

City of Marco Island Florida

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



Meeting Minutes - Final

Tuesday, September 6, 2022

5:30 PM

Community Meeting Room

City Council

*Chair: Erik Brechnitz
Vice-Chair: Jared Grifoni*

*City Council: Claire Babrowski,
Rich Blonna, Greg Folley,
Becky Irwin, Joe Rola*

*City Manager: Mike McNees
Assistant City Manager: Casey Lucius
City Attorney: Alan L. Gabriel
City Clerk: Mike Sheffield*

1. Call to Order

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

2. Roll Call

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

Also Present

*Michael McNees, City Manager
Casey Lucius, Assistant City Manager
Mike Sheffield, City Clerk
Alan L. Gabriel, City Attorney
Tracy Frazzano, Police Chief
Chris Byrne, Fire Chief
Guillermo Polanco, Finance Director
Daniel J. Smith, Community Affairs Director
Justin Martin, Acting Public Works Director
Miguel Carballo, Fleet & Facilities Manager
Lina Upham, Purchasing & Risk Manager
Martin Luna, Video/Broadcast Technician
Jim Kornas, Recording Specialist
Citizens and Visitors*

3. Invocation

Offered by Reverend Thomas McCulley of New Life Community Church.

4. Pledge of Allegiance

Led by Chair Brechnitz.

5. Approval of the Agenda

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

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

6. Public Hearing - Adoption of Tentative FY2022-2023 Millage Rate & Budget

- a. [ID 22-2396](#) Resolution Adopting the Tentative FY2023 Millage Rate - City of Marco Island - Guillermo Polanco, Director, Finance

City Finance Director Guillermo Polanco noted that Section 200.065 of the Florida Statutes governs the budget adoption process. This Truth in Millage (TRIM) statute establishes a detailed timeline and approval process that requires two public hearings held in the month of September, and separate actions for establishing the tax levy and the approval of the annual budget.

To comply with the TRIM regulations, City Council is required to take separate actions in a specified order. At each of the public hearings, the public may speak and ask questions before the Council adopts any measures. Council must adopt a millage rate before it adopts a budget. The millage rate and budget must

be adopted by separate votes at the advertised hearing. The final millage rate adopted at the second hearing cannot exceed the tentatively-adopted millage rate.

The proposed tentative millage rate is the rolled back rate of 1.4837 mills for City operations. Any change approved by the City Council will be reflected in the resolution adopting the final millage rate.

At the hearing, prior to the adoption of the millage levy resolution, the following must be announced:

- 1. The name of the principal taxing authority is the City of Marco Island, Florida.*
- 2. The current year aggregate rolled-back rate is 1.5494 mills.*
- 3. The current year proposed aggregate millage rate is 1.5606 mills.*
- 4. The change over the aggregate rolled-back rate is an increase of .72 percent.*
- 5. The millage rate to be levied is 1.4837 mills for the City of Marco Island.*
- 6. The City has a dependent special district, and the Board of Supervisors of the Hideaway Beach Special Taxing District at its July 7, 2022 meeting recommend a tax levy of 1.500 mills for district operations.*

Mr. Polanco concluded by reading Resolution 22-25 into the record by title only.

No members of the public came forward to offer comment.

MOTION by Vice-Chair Grifoni, seconded by Councilor Folley, that Resolution 22-25 Adopting the Tentative FY2023 Millage Rate - City of Marco Island, be Approved. MOTION CARRIED BY THE FOLLOWING VOTE:

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

No: 1 - Councilor Blonna

b. [ID 22-2397](#) Resolution Adopting the Tentative FY2023 Budget - City of Marco Island - Guillermo Polanco, Director, Finance

City Finance Director Guillermo Polanco noted that the Water & Sewer Fund is presented with budgeted revenues based on projected water and sewer sales for Fiscal Year 2023, with no allowance for potential changes in usage to weather, conservation or other factors.

He then read Resolution 22-26 into the record by title only.

No members of the public came forward to offer comment.

MOTION by Councilor Folley, seconded by Councilor Irwin, that Resolution 22-26 - Adopting the Tentative FY2023 Budget - City of Marco Island, be Approved. MOTION CARRIED BY THE FOLLOWING VOTE:

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

No: 1 - Councilor Blonna

c. [ID 22-2398](#) Resolution Adopting the Tentative FY2023 Millage Rate - Hideaway Beach Special Taxing District - Guillermo Polanco, Director, Finance

City Finance Director Guillermo Polanco noted that the tentative millage rate being considered for the Hideaway Beach Special Taxing District is 1.5000 mills for District operations. Any change approved by the Marco Island City Council will be reflected in the resolution's second reading. Required public hearing announcements will be made prior to consideration of the resolution and not repeated.

1. The name of the taxing authority is Hideaway Beach District.
2. The current year rolled-back rate is 1.2983 mils.
3. The Hideaway Beach District is a dependent special district of the City, and the Board of the Hideaway Beach Special Taxing District at its July 7, 2022 meeting has recommended a tax levy of 1.5000 mils for district operations, an increase of 15.5% above the rolled-back rate.

Finance Director Polanco then read Resolution 22-27 into the record by title only.

No members of the public came forward to offer comment.

MOTION by Councilor Folley, seconded by Councilor Rola, that Resolution 22-27 - Adopting the Tentative FY2023 Millage Rate - Hideaway Beach Special Taxing District, be Approved. MOTION CARRIED BY THE FOLLOWING VOTE:

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

- d. [ID 22-2399](#) Resolution Adopting the Tentative FY2023 Budget - Hideaway Beach Special Taxing District - Guillermo Polanco, Director, Finance

City Finance Director Guillermo Polanco read Resolution 22-28 into the record by title only.

No members of the public came forward to offer comment.

MOTION by Councilor Folley, seconded by Councilor Irwin, that Resolution 22-28 - Adopting the Tentative FY2023 Budget - Hideaway Beach Special Taxing District, be Approved. MOTION CARRIED BY THE FOLLOWING VOTE:

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

7. Approval of the Minutes

- [ID 21-1942](#) Approval of the City Council Meeting Minutes of August 15, 2022

MOTION by Councilor Blonna, seconded by Councilor Folley, that the City Council Meeting Minutes of August 15, 2022 be Approved. MOTION CARRIED BY THE FOLLOWING VOICE VOTE:

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

8. Approval of Consent Agenda

MOTION by Councilor Babrowski, seconded by Councilor Irwin, that the Consent Agenda be Approved. MOTION CARRIED BY THE FOLLOWING VOTE:

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

[Approval of the Consent Agenda Passed The Routine Item Listed Below]

- a. [ID 22-2400](#) Appointment of Mr. Leslie Shade to Concurrent Membership on the Board of Trustees of the Police Officers' Pension Plan and the Board of Trustees of the Firefighters' Pension Plan - Mike Sheffield, City Clerk

9. Proclamations and Presentations

- a. [ID 22-2175](#) Employee Service Awards:
- | | |
|----------------|----------|
| Zachary Kirsch | 10 Years |
| Kyle Kreis | 10 Years |

City Manager McNeese recognized and called forward Police Sergeants Kyle Kreis and Zachary Kirsch individually to receive their appreciation of service recognition certificate and pin as presented by City Council Chairman Erik Brechnitz.

Each Officer received a warm round of applause from all present.

- b. [ID 22-2402](#) Presentation - Letter from Senator Rick Scott Recognizing the 25th Anniversary of the Incorporation of the City of Marco Island - Erin Dever, Southwest Florida District Director for Senator Rick Scott

Ms. Erin Dever, Southwest Florida District Director for State Senator Rick Scott, read a congratulatory letter from Senator Scott to the City and the citizens of Marco Island in recognition of the City's 25th Anniversary of incorporation as a self-governing municipality.

- c. [ID 22-2401](#) Proclamation Recognizing the City of Marco Island's 25th Anniversary Committee

Chair Brechnitz and the Council, in appreciation of the outstanding effort and teamwork which more than 20 individuals and representatives from various organizations and civic groups from the Marco Island community displayed throughout the City's 25th Anniversary planning and execution process, announced a Proclamation recognizing all who made the Anniversary week's events so successful.

Photos, a personal copy of the Proclamation, and a warm round of applause was accorded to the team for a "job well done".

- d. [ID 22-2323](#) Proclamation Recognizing Alan Musico, Chairman of the Bike Pathways Volunteer Committee

Later in the meeting after the Council's discussion and vote on Item 13b. (Adoption of the Florida Department of Transportation's (FDOT's) Complete Streets Policy), Chair Erik Brechnitz, with the full support of the Council, the City Staff and the citizens of Marco Island, issued a Proclamation recognizing the decade's-long effort and exceptional accomplishment by Committee Chair Al Musico and the Bike Pathways Volunteer Committee in planning, funding and executing the network of bike and pedestrian pathways on Marco Island.

Mr. Musico received a standing ovation from the members of the Council, the City, and the public in gratitude for his and his committee's efforts.

10. 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 and Chair of the Take Back Marco Political Action Committee) congratulated the citizens of Marco Island for passing the proposed rental registration ordinance that was placed before the voters on August 23, 2022. Now looking forward to its successful implementation on the Island, he invited all parties on both sides of the debate to join together in working with and through the City Council to contribute to its final form and transition plan.

Ms. Lynn Nathanson (Bluebonnet Ct.) expressed her deep affection for the beauty and splendor of Marco

Island, and she urged the City Council to focus the City's resources on cleaning up the waterways before undertaking an initiative to plant thousands of trees on the Island.

Ms. Frances Cooper (Wintergreen Ct.) shared her concern that the recently-approved short-term registration ordinance is a step toward a longer-term goal of eliminating all short-term vacation rentals on the Island.

Ms. Christine Dowell (Biscayne Way) expressed concern with the apparent waste of taxpayer money in the recent procurement of 19 purchased and 18 donated trees by the Beautification Advisory Committee without proper guidance and pre-planting permitting by the City.

Mr. Mark Morze (Yellowbird St.) shared his recommendations for the creation of a "common sense" short-term vacation home rental registration process that identified four (4) elements of agreement with the recent voter-approved version, and eight (8) elements of disagreement that he sees as discriminatory and legally unenforceable.

11. Quasi-Judicial Public Hearing

None.

12. Ordinances

None.

13. Resolutions & City Council Items

- a. [ID 22-2392](#) One-Year Extension of Contract #2020-002 with Affordable Landscaping Services and Design, LLC for Landscape Maintenance Services in the Amount of \$1,015,350.29 Annually - Lina Upham, Purchasing & Risk Manager

City Purchasing and Risk Manager Lina Upham outlined the rationale for the proposed contract extension and responded to questions raised by members of the Council.

No members of the public came forward to offer comment.

MOTION by Councilor Irwin, seconded by Vice-Chair Grifoni, that a one year extension of Contract #2020-002 with Affordable Landscaping Services and Design, LLC for landscape maintenance services in the amount of \$1,015,350.29 annually, be Approved. MOTION CARRIED BY THE FOLLOWING VOTE:

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

- b. [ID 22-2408](#) Resolution - Complete Streets - Adopting Florida Department of Transportation (FDOT) Complete Streets Policy - Dan Smith, Director, Community Affairs

Community Affairs Director Daniel Smith brought forth Resolution 22-29 in response to the direction by the Council at its August 15, 2022 meeting. Following significant Council discussion and debate on the degree to which the proposed policy might inhibit or bind future Councils on matters regarding road and pathway improvements in the future, City Attorney Alan Gabriel proposed modified language for the Resolution that addressed the Council's concerns.

No members of the public came forward to offer comment.

MOTION by Councilor Blonna, seconded by Councilor Irwin, that Resolution 22-29 - Complete Streets, Adopting the Florida Department of Transportation (FDOT) Complete Streets Policy, be Approved as Amended. MOTION CARRIED BY THE FOLLOWING VOTE:

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

No: 1 - Councilor Rola

- c. [ID 22-2409](#) Award of Contract #2022-030 for Fire Station 50 Low Voltage Cabling, Equipment, and Systems to the Lowest Responsible Bidder, Aztek Communications of S. Florida Inc., in the Amount not to Exceed \$385,000.00 - Miguel Carballo, Manager, Fleet & Facilities

Fleet & Facilities Manager Miguel Carballo outlined the rationale for the contract, and he responded to questions by members of the Council.

No members of the public came forward to offer comment.

MOTION by Councilor Folley, seconded by Councilor Rola, that Contract #2022-030 for Fire Station 50 low voltage cabling, equipment and systems be awarded to the lowest responsible bidder, Aztek Communications of South Florida, Inc. in the amount not to exceed \$385,000.00, be Approved. MOTION CARRIED BY THE FOLLOWING VOTE:

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

14. Items Removed from the Consent Agenda

No items were removed from the Consent Agenda at this meeting.

15. Council Communications & Future Agenda

Councilor Blonna communicated his intention to tour a portion of the recently-undertaken Crystal River (Florida) Seagrass Restoration Project on September 12 & 13 to become more familiar with the challenges and successes of the effort there.

Vice-Chair Grifoni recommended a re-scheduling of the Council's November 7, 2022 meeting to better accommodate the resulting election or re-election of the City Council members who are on the City's November 8th ballot. Later, following Councilor Irwin's comments, he requested insight from City Manager McNees on the City's communication with, and reports from, the South Florida Water Management District Big Cypress Basin Board.

Councilor Irwin, in response to concerns raised during Item 10 (Citizens' Comments) of the Agenda, shared her insight regarding the permitting status and the recent planting of 37 trees on Elkcam Circle. Councilor Irwin also provided an explanation for the varying levels of turbidity in the Island's waterways during different times of the year. She concluded her comments by: 1) urging the Council and the City Staff to more vigorously pursue water quality project funding opportunities that are available through the South Florida Water Management District Big Cypress Basin Board, and; 2) to investigate and assess the potential impact of currently-under-development stormwater culverts under U.S. Highway 41 (Tamiami Trail) that will direct new freshwater flows toward the watershed north of Marco Island.

Councilor Babrowski raised a procedural question with the Council and the City Attorney on the proper approach for ensuring that Council member input into the recommendations that Councilor Folley is

preparing for the Council's September 28, 2022 Workshop can be provided to him in advance of the meeting and in compliance with the State's Sunshine Law.

Councilor Rola offered his insights on the impact of dissolved oxygen on the successful regeneration of seagrasses in waterways where those grasses have disappeared.

ID 21-1943 Future Agenda Items

In line with the proposal raised by Vice-Chair Grifoni during 'Council Communications', City Clerk Mike Sheffield was asked to re-schedule the Council's November 7th meeting in accord with Council member availability during the week of November 14th.

16. Council Reports

ID 22-2393 Request for Information (RFI) on Reuse Water - Councilor Rich Blonna

Councilor Blonna briefly summarized his reason for bringing forward his request to the Council to direct the City Staff to issue a Request for Information (RFI) on Reuse Water, and he shared his perspective on the need for the City to identify the latest technical advances in nutrient removal along with their associated cost/benefit impacts.

Public Comment

Mr. Howard Reed (Bald Eagle Dr.) referenced his analysis of 20 years of water quality measurement data in the various inland waterways of Marco Island, and he noted that there appears to be no direct relationship between measurements of Total Nitrogen and Total Phosphorous around locations where the application of reuse water for irrigation is the highest. He strongly urged the Council and the City to add water sampling collection points at off-Island locations in the Marco River and the Gulf of Mexico to better understand the relationship between large water body nutrient levels and their effect on measured levels of nutrients in the Island's bays and canals.

Ms. Amy Magnus (Dana Ct.) observed that, though she is not a water quality scientist, she knows that she cannot see to the bottom of her canal at any time of the year, regardless of the season. She also concurred with previous speaker Reed's recommendation regarding additional water sampling sites in the Gulf and the River, and she endorsed the Council's decision to solicit more insight on the treatment and the effect of reuse water on the Island's water quality.

Mr. Ed Issler (S. Joy Cir.) referenced his career and experience as a former Water Resources Engineer with the Metropolitan Water District of Southern California as he recommended that the collection of Gulf or Marco River water quality samples precede the collection of canal or internal bay samples by 24 - 48 hours. In his opinion, doing so will better correlate the effect of tidal flows from these larger water bodies on the measurements taken within Marco Island's waterways.

MOTION by Councilor Blonna, seconded by Councilor Rola, authorizing the City Manager to issue an open invitation for Requests for Information (RFIs) by qualified providers who offer scalable technologies that could be potentially employed by the City of Marco Island Water & Sewer Department to reduce the Total Nitrogen and the Total Phosphorous content in the City's reuse water, be Approved. MOTION CARRIED BY THE FOLLOWING VOTE:

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

17. City Manager's Report

City Manager McNeas shared the following updates in response to issues discussed by the Council:

1) the approval of the permit for the planting of the 37 trees raised earlier in the meeting was proceeding and should be issued shortly, and;

2) though the City has been aware of various grant opportunities available through the South Florida Water Management District, it has been difficult to align the District's criteria for consideration with the City's capabilities and needs;

City Manager McNeas also advised the Council of the City's outreach with the Take Back Marco Political Action Committee to identify areas of the recently-voted-upon short-term vacation rental registration ordinance that could be improved. He indicated that the ordinance is scheduled to come before the Council at its September 19th regularly-scheduled meeting.

City Manager McNeas concluded by indicating that he will be away for the Council's September 19th meeting and will participate via Zoom teleconference connection.

18. City Attorney's Report

City Attorney Alan Gabriel reported that the City had not yet been served a notice of lawsuit reportedly filed on behalf of homeowners who expect to be harmed by the passage of the proposed rental registration ordinance passed by the citizens of Marco Island on August 23, 2022.

19. Departmental Reports

ID 21-1944 Monthly Departmental Reports

Councilor Rola complimented the Water & Sewer Department on its change to its monthly reports that now indicate the amount of Total Nitrogen and Total Phosphorous that is being measured in the influent and effluent at the City's Water Treatment Plant.

Councilor Blonna inquired of Police Chief Frazzano the degree to which the Police Department's current grant writer actively seeks grant opportunities that may benefit other City departments and functions.

20. Citizens' Comments

Mr. Ed Issler (S. Joy Cir.) reminded the Council and the City Staff of its commitment to the property owners on Rio Ct. and West and South Joy Circle regarding effective accoustical muffling and landscape buffers for and around the bandshell at Veterans' Community Park. Noticing that recent landscape buffering plantings appear to be immature, he requested that the Council and City pursue remedial action with the project's construction manager before the time to make cost-effective corrections expires.

Ms. Sarah Yanez Vazquez (Ludlow Rd.) advised the Council that a "fact complaint" has been filed against one of the candidates running for City Council in the November election, and that an investigation is underway.

21. Adjournment

There being no further business before the Council, the meeting adjourned at 8:22 P.M.

Erik Brechnitz, Council Chair

ATTEST:

Michael J. Sheffield, City Clerk

PREPARED BY:

Jim Kornas, Recording Specialist