

City of Marco Island Florida

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



Meeting Minutes - Final

Monday, May 6, 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*

Interim City Manager: David Harden

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

David Harden, Interim City Manager
Laura Litzan, City Clerk
Alan L. Gabriel, City Attorney
Mike Murphy, Fire Chief
Dave Batiato, Deputy Fire Chief
Al Schettino, Police Chief
Guillermo Polanco, Finance Director
Tim Pinter, Director of Public Works
Jeff Poteet, General Manager of Water and Sewer
Daniel Smith, Community Affairs Director
Lina Upham, Purchasing and Risk Manager
Scott Reed, Information Technology Assistant
Lisa Smith, Recording Specialist
Bill Miller, Special Detail Police Officer
Citizens and Visitors

3. Invocation - Led by Pastor Kevin Koenig of the Marco Lutheran Church**4. Pledge of Allegiance - Led by American Legion Post 404 Commander Lee Rubenstein****5. Approval of the Agenda**

Chair Brechnitz announced Item 10-a (Conditional Use Request - CUP-18-006283 for construction a Seawall cut in / Nautical Garage, property located at 1216 Orange Court) and Item 10-b (Conditional Use Request CUP-18-006284 for construction of a Seawall cut in / Nautical Garage for property located at 1224 Orange Court) have been removed from the Agenda by the applicant.

MOTION by Councilor Young, seconded by Vice-Chair Rios, to continue Item 10-a and Item 10-b to the June 3, 2019 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

MOTION by Vice-Chair Rios, seconded by Councilor Grifoni, 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 19-221](#) Approval of the City Council Meeting Minutes of April 1, 2019

Councilor Roman requested adding Commissioner Donna Fiala's name to her comments on page seven (7) under Council Communications.

MOTION by Vice-Chair Rios, seconded by Councilor Roman, to approve the April 1, 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

- b. [ID 19-102](#) Approval of the City Council Meeting Minutes of April 15, 2019

MOTION by Vice-Chair Rios, seconded by Councilor Young, to approve the April 15, 2019 City Council Meeting 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

7. Approval of the Consent Agenda

Councilor Reed requested Item 7-a (Support of Collier County Justice Assistance Grant (JAG) Program Application) be removed from the Consent Agenda.

Vice-Chair Rios requested Item 7-b (Proposed Contract with Synalovski Romanik Saye in the Amount of \$440,000 for Architectural Services for Design and Construction Supervision of a New Multi-Departmental Building) be removed from the Consent Agenda.

MOTION by Councilor Honig, seconded by Vice-Chair Rios, 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 19-248](#) Support of Collier County Justice Assistance Grant (JAG) Program Application

(Editorial History: The Collier County Sheriff's office has requested a letter of support from Marco Island for its application for a \$95,460 grant from the Edward Byrne Memorial Justice Assistance Grant (JAG) Program. The Sheriff's office expects that the money will be used either for mental health programs or for vehicle purchases. This will be the third year the City has provided a letter of support for this initiative to fund additional law enforcement programs in Collier County.)

Councilor Reed removed this item from the Consent Agenda. Council engaged in discussion and it was determined Interim City Manager David Harden will send a cover letter recognizing Marco Island as a donor community and a letter to Collier County supporting their grant request that endorses mental health services only.

Public Comment: None

MOTION by Councilor Grifoni, seconded by Councilor Young, to approve Supporting the Collier County Justice Assistance Grant (JAG) Program Application that endorses mental health services only. 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 19-209](#) Proposed Contract with Synalovski Romanik Saye in the Amount of \$440,000 for Architectural Services for Design and Construction Supervision of a New Multi-Departmental Building

(Editorial History: Our Public Works (PW), Water and Sewer (WS) and Information Technology (IT) Departments have never had adequate working facilities. The PW and WS Departments have been located in temporary trailer facilities since 2007. In 2009, City Council approved the purchase of a 0.56-acre, commercially zoned property at 807 E. Elkcam Circle, adjacent to the NWTP, to build an operations center for the WS and PW departments, accommodating approximately 40 City employees. In 2009, City Council approved funding for the architectural design of the proposed facility. The design was completed that same year, but City staff was later directed not to proceed with bidding because of re-prioritization of budgeted funds. Since 2009, land development and building codes, and FEMA flood elevations have changed thereby necessitating a building redesign. Having no adequate facilities, the Wastewater Collection/Drinking Water Distribution (C&D) and Public Works (PW) crews were accommodated in used temporary trailers at the South Water Treatment Plant (SWTP) under a two-year temporary use permit, albeit inconsistent with the zoning for the property. As detailed in the December 2018 departmental report to City Council, the City published a Request for Qualifications (RFQ 19-009) to hire an architect for the design and construction consulting services for the new building which is currently known as the Multi-Departmental Building. The RFQ scoring committee reviewed the qualifications submittals in accordance with the Consultants Competitive Negotiation Act and Synalovski Romanik Saye (SRS) was ranked the highest architectural firm.)

City Clerk Laura Litzan read into the record by title only, Resolution 19-20.

Vice-Chair Rios removed this item from the Consent Agenda. He expressed his displeasure with approving a \$440,000. expenditure without knowing the total funding amount.

Water and Sewer General Manager Jeff Poteet answered Council's questions and concerns.

Public Comment: None

MOTION by Councilor Honig, seconded by Councilor Roman, to approve Resolution 19-20, Proposed Contract with Synalovski Romanik Saye in the Amount of \$440,000 for Architectural Services for Design and Construction Supervision of a New Multi-Departmental Building. MOTION CARRIED BY THE FOLLOWING VOTE:

Yes: 5 - Councilor Reed, Councilor Honig, Chair Brechnitz, Councilor Roman and Councilor Grifoni

No: 2 - Councilor Young and Vice-Chair Rios

- c.(*) [ID 19-259](#) Contract Award to Rummel, Klepper & Kahl, LLP for Water/Wastewater Treatment Engineering and Hydrology Services (RFQ 14-007)

This item was approved under the Consent Agenda.

8. City Council Items

A. Presentations

1. [ID 19-222](#) Proclamations in Recognition of:
- 1) The American Legion Centennial Celebration
 - 2) National Drowning Prevention Awareness Month
 - 3) National Safe Boating Week

On behalf of City Council, Chair Brechnitz read proclamations in recognition of the American Legion Centennial Celebration, National Drowning Prevention Awareness Month and National Safe Boating Week.

2. [ID 19-261](#) 2019 Marco in Bloom Landscape Awards

Beautification Advisory Committee Member Maria Tobin presented awards to the following winners of the 2019 Marco in Bloom Contest:

Residential (Professionally Landscaped)

Winner: 1846 Granada Drive - Roland and Hildegard Leypoldt

Runner-up: 1289 Fruitland Avenue - Juan and Myrna Diaz

Runner-up: 159 Copperfield Drive- Dianna Dohm

Residential (Personally Landscaped)

Winner: 995 San Marco Road - James and Elaine Buch

Runner Up: 831 Inlet Drive - Vincent and Judy Gelo

Commercial/Condominium

Winner: The Somerset

Runner-up: Eagles Nest

Cul-de-Sac

Winner: Gayer Way

Runner-up: Magnolia Court

3. [ID 19-263](#) Fiscal Year 2018 Comprehensive Annual Financial Report

(Editorial History: The financial audit of the City's records for the fiscal year ending September 30, 2018 was performed by the Certified Public Accounting (CPA) firm of Mauldin & Jenkins, LLC. The Comprehensive Annual Financial Report (CAFR) for 2018 is attached and will be posted on the City's website.)

Audit Advisory Committee Chair Bill Schroeder gave a presentation on the Committee's activities.

Mr. Wade Sansbury and Mr. Daniel Anderson from Mauldin and Jenkins presented the annual financial report and answered Council's questions and concerns.

(It is noted for the record, Councilor Young left the meeting at 6:49 P.M. and returned at 6:52 P.M.)

(THE MEETING WENT INTO RECESS AT 6:55 P.M. IT IS NOTED FOR THE RECORD THE SAME COUNCILORS WERE PRESENT WHEN THE MEETING RECONVENED AT 7:05 P.M.)

B. Discussion Items

1. [ID 19-235](#) Appointments to Audit Committee

(Editorial History: In accordance with Section 2-204 (1) (a) of the Code of Ordinances, the terms for the outgoing Audit Committee members will expire on May 31. Florida Statutes 218.391, requires that each local government establish an audit committee to assist the governing body in selecting an auditor to conduct the annual financial audit required by Florida Statutes 218.39. Duties of the audit committee are specified in F.S. 218.391(3), a copy of which is attached. The vacancies were advertised in the newspapers, the City's website, blast email and one-to-one outreach.)

*Councilor Young appointed Ms. Judith Ginder to the Audit Advisory Committee.
Vice-Chair Rios appointed Mr. William Hogan to the Audit Advisory Committee.
Chair Brechnitz appointed Mr. Michael Cory to the Audit Advisory Committee.*

MOTION by Vice-Chair Rios, seconded by Councilor Young, approving Mr. Michael Cory, Ms. Judith Ginder and Mr. William Hogan to the Audit Advisory Committee. MOTION CARRIED BY THE FOLLOWING VOTE:

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

2. [ID 19-205](#) Council Direction Regarding Yellowbird Street Roadway and Utility Improvements

(Editorial History: On July 18th, 2016 Hole Montes, Inc., (Consultant) was selected to provide survey, geotechnical engineering, project management and plan preparation for reconstruction and widening of Yellowbird Street from Bald Eagle Drive north to Collier Boulevard. The consultants first task was to provide a geotechnical evaluation of the roadway. That report is attached and in summary found that the overall pavement was in poor condition.)

Public Works Director Tim Pinter is seeking direction from Council on how to move forward with the Yellowbird Roadway Project.

Water and Sewer Manager Jeff Poteet answered Council's questions and concerns.

Public Comment:

Ms. Marge Merklinghaus, 1140 San Marco Road, expressed concerns with speed on Yellowbird and suggested either making it a one (1) way street or adding speed bumps.

MOTION by Councilor Honig, seconded by Vice-Chair Rios, to direct the City Manager to work with staff to secure additional funding within the current budget for this project and to move forward with the project design and bid advertisement. MOTION CARRIED BY THE FOLLOWING VOTE:

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

3. [ID 19-258](#) Software as a Service (SaaS) Agreement Amendment between Tyler Technologies and the City of Marco Island

(Editorial History: Since FY2015 City has been using Tyler Munis for its financial software. Currently all related data is stored on the City's servers. Consequently, City IT staff is responsible for most support and maintenance. To initiate the process of moving our software and data to the cloud, in FY2018 we implemented the Human Capital Management (payroll/timeclock/scheduling) module [Executime], which is stored in the cloud.)

Finance Director Guillermo Polanco explained the need for the Software as a Service (SaaS) Agreement Amendment between Tyler Technologies and answered Council's questions and concerns.

Former Information Technology Director Jordan Turek was available by telephone and answered Council's questions and concerns.

Public Comment: None

MOTION by Councilor Honig, seconded by Vice-Chair Rios, to approve Software as a Service (SaaS) Agreement Amendment between Tyler Technologies and the City of Marco Island. MOTION CARRIED BY THE FOLLOWING VOTE:

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

No: 1 - Councilor Grifoni

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

Ms. Linda Turner, 667 Thrust Court, spoke about the Tommie Barfield Elementary Students naming of the male eagle at the Marco Island Nature Preserve and Bird Sanctuary after "Herb Savage" and the 911 call in reference to a lightning strike.

Mr. Rick Blonna, 1541 San Marco Road, commented on the water quality workshop and voiced his support for the University of Florida's water quality study.

Mr. Amadeo Petricca, 331 Regatta Street, asked Council to reconsider Ordinance 19-10, Capital Spending Ordinance.

Mr. Alex Popoff, 309 Waterleaf Court, expressed his support for Interim City Manager David Harden's decision to ask the Police Chief to retire.

Mr. Bill Greichen, 51 South Seas Court, commended Police Chief Al Schettino for always being present in the community, supports keeping him as the Chief of Police and asked Council to listen to the citizens.

Ms. Caitlyn Robinson, 121 Lamplighter Drive, was called to speak but she had left the meeting.

10. Quasi-Judicial Public Hearing - Time Certain Approximately 7:00 p.m.

- a. [ID 19-246](#) Conditional Use Request (CUP-18-006283) for construction a Seawall cut in / Nautical Garage, property located at 1216 Orange Court
This item was continued to the June 3, 2019 meeting.
- b. [ID 19-247](#) Conditional Use Request (CUP-18-006284) for construction of a Seawall cut in / Nautical Garage for property located at 1224 Orange Court
This item was continued to the June 3, 2019 meeting.

11. Ordinances*A. Public Hearings - Time Certain Approximately 7:00 p.m. - None**B. First Readings*

[ID 19-245](#) Ordinance - Second Reading & Public Hearing - Amending Section 42-36 of the City Code - Duty of Abutting Property Owners to Construct and Maintain Sidewalks

(Editorial History: Sidewalks are an important safety and quality of life element of any community. They provide a safe, convenient, health promoting and energy efficient means of transportation. During the March 18th City Council meeting, staff presented options and solutions to help correct problems encountered in attempting to enforce the current Code requirements. City Manager Harden advised Council that staff would take the recommendations and translate them into Code amendments.

Those recommendations were as follows:

- 1. Vacant Lots with No Sidewalks - Option #3: Amend the Code to no longer require sidewalks on vacant lots, but to consider Safe Routes to Schools as a separate issue.*
- 2. Improved Lots with No Sidewalks – Combine Options #2 & #3: Amend the Code to exempt Hideaway, Key Marco and Olde Marco. In other areas require owners of improved lots to build sidewalks within a specified period. Commercial 18-months. Residential 24-months.*
- 3. Materials – Option #2: Amend the Code to allow existing asphalt sidewalks to be repaired, but when a new building is built on the abutting lot, asphalt must be replaced with concrete.*
- 4. Maintenance Standards – Amend the Code to clarify that if more that 50% of the total linear footage of sidewalk needs repair, then it must be replaced in total to current standards. Concrete leveling with a flowable material will be permitted as an alternate to replacement. Sidewalk grinding will be considered on a case by case basis. The Construction Standards Handbook will be revised to reflect this change.)*

City Clerk Laura Litzan read into the record by title only, Ordinance on first reading, amending Section 42-36 of the City Code, duty of abutting property owners to construct and maintain sidewalks.

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

Public Comment:

Mr. Tom Arbuckle, 600 Partridge Court, thanked Council for the new calculations but asked why Marco Island does not want to own the sidewalks.

MOTION by Councilor Roman, seconded by Vice-Chair Rios, to approve an Ordinance on First Reading, Amending Section 42-36 of the City Code – Duty of Abutting Property Owners to Construct and Maintain Sidewalks. MOTION CARRIED BY THE FOLLOWING VOTE:

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

12. Resolutions for Adoption - None

13. Council Reports

[ID 19-236](#) Support for Banning Smoking on Beaches - Vice-Chair Rios

Vice-Chair Rios held a discussion on supporting the ban for smoking on the beaches. He is recommending the City Manager and City Attorney draft a letter to send to the Senator expressing Marco Island supports the ban of smoking on the beaches. It was determined to forward this to the new City Manager to address in the fall.

14. Council Communications & Future Agenda

[ID 19-070](#) Future Agenda Items

Councilor Honig noted he attended a conference by the Florida League of Cities and spoke to Dr. Scott Paine who said "I want to congratulate Marco Island for coming to grips with some of the issues you face - this is a critical juncture, when City Council can say to itself, 'Let's fix this' and has a Manager who will get it done."

Councilor Roman advised she and City Manager David Harden attended a meeting at Florida Gulf Coast University regarding the establishment of a compact or coalition on resiliency planning. She will have more on this issue as it moves forward.

Councilor Young asked Council to reconsider the vote that failed 5-2 at the last City Council meeting for the outside audit or review regarding the Police Department. Interim City Manager David Harden advised Council he consulted with the Florida Police Chief's Association and it is their recommendation to let the new Police Chief investigate this issue.

MOTION by Councilor Young, seconded by Councilor Grifoni, to reconsider the failed vote from the April 15, 2019 City Council meeting to direct the City Manager to bring a proposal for an outside audit or review of everything that has happened over the last year and beyond, including but not limited to the climate survey and all the recently reported issues within the Marco Island Police Department. MOTION FAILED BY THE FOLLOWING VOTE:

Yes: 3 - Councilor Honig, Councilor Young and Councilor Grifoni

No: 4 - Councilor Reed, Chair Brechnitz, Councilor Roman and Vice-Chair Rios

Chair Brechnitz advised Council he will be sending a letter to all committee chairs and committee members regarding deportment in committee meetings and bring the draft back to City Council.

Councilor Honig asked for a discussion on medical marijuana and a discussion on how Marco Island deals with Collier County growth and will provide a position paper for the next City Council meeting.

Vice-Chair Rios asked for a discussion on filters, reuse water and fertilizer ban for a future agenda and will provide position papers.

Councilor Reed asked for a discussion on specific code enforcement issues and will provide a position paper for a future agenda.

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 - None

17. Departmental Reports

[ID 19-072](#) Monthly Departmental Reports

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

Public Works Report - Public Works Director Tim Pinter

Water and Sewer Report - General Manager Jeff Poteet

Police Department Report - Police Chief Al Schettino

18. Citizens' Comments - None

19. Adjournment

There being no further business to come before City Council, the meeting adjourned at 9:06 P.M.

Erik Brechnitz, Council Chairman

ATTEST:

Laura Litzan, City Clerk

PREPARED BY:

Lisa Smith, Recording Specialist