

City of Marco Island Florida

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



Meeting Minutes - Final

Monday, April 19, 2021

5:30 PM

Community Meeting Room

City Council

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

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

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

1. Call to Order

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

2. Roll Call

Present: 7 - Councilor Blonna, Councilor Irwin, Councilor Brechnitz, Vice-Chair Folley, Councilor Rola, Councilor Babrowski and Chair Grifoni

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
Chris Byrne, Fire Chief
Dave Batiato, Deputy Fire Chief
Guillermo Polanco, Finance Director
Daniel J. Smith, Community Affairs Director
Tim Pinter, Public Works Director
Jose Duran, Information Technology Director
Miguel Carballo, Fleet & Facilities Manager
Martin Luna, Video/Broadcast Technician
Jim Kornas, Recording Specialist
Citizens and Visitors*

3. Invocation

Offered by Reverend Scott Kerens of the Marco Presbyterian Church.

4. Pledge of Allegiance

Led by Chair Grifoni.

5. Approval of the Agenda

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

Yes: 7 - Councilor Blonna, Councilor Irwin, Councilor Brechnitz, Vice-Chair Folley, Councilor Rola, Councilor Babrowski and Chair Grifoni

6. Approval of the Minutes

- a. [ID 21-1487](#) Approval of the City Council Lunch Workshop Minutes of March 31, 2021

MOTION by Councilor Blonna, seconded by Vice-Chair Folley, that the Minutes of the City Council Lunch Workshop of March 31, 2021 be Approved. MOTION CARRIED BY THE FOLLOWING VOICE VOTE:

Yes: 7 - Councilor Blonna, Councilor Irwin, Councilor Brechnitz, Vice-Chair Folley, Councilor Rola, Councilor Babrowski and Chair Grifoni

- b. [ID 21-1433](#) Approval of the Comprehensive Plan Workshop Minutes of March 31, 2021

MOTION by Councilor Blonna, seconded by Vice-Chair Folley, that the Minutes of the Comprehensive Plan Workshop of March 31, 2021 be Approved. MOTION CARRIED BY THE FOLLOWING VOICE VOTE:

Yes: 7 - Councilor Blonna, Councilor Irwin, Councilor Brechnitz, Vice-Chair Folley, Councilor Rola, Councilor Babrowski and Chair Grifoni

- c. [ID 20-1218](#) Approval of the City Council Meeting Minutes of April 5, 2021

MOTION by Vice-Chair Folley, seconded by Councilor Irwin, that the Minutes of the City Council Meeting of April 5, 2021 be Approved. MOTION CARRIED BY THE FOLLOWING VOICE VOTE:

Yes: 7 - Councilor Blonna, Councilor Irwin, Councilor Brechnitz, Vice-Chair Folley, Councilor Rola, Councilor Babrowski and Chair Grifoni

7. Approval of Consent Agenda

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

Yes: 7 - Councilor Blonna, Councilor Irwin, Councilor Brechnitz, Vice-Chair Folley, Councilor Rola, Councilor Babrowski and Chair Grifoni

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

- a. [ID 21-1492](#) Resolution Approving a Local Agency Program (LAP) Supplemental Agreement with the Florida Department of Transportation (FDOT) for the Construction of the Inlet Drive Sidewalk/Shared Use Pathway Project and to increase funding for the Project to \$579,350.00
- b. [ID 21-1493](#) Resolution Approving a Local Agency Program (LAP) Supplemental Agreement with the Florida Department of Transportation (FDOT) for the Construction of the Bald Eagle Drive Sidewalk/Shared Use Pathway Project and to increase funding for the Project to \$559,460.00

8. Proclamations and Presentations

- a. [ID 21-1491](#) Fiscal Year 2020 Comprehensive Annual Financial Report

Finance Director Guillermo Polanco introduced Mr. Jim Miller, Chair of the Marco Island Audit Advisory Committee, and Mr. Daniel Anderson, Audit Director, Mauldin & Jenkins CPAs & Advisors, to review the audit report summary and to address questions raised by members of the Council.

No comments from members of the public were raised regarding the report.

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

Mr. Ed Issler (S. Joy Circle) expressed concern that the current direction and content of the Comprehensive Plan has not received adequate citizen comment and is not in alignment with the goals of the citizens of Marco Island. He alerted the Council to the possibility of a citizen-led petition to bring the stated goal of the Comprehensive Plan forward as a referendum for citizen vote.

Ms. Teri Sommerfeld (San Marco Rd.), in recalling the Council's actions at its March 15th and April 5th meetings regarding alternative water and wastewater impact fee calculations, expressed an opinion that the Council should have called a "time-out" to more deeply investigate and evaluate the calculation method employed in determining the revised rate.

Ms. Christine Dowell (Biscayne Way) similarly expressed disappointment with the Council's handling of the alternative water and wastewater impact fee proposal as raised by Ms. Sommerfeld. She also expressed her concern that the pace of the Comprehensive Plan development process feels "rushed", and that citizen concerns regarding quality of life issues have not been heard and reflected in the Plan.

Mr. Larry Honig (Rio Ct.) complimented the Council's actions in working together as well as individually, and he cited specific examples in support of his observation. He also pointed out that the City carries a low level of debt, and that it has been judicious in its use of available funds on projects of positive benefit to the citizens of Marco Island.

Mr. Rick LoCastro (Buccaneer Ct.), in his role as District 1 Collier County Commissioner, provided a brief update on the actions that he has undertaken regarding Tigertail Beach's environmental and amenities issues. He also indicated his intention to next bring focus and action on the utilization, parking and safety issues that exist at Caxambas Park. He expressed thanks and appreciation to the Council and the City Staff for its cooperation and support, and concluded his update by emphatically emphasizing that there is no basis to the rumor that the County is considering the construction of a two-story parking structure near South Beach.

Mr. Howard Reed (Bald Eagle Dr.) complimented the Council for respecting the City Staff's endorsement of the alternative water and wastewater impact fee calculation, but he called into question whether the proposed project under which this calculation was recently applied is truly shouldering its "proportionate share" of the utility's burden. He believes that this issue is not going away, and he cited an expert in this matter who similarly expressed his belief that the alternative rate calculation was misinterpreted and applied.

(Editorial Note: Chair Grifoni requested comment from City Manager McNees on the subject of the alternative impact fee calculation during the comments offered above. Mr. McNees indicated that, though he believes that the City's application of the alternative rate method was and is appropriate, the layout of the form that instructs its use can be subject to misinterpretation).

10. Quasi-Judicial Public Hearing

None.

11. Ordinances

None.

12. Resolutions & City Council Items

a. [ID 21-1500](#) Capital Funding Project Summary

Finance Director Guillermo Polanco discussed and responded to questions raised by the Council regarding the projects that are currently approved and in development.

Public Comment

Mr. Larry Honig (Rio Ct.) expressed his concern that Marco Island's projected funding allocation under the Federal American Rescue Plan Act of 2021 is miscalculated in relation to the projected amount allocated

to the City of Naples. He encouraged the Council and the City Staff to act quickly to challenge the projected allocation before it is finalized and distributed.

b. [ID 21-1489](#) Project Management Update and Recommendation

City Manager McNees brought forward a recommendation to fund the hiring of a full-time project manager through the reclassification and re-assignment of existing Staff positions resulting in a 0.5 full-time equivalent net increase in Staff headcount for the City. The Council questioned and discussed the merits of the proposed direction as compared to contracting this position on a temporary basis.

Public Comment

Ms. Teri Sommerfeld (San Marco Rd.) expressed her belief that the natural level of employee attrition over time could provide the flexibility to accommodate the hiring and ongoing budgeting of this person within the overall manpower allocation for the City.

MOTION by Vice-Chair Folley, seconded by Councilor Irwin, that the authorization to the City Manager to convert one existing Staff vacancy to a Project Manager position and convert one part-time position to full-time be Approved. MOTION CARRIED BY THE FOLLOWING VOTE:

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

No: 1 - Councilor Brechnitz

(THE MEETING WENT INTO RECESS AT 7:27 P.M. IT IS NOTED FOR THE RECORD THAT ALL COUNCILORS WERE PRESENT WHEN THE MEETING RECONVENED AT 7:35 P.M.)

c. [ID 21-1494](#) Veterans' Community Park 90% Construction Document Cost Estimate and Project Status

Public Works Director Tim Pinter introduced the discussion of this project and highlighted the key milestones leading up to the review with the Council at this meeting. He introduced Mr. James Pankonin, Architect and Urban Designer with Kimley-Horn Engineering & Design Consultants, to review the construction documents, stormwater management plan, and the conceptual representations of the completed project. Ms. Natalie Clancy, P.E., Civil Engineer with Kimley-Horn, participated with Mr. Pankonin in addressing the stormwater management plan elements of the project with the Council.

Following Kimley-Horn's review and response to the many questions raised by the Council, three executives from Manhattan Construction Company - Mr. John Reyhan, President, Mr. David Puls, Project Director, and Mr. John Begani, Director of Pre-Construction for Florida - participated via Zoom teleconference connection and provided an in-depth review of the cost elements, value engineering alternatives and construction material cost inflation considerations impacting the projected overall cost of the project. The Manhattan Construction team similarly fielded and addressed many cost and construction-related questions from the Council.

Public Comment

Dr. Carlos Portu (Gumbo Limbo Lane), as Chair of the City's Parks & Recreation Advisory Committee, spoke to the long and extensive process that was undertaken to bring the Veterans' Community Park

project to this point, and he urged the Council to approve the project at its full, projected cost rather than settling for a lesser-cost alternative which may require significantly more ongoing maintenance expense.

Mr. Ed Issler (S. Joy Circle) spoke on behalf of himself and other residents who reside across the water from the Park who are concerned with any revision to the plan that eliminates or minimizes the application of lush landscaping elements behind the bandshell.

Mr. Robert Roth (Barbarosa Ct.) indicated his belief that the increased use of pervious surface materials in the parking and walkway areas could enhance the planned Park and make it much more environmentally friendly to the Island.

Mr. Howard Reed (Bald Eagle Dr.) noted that the compromises accepted in the past execution of the Mackle Park Community Building did not deliver what the citizens of the Island truly wanted. He urged the Council to not compromise in pursuing the full benefit and value of the proposed Veterans' Community Park project design.

Mr. Larry Honig (Rio Ct.), as a resident who also lives across the water from the proposed location of the bandshell, showed a photograph of how obtrusive the lighting from current evening activities at Veterans' Community Park can be for residents like himself. He urged the City to be mindful of adhering to its own lighting regulations and hours of operation for future events at that location.

Ms. Teri Sommerfeld (San Marco Rd.) likened Mr. Honig's situation as similar in nature to those on the Island who live next to "the ultimate party house". She expressed hope that the members of the Council would exhibit sensitivity and concern for those citizens in residential areas who continue to deal with loud and obtrusive short-term rental "party houses" in their neighborhood.

MOTION by Councilor Irwin, seconded by Councilor Blonna, that the Veterans' Community Park 90% construction cost estimate of \$10,484,184 with the accepted value management options as of April 16, 2021 be Approved. MOTION CARRIED BY THE FOLLOWING VOTE:

Yes: 7 - Councilor Blonna, Councilor Irwin, Councilor Brechnitz, Vice-Chair Folley, Councilor Rola, Councilor Babrowski and Chair Grifoni

d. [ID 21-1429](#) Resolution Approving Site Development Plan (SDP) for Veterans Community Park, 901 Park Avenue, Marco Island, FL 34145

City Clerk Laura Litzan read Resolution 21-16 into the record by title only.

Community Affairs Director Dan Smith noted that the proposed Site Development Plan would not be affected by the Council's earlier decision on the construction cost accepted at the 90% construction document level.

Public Comment

Mr. Howard Reed (Bald Eagle Dr.) observed that to ensure daily, rather than event-related only, use of the proposed Veterans' Community Park's amenities, the planned restrooms will need to remain open and supervised by Parks & Recreation personnel throughout the day. He requested that the City consider making accommodations within one of the Veteran's Community Park proposed structures to allow for a City employee to remain on duty there for the full duration of the park's hours of operation.

MOTION by Vice-Chair Folley, seconded by Councilor Brechnitz, that Resolution 21-16 - Approving the Site Development Plan (SDP) for Veterans' Community Park Located at 901 Park Avenue, Marco Island, FL 34145, be Approved. MOTION CARRIED BY THE FOLLOWING VOTE:

Yes: 7 - Councilor Blonna, Councilor Irwin, Councilor Brechnitz, Vice-Chair Folley, Councilor Rola, Councilor Babrowski and Chair Grifoni

Motion to Extend the Meeting

MOTION by Councilor Brechnitz, seconded by Vice-Chair Folley, to extend the City Council meeting to conclude no later than 10:00 P.M., be Approved. MOTION CARRIED BY THE FOLLOWING VOICE VOTE:

Yes: 7 - Councilor Blonna, Councilor Irwin, Councilor Brechnitz, Vice-Chair Folley, Councilor Rola, Councilor Babrowski and Chair Grifoni

e. [ID 21-1499](#) Fire Station 50 90% Construction Document Cost Estimate and Project Status

Fleet & Facilities Manager Miguel Carballo outlined the history, scope and status of the proposed project at the 90% construction document cost estimate, and he addressed questions raised by members of the Council.

No public comments were received.

MOTION by Councilor Blonna, seconded by Vice-Chair Folley, that Fire Station 50's 90% construction estimate as submitted by Manhattan Construction Company on April 12, 2021 be Approved. MOTION CARRIED BY THE FOLLOWING VOTE:

Yes: 7 - Councilor Blonna, Councilor Irwin, Councilor Brechnitz, Vice-Chair Folley, Councilor Rola, Councilor Babrowski and Chair Grifoni

f. [ID 21-1450](#) Resolution Approving Appointments to the Audit Advisory Committee

City Clerk Laura Litzan read Resolution 21-17 into the record by title only.

Nominations for the Audit Advisory Committee from the list of received Applicants proceeded as follows:

Councilor Blonna nominated William Rogers

Councilor Irwin nominated Elle Hunt

Councilor Rola nominated Peter Marascio

Chair Grifoni nominated Robert Hughes

No public comments were received regarding any of the nominees.

MOTION by Councilor Blonna, seconded by Councilor Brechnitz, that the four named nominees for the Audit Advisory Committee commencing June 1, 2021, be Approved. MOTION CARRIED BY THE FOLLOWING VOTE:

Yes: 7 - Councilor Blonna, Councilor Irwin, Councilor Brechnitz, Vice-Chair Folley, Councilor Rola, Councilor Babrowski and Chair Grifoni

g. [ID 21-1451](#) Appointment to the Collier County Coastal Advisory Committee

Councilor Brechnitz spoke to his experience in currently serving with Mr. Stephen Koziar on the Collier County Coastal Advisory Committee (CAC), and he recommended advancing Mr. Koziar to the CAC for continuation as Marco Island's representative upon the expiration of his current term effective May 22,

2021.

No public comments were received regarding the propose nomination.

MOTION by Councilor Brechnitz, seconded by Councilor Blonna, that Mr. Stephen Koziar be proposed to the Collier County Coastal Advisory Committee as Marco Island's continuing representative effective May 23, 2021, be Approved. MOTION CARRIED BY THE FOLLOWING VOTE:

Yes: 7 - Councilor Blonna, Councilor Irwin, Councilor Brechnitz, Vice-Chair Folley, Councilor Rola, Councilor Babrowski and Chair Grifoni

13. Items Removed from the Consent Agenda

None.

14. Council Communications & Future Agenda

Councilor Blonna, in follow-up to recent Water Quality Education & Information Workshop on April 8th, shared a request by the City's Waterways Advisory Committee to recognize and establish a "Water Quality Day" by City Council Proclamation.

Councilor Blonna also communicated his receipt of an invitation by Dr. Michael Savarese to engage in an online training activity associated with Marco Island's participation in the Southwest Florida Regional Resiliency Compact.

Councilor Blonna concluded by sharing the status of his effort in conjunction with Mr. Brad Cornell of the Audubon of the Western Everglades (AWE) to persuade Conservation Collier to be open to including Marco Island property parcels in its land purchase program. He asked for, and received, Council endorsement to support AWE's work in this effort, and to draft a whitepaper for more considered Council review at a future meeting of the Council.

Councilor Irwin, in reflecting on the evening's Motion that she advanced regarding budgeting for the Veterans' Community Park project (Agenda Item 12c), expressed support for funding the project to its full design intent as endorsed by the City's Parks & Recreation Advisory Committee.

Vice-Chair Folley echoed Councilor Irwin's comments, and he expressed his belief that long-term capital projects should be evaluated on their value to the public and not just on their cost.

Councilor Babrowski noted the seeming lack of alignment in the City Staff's proposal regarding Veterans' Community Park and the direction for the project as endorsed by the Parks & Recreation Advisory Committee. She asked City Manager McNees to review and reassess the manner in which the City Staff engages with, and coordinates with, its Committees on recommendations that come before the Council.

In support of the citizen concerns raised regarding the Comprehensive Plan timetable, Councilor Babrowski expressed her belief that the Plan should not be rushed for submission to the State. She added, however, her belief that 'residents' are not the only voice that should be heard in the Plan's development. She asked that the Plan Development Team include the voice of all taxpaying property owners - residents and non-residents alike - in drafting future iterations of the Comprehensive Plan.

Councilor Babrowski concluded by updating the Council on the outputs from the April 16th Isles of Capri meeting with District 1 Collier County Commissioner LoCastro regarding municipal sewer options.

Councilor Brechnitz expressed a desire to better understand the allocation formula for monies expected from the Federal American Rescue Plan, and he questioned how the State of Florida claims a portion of Collier County's temporary 1% sales tax proceeds.

Councilor Rola expressed his concern with the level of completeness and the City's timetable to submit the Marco Island Comprehensive Plan to the State by May 17th. in his opinion, the current iteration of the Plan lacks cohesiveness and does not reflect adequate citizen and Council input. (Editorial Note: At the request of Chair Grifoni, Community Affairs Director Smith addressed how and when the May 17th date was determined. He also noted that the Council would have time between the State review (during June) and the conclusion of the contract with the City's consultants (in September) to propose additional changes to the Plan with the benefit of any comments and recommendations offered by the State).

Councilor Irwin, in reflecting on the nature of the questions raised by members of the Council to the City Staff during the evening's meeting, recommended that all Councilors use the opportunity between the issuance of the agenda and the associated meeting to query Staff as necessary to gain background and insight on the topics coming before the Council.

Chair Grifoni asked City Manager McNees to participate in the next Parks & Recreation Advisory Committee (PRAC) meeting to ensure that the full context and direction desired by the Council on the proposed value engineering elements is well represented in the Committee's next review of the Veterans' Community Park Project. (Editorial Note: PRAC Chair Carlos Portu stepped forward to assure the Council that the Committee will proceed in line with the Council's wishes).

[ID 20-1217](#) Future Agenda Items

Councilor Blonna requested that his whitepaper on "Council Support of AWE re: Marco Island Property Parcels for Potential Conservation Collier Consideration" be added to a future agenda of the Council.

Attorney Alan Gabriel requested that a Resolution regarding the State of Florida's potential opioid settlement provisions be brought forward to a future meeting of the Council. (Editorial Note: See agenda Item 17 - City Attorney's Report).

Motion to Extend the Meeting

MOTION by Councilor Brechnitz, seconded by Vice-Chair Folley, to extend the City Council Meeting to conclude no later than 10:15 P.M., be Approved. MOTION CARRIED BY THE FOLLOWING VOICE VOTE:

Yes: 7 - Councilor Blonna, Councilor Irwin, Councilor Brechnitz, Vice-Chair Folley, Councilor Rola, Councilor Babrowski and Chair Grifoni

15. Council Reports

None.

16. City Manager's Report

City Manager McNees advised the Council of the City's expiring contract with the vendor that is dispensing COVID-19 vaccinations. Noting the declining demand and the wide availability of alternative locations and sources, Mr. McNees communicated the City's intention to conclude the program with the administration of the second inoculation to those who had previously received their first inoculation through the City's program.

17. City Attorney's Report

[ID 20-1214](#) City Attorney's Report

City Attorney Alan Gabriel advised the Council of the status of tenant departures in the recently-purchased

Medical Arts Building and requested the Council's authority to file eviction notifications, if they become necessary. (Editorial Note: By consensus, the Council unanimously concurred with providing City Attorney Gabriel the authority to proceed in this manner, if necessary).

City Attorney Gabriel next advised the Council of his intention to bring forward a Resolution relative to the State Attorney General's negotiation of a potential opioid settlement for review at an upcoming meeting of the Council.

City Attorney Gabriel concluded by commenting on two litigation actions that were included in his report.

Motion to Extend the Meeting

MOTION by Councilor Brechnitz, seconded by Vice-Chair Folley, to extend the City Council Meeting to conclude no later than 10:20 P.M., be Approved. MOTION CARRIED BY THE FOLLOWING VOICE VOTE:

Yes: 7 - Councilor Blonna, Councilor Irwin, Councilor Brechnitz, Vice-Chair Folley, Councilor Rola, Councilor Babrowski and Chair Grifoni

18. Departmental Reports

[ID 20-1215](#) Monthly Departmental Reports

No comments or questions were raised regarding the Department Reports.

19. Citizens' Comments

No public comments were brought forward during this portion of the agenda.

20. Adjournment

There being no further business before the Council, the meeting adjourned at 10:16 P.M.

Jared Grifoni, Council Chair

ATTEST:

Laura Litzan, City Clerk

PREPARED BY:

Jim Kornas, Recording Specialist