

# **City of Marco Island Florida**

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



## **Meeting Minutes - Final**

**Tuesday, September 3, 2019**

**6:00 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 6:00 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, Former Interim City Manager  
Alan Gabriel, City Attorney  
Laura Litzan, City Clerk  
Guillermo Polanco, Finance Director  
Mike Murphy, Fire Rescue Chief  
Dave Batiato, Deputy Fire Chief  
Chris Byrne, Emergency Management Recovery Coordinator  
Tracy Frazzano, Police Chief  
Dave Baer, Administrative Police Captain  
Tim Pinter, Director of Public Works  
Jason Tomassetti, Stormwater Engineer  
Jeff Poteet, General Manager of Water and Sewer  
Daniel Smith, Community Affairs  
Lina Upham, Purchasing and Risk Manager  
Jose Duran, Information Technology Manager  
Lisa Smith, Recording Specialist  
Edward D'Alessandro, Special Detail Police Officer  
Citizens and Visitors

**3. Invocation - Pastor Scott Kerens of the Marco Presbyterian Church****4. Pledge of Allegiance - Led by Chair Brechnitz****5. Approval of the Agenda**

**MOTION by Vice-Chair Rios, seconded by Councilor Grifoni, to approve the Agenda as presented. 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 Minutes**

[ID 19-313](#) Approval of the City Council Meeting Minutes of August 19, 2019

*Councilor Honig requested amending Item 12-e (Update to City Council's Rules of Procedures) and Item 14 (Council Communications and Future Agenda) to add additional comments.*

*Councilor Roman requested amending Item 14 (Council Communications and Future Agenda) to add additional comments.*

*Original Minutes for Item 12-e:*

*Council engaged in a lengthy discussion and offered the following suggestions:*

- add Council Communications shall be a mandatory part of the meeting and non cancelable*
- excluding emergency circumstances, meetings shall not be extended beyond 9:30 P.M.*
- emergency definition - shall be defined as an unexpected circumstances, circumstance that threatens life or property and requires immediate action*
- page 2, section 2(f) - change time to six (6) minutes*
- page 8, section 8(c)(3) - remove the word "one" from the sentence "one additional five (5) minutes time period and add "at the discretion of the Chair" at the end*
- page 2, Section 2(b) - put consent agenda under agenda and remove the word "approved" item four (4) and be silent on Section 2(f) citizen's comments thirty minutes time limit.*

*Chair Brechnitz will take Council's suggestions into consideration and forward an amended document to a future agenda.*

*Revised Minutes:*

*Council engaged in a lengthy discussion. Chair Brechnitz agreed to review Council's suggestions and discuss them with the City Manager and City Clerk.*

*Original Minutes for Item 14:*

*He is asking Council to consider changing the date for the workshop to October 7, 2019 in order to meet deadlines.*

*Revised Minutes:*

*He is asking Council to consider changing the date for the workshop to no later than October 7, 2019 in order to meet deadlines. He also noted that citizens comments are not word for word and minutes are the only official record.*

*Original Minutes:*

*Councilor Reed spoke about the Crescent Street seawall cut in that was passed at the last City Council meeting and is seeking clarification for the record. He questioned the way the variance is interpreted and asked if the length of the vessel that the petitioner requested in their drawings and notes is relevant and the decision that Mr. Dan Smith as Community Affairs Director would make is based upon the materials presented at that meeting so that the size of the vessel is not unlimited and is bounded by the boundaries of that space. Mr. Smith replied yes, that is his understanding.*

*Revised Minutes:*

*Councilor Reed spoke about the Crescent Street seawall cut in that was passed at the last City Council meeting and is seeking clarification for the record. He questioned the way the variance is interpreted and asked if the length of the vessel that the petitioner requested in their drawings and notes is relevant and the decision that Mr. Dan Smith as Community Affairs Director would make is based upon the materials presented at that meeting so that the size of the vessel is not unlimited and is bounded by the boundaries of that space. Mr. Smith replied yes, that is his understanding. Council was not asked for and did not provide agreement or concurrence.*

*Original Minutes:*

*Councilor Roman commented on citizens speaking and is seeking information on if the citizens speaking are from Marco Island. Chair Brechnitz responded he will ask each citizen where the citizens are from before they being speaking. She conveyed she contacted City Attorney Alan Gabriel in reference to microphones at the dais being left on during recess at the last City Council meeting and is seeking a response. Mr. Gabriel replied there is no video tape or audio tape regarding that meeting so he is unable to hear anything. He advised that if anyone has that information to forward it to him so he can investigate.*

*Revised Minutes:*

*Councilor Roman commented on citizens speaking and is seeking information on if the citizens speaking are from Marco Island. Chair Brechnitz responded he will ask each citizen where the citizens are from before they being speaking. She conveyed she contacted City Attorney Alan Gabriel in reference to microphones at the dais being left on during recess at the last City Council meeting and is seeking a response from his review of the audio tape. Mr. Gabriel replied there is no audio tape of the recess during that meeting so he is unable to hear anything. He advised that if anyone has that information to forward it to him so he can investigate.*

**MOTION by Councilor Honig, seconded by Vice-Chair Rios, to approve the August 19, 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**

**MOTION by Vice-Chair Rios, seconded by Councilor Grifoni, to approve the Consent Agenda as presented. 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 indicated by asterisk (\*). 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 19-449](#)     Appointment of Ms. Adrian Conner to the Parks & Recreation Advisory Committee - Councilor Jared Grifoni

**This item was approved under the Consent Agenda.**
- b.(\*)**     [ID 19-451](#)     Resolution Approving a Local Agency Program (LAP) Agreement with the Florida Department of Transportation (FDOT) for the Construction of the North Collier Boulevard Sidewalk Project.

**This item was approved under the Consent Agenda.**
- c.(\*)**     [ID 19-452](#)     Resolution Approving a Local Agency Program (LAP) Agreement with the Florida Department of Transportation (FDOT) for the Construction of the San Marco Road Sidewalk/Shared Use Pathway Project.

**This item was approved under the Consent Agenda.**

## **8. Proclamations and Presentations**

### ID 19-453 Swearing-in Ceremony - Police Chief Tracy Frazzano

*Chair Brechnitz welcomed newly hired Marco Island Police Chief Tracy Frazzano and introduced the Honorable Ramiro Manalich, 20th Judicial Collier County Circuit Court Judge who swore in Chief Frazzano.*

*Marco Island Police Chief Tracy Frazzano gave thanks for the opportunity to lead the Marco Island Police Department and looks forward to working with all to address citizens' concerns and she hopes to make the Marco Island Police Department second to none.*

*It is noted for the record, City Manager Michael McNees excused Police Chief Tracy Frazzano from the City Council meeting after her swearing in due to her out of town family and friends being present.*

## **9. Citizens' comments on agenda items not scheduled for public hearing and items other than those appearing on the agenda. TIME CERTAIN 7:00 PM OR AS SOON AS POSSIBLE THEREAFTER**

*Ms. Janice Gilbert, 920 Ruby Court, expressed her concerns regarding the condition of an abandoned rental property residence, the Magistrate process and the amount of accumulated fines at 910 Ruby Court. She is asking the City for assistance and Chair Brechnitz responded he will address this issue during Council Communications.*

*Mr. Jim Lurry, 920 Ruby Court, also spoke about 910 Ruby Court and noted it is a hazard due to the high grass attracting snakes and rodents. He is asking the City for empathy and to do get something done.*

*Mr. Brent Wilson, 2171 San Marco Road, commented on the impairment status of the waterways and noted he supports the RFP presented. He believes the City has an opportunity to incorporate a more restrictive nature to try and preserve the waterways, beaches and fishing.*

*Mr. Phil Kostelnik, 121 Channel Court, believes Marco Island's number one (1) priority is to provide an adequate supply of clean water. He believes the pollution does not come from the septic system but comes from Lake Okeechobee releasing blue green algae, the red tide in the Gulf of Mexico, golf coast communities releasing unfiltered stormwater into the waterways and lawn fertilizers, weed killers washing into the canals.*

*Mr. Rick Woodworth, Waterways Advisory Committee Chair, asked if Council authorized the City to issue the RFP and Chair Brechnitz replied, yes.*

*Ms. Teri Sommerfeld, Marco Island registered voter, recommended the citizens watch previous Waterways Advisory Committee meetings to educate themselves and hopes all Council members are champions for this cause.*

*(THE MEETING WENT INTO RECESS AT 7:18 P.M. IT IS NOTED FOR THE RECORD THE SAME COUNCILORS WERE PRESENT WHEN THE MEETING RECONVENED AT 7:25 P.M.)*

## **10. Quasi-Judicial Public Hearing - None**

## 11. Ordinances

### A. Public Hearings

[ID 19-450](#) Ordinance - Second Reading & Public Hearing - Section 30-1007 of the Land Development Code (LDC) amendments clarifying the storage of vehicles and trailers on residential lots and adding definitions to Section 30-10.

*Editorial History: A City Council initiated change amending Section 30-1007 related to parking and storage of certain vehicles. This amendment was discussed at City Council and it was determined that utility trailers needed to be regulated like boat trailers for storage on residential lots. This item was heard at the August 2nd Planning Board meeting and was approved 6-1. This item was first heard at the August 19, 2019 City Council meeting and approved with amendments 6-0 noting Vice-Chair Rios was absent.)*

*City Clerk Laura Litzan read into the record by title only, Ordinance 19-15 on second reading.*

*Public Comment: None*

**MOTION by Councilor Reed, seconded by Vice-Chair Rios, to approve Ordinance 19-15 on Second Reading and Public Hearing - Section 30-1007 of the Land Development Code (LDC) amendments clarifying the storage of vehicles and trailers on residential lots and adding definitions to Section 30-10. 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. First Readings

[ID 19-442](#) Ordinance - First Reading - Amending Exhibit "A" Utility Rate Schedule to Ordinance 2003-19.

*(Editorial History: The attached Ordinance adopts the decrease of the capacity surcharge fees from four (4%) percent to two (2%) percent to start November 1, 2019. Per the City's debt service requirements for its capacity related bonds the surcharge fees can be decreased.)*

*City Clerk Laura Litzan read into the record by title only, Ordinance on first reading amending Exhibit "A" Utility Rate Schedule to Ordinance 2003-19.*

*Finance Director Guillermo Polanco provided background information and answered Council's questions and concerns.*

*Public Comment: None*

**MOTION by Vice-Chair Rios, seconded by Councilor Roman, to approve an Ordinance on First Reading, Amending Exhibit "A" Utility Rate Schedule to Ordinance 2003-19. 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

## **12. Resolutions and City Council Items**

### **a. [ID 19-443](#) Update to City Council's Rules of Procedure - Chair Erik Brechnitz**

*(Editorial History: As suggested by Councilor Roman at the March 4, 2019 meeting, Chair Brechnitz offered to update City Council's Rules of Procedure for Council's consideration. At the July 15, 2019 and August 19, 2019 meetings, Councilors provided comments and suggestions for changes.)*

*Council engaged in discussions regarding the placement of Council Communications in the agenda.*

**MOTION by Councilor Honig, seconded by Vice-Chair Rios, to Approve the Update to City Council's Rules of Procedure as presented.**

**NO VOTE TAKEN ON THIS MOTION**

**MOTION by Councilor Grifoni, seconded by Councilor Reed, to re-order Council Communications past Quasi-Judicial Hearings, Ordinances and Resolutions.**

**NO VOTE TAKEN ON THIS MOTION**

**MOTION by Councilor Honig, to amend the original motion, to move the term Council Communications to right before Items removed from the Consent Agenda.**

**NO VOTE TAKEN ON THIS MOTION**

**MOTION by Councilor Honig, seconded by Vice-Chair Rios, to amend the original motion, to move Council Communications and Future Agenda after the word Council Items.**

**MOTION by Councilor Grifoni, seconded by Councilor Reed, to re-order Council Communications past Quasi-Judicial Hearings, Ordinances and Resolutions. MOTION CARRIED BY THE FOLLOWING VOTE:**

**Yes:** 4 - Councilor Reed, Councilor Honig, Councilor Young and Councilor Grifoni

**No:** 3 - Chair Brechnitz, Councilor Roman and Vice-Chair Rios

**MOTION by Councilor Honig, seconded by Vice-Chair Rios, to amend the original motion, to move Council Communications and Future Agenda after Resolutions and City Council Items. 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 19-448](#) Review of the Draft Request for Proposals (RFP #19-033) for Consulting Services for Nutrient Source Evaluation and Assessment.

*(Editorial History: During the April 29, 2019 Water Quality Workshop meeting, City Council requested that a Request For Proposals (RFP) for Water Quality be prepared and presented for review. This item was presented to the Waterways Advisory Committee (WAC) during their August 15, 2019 meeting and after discussion, it was voted unanimously (5-0) to forward the RFP to the City Council for final review and concurrence.)*

*Public Works Director Tim Pinter provided background information and answered Council's questions and concerns. Following discussion, it was determined by consensus to approve the RFP and Mr. Pinter will place the advertisement for reception of the bids and will discuss internally the specific language used regarding isotope testing.*

*Public Comment: None*

**MOTION by Councilor Reed, seconded by Councilor Young, to approve the Review of the Draft Request for Proposals (RFP #19-033) for Consulting Services for Nutrient Source Evaluation and Assessment.**

**NO VOTE TAKEN ON THIS MOTION, IT WAS DETERMINED BY CONSENSUS**

- c. [ID 19-458](#) Resolution Ratifying the Three-Year Police Union Collective Bargaining Agreement

*(Editorial History: The members of the Police Union having changed their affiliation from the Police Benevolent Association to the Fraternal Order of Police have negotiated a successful collective bargaining agreement in a collegiate manner, recognizing the concerns of both the members and the City. The critical issue now is the recruitment and retention of high-quality employees given the current wage and labor market. The proposed contract is a first step in addressing wage compression issues as well as providing the new police chief a great amount of latitude in overseeing the operations of the department. The Union and the City of Marco Island have been in negotiations for approximately 11 months and through the process have reached a three-year successor agreement. The City funded a 3% wage adjustment appropriation, which was approved by Council as part of the FY19 budget, and the employees forfeited skills incentive pay for FY19 to fund an additional 2% to base wages for the first year. Additionally, after discussion with the city manager, raises in FY 20 are at 5.0% and FY 21 at 5.0%. A new pay scale with minimum and maximum wages, including bonuses for those at the maximum, was also established with impacts to wages reflected in the budgetary summary. Attached you will find the proposed successor agreement. Additionally, a summary memo that describes the major proposed changes to the agreement has been prepared.)*

*City Clerk Laura Litzan read into the record by title only, Resolution 19-35.*

*Public Comment: None*

**MOTION by Councilor Honig, seconded by Vice-Chair Rios, to approve Resolution 19-35, Ratifying the Three (3) Year Police Union Collective Bargaining Agreement. MOTION CARRIED BY THE FOLLOWING VOTE:**

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

### **13. Council Reports - None**



## 14. Council Communications & Future Agenda

### [ID 19-318](#) Future Agenda Items

#### *Council Communications:*

*Councilor Grifoni spoke about two (2) items; for Council to begin thinking about about Veteran's Community Park and the possibility of fundraising within the community for naming rights on certain items and Ms. Allie Smith of the Audubon of the Western Everglades who is seeking approval to install a starter burrow owl nest at Leigh Plummer Park. It is noted the nest will be installed and maintained by the audubon. It was determined the City Manager will discuss this with the Parks and Recreation Advisory Committee Chair.*

*Councilor Roman spoke on several topics. She referenced a front page article in the Naples Daily News about Marco waterways being added to the state impairment list. The City Manager confirmed that he received a letter from the state. She asked that Council be provided a copy of the letter. Other items included updating the sea turtle lighting ordinance, invitation to a Tigertail Lagoon presentation given by Humiston and Moore Engineers at Marco Island Librart on September 18, 2019 at 11:00 A.M. and she suggested someone from Council attend the coastal storm risk management feasibility study on September 9, 2019.*

*Councilor Young is seeking Council's thoughts on the City establishing an Environmental Department or Natural Resources Department to manage water quality, stormwater and wildlife issues dedicated to an island. Discussions ensued amongst Council regarding funding, including the possility of funds from Collier County Tourist Development Council (TDC). City Manager Michael McNees replied he will come forward with a reorganizational plan in the next few months.*

*Councilor Reed spoke on two (2) items, scheduling another water quality workshop and his personal contract with Advanced Environmental Laboratory and Lee County Pollution Control for water sampling comparison. City Manager Michael McNees responded he will contact the Collier County Manager for additional information regarding the County's testing obligations.*

*Chair Brechnitz spoke about the residence on Ruby Court and discussed different solutions on how the City can address vacant, non-homesteaded residences that are a safety hazard and a nuisance. City Manager Michael McNees responded he will address this and forward a progress report to Council.*

#### *Future Agenda:*

*Councilor Grifoni is asking for a legislative priority meeting with Lobbyist Ron Book which could include either a special meeting or a telephonic meeting since Mr. Book's schedule does not permit him to attend a regular City Council meeting.*

## 15. City Manager's Report

*City Manager Michael McNees provided his report and answered Council's questions and concerns. Mr. McNees commented on the letter from Department of Environmental Protection (DEP) regarding the impaired waterways status, Hurricane Dorian and the Noise Ordinance.*

## 16. City Attorney's Report - None

## 17. Departmental Reports

[ID 19-314](#)      Monthly Departmental Reports

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

*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**

*Mr. Rich Blonna, 1541 San Marco Road, said he supports the RFP and commented on the City having its own Environmental Department.*

**19. Adjournment**

*There being no further business to come before City Council, the meeting adjourned at 8:39 P.M.*

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*Erik Brechnitz, Council Chairman*

ATTEST:

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*Laura Litzan, City Clerk*

PREPARED BY:

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*Lisa Smith, Recording Specialist*