it is in keeping with the Comprehensive Plan and Land Development Code.)

City Clerk Laura Litzan read into the record by title only, Resolution 19-28.

Councilor Honig removed this item from the Consent Agenda. He voiced his objections and believes the City should approve the combination of the lots administratively and it does not need to go through this process.

Council engaged in discussions regarding the Unity of Title document and the associated fees. City Attorney Alan Gabriel does not recommend moving forward with the motion on the floor because it puts the City in a disadvantage and he offered to address the questions raised if Council chooses to defer this matter.

Public Comment:

Mr. Mario Curiale, 820 Eubanks Court, spoke about his experience in Collier County with combining lots and said it is supposed to be reviewed on a case by case basis.

Mr. Ken Honecker, 632 Dorando Court, noted this has occurred in the past and believes the City needs a process to vacate it properly.

Mr. Craig Woodward, 606 Bald Eagle Drive, Attorney for the petitioner, believes the system by Deltona has worked well, however the Unity of Title is not in the City's Code. He recommended Council pass the motion on the floor and then go back and create an ordinance at a later time if Council chooses.

MOTION by Councilor Honig, seconded by Councilor Grifoni, that the City issue no later than Tuesday, July 16, 2019 to the applicant a permit to combine the two (2) lots, that any monies paid by the applicant be refunded within thirty (30) days, that no further requirements be made of this applicant, that all fees presumed or stated are waived, and that the applicant not be required to sign any documents.
MOTION CARRIED BY THE FOLLOWING VOTE:

Yes: 6 - Councilor Reed, Councilor Honig, Chair Brechnitz, Councilor Young, Councilor Grifoni and Vice-Chair Rios

No: 1 - Councilor Roman

Following the vote, City Manager Michael McNees clarified there would not be an actual permit to combine the lots issued tomorrow as stated in the motion, however, the City will allow the applicant to go forward with their project. He noted the City will issue a building permit as expeditiously as possible.

8. Proclamations and Presentations

On behalf of City Council, Chair Brechnitz presented Interim City Manager David Harden a key to the City in appreciation for his support to Marco Island.

[ID 19-388](#)

Marco Island Fire-Rescue Anniversary Milestones

This item was removed from the Agenda.

9. Citizens' comments on agenda items not scheduled for public hearing and items other than those appearing on the agenda.

Mr. Dave Dorrance, 719 Austin Court, spoke on behalf of "Lake Effect" which is a non profit organization that implements a process to catch pollutants before entering the ocean and left a presentation with Council to review.

Mr. Ken Honecker, 632 Dorando Court asked Council to consider eliminating the \$3.00 irrigation meter reader fee that was a part of the Raftelis Rate Design which never occurred.

Mr. Mario Curiale, 820 Eubanks Court, spoke about the construction work on State Road 951 and voiced his concerns with the approved sewer system going in and what the ramifications will be if Marco Island has another major hurricane.

10. Quasi-Judicial Public Hearing

[ID 19-391](#)

Variance Petition (VP-19-000921) - Appeal of an administrative decision disallowing new seawall cut-ins without a nautical garage conditional use for the property located at 672 Crescent Street, Marco Island, FL 34145

(Editorial History: The owners are requesting a variance to construct a 27-foot by 12-foot seawall cut-in (measuring to the back of the proposed seawalls) without a nautical garage. They are citing the lot configuration as their primary justification for the request. The Planning Board considered this request at their June 7, 2019 Planning Board meeting. The public was invited to speak and two (2) people spoke on behalf of the applicant and four (4) residents spoke against the request. After the discussion and public input, a motion was made and seconded to approve the variance request that resulted in a tie vote (3-3). A second motion was made and seconded to approve a smaller cut in that, also, resulted in a tie vote (3-3). No other motions were made, and the Planning Board is forwarding the requested variance to the City Council with no recommendation.)

City Clerk Laura Litzan read into the record by title only, Resolution 19-26.

City Attorney Alan Gabriel swore in all witnesses and Councilors provided their ex-parte communications.

Community Affairs Director Dan Smith provided background information and answered Council's questions and concerns.

(THE MEETING WENT INTO RECESS AT 7:12 P.M. IT IS NOTED FOR THE RECORD THE SAME COUNCILORS WERE PRESENT WHEN THE MEETING RECONVENED AT 7:22 P.M.)

Following recess, the following representatives for the applicant gave presentations:

Mr. Craig Woodward, attorney for the applicant

Mr. Martin Judd, property owner

Mr. Josh Maxwell, chief engineer with Turrell Hall and Associates

Mr. Zach Lombardo, associate attorney for the applicant

Mr. Roy Lansdown, builder with Panorama Homes

It is noted for the record, Councilor Young left the meeting at 7:40 P.M. and returned at 7:46 P.M.

Public Comment:

Those speaking in opposition:

Ms. Dorothy Malinchloe, spoke on behalf of Mr. and Mrs. Hakan Leblebicioglu, 692 Thrush Court

Mr. Jonathan Bailey, 132 Starfish Court

Mr. Ken Honecker, 632 Dorando Court

MOTION by Councilor Honig, seconded by Councilor Grifoni, to approve Variance Petition (VP-19-000921) - Appeal of an Administrative Decision Disallowing New Seawall Cut-Ins Without a Nautical Garage Conditional Use for the Property located at 672 Crescent Street, Marco Island, Florida 34145. MOTION CARRIED BY THE FOLLOWING VOTE:

Yes: 4 - Councilor Reed, Councilor Honig, Chair Brechnitz and Councilor Grifoni

No: 3 - Councilor Young, Councilor Roman and Vice-Chair Rios

11. Ordinances

A. Public Hearings

[ID 19-394](#)

Ordinance - Second Reading & Public Hearing - Section 30-1012 of the Land Development Code - Supplemental District Regulations - Solid Waste Disposal - Requiring Dumpster Enclosures

This item was removed from the Agenda.

B. First Readings - None

12. City Council Items and Resolutions

- a. [ID 19-373](#) Update to City Council's Rules of Procedure - Chair Erik Brechnitz

Chair Brechnitz held a discussion on the Rules of Procedures and noted the changes are in red for Council's consideration. Following discussion, Councilors provided their suggestions and the final document will be drafted and forwarded to a future agenda for approval.

City Attorney Alan Gabriel will verify if citizens are required to provide their address when speaking and report back to Council.

- b. [ID 19-382](#) Resolution Approving the Proposed Millage Rate for FY 2020

(Editorial History: Every year the State of Florida requires each Taxing Authority to set a proposed millage rate to transmit to the Property Appraiser, within 35 days of the certification of taxable value, for inclusion in the TRIM (Truth-in-Millage) notices that will be mailed to property owners in mid August. City of Marco Island

A) Proposed Millage Rate for the upcoming Fiscal Year – 1.8057

B) Prior Year Millage Rate – 1.8492

C) The Current Rolled-Back Rate – 1.8057

D) The date, time, and meeting place of the tentative Budget Hearing on Form DR-420.

A summary of the proposed Fiscal Year 2020 General Fund operating budget and Capital Projects Fund capital budget is attached.

*Hideaway Beach**A) Proposed Millage Rate for the upcoming Fiscal Year – 1.0000**B) Prior Year Millage Rate – 1.4107**C) The Current Rolled-Back Rate – 1.3349**D) The date, time, and meeting place of the tentative Budget Hearing on Form DR-420.**Once the rate has been established and made public by the Property Appraiser via the Tax Notice, the tentative rate cannot be increased.)**City Clerk Laura Litzan read into the record by title only, Resolution 19-24.**Finance Director Guillermo Polance provided background information and answered Council's questions and concerns.**Public Comment:**Mr. Ken Honecker, 632 Dorando Court, commented on the roll back rate number and asked Council to look at the free money to consider returning it to the citizens. His second comment pertained to the Glonn Property purchase and asked the City Manager to work with the Finance Director to see if the park millage can be reduced for this last year.*

MOTION by Vice-Chair Rios, seconded by Councilor Honig, to approve Resolution 19-24, Approving the Proposed Millage Rate for FY 2020; the General Operations Mills of 1.8057, the City Special Voted Debt Mills of .0764, and the Hideaway Beach District Operations Mills of 1.0000. MOTION CARRIED BY THE FOLLOWING VOTE:

Yes: 7 - Councilor Reed, Councilor Honig, Chair Brechnitz, Councilor Young, Councilor Roman, Councilor Grifoni and Vice-Chair Rios

c. [ID 19-386](#) Resolution Creating a Waterways Advisory Committee to Provide Recommendations

(Editorial History: The City Council believes it is in the best interest of the community to garner citizen input and advice through a variety of boards and committees. The City's advisory committees were created by consensus of prior City Council's without written direction by Council regarding the committee's scope of responsibility. To maximize efficiencies, each committee will be submitting a revised list of duties for Council's review and approval. At the meeting of June 20, 2019, the Waterways Advisory Committee voted 5-0 to recommend approval of the attached resolution.)

*City Clerk Laura Litzan read into the record by title only, Resolution 19-25.**Public Works Director Tim Pinter provided background information and answered Council's questions and concerns.**Discussions ensued and it was determined to send this document back to the Waterways Advisory Committee for further review.**Public Comment: None*

MOTION by Councilor Roman, seconded by Councilor Young, to continue Resolution 19-25, Creating a Waterways Advisory Committee to Provide Recommendations to the next City Council meeting.

NO VOTE TAKEN ON THIS MOTION

MOTION by Councilor Roman, seconded by Councilor Young, to continue Resolution 19-25, Creating a Waterways Advisory Committee to Provide Recommendations to the September City Council Meeting. MOTION CARRIED BY THE FOLLOWING VOTE:

Yes: 7 - Councilor Reed, Councilor Honig, Chair Brechnitz, Councilor Young, Councilor Roman, Councilor Grifoni and Vice-Chair Rios

d. [ID 19-396](#) Award of the Contract for the 2019 Annual Street Resurfacing Project to the Lowest Responsible Bidder.

(Editorial History: At the request of the City Council, the Public Works Department advertised bids for the 2019 Annual Street Resurfacing Project. The project will consist of resurfacing the following streets: Bald Eagle Drive from Collier Boulevard to Giralda Court, North Barfield Drive from Bald Eagle Drive to Redwood Court, East and West Elkcam Circle, Redwood Court, Elkhorn Court, Winward Drive, Chalmers Drive, Park Avenue, Rio Court and East, West, and South Joy Circle. The project was advertised on June 6th, 2019 and bids were received and opened on July 8th, 2019. The City received five (5) bids as follows:

1. Ajax Paving	\$1,128,061.99
2. Bonness, Inc.	\$973,311.74
3. Community Asphalt	\$984,000.00
4. Pavement Maintenance	\$989,785.00
5. Preferred Materials	\$1,022,252.93

The apparent low bidder was Bonness, Inc. at \$973,311.74.)

Public Works Director Tim Pinter provided background information and answered Council's questions and concerns. He is seeking direction from Council on whether to negotiate with Bonness, Inc for a lower price that matches the existing available funds for this project or option two (2) would be to use the available funds in the bridge rehabilitation program.

It was determined without objection to extend the meeting to 10:00 P.M. by tacit agreement.

It is noted for the record, Councilor Roman left the meeting at 9:29 P.M. and returned at 9:32 P.M.

Public Comment: None

MOTION by Councilor Grifoni, seconded by Vice-Chair Rios, to do as much of the list as we can, not including areas that will be impacted by Veteran's Community Park construction. MOTION CARRIED BY THE FOLLOWING VOTE:

Yes: 7 - Councilor Reed, Councilor Honig, Chair Brechnitz, Councilor Young, Councilor Roman, Councilor Grifoni and Vice-Chair Rios

e. [ID 19-400](#) Review and Approval of the Draft Request for Proposals (RFP #19-017) for Landscape Maintenance Services

(Editorial History: At the February 19, 2019 meeting, City Council directed that the contract for landscape maintenance services be rebid. This item was presented to the City Council on May 20, 2019 for the first review. Council comments at that meeting have been incorporated into the attached document. The City Manager will designate a Project Manager to manage the contract on behalf of the City. Also cul-de-sacs have been added.)

Public Works Director Tim Pinter provided background information and answered Council's questions and concerns.

Public Comment: None

MOTION by Vice-Chair Rios, seconded by Councilor Roman, to approve the Draft Request for Proposals (RFP #19-017) for Landscape Maintenance Services.
MOTION CARRIED BY THE FOLLOWING VOTE:

Yes: 6 - Councilor Reed, Councilor Honig, Chair Brechnitz, Councilor Roman, Councilor Grifoni and Vice-Chair Rios

No: 1 - Councilor Young

13. Council Reports - None

14. Council Communications & Future Agenda

MOTION by Councilor Roman, seconded by Vice-Chair Rios, to extend the meeting fifteen (15) more minutes to 10:15 P.M. MOTION CARRIED BY THE FOLLOWING VOTE:

Yes: 7 - Councilor Reed, Councilor Honig, Chair Brechnitz, Councilor Young, Councilor Roman, Councilor Grifoni and Vice-Chair Rios

ID 19-201 Future Agenda Items

Council Communications:

Councilor Roman expressed her displeasure with the second incident of destruction of the dunes, this time by the Madeira Condominium which occurred during sea turtle nesting season and hurricane season. She offered the following recommendations; direct the City Manager to come up with a plan to better protect the beach and coastal resources, enhanced beach patrol, implement the beach steward program again and update the Magistrate order regarding fine amounts.

City Attorney Alan Gabriel advised State Statutes limit the fines to \$5,000. unless there is a basis outside of the code enforcement penalty rules to fine or allocate penalties.

Councilor Grifoni provided an update on the ride share program "Nickle Ride" which has stopped running in some of the Southwest neighbors. He noted he attended a meeting at the Island Country Club and they generously offered to host a Meet Your City Officials event open to the public on August 23.

Councilor Roman suggested hosting the Meeting Your City Officials event during City Government Week.

Vice-Chair Rios remarked he will not be present for the August 19, 2019 City Council meeting.

Councilor Honig spoke about the Paradise Coast Trail which will be the longest continuous multi-use trail in Collier County but excludes Marco Island. He offered to compose a communication to the Collier County Commissioners that will be brought forward for discussion at a future agenda expressing their objections and Council unanimously concurred.

Councilor Reed suggested the City Manager send a letter to the Condominium Managers educating them on beach and coastal issues.

Future Agenda:

Councilor Grifoni recommended bringing a proclamation next meeting to recognize Stevens-Johnson Syndrome Awareness Month.

15. City Manager's Report

Interim City Manager David Harden provided his report and answered Council's questions and concerns.

16. City Attorney's Report

[ID 19-202](#) City Attorney's Report

City Attorney Alan Gabriel provided his report and answered Council's questions and concerns.

17. Departmental Reports

[ID 19-198](#) Monthly Departmental Reports

Council has agreed to forego the departmental reports by staff unless Council has a specific question for the department head.

Building Services Department Report - Chief Building Official Raul Perez

Finance Department Report - Finance Director Guillermo Polanco

Fire-Rescue Department Report - Fire Chief Mike Murphy

Growth Management Report - Community Affairs Director Dan Smith

Human Resources Department Report - HR Director Leslie Sanford

IT Department Report - Director of Information Technology Jordan Turek

Parks and Recreation Report - Parks, Culture and Recreation Manager Samantha Malloy

Police Department Report - Acting Police Chief Dave Baer

Public Works Report - Public Works Director Tim Pinter

Water and Sewer Report - General Manager Jeff Poteet

18. Citizens' Comments - None**19. Adjournment**

There being no further business to come before City Council, the meeting adjourned at 10:13 P.M.

Erik Brechnitz, Council Chairman

ATTEST:

Laura Litzan, City Clerk

PREPARED BY:

Lisa Smith, Recording Specialist