



# City of Marco Island Florida

51 Bald Eagle Drive  
Marco Island, Florida  
cityofmarcoisland.com

## Meeting Minutes - Final

### City Council

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Monday, September 16, 2019

6:00 PM

Community Meeting Room

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#### 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  
Tracy Frazzano, Police Chief  
Dave Baer, Administrative Police Captain  
Tim Pinter, Director of Public Works  
Jeff Poteet, General Manager of Water and Sewer  
Daniel Smith, Community Affairs Director  
Jason Smalley, Planner II  
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 - Led by 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 Honig, 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 the Minutes

[ID 19-315](#)

Approval of the City Council Meeting Minutes of September 3, 2019

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

*Original Minutes:*

*Councilor Roman spoke on several topics; an article indicating the City Manager received a letter from the state regarding impaired waterways, updating the sea turtle lighting Ordinance, invitation to a Tigertail Lagoon presentation given by Humiston and Moore Engineers at Marco Island Library on September 18, 2019 at 11:00 A.M. and she encouraged someone from Council to attend a coastal storm risk management feasibility study on September 9, 2019.*

*Revised Minutes:*

*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 Library 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.*

**MOTION by Councilor Roman, seconded by Vice-Chair Rios, to Approve the September 3, 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-e (Site Development Plan SDP-19-000919 - Windward Drive Commercial Warehouse at 921 Windward Drive, Marco Island, Florida 34145) from the Consent Agenda.*

*Councilor Reed requested removing Item 7-d (Site Development Plan SDP - 19-000931 - Tigertail Beach Tractor Canopy at 480 Hernando Drive, Marco Island, Florida 34145) from the Consent Agenda.*

*Councilor Young requested removing Item 7-a (Resolution Creating a Waterways Advisory Committee to Provide Recommendations to the City Council) from the Consent Agenda.*

**MOTION by Vice-Chair Rios, seconded by Councilor Honig, 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 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 19-463](#) Resolution Creating a Waterways Advisory Committee to Provide Recommendations to the City Council**

*(Editorial History: 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 20th, 2019, the Waterways Advisory Committee voted 5-0 to recommend Council approval of the attached Resolution.)

*This item was removed from the Consent Agenda by Councilor Young. He is asking who authored the Resolution and Public Works Director Tim Pinter responded that former Interim City Manager David Harden prepared the Resolution. Discussions ensued and it was determined by consensus that Mr. Pinter will take Council's comments back to the Waterways Advisory Committee for further amendments.*

**MOTION by Councilor Young, seconded by Councilor Reed, to send the Resolution back to the Waterways Advisory Committee for further amendments and bring it back to City Council.**

**MOTION WITHDRAWN AND DETERMINED BY CONSENSUS**

- b.(\*) [ID 19-467](#) Renewal of the Policy for FY2020 Property, Liability, and Excess Worker's Compensation Insurance Coverage with Public Risk Insurance Agency ("PRIA") in the amount of \$884,357.00  
**This item was approved under the Consent Agenda.**
- c.(\*) [ID 19-470](#) Approving a Purchase Order to Quality Enterprises, USA, in an Amount not to Exceed \$179,709.00 for the South Barfield to South Bahama Storm Drain System Repair/Replacement  
**This item was approved under the Consent Agenda.**
- d. [ID 19-468](#) Site Development Plan - Tigertail Beach Tractor Canopy at 480 Hernando Drive, Marco Island, FL 34145 (SDP-19-000931)

*(Editorial History: The request to install a sixty (60) foot by fifteen (15) foot prefabricated aluminum carport (fifteen feet high) with a six (6) foot high vinyl coated chain link fence surrounding the area in the Tigertail Beach parking area. In conjunction with the proposed carport, a thirty (30) foot by fifteen (15) foot concrete pad will be poured under the proposed carport for the beach raking equipment storage. Two (2) other concrete pads will be poured, ten and one-half (10 1/2) feet by twenty (20) feet for storage of the construction receptacle and the other will be used for storage of the beach raking tools. The Planning Board considered this application at their September 6, 2019 meeting. During the meeting there was discussion about the process. Upon conclusion, the Planning Board voted 7-0 to forward a recommendation of approval with conditions.)*

*This item was removed from the Consent Agenda by Councilor Reed. He expressed concerns with receiving a Site Development Plan (SDP) from the Planning Board without a Resolution attached.*

*City Manager Michael McNees responded he will discuss this matter with City Attorney Alan Gabriel. Mr. Gabriel noted this SDP will not be compromised if it is passed tonight without a resolution attached.*

*Public Comment: None*

**MOTION by Councilor Reed, seconded by Vice-Chair Rios, to Approve Site Development Plan SDP-19-000931 - Tigertail Beach Tractor Canopy at 480 Hernando Drive, Marco Island, Florida 34145. 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 19-469](#) Site Development Plan - Windward Drive Commercial Warehouse at 921 Windward Drive, Marco Island, FL 34145 (SDP-19-000919)

*(Editorial History: The Petitioner is proposing to construct a new single-story commercial storage structure with an area of approximately 12,538 square-feet on property abutting Windward, O'Malley's Ally and O'Neil's Way Ally. Planning Board approved the SDP-19-000919 by a vote of 7-0 on September 6, 2019.)*

*This item was removed from the Consent Agenda by Councilor Honig. He addressed the way the applicant was treated at the September 6, 2019 Planning Board meeting, the conditions imposed on the applicant and the representation provided by the City's Planning Board Attorney during that meeting. He is asking City Manager Michael McNees to respond to a Planning Board meeting and address the members to explain what their job is and talk to them regarding decorum.*

*Community Affairs Director Dan Smith answered Council's questions and concerns regarding the conditions imposed in the Site Development Plan (SDP).*

*Public Comment:*

*Mr. Craig Woodward, the Attorney for the Applicant, is asking Council to approve the SDP tonight without the additional condition requiring the inspection every 90 days of the pervious paver / asphalt system.*

**MOTION by Councilor Honig, seconded by Vice-Chair Rios, to Approve Site Development Plan SDP-19-000919 - Windward Drive Commercial Warehouse at 921 Windward Drive, Marco Island, Florida 34145 with removal of Condition Number One (1). MOTION CARRIED BY THE FOLLOWING VOTE:**

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

## **8. Proclamations and Presentations**

- [ID 19-474](#) City Utility Box Wraps and Bioswales - Presentation by Andrew Kirlin, Beautification Advisory Committee Chair

*Beautification Advisory Committee (BAC) Chair Andrew Kirlin gave a presentation on bioswales and provided the committee's recommendations. Environmental Planning Specialist Kelly McNab with the Conservancy of Southwest Florida provided additional information on bioswales.*

*BAC Member Shelli Connelly gave a presentation on utility wraps and answered Council's questions and concerns. She is seeking approval for the BAC committee to move forward with the funds available from last year to begin the process for the first ten (10) traffic control utility boxes.*

*Marco Island Center for the Arts Executive Director Hyla Crane noted they have partnered with BAC and will work with local artists and potential community members to use their designs on the utility wraps.*

*Following the presentations, it was determined staff will come back with a proposal at a later date based on the BAC's recommendations. City Manager Michael McNees clarified he will reappropriate the committee's FY2019 funds for the FY2020 with a budget amendment when the proposal is submitted for Council review.*

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

Ms. Janice Gilbert, 920 Ruby Court, thanked Council, City staff and Affordable Landscaping for addressing the conditions of a house located at 910 Ruby Court she spoke about at the last meeting.

Mr. Rick LoCastro, 1560 Buccaneer Court, advised Council he has filed to run for Collier County Commissioner District 1 and provided his credentials.

Mr. David Harden, 140 Seaview Court, noted this will be his last City council meeting and said he wanted to leave some parting advice. He encouraged them to be patient with each other and to work as a team.

## 10. Quasi-Judicial Public Hearing - None

## 11. Ordinances

### A. Public Hearings - Time Certain Approximately 7:00 p.m.

#### [ID 19-473](#) Ordinance - Second 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 4% to 2% 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, an Ordinance 19-16 on second reading.

Finance Director Guillermo Polanco responded to the Council's question from the last meeting advising it was originally implemented in 2007.

Public Comment: None

**MOTION by Councilor Grifoni, seconded by Vice-Chair Rios, to Approve Ordinance 19-16 on Second Reading - Amending Exhibit "A" Utility Rate Schedule to Ordinance 2003-19. MOTION CARRIED BY THE FOLLOWING VOTE:**

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

*(THE MEETING WENT INTO RECESS AT 7:20 P.M. IT IS NOTED FOR THE RECORD THE SAME COUNCILORS WERE PRESENT WHEN THE MEETING RECONVENED AT 7:30 P.M.)*

### B. First Readings - None

## 12. Resolutions and Council Items

### a. [ID 19-466](#) Award of Contract for Landscape Maintenance Services

*(Editorial History: The current Landscape Maintenance Contract No. 16-014 was awarded for an initial 3-year term (March 14th, 2016 to March 14th, 2019) with a possibility of a one 3-year extension until March 14th, 2022. In a renewal letter initiated by the City dated February 8th, 2019, Affordable Landscaping Services agreed to renew their contract under the same terms, conditions and pricing until March 14th, 2022. However, after Council discussion, on February 19th, 2019 City Council only approved a 6-month extension of this contract and directed the City Manager to rebid this service. On July 24th, 2019 staff advertised RFP No. 19-017 for landscaping services. Bids were received and opened on September 5th,*

2019. Three (3) bids were received for the following categories:

1. Roadway Medians
2. Roadside Trees
3. Bridges (riprap and landscaped areas of the approach ramps, sides and underneath the bridge abutment embankment slopes)
4. Miscellaneous City owned vacant lots and Right-of-Ways
5. Public Parks and Open Spaces
6. Athletic Fields
7. Government Facilities (includes all water and sewer utility plant locations) Landscape proposers could bid on all or any of the seven (7) sections. Based on the submitted bids, if these services are awarded to the lowest total bidder, then Affordable Landscape at \$1,240,092.42 could be selected. If these services are awarded based on the lowest individual service categories then both Affordable Landscaping and Florida Evergreen could be selected at a total cost of \$926,663.13.)

Public Works Director Tim Pinter provided background information on landscape maintenance services and is recommending City Council reject the bids and extend the existing contract with Affordable Landscaping.

City Attorney Alan Gabriel provided his legal opinion regarding extending the contract terms to September 16, 2022.

Purchasing and Risk Manager Lina Upham explained the bid process and the change order process that Council requested for the additional items; such as the athletic fields and cud-le-sacs.

Public Comment: None

**MOTION by Councilor Reed, seconded by Councilor Roman, to reject the bids on RFP No. 19-017 and to extend the existing Contract No. 16-014 for the remainder of its term until September 16, 2022.**

**NO VOTE TAKEN ON THIS MOTION**

**MOTION by Councilor Reed, seconded by Councilor Roman, to reject the bids on RFP No. 19-017 and to extend the existing Contract No. 16-014 for the remainder of its term until March 14, 2022. 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 19-472](#) Prioritization of Funding Requests for the Collier County State Legislative Delegation**

*(Editorial History: At the September 3, 2019 meeting, City Council agreed to invite Lobbyist Ron Book to this meeting to participate via telephone to discuss the City's funding requests.)*

City Clerk Laura Litzan announced Marco Island Lobbyist Ron Book is unavailable to attend via telephone at this time.

Council expressed their disappointment in not having Marco Island Lobbyist Ron Book in attendance and engaged in a lengthy discussion regarding the projects listed for the legislative delegation. Staff answered Council's questions and concerns regarding their projects.

Public Comment: None

**MOTION by Vice-Chair Rios, seconded by Councilor Roman, to Approve the Prioritization of Funding Requests for the Collier County State Legislative**

Delegation as presented.

**NO VOTE TAKEN ON THIS MOTION**

**MOTION by Vice-Chair Rios, seconded by Councilor Roman, to Approve the Prioritization of Funding Requests for the Collier County State Legislative Delegation amended to change the prioritization to the following order: 1. San Marco Road Tide Leveling / Flushing Improvement Project 2. Marco Island Multi Agency Regional Maritime Emergency Response and Special Event Emergency Operations / Training Center 3. Florida Recreation Development Assistance Program (FRDAP) for Land and Park Improvement Grants and 4. Isle of Capri Sanitary Sewer Collection System Design.**

**NO VOTE TAKEN ON THIS MOTION**

**MOTION by Vice-Chair Rios, seconded by Councilor Roman, to Continue the Prioritization of Funding Requests for the Collier County State Legislative Delegation to the next 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

### **13. Council Communications & Future Agenda**

#### ID 19-319 Future Agenda Items

*Council Communications:*

*Councilor Honig commented on his letter to the editor in the Marco Eagle where he suggested the City examine allowing Marco Island Police Officers taking their vehicles home and back. He believes Marco Island should get something from Collier County Sheriff and wishes the City Manager to broaden the discussion.*

*Vice-Chair Rios asked Public Works Director Tim Pinter to address the traffic flow at South Collier Boulevard and Swallow Avenue. He believes it is a safety hazard to all those utilizing the Marco Island Civic Association (MICA) and South Beach parking lots.*

*Councilor Young distributed a copy of the January 22, 2018 City Council Meeting minutes where former City Manager Lee Niblock's recommendation to hire a Director of Natural and Community Resources and questioned was approved and questioned why this has not been mandated.*

*Councilor Reed shared he and Councilor Roman attended the Collier County Coastal Storm Risk Management Feasibility Study and found it very informative. He commented on the RFP the City issued for landscape maintenance services and expressed his concerns with the treatment of one of the vendors.*

*Councilor Roman displayed a photograph of a lake forming in the middle of the beach in front of a condominium that did not give Collier County permission to renourish the beach and this may need to be addressed in the near future. She asked City Manager Michael McNees when he will be providing Council an update on his beach protection efforts. Mr. McNees responded the second meeting in October.*

*Future Agenda:*

*Councilor Honig is asking for a discussion on stormwater management.*

*Chair Brechnitz is seeking consensus to place a discussion as an action item on the ban of recreational*



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*marijuana referendum that has been initiated by a political action committee. The majority of Council concurred to place it on a future agenda.*

#### **14. Council Reports - None**

#### **15. City Manager's Report**

##### **A. Discussion of Advisory Committee Process**

*City Manager Michael McNees provided his report and Council had no questions or concerns. He held a short discussion on the advisory committee process and noted he will be making recommendations to Council in the near future.*

#### **16. City Attorney's Report**

##### [ID 19-316](#) City Attorney's Report

*City Attorney Alan Gabriel provided his report and Council had no questions or concerns.*

#### **17. Departmental Reports**

##### [ID 19-317](#) Monthly Departmental Reports

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

*Finance Department Report - Finance Director Guillermo Polanco  
IT Department Report - Director of Information Technology Jordan Turek  
Human Resources Department Report - HR Director Leslie Sanford  
Parks and Recreation Report - Parks, Culture and Recreation Manager Samantha Malloy  
Growth Management Report - Community Affairs Director Dan Smith  
Building Services Department Report - Chief Building Official Raul Perez  
Fire Rescue Report - Fire Chief Mike Murphy*

**MOTION by Vice-Chair Rios, seconded by Councilor Roman, to extend the meeting five (5) minutes to 9:35 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

#### **18. Citizens' Comments - None**

#### **19. Adjournment**

*There being no further business to come before City Council, the meeting adjourned at 9:31 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*