

# **City of Marco Island Florida**

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



## **Meeting Minutes - Final**

**Monday, January 6, 2020**

**5:30 PM**

**Community Meeting Room**

### **City Council**

*Chair: Erik Brechnitz*

*Vice-Chair: Jared Grifoni*

*City Council: Larry Honig, Howard Reed,  
Charlette Roman, Victor Rios and Sam Young*

*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 5:30 p.m.*

**2. Roll Call**

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

**Also Present**

*Mike McNees, City Manager  
Laura Litzan, City Clerk  
Alan L. Gabriel, City Attorney  
Mike Murphy, Fire Chief  
Dave Batiato, Deputy Fire Chief  
Clayton Smith, Police Lieutenant  
Guillermo Polanco, Finance Director  
Daniel J. Smith, Community Affairs Director  
Jason Smalley, Planner  
Lina Upham, Purchasing & Risk Manager  
Tim Pinter, Public Works Director  
Jeff Poteet, Water & Sewer General Manager  
Jose Duran, Information Technology Manager  
Citizens and Visitors*

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

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

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

**6. Approval of the Minutes**

[ID 19-571](#) Approval of the City Council Meeting Minutes of December 2, 2019

**MOTION by Councilor Rios, seconded by Vice-Chair Grifoni, that the minutes of December 2, 2019 be Approved. MOTION CARRIED BY THE FOLLOWING VOTE:**

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

**7. Approval of Consent Agenda**

*Councilor Young requested that items 7a, 7b and 7d be removed from the Consent Agenda. (The removed items will be considered individually as Items 13a, 13b and 13d.)*

**MOTION by Councilor Honig, seconded by Councilor Rios, approving the Consent Agenda, amended to remove items 7a, 7b, and 7d. MOTION CARRIED BY THE**

**FOLLOWING VOTE:**

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

**No:** 1 - Councilor Young

Approval of Consent Agenda passes all routine items listed below.

- c. [ID 19-666](#) Authorizing the Purchase of a New 2020 Ford F-150 Super Cab 4WD and Accessories per the approved Capital Improvement Program, "pay as you go"

**8. Proclamations and Presentations - None****9. Citizens' comments on agenda items not scheduled for public hearing and items other than those appearing on the agenda.**

*Mr. Ed Issler, 908 S. Joy Circle, Chair of the Ban Recreational Marijuana PAC, announced that the committee's referendum package was filed today with the City Manager, the City Attorney and the City Clerk. He stated that the referendum would exclude medical marijuana and CBD products. He also provided the committee's contact information for anyone that would like a copy.*

*Ms. Linda Columbo announced that the Calusa Garden Club, in conjunction with the Parks & Recreation Department, will be celebrating Arbor Day on January 17, 2020 at 10:00 a.m. at Leigh Plummer Park. The native tree that will be planted by Everglades Native Designs is being donated by Mr. Mike Kirby of Subtropical Trees. City Council and the public are invited to attend.*

*Ms. Susan Oldershaw, 1271 Mulberry Court, expressed her concerns about the deteriorating water quality in our canals, which she believes is attributable to an increasing population, increased landscaping, and fertilizer. She emphasized the need for more public education regarding our fertilizer code, the benefits of Florida Friendly Landscaping, and approved ground covers for the swales.*

*Mr. William Douglas introduced himself as a candidate running for the Collier County Commission District 1 seat. He provided a brief bio and pledged to continue the hard work of Commissioner Donna Fiala.*

**10. Quasi-Judicial Public Hearing - None****11. Ordinances - None****12. Resolutions & City Council Items**

- a. [ID 19-665](#) Resolution Approving the Articles of Incorporation for the Creation of the Marco Island Community Parks Foundation, Inc.

*City Clerk Laura Litzan read into the record, by title only, Resolution 20-01*

*Councilors provided their input, views, questions and concerns regarding the Articles of Incorporation.*

**MOTION by Vice-Chair Grifoni, seconded by Councilor Rios, that the Resolution Approving the Articles of Incorporation for the Creation of the Marco Island Community Parks Foundation, Inc. be Approved. MOTION CARRIED BY THE FOLLOWING VOTE:**

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

**No:** 1 - Councilor Young

- b. [ID 19-660](#) Resolution Approving Site Development Plan Amendment - SDPA 19-001017, Marco Town Center, 1089 North Collier Boulevard, Marco Island, FL 34145

*City Clerk Laura Litzan read into the record, by title only, Resolution 20-02; City Planner Jason Smalley provided an overview of the requested changes.*

*On behalf of the petitioner, the following representatives made presentations and responded to Council's questions:*

*Chuck Borysiack, Vice-President of Redevelopment - Brixmor  
W. Terry Cole, P.E. Vice-President - Hole Montes, Inc.  
Christian Andrea - RLA, ASLA Landscape Architect  
Chris Connce, Project Architect - Cuhaci & Peterson*

*As requested by Council, the petitioner agreed to amend the agreement to include the required scheduled maintenance of the on-site stormwater system, specifically any Suntree Filters.*

*Public Comment:*

*Mr. Rich Blonna, San Marco Road, expressed his concern about the lack of parking, to which Mr. Cole responded that 24 new spots were being added.*

**MOTION by Councilor Rios, seconded by Councilor Reed, that the Resolution Approving Site Development Plan Amendment SDPA 19-001017 for the Marco Town Center, amended to include a requirement for scheduled maintenance of the on-site stormwater system, be Approved. MOTION CARRIED BY THE FOLLOWING VOTE:**

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

- c. [ID 19-667](#) Reappointment of the Special Magistrate Myrnabelle Roche, Esq. for an additional Two-Year Term

*Councilors shared their views and concerns regarding the reappointment. The majority of Council commented on the merits of returning to the original system of employing 2-3 rotating special magistrates. There was further Council support for having the City Attorney provide feedback to the magistrate regarding the concerns expressed.*

*Public Comment:*

*Mr. Rich Blonna, San Marco Road, wondered if a magistrate coming from Miami would be aware of our unique beaches and dunes, sea turtles and burrowing owls, and how important these things are to our residents.*

**MOTION by Councilor Reed, seconded by Councilor Honig, that the Reappointment of Special Magistrate Myrnabelle Roche, Esq. for an additional two-year term be Approved. MOTION CARRIED BY THE FOLLOWING VOTE:**

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

**No:** 2 - Vice-Chair Grifoni and Councilor Young

- d. [ID 19-687](#) Award of Contract #19-033 (Phase I/Tasks 1-12) for Consulting Services for Nutrient Source Evaluation and Assessment to Environmental Research & Design, Inc. in the Amount not to Exceed \$131,065.16

*Purchasing and Risk Manager Lina Upham reviewed the contract process; Dr. Harvey Harper, President of Environmental Research & Design Inc., responded to Council's questions.*

*Public Comment:*

*Mr. Rick Woodward, Chair of the Waterways Advisory Committee, expressed his support for the program moving forward. He complimented the Council on covering the points he intended to cover.*

*Mr. Dave Crain, Vice-Chair of the Waterways Advisory Committee, expressed his support of Mr. Woodard's comments. He questioned whether nutrient source testing would be done monthly, and inquired about getting the results monthly.*

*Ms. Susan Oldershaw, 1271 Mulberry Court, stated it is wonderful that Council is having this research done, and stressed the importance of getting the public education regarding fertilizer started.*

**MOTION by Councilor Honig, seconded by Councilor Roman, that the Award of Contract #19-033 (Phase 1 / Tasks 1-12) for Consulting Services for Nutrient Source Evaluation and Assessment to Environmental Research & Design, Inc. in the amount not to exceed \$131,065.16 be Approved. MOTION CARRIED BY THE FOLLOWING VOTE:**

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

(THE MEETING WENT INTO RECESS AT 7:57 P.M. AND RECONVENED AT 8:05 P.M., WITH ALL COUNCILORS PRESENT.)

### **13. Items Removed from the Consent Agenda**

*Public Works Director Tim Pinter responded to Councilor Young's questions.*

- a. [ID 19-658](#) Award of Contract for the Construction of the San Marco Road Sidewalk Shared Use Pathway Project to the Lowest Responsible Bidder, American Design Engineering, Inc. in the Amount of \$721,068.00

**MOTION by Vice-Chair Grifoni, seconded by Councilor Young, that the Award of Contract for the Construction of the San Marco Road Sidewalk Shared Use Pathway Project to American Design Engineering, Inc. in the amount of \$721,068.00 be Approved. MOTION CARRIED BY THE FOLLOWING VOTE:**

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

- b. [ID 19-659](#) Award of Contract for the Construction of the North Collier Boulevard Sidewalk Project to the Lowest Responsible Bidder, Coastal Site

Development, in the Amount of \$589,658.00

**MOTION by Councilor Rios, seconded by Councilor Young, that the Award of Contract for the construction of the North Collier Boulevard Sidewalk Project to Coastal Site Development in the amount of \$589,658.00 be Approved. MOTION CARRIED BY THE FOLLOWING VOTE:**

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

- d. [ID 19-681](#) Approving Purchase Orders to Eli Contracting, Inc., in the amount not to exceed \$200,006.16 for the Repair and Replacement of City Owned Sidewalks on Marco Island

**MOTION by Councilor Rios, seconded by Councilor Young, to Authorize the City Manager to Approve Purchase Orders for the Repair and Replacement of City Owned Sidewalks on Marco Island in an amount not to exceed \$200,006.16. MOTION CARRIED BY THE FOLLOWING VOTE:**

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

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

##### *Council Communications:*

*Councilor Rios expressed his view that anyone using reuse water should not be using fertilizer. He requested Council's support to direct the City Manager and City Attorney to draft an ordinance banning the use of fertilizer for reuse water customers, or imposing the regular water rate for those who continue to fertilize. He also expressed concern that the current fertilizer ordinance is not being enforced.*

*Councilor Young directed follow-up questions to the City Manager regarding the status of the missing gate at the J.W. Marriott; when Council might expect the burrowing owl incentive program to come back before them; and the status of an action plan to deal with fish kills. He questioned whether the addition of 2-3 special magistrates would be pursued, to which Chair Brechnitz confirmed that this was the consensus of Council. Councilor Young further asked Council if they agreed or disagreed with his suggestion to add "green space" as an option for Community Parks Foundation funding, to which Councilor Reed recommended that he present a "white paper" on the topic outlining the details. Lastly, Councilor Young suggested the City Manager consider a "state of the union" presentation, highlighting key initiatives being undertaken and the vision of where we are going in the coming year.*

*Councilor Honig acknowledged the passing of former Councilor Jerry Gibson (2008-2012), recalling his many contributions to the community. He commended Council for including cul-de-sac trimming in the new landscape contract and commented that he has noticed a huge improvement in their appearance. Councilor Honig commented on the topic of the now released transcript from the October 24, 2019 closed meeting regarding a lawsuit filed by the police department records clerk. He further expressed concern about citizens being treated badly by the Planning Board; suggested that some opinions being expressed regarding fertilizer and reuse water are not based upon science and any changes to our codes regarding same need to be carefully considered; and complimented staff for their efforts to assist the organizers of the upcoming remote controlled boat regatta.*

*Councilor Reed shares Councilor Honig's concern about opinions being expressed regarding reuse water not reflecting the scientific data collected. He also suggested that Councilors who have questions regarding agenda items should direct those to the City Manager or staff in advance of the meeting.*

*Councilor Roman recommends that any public outreach resulting from Dr. Harper's efforts should be*

initiated from the City Manager's office. She recalled for Council that the City has a registration process for landscapers and suggested that the City Manager do a "spot check" to verify compliance with the registration program. She confirmed with City Manager McNees that the water testing being done by Collier County Pollution Control will continue, in addition to the data collected by Dr. Harper, and that the effluent discharges from our water treatment plant will be considered. Councilor Roman questioned whether comments from a citizen concerned about an outfall discharge into the Tigertail lagoon were accidentally omitted from the minutes; asked the City Manager to update the Council on the outfall at Mackle Park and beach patrols; and requested that the annual report to the Council from the committee chairs be reinstated.

Vice-Chair Grifoni commented on being invited by the Beautification Advisory Committee to review the artwork being submitted for the utility box wrap program; he shared the thank you card he received from the Marco Island Academy (MIA) students expressing appreciation for being included in City Government Week; recalled for Council the prior approved Youth Council program that did not materialize, and advised that it will be relaunched with help of MIA and the City Manager. Finally, Vice-Chair Grifoni sadly acknowledged the passing of resident Michelle Sullivan and expressed his deepest condolences to the family.

Councilor Rios clarified for Council that his comments regarding reuse water were verified by Dr. Harper.

Chair Brechnitz reiterated Councilor Reed's comments about directing questions to staff in advance of the meeting and apologized for becoming frustrated during the discussion on the creation of the Community Parks Foundation. Further, he shared his views on the light punishment received by a former Marco Island police officer from the Florida Criminal Justice Standards and Training Commission (FCJSTC). He distributed the letter detailing his opposition that he will send to the FCJSTC with Council's support.

Future Agenda Items:

Councilor Reed will bring forward an item on a review of the commercial uses of public rights-of-way.

Councilor Roman will bring forward an item on an environmental stewardship award.

## **15. Council Reports**

### **a. [ID 19-682](#) 1% Sales Tax - Councilor Larry Honig**

Councilor Honig provided detailed information to Council regarding the proposed allocation of the 1% sales tax funds:

Fire Station - \$8 million

Veterans' Community Park - \$7 million

Extra Street Resurfacing - \$5 million

Storm Water Management - \$4.95 million

Parking - \$2.2 million

He suggested that Council, by consensus, ask the City Manager and Finance Director to come back to Council with a plan and to follow-up with regular updates. Council expressed its support and thanked Councilor Honig for his presentation.

### **b. [ID 19-683](#) Florida League of Cities - Councilor Larry Honig**

Councilor Honig enumerated the benefits of attending the Institute for Elected Municipal Officials (IEMO) offered by the Florida League of Cities. He strongly encouraged the Council to take advantage of the opportunity to meet with other elected officials and exchange ideas.

**16. City Manager's Report**

*Regarding Council's prior direction to modify the sign ordinance to allow temporary signs in the commercial rights-of-way, and bring the amended ordinance back to City Council for adoption, City Manager McNees clarified that our process for adopting amendments to the Land Development Code (LDC), including the sign ordinance, requires that the amendment pass through the Planning Board first. He will work with staff to articulate for the Planning Board Council's direction on the matter, as well as providing guidance for standards of conduct when working with members of the public.*

**17. City Attorney's Report - None****18. Departmental Reports**

[ID 19-576](#)      Monthly Departmental Reports

*Chair Brechnitz solicited the members of Council for questions and comments regarding the Monthly Departmental Reports. No questions or comments were raised.*

**19. Citizens' Comments**

*No citizens came forward in response to Chair Brechnitz's invitation to address the Council.*

**20. Adjournment**

*There being no further business, the meeting adjourned at 9:28 p.m.*

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*Erik Brechnitz, Council Chair*

ATTEST AND PREPARED BY:

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*Laura Litzan, City Clerk*