

City of Marco Island Florida

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



Meeting Minutes - Final

Monday, November 9, 2020

5:30 PM

Community Meeting Room

City Council

*Chair: Jared Grifoni
Vice-Chair: Greg Folley*

*City Council: Rich Blonna, Erik Brechnitz,
Becky Irwin, Joe Rola*

*City Manager: Mike McNees
City Attorney: Alan L. Gabriel
City Clerk: Laura Litzan*

Swearing-In of Councilors-Elect

Newly-elected City Council members Rich Blonna, Becky Irwin, Joe Rola and re-elected City Council members Greg Folley and Jared Grifoni were sworn in by the Honorable Ramiro Manalich, South Florida 20th Judicial Circuit Court Judge.

1. Call to Order

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

2. Roll Call

Present: 6 - Councilor Blonna, Councilor Brechnitz, Vice-Chair Folley, Chair Grifoni, Councilor Irwin and Councilor Rola

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
Dave Baer, Police Captain
Chris Byrne, Fire Chief
Dave Batiato, Deputy Fire Chief
Ray Munyon, Fire Marshall
Guillermo Polanco, Finance Director
Daniel J. Smith, Community Affairs Director
Lina Upham, Purchasing & Risk Manager
Tim Pinter, Public Works Director
Jeff Poteet, Water & Sewer General Manager
Raul Perez, Chief Building Official
Jose Duran, Information Technology Director
Jim Kornas, Recording Specialist
Citizens and Visitors*

3. Invocation

Offered by outgoing Councilor Howard Reed.

4. Pledge of Allegiance

Led by Chair Brechnitz.

5. Election of Chair and Vice-Chair

[ID 20-1131](#) Election of Chair and Vice-Chair

Prior to calling for nominations, Chair Brechnitz welcomed the returning and newly-elected Councilors, and offered his perspective on the unique responsibilities that the individual who accepts the role of 'Chair' undertakes by assuming this position on this City Council. He then opened the floor for nominations.

MOTION by current Chair Brechnitz nominating current Vice Chair Grifoni as Chair of the Marco Island City Council. MOTION CARRIED BY THE FOLLOWING VOTE:

Yes: 6 - Councilor Blonna, Councilor Brechnitz, Vice-Chair Folley, Chair Grifoni, Councilor Irwin and Councilor Rola

Newly-elected Chair Grifoni received the applause of the Council and others present, and he assumed his seat as Chair of the Marco Island City Council. He offered his perspective on the duties of the individual who assumes the role of 'Vice-Chair' on the Council.

MOTION by Chair Grifoni nominating Councilor Irwin as Vice-Chair of the Marco Island City Council. MOTION FAILED.

Yes: 3 - Councilor Blonna, Chair Grifoni and Councilor Irwin

No: 3 - Councilor Brechnitz, Vice-Chair Folley and Councilor Rola

MOTION by Councilor Folley nominating Councilor Brechnitz as Vice-Chair of the Marco Island City Council. MOTION FAILED.

Yes: 3 - Councilor Brechnitz, Vice-Chair Folley and Councilor Rola

No: 3 - Councilor Blonna, Chair Grifoni and Councilor Irwin

MOTION by Councilor Brechnitz nominating Councilor Folley as Vice-Chair of the Marco Island City Council. MOTION FAILED.

Yes: 3 - Councilor Brechnitz, Vice-Chair Folley and Councilor Rola

No: 3 - Councilor Blonna, Chair Grifoni and Councilor Irwin

MOTION by Councilor Blonna nominating Councilor Irwin as Vice-Chair of the Marco Island City Council. MOTION FAILED.

Yes: 3 - Councilor Blonna, Chair Grifoni and Councilor Irwin

No: 3 - Councilor Brechnitz, Vice-Chair Folley and Councilor Rola

Chair Grifoni invited Council discussion, and asked Councilors Folley and Irwin, individually, to share their comments on the position of Vice-Chair of the Marco Island City Council.

MOTION by Councilor Brechnitz nominating Councilor Folley as Vice-Chair of the Marco Island City Council. MOTION CARRIED BY THE FOLLOWING VOTE:

Yes: 6 - Councilor Blonna, Councilor Brechnitz, Vice-Chair Folley, Chair Grifoni, Councilor Irwin and Councilor Rola

(THE MEETING WENT INTO RECESS AT 5:53 P.M. TO ADJUST THE ELECTRONIC EQUIPMENT TO RECOGNIZE AND ALIGN WITH THE NEW COUNCIL POSITIONS AND SEATING ARRANGEMENT. ALL COUNCILORS WERE PRESENT WHEN THE MEETING RECONVENED AT 6:01 P.M.)

6. Approval of the Agenda

In recognition of a proposed change in policy on the allocation of CARES Act funding coming before the Collier County Commissioners at its meeting on Tuesday, November 10, 2020, City Manager McNees requested that the Council augment its evening agenda to add consideration and action on a prepared Resolution outlining the City of Marco Island's position on the funding allocation policy.

MOTION by Vice-Chair Folley, seconded by Councilor Blonna, that the Agenda be Amended to add Resolution 20-47 on CARES Act funding by the Collier County Board of Commissioners as Item #13e under 'Resolutions & City Council Items', be Approved. MOTION CARRIED BY THE FOLLOWING VOTE:

Yes: 6 - Councilor Blonna, Councilor Brechnitz, Vice-Chair Folley, Chair Grifoni, Councilor Irwin and Councilor Rola

7. Approval of the Minutes

[ID 19-653](#) Approval of the City Council Meeting Minutes of October 19, 2020

MOTION by Councilor Brechnitz, seconded by Vice-Chair Folley, that the City Council Meeting Minutes of October 19, 2020 be Approved. MOTION CARRIED BY THE FOLLOWING VOTE:

Yes: 6 - Councilor Blonna, Councilor Brechnitz, Vice-Chair Folley, Chair Grifoni, Councilor Irwin and Councilor Rola

8. Approval of Consent Agenda

Councilor Brechnitz requested that Item 8d (Award of Contract for the Construction of the Balfour Drive Sidewalk Project to the Lowest Responsible Bidder, Bonness, Inc. in the Amount of \$344,186.95) be removed from the Consent Agenda. As a result, Item 8d is now reflected in these Minutes under Topic #14: Items Removed From the Consent Agenda.

MOTION by Vice-Chair Folley, seconded by Chair Brechnitz, that the Amended Consent Agenda be Approved. MOTION CARRIED BY THE FOLLOWING VOICE VOTE:

Yes: 6 - Councilor Blonna, Councilor Brechnitz, Vice-Chair Folley, Chair Grifoni, Councilor Irwin and Councilor Rola

[Approval of the Consent Agenda Passed All Routine Items Listed Below.]

- a. [ID 20-1052](#) Authorize the City Manager to Issue a Purchase Order to the Most Responsible Bidder, Pall Water (Danaher Corporation) for the North Water Treatment Plant (NWTP) Membrane Filtration Module Purchase in the Amount of \$335,000.00, as per ITB #2020-028
- b. [ID 20-1090](#) Authorize the City Manager to Issue a Purchase Order to CDM Smith, Inc for Professional Consulting Services to Prepare, Submit, and Support the Water and Sewer Department Risk and Resiliency Assessment (RRA) and Emergency Response Plan (ERP) as Required by the Environmental Protection Agency (EPA) under the "America's Waters Infrastructure Act" (AWIA) of 2018 in the amount not to exceed \$95,700 under City of Marco Island Contract #2020-020 for Water and Wastewater Engineering Services
- c. [ID 20-1118](#) Authorize the City Manager to Issue a Purchase Order to the Lowest and Most Responsible Bidder, Supa Air and Heat, Inc., for the South Water Treatment Plant Second Floor Electrical Room Air Conditioning Replacement in the Amount of \$88,000.00, which includes a \$10,000

contingency as per ITB #2020-025

9. Proclamations and Presentations

[ID 20-1029](#) Employee Recognition for Years of Service

City Manager McNees recognized and called forward the following City employees to receive their appreciation of service recognition certificate and pin as presented by City Council Chairman Jared Grifoni:

1) Mr. Andrew Lindenmuth (5 years); 2) Mr. Duane Leitzel (5 years); 3) Ms. Lina Upham (10 years), and; 4) Mr. Munier "Muni" Gattas (15 years)

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

Mr. David J. Romano, Amber Drive, communicated his intention to create an electronic newsletter for the benefit of the citizens of Marco Island that, he hoped, would enhance the understanding of Council policies and actions on topics of Island-wide concern. He asked the Council to be open to, and considerate of, additional ways of receiving public input.

11. Quasi-Judicial Public Hearing

[ID-20-1120](#) Resolution - Utility Easement Vacation request (LV-20-000196) to Vacate 6-foot Utility and Drainage Easements along the Common Lot Line at 161 Channel Court, Marco Island, FL, 34145

City Attorney Alan Gabriel explained the ex parte disclosure requirement for the benefit of the new Councilors and, at the request of Chair Grifoni, each Council member conveyed his / her verbal ex parte disclosure related to the Petitioner's Appeal.

City Attorney Gabriel then swore in the parties who indicated an intention to provide witness or testimony.

City Clerk Laura Litzan followed by reading Resolution 20-44 into the record by title only.

Director of Community Affairs Daniel J. Smith briefly outlined the background on the nature of the Appeal, and he responded to questions raised by members of the Council.

No public comments were received.

MOTION by Councilor Brechnitz, seconded by Vice-Chair Folley, that Resolution 20-44 - Utility Easement Vacation Request (LV-20-000196) to Vacate 6-Foot Utility and Drainage Easements Along the Common Lot Line at 161 Channel Court, Marco Island, FL 34145, be Approved. MOTION CARRIED BY THE FOLLOWING VOTE:

Yes: 6 - Councilor Blonna, Councilor Brechnitz, Vice-Chair Folley, Chair Grifoni, Councilor Irwin and Councilor Rola

12. Ordinances

A. Public Hearings

None.

B. First Readings

1. [ID 20-1116](#) Ordinance - First Reading - Amending Chapter 22 of the City's Fire Prevention and Protection Ordinance to reflect changes in the Triennial Adoption of the Florida Fire Prevention Code

City Clerk Laura Litzan read the Ordinance into the record by title only.

Fire Chief Chris Byrne explained the reasons for the amended Ordinance, and he and Fire Marshall Ray Munyon addressed questions raised by the Council.

No public comments were received.

MOTION by Vice-Chair Folley, seconded by Councilor Blonna, that the first reading of the Ordinance Amending Chapter 22 of the City's Fire Prevention and Protection Ordinance to Reflect Changes in the Triennial Adoption of the Florida Fire Prevention Code, be Approved. MOTION CARRIED BY THE FOLLOWING VOTE;

2. [ID 20-1141](#) Ordinance - First Reading - Amending Florida Building Code

City Clerk Laura Litzan read the Ordinance into the record by title only.

Community Affairs Director Daniel J. Smith outlined the reasons for the proposed amendment, and he and Chief Building Official Raul Perez addressed questions from the Council.

No public comments were received.

MOTION by Councilor Brechnitz, seconded by Vice-Chair Folley, that the first reading of the Ordinance - Amending the Florida Building Code, be Approved. MOTION CARRIED BY THE FOLLOWING VOTE:

Yes: 6 - Councilor Blonna, Councilor Brechnitz, Vice-Chair Folley, Chair Grifoni, Councilor Irwin and Councilor Rola

13. Resolutions & City Council Items

- a. [ID 20-1135](#) Resolution - Public Hearing - Fiscal Year 2020 Budget Re-appropriation

City Clerk Laura Litzan read Resolution 20-45 into the record by title only.

Finance Director Guillermo Polanco briefly explained the background and reasons for this Resolution, and he and Community Affairs Director Daniel J. Smith addressed questions from the Council.

No public comments were received.

MOTION by Councilor Blonna, seconded by Vice-Chair Folley, that Resolution 20-45 - Fiscal Year Budget Re-appropriation, be Approved. MOTION CARRIED BY THE FOLLOWING VOTE:

Yes: 6 - Councilor Blonna, Councilor Brechnitz, Vice-Chair Folley, Chair Grifoni, Councilor Irwin and Councilor Rola

- b. [ID 20-1130](#) Process for Filling the Vacancy on City Council

Chair Grifoni opened the topic of filling the vacancy resulting from the recent resignation of Councilor Victor Rios, and immediate past City Council Chair Brechnitz outlined the process that was undertaken earlier in 2020 to fill the Council seat vacated by former Councilor Sam Young.

After considerable discussion, the Council concurred with the proposed plan to:

- 1) Solicit and receive on-line applications by interested candidates through November 16, 2020;
- 2) In the event that more than three qualified applicants submit their applications, schedule a special-called workshop meeting of the Council to narrow the candidate pool to three (3) finalists between November 17th and November 20th;
- 3) Provide for members of the Council to schedule individual one-on-one interviews with the three (3) finalists during the weeks of November 23rd and November 30th, and;
- 4) Vote on the appointment of the individual to succeed Councilor Victor Rios at the City Council's scheduled December 7, 2020 meeting

c. [ID 20-1134](#) Appointments to the Collier County Coastal Advisory Committee (CAC), Metropolitan Planning Organization (MPO) and Tourist Development Council (TDC)

At the suggestion of Chair Grifoni, and with the consent of the Council, Councilor Brechnitz was asked to continue his representation on the Coastal Advisory Committee (CAC) through May 22, 2021. At that time, the Council will assess the status of Marco Island's representation on that body to determine the number of seats to be filled.

In anticipation of Councilor Brechnitz's success in arguing for a second Marco Island representative on the Collier County Metropolitan Planning Organization (MPO) Policy Board, Chair Grifoni opened the floor for a nomination and vote on a second City Council representative to that body.

No public comments were received.

MOTION by Councilor Blonna, seconded by Councilor Rola, nominating Vice-Chair Folley as an additional representative to the Collier County Metropolitan Planning Organization (MPO) Policy Board. MOTION CARRIED BY THE FOLLOWING VOICE VOTE:

Yes: 6 - Councilor Blonna, Councilor Brechnitz, Vice-Chair Folley, Chair Grifoni, Councilor Irwin and Councilor Rola

Motions and votes for the remaining appointments were advanced as follows:

(No public comments were received on any of the proposed appointments)

MOTION by Councilor Irwin, seconded by Vice-Chair Folley, nominating Chair Grifoni as the City Council's representative to the Collier County Tourist Development Council (TDC). MOTION CARRIED BY THE FOLLOWING VOICE VOTE:

Yes: 6 - Councilor Blonna, Councilor Brechnitz, Vice-Chair Folley, Chair Grifoni, Councilor Irwin and Councilor Rola

MOTION by Councilor Brechnitz, seconded by Councilor Blonna, nominating Councilors Rola and Irwin as the City Council's representatives to the Southwest Florida League of Cities (SWFLOC) Municipal Advocacy Organization. MOTION CARRIED BY THE FOLLOWING VOICE VOTE:

Yes: 6 - Councilor Blonna, Councilor Brechnitz, Vice-Chair Folley, Chair Grifoni, Councilor Irwin and Councilor Rola

MOTION by Councilor Irwin, seconded by Councilor Folley, nominating Councilor Blonna as the City Council's representative to the Southwest Florida Regional Resiliency Compact Committee. MOTION CARRIED BY THE FOLLOWING VOICE VOTE:

Yes: 6 - Councilor Blonna, Councilor Brechnitz, Vice-Chair Folley, Chair Grifoni, Councilor Irwin and Councilor Rola

d. [ID 20-1140](#) Review of Proclamation of October 16, 2020 Declaring a State of Emergency Related to the COVID-19 Pandemic

City Manager McNees reminded the Council of the original date and intent of the proclamation declaring a state of emergency related to the COVID-19 pandemic. He explained the implications of continuing key elements of the proclamation, and he recommended amending the original proclamation to specifically exclude the authority granted to the designated City Council Chair to unilaterally enact emergency measures under City Code Section 10-6.

No public comment was received.

MOTION by Councilor Blonna, seconded by Councilor Rola, that the Declared State of Emergency Governing the City's COVID-19 Pandemic Response Be Amended To Specifically Exclude the Authority Granted Solely to the Chairman to Enact Emergency Measures Under City Code Section 10-6, be Approved. MOTION CARRIED BY THE FOLLOWING VOTE:

Yes: 6 - Councilor Blonna, Councilor Brechnitz, Vice-Chair Folley, Chair Grifoni, Councilor Irwin and Councilor Rola

e. [ID 20-1150](#) Resolution Approving the Collier County Board of County Commissioners Sub-Recipient Funding Agreement for COVID-19 expenditures via the Coronavirus Relief Fund (CRF) as enacted by the Coronavirus Aid, Relief, and Economic Security Act (CARES) ; Authorizing the City Manager to Execute the Agreement

City Clerk Laura Litzan read Resolution 20-47 into the record by title only.

At the request of Chair Grifoni, Councilor Brechnitz provided the Council with a summary of his actions and the actions of Finance Director Guillermo Polanco to solicit Federal Coronavirus Relief Fund (CRF) funding consideration for Marco Island from the Collier County Board of Commissioners under the Coronavirus Aid, Relief, and Economic Security (CARES) Act.

Finance Director Polanco expanded upon Councilor Brechnitz's explanation, and he addressed related questions from members of the Council.

No public comment was received.

MOTION by Councilor Blonna, seconded by Vice-Chair Folley, that Resolution 20-47 - Approving the Agreement for COVID-19 Funding and Authorizing the City Manager to Execute the Agreement, be Approved. MOTION CARRIED BY THE FOLLOWING VOTE:

Yes: 6 - Councilor Blonna, Councilor Brechnitz, Vice-Chair Folley, Chair Grifoni, Councilor Irwin and Councilor Rola

14. Items Removed from the Consent Agenda

[ID 20-1127](#) Award of Contract for the Construction of the Balfour Drive Sidewalk Project to the Lowest Responsible Bidder, Bonness, Inc. in the amount of \$344,186.95

Public Works Director Tim Pinter provided background on the proposed contract and addressed questions and concerns raised by members of the Council.

No public comment was received.

MOTION by Councilor Brechnitz, seconded by Councilor Blonna, that the Award of Contract for the Construction of the Balfour Drive Sidewalk Project be Deferred and Re-prioritized Under the Comprehensive Review of the City's Forthcoming Sidewalk Maintenance Proposal. MOTION CARRIED BY THE FOLLOWING VOTE:

Yes: 6 - Councilor Blonna, Councilor Brechnitz, Vice-Chair Folley, Chair Grifoni, Councilor Irwin and Councilor Rola

15. Council Communications & Future Agenda

Vice-Chair Folley raised the timetable for the appointment of volunteers for the City's Citizen Boards and Committees. He later confirmed with City Manager McNees that the review of City-owned vehicles was scheduled for an upcoming, near-term City Council meeting.

Councilors Irwin and Blonna next proposed several Future Agenda topics (noted under 'Future Agenda Items' below).

Chair Grifoni thanked the Council for supporting his appointment of Chair for the coming year, and he encouraged all members of the Council to continue to exhibit a spirit of understanding and cooperation in addressing the opportunities and challenges that will come before the Council in the year ahead. He next complimented the City Staff for its Island-wide communications in preparing residents, guests and the business community on the potential impacts of Tropical Storm Eta. Chair Grifoni then noted the short timetable available for the development of the City's Florida State Legislative Priorities, and he requested that City Manager McNees arrange the engagement of the Council with the City's lobbyist, Mr. Ron Book, as soon as possible.

[ID 19-652](#) Future Agenda Items

Councilor Irwin requested that "A Review of Term Limits for City Board and Committee Members" and "Researching and Implementing Clams and Other Filter Feeders to Improve Island Water Quality" be added as Future Agenda topics.

Councilor Blonna similarly requested that two topics be added to the Council's Future Agenda: 1) "Ad Hoc Business Development and Re-development Community Efforts", and; 2) "Engagement with Conservation Collier in Preserving Wetlands and Open Space on Marco Island".

Chair Grifoni requested that a presentation from the City Staff on "Surplus Properties" be added to a Future Agenda as soon as possible.

16. Council Reports

None.

17. City Manager's Report

City Manager McNees reported that the City's offices will be closed on Wednesday, November 11th in observance of Veterans' Day, though there will not be a ceremony at Veterans Park this year given the continuing COVID-19 situation. He expressed optimism that this, and other important Island-wide events, will be re-instated during 2021.

The second appraisal of the Medical Arts Center property at 1310 San Marco Road was received by the City and ongoing negotiations are continuing under a revised, mutually-agreed-to conclusion date.

On the subject of Tropical Storm Eta and the City's Island-wide preparations in anticipation of it, Mr. McNees noted the multiple, highly-complimentary comments by Jim Cantore, lead meteorologist from The Weather Channel, who reported on the storm from the beach on Marco Island.

City Manager McNees concluded his report by asking Community Affairs Director Daniel J. Smith to review potential dates in early December for a Comprehensive Plan Workshop with the Council.

18. City Attorney's Report

City Attorney Alan Gabriel referenced documents that he recently shared with the newly-elected members of the Council on: 1) Florida Sunshine Law, and; 2) Ethics Laws. He pointed out several seemingly innocuous ways in which an elected official can run afoul of the law, and he strongly encouraged the Councilors to reach out to him on any and all questions that they may have.

19. Departmental Reports

[ID 19-650](#) Monthly Departmental Reports

Councilor Blonna requested a copy of the City's most recent MS4 report, and he directed questions on water quality complaints and citizen-reported noise complaints to Public Works Director Tim Pinter and Police Chief Tracy Frazzano, respectively.

20. Citizens' Comments

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

21. Adjournment

There being no further business before the Council, the meeting adjourned at 7:53 P.M.

Jared Grifoni, Council Chair

ATTEST:

Laura Litzan, City Clerk

PREPARED BY:

Jim Kornas, Recording Specialist