

City of Marco Island Florida

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



Meeting Minutes - Draft

Monday, October 19, 2020

6:30 PM

Special-Called Meeting

Community Meeting Room

City Council

Chair: Erik Brechnitz

Vice-Chair: Jared Grifoni

*City Council: Larry Honig, Howard Reed, Victor Rios,
Charlette Roman, Gregory Folley*

City Manager: Mike McNees

City Attorney: Alan L. Gabriel

City Clerk: Laura Litzan

1. Call to Order

Chair Brechnitz called the meeting to order at 6:30 P.M.

2. Roll Call

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

Also Present

*Michael McNees, City Manager
Casey Lucius, Assistant to the City Manager
Laura Litzan, City Clerk
Alan L. Gabriel, City Attorney
Tracy Frazzano, Police Chief
Chris Byrne, Fire Chief
Guillermo Polanco, Finance Director
Mary Holden, Senior Planner
Tim Pinter, Public Works Director
Miguel Carballo, Fleet & Facilities Manager
Jose Duran, Information Technology Director
Jim Kornas, Recording Specialist
Citizens and Visitors*

3. Invocation

Offered by Councilor Reed.

4. Pledge of Allegiance

Led by Chair Brechnitz.

5. Approval of the Agenda

MOTION by Councilor Rios, seconded by Councilor Honig, that the Agenda be Approved. MOTION CARRIED BY THE FOLLOWING VOICE VOTE:

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

6. Approval of the Minutes

[ID 20-990](#) Approval of the City Council Meeting Minutes of October 5, 2020

MOTION by Councilor Rios, seconded by Councilor Honig, that the Minutes of October 5, 2020 be Approved. MOTION CARRIED BY THE FOLLOWING VOICE VOTE:

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

7. Approval of Consent Agenda

Councilor Reed requested that Item 7b. (Resolution for Site Development Plan Amendment

(SDP-20-000158) for the Electric Light Properties, LLC, to an Existing Approved Site Plan for Restaurant at 844 Bald Eagle Drive, Marco Island, FL 34145) be removed from the Consent Agenda.

Councilor Rios requested that Item 7e. (Purchase of Dual Location Stationary Automated License Plate Reading System) be removed from the Consent Agenda.

As a result, Items 7b. & 7e. are now reflected in these Minutes under Topic #13: Items Removed From The Consent Agenda.

[Approval of the Amended Consent Agenda Approved the Items Listed Below.]

- a. [ID 20-1079](#) Change Order to the Contract #2020-009 with Florida Gulf Coast University (FGCU) for the Update to the City's Comprehensive Plan, adding Phase II/FY21 portion of the project in the amount of \$65,299.00
- c. [ID 20-1084](#) Approval of Goals Element to City Manager's Annual Evaluation
- d. [ID 20-1089](#) Appointment of Ms. Marilyn Dahl to the Planning Board - Councilor Charlette Roman

8. Proclamations and Presentations

Recognition of Outgoing Council Members

Chair Brechnitz presented Councilors Honig, Reed, Rios and Roman with recognition plaques honoring their years of service to the citizens of Marco Island, and he led those in attendance in applause for all of the accomplishments that they achieved through their spirit of cooperation and teamwork during their tenure on the Council. Each honored Councilor in turn shared several brief thoughts and expressed her / his appreciation for all of the residents, business owners, employees, family members, visitors and guests who made the experience as Marco Island City Councilor so memorable and gratifying.

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

Mr. Kenneth Honecker, Dorando Ct., noted his difficulty in being able to communicate his comments telephonically and via email on the subject of the Amended Noise Ordinance (Ordinance 20-05) which was discussed and approved at the October 5th meeting of the Council. He voiced his concerns with certain elements and measurement standards noted in that Ordinance, and he wished the City luck in applying the Ordinance to effectively address the noise issues on the Island.

No other members of the public came forward in person or over the phone to comment.

10. Quasi-Judicial Public Hearing

None.

11. Ordinances

A. Public Hearings

None.

B. First Readings

None.

12. Resolutions & City Council Items

- a. [ID 20-1060](#) Award of Contract #2020-011 for the Investment Advisory Services to the Highest-Ranking Firm Public Trust Advisors, LLC

City Finance Director Guillermo Polanco began his remarks by publicly thanking each outgoing City Council member for his / her unique contributions to the City's governing processes and procedures. He then outlined the process undertaken by the City to identify and assess the investment advisory services firms considered to manage the City's investment portfolio. Noting the Selection Committee's recommendation to engage Public Trust Advisors, LLC as the City's new investment advisory management firm, he then introduced Mr. John F. Grady III, Managing Director at Public Trust Advisors to share the firm's perspective on managing the City's investment portfolio and to address questions from members of the Council.

No members of the public came forward to offer comment.

MOTION by Councilor Rios, seconded by Councilor Roman, that the Award of Contract #2020-011 for the Investment Advisory Services to the Highest-Ranking Firm 'Public Trust Advisors, LLC', be Approved. MOTION CARRIED BY THE FOLLOWING VOTE:

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

- b. [ID 20-1078](#) Resolution for Site Development Plan Amendment (SDP-20-000228) to Add Mezzanines to all Units of Commercial Warehouse located at 921 Windward Drive, Marco Island, FL 34145

City Clerk Laura Litzan read Resolution 20-43 into the record by title only.

Growth Management Department Senior Planner Mary Holden provided background and history of the Applicant's request through the Planning Board process, and she responded to questions raised by members of the Council.

Attorney Jennifer Tenney (Tenney Law PLLC), as representative for the Applicant, outlined the provisions under the City's C-5 zoning district classification that apply in support of the Applicant's proposed site development plan amendment, and she provided responses to questions and concerns raised by members of the Council.

Public Comment

Dr. Rich Blonna, San Marco Rd., shared his experience where a 'high-end' storage facility similar in nature to the one brought forward for Council consideration provided amenities and features for a range of creative pursuits.

Mr. Ken Honecker, Dorando Ct., raised emergency entrance and egress concerns in the event of a fire in a facility like the one which was being discussed.

MOTION by Councilor Roman, seconded by Councilor Honig that Resolution 20-43 - Site Development Plan Amendment (SDP-20-000228) to Add Mezzanines to All Units of Commercial Warehouse Located at 921 Windward Drive, Marco Island,

FL 34145 be Approved with the conditions requested by the Planning Board at its October 2, 2020 meeting AS WELL AS with the condition that the Condominium Rules & Declarations as presented and discussed be officially recorded with the County.

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

No: 1 - Councilor Reed

c. [ID 20-1085](#) Discussion - Declared State of Emergency for COVID-19

Vice-Chair Grifoni noted that the City Staff was requested to assess the implications for reimbursements in the context of the locally-declared COVID-19 State of Emergency with a report to the Council at this meeting. Fire Chief Chris Byrne provided an overview of this assessment.

No public comments were received.

After much input and discussion from the Council, City Attorney Gabriel was asked to draft a revision to the existing Local Emergency Proclamation that: 1) includes the necessary provisions to maintain the City's reimbursement eligibility; 2) establishes future dates for periodic City Council renewal or repeal of the State of Emergency, and; 3) revises the extraordinary emergency powers granted under the March 12, 2020 Proclamation.

Further, the City Staff was directed to: 1) quantify the outstanding and potential Federal and State reimbursements that may be at risk and; 2) place the next review of this Proclamation on the November 9th agenda of the City Council.

d. [ID 20-1095](#) Acquisition of Property at 1310 San Marco Road, known as the "Medical Arts Center"

City Manager McNees presented the Council the rationale and execution actions underway to acquire the subject property. In the course of his review, he also introduced Mr. Miguel Carballo, the City's new Fleet & Facilities Manager, who will be instrumental in the realization of the City's property and facility management goals.

Public Comment

Mr. Ken Honecker, Dorando Ct., referenced his tenure as a Marco Island City Councilor approximately seven years ago when the subject property was then available for sale. He questioned the City's need for the additional office space.

No other public comments were received.

MOTION by Councilor Rios, seconded by Councilor Reed, that the Contract for the Acquisition of the Property at 1310 San Marco Road Known as the 'Medical Arts Center' be Accepted, and that the City Manager be Authorized to Continue with the Due Diligence Process in the Pursuit of Closing the Purchase of the Property on or before December 15, 2020, be Approved. MOTION CARRIED BY THE FOLLOWING VOTE:

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

13. Items Removed from the Consent Agenda

- b. [ID 20-1077](#) Resolution for Site Development Plan Amendment (SDP-20-000158) for the Electric Light Properties, LLC., to an Existing Approved Site Plan for Restaurant at 844 Bald Eagle Drive, Marco Island, FL 34145

City Clerk Laura Litzan read Resolution 20-42 into the record by title only.

Councilor Reed requested clarification regarding the proposed increase in patron seating relative to the noted decrease in parking spaces as outlined in the City Staff report. Growth Management Department Senior Planner Mary Holden responded to Councilor Reed's concerns and confirmed that the required available parking will continue to exceed the minimum standard with the proposed Resolution.

No members of the public came forward to comment on this Resolution.

MOTION by Councilor Rios, seconded by Vice-Chair Grifoni, that Resolution 20-42 - Site Development Plan Amendment (SDP-20-000158) for the Electric Light Properties LLC, to an Existing Approved Site Plan for the Restaurant Located at 844 Bald Eagle Drive, Marco Island, FL 34145, be Approved. MOTION CARRIED BY THE FOLLOWING VOTE:

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

- e. [ID 20-1087](#) Purchase of Dual Location Stationary Automated License Plate Reading System

Councilor Rios requested an understanding of how, and for what duration of time, the data captured by the proposed fixed location automated license plate readers will be stored.

Police Chief Tracy Frazzano responded to Councilor Rios' questions and concerns, and cited recent judicial rulings upholding the use of such readers in light of certain concerns raised regarding civil liberties and citizen privacy.

In the course of the discussion, it was confirmed that Florida Senate Bill 7034 enacted effective October 1, 2019, established a public records exemption for access to images and data obtained through the use of automated license plate recognition systems and for personal identifying information of an individual in data generated from such images.

No members of the public came forward to comment on this topic upon Chair Brechnitz's invitation.

MOTION by Councilor Roman, seconded by Councilor Rios, that the City Manager be Authorized to spend \$59,250 for the Purchase of a Dual Location, Stationary, Automatic License Plate Reader System by Vigilant Security Systems for the Marco Island Police Department, be Approved. MOTION CARRIED BY THE FOLLOWING VOTE:

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

14. Council Communications & Future Agenda

Councilor Honig noted that, when the new City Council assembles after the November 3rd election, it will have the opportunity to review and appoint the largest number of appointees (48) to City Committees and Boards at any single point in time in Marco Island's history. Given this insight, Councilor Honig encouraged the citizens of Marco Island to submit their applications to be considered for service to the City on one of its Committees and Boards.

Councilor Rios shared his pride in having helped to save and preserve the land upon which Veterans Community Park was established, and he expressed his hope that the soon-to-be-elected City Councilors will be mindful and considerate of the potential negative impact to the community that future high-density development proposals could have on the 'friendly, small town feel' of the Island.

Councilor Roman cited the City's press release (Press Release 061, dated 10-15-20) announcing the start of Government Week, and she encouraged her fellow Councilors and the public to submit their photos of what they love about Marco Island to Ms. Casey Lucius, Assistant to the City Manager (info@cityofmarcoisland.com).

Next, Councilor Roman noted that the most recent water quality measures for total nitrogen in and around the Island exceeded the Department of Environmental Protection standards, and she expressed hope that the new City Council will make appointments and lend support to positive actions that the Waterways Advisory Committee can undertake to enhance the recommendations expected from the forthcoming Environmental Research & Design, Inc. study (note: due in early 2021).

Councilor Roman concluded by expressing hope that the volunteer Beach Steward Program could be resurrected, and she thanked the citizens who showed their appreciation of her tenure on the Council by beautifying her place at the dais that evening.

Councilor Reed noted the recent transitory period of exceptionally clear water around the Island, and he emphasized the relationship between the water quality in the Gulf and the water quality in the Island's waterways and canals. He then presented a series of renderings showcasing the new loading dock gate system and appearance upgrade currently being installed at the JW Marriott hotel.

Councilor Folley began by acknowledging and thanking those members of the Council that are completing their terms, and he asked that he and the soon-to-be-elected Councilors be apprised of the opportunities to succeed the outgoing Council members on key external Committees, Commissions and Boards on behalf of the citizens of Marco Island.

Vice-Chair Grifoni added his acknowledgement and appreciation for the contributions by those Council members who are completing their term of office.

Chair Brechnitz reminded all that one of the first actions of the newly-constituted Council will be to select a replacement to fill the seat vacated by Councilor Rios. He indicated his intention to promote employing the same process that was used in identifying and selecting Councilor Folley as the successor to Councilor Young, and he noted the importance of continuing to have a member of the Marco Island City Council on the Collier County Tourist Development Council to succeed Councilor Rios in that role.

At the suggestion of Councilor Roman, Chair Brechnitz asked City Clerk Laura Litzan to work with him to develop a comprehensive list of external Committee, Commission and Board appointments that could be reviewed at the first meeting of the newly-constituted City Council on November 9th.

[ID 20-991](#) Future Agenda Items

No new items were added to the Council's Future Agenda.

15. Council Reports

None.

16. City Manager's Report

City Manager McNees thanked Councilor Roman for pointing out the start of City Government Week, and

he noted the Proclamation and related information from Press Release 061 that is available and accessible on the City of Marco Island website.

In concluding his report, City Manager McNees expressed his appreciation to the Council for allowing him the honor to serve in his capacity as Manager of the City, and he noted for all those attending and viewing the meeting that this Council, as individuals and collectively as a body, kept every promise that it made to him and to the citizens of Marco Island in its approach to engaging and working with him and the City Staff over his past fifteen months in the role.

17. City Attorney's Report

[ID 20-992](#) City Attorney's Report

City Attorney Gabriel conveyed his thanks and appreciation for the opportunity to work with the outgoing members of the Council, and he wished them well in all of their future endeavors.

18. Departmental Reports

[ID 20-993](#) Monthly Departmental Reports

No comments were raised on the Monthly Department Reports.

19. Citizens' Comments

No citizen comments were received during this portion of the Agenda.

20. Adjournment

There being no further business before the Council, the meeting adjourned at 9:23 P.M.

Erik Brechnitz, Council Chair

ATTEST:

Laura Litzan, City Clerk

PREPARED BY:

Jim Kornas, Recording Specialist