

**CITY OF PUNTA GORDA, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
WEDNESDAY, FEBRUARY 19, 2020, 9:00 A.M.**

COUNCILMEMBERS PRESENT: Carey, Cummings, Matthews, Miller, Prafke

CITY EMPLOYEES PRESENT: Kristin Simeone, Finance; Rick Keeney, Public Works; Tom Jackson, Utilities; Phil Wickstrom, Human Resources; Joan LeBeau, Urban Design; Pamela Davis, Police; Ray Briggs, Fire; City Attorney Levin; City Manager Kunik; City Clerk Smith

Mayor Prafke called the meeting to order at 9:00 a.m.

Invocation was given by Mr. Bill Frank, followed by the Pledge of Allegiance.

PROCLAMATION/PRESENTATIONS

20 Year Service Award - John Smith

City Manager Kunik presented the award to Mr. John Smith.

Mr. Randy Cole, Building Official, spoke regarding Mr. Smith's service to the City.

Volunteers in Policing (VIP) 10 Year Milestones - Leroy Dunn & Ross Ziegler

Police Chief Pam Davis presented the awards to Mr. Leroy Dunn and Mr. Ross Ziegler.

Introduction of Board/Committee Member Nominees

Ms. Wendy Mueller introduced herself as a nominee for the Building Board – Alternate seat.

PUBLIC HEARINGS

SV- 01- 19 An Ordinance of the City of Punta Gorda, Florida naming the unnamed fifty foot (50') wide right- of- way lying in Section 7, Township 41 South, Range 23 East, Charlotte County, Florida, as recorded in Plat Book 3, Page 38, of the Public Records of Charlotte County, Florida, and more particularly described in Exhibit "A" attached hereto, as Desquin Lane; and providing an effective date.

FIRST READING

City Attorney Levin read the ordinance by title.

Ms. Lisa Hannon, Zoning Official, recalled at the December 18, 2019 meeting, City Council approved a Resolution of Intent to name the unnamed roadway, noting this action was the final step in the process of renaming the roadway.

Mayor Prafke called three times for public comment.

Councilmember Matthews **MOVED** to close the public hearing, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

Councilmember Carey **MOVED** approval of SV-01-19, **SECONDED** by Councilmember Matthews.

MOTION UNANIMOUSLY CARRIED.

ORDINANCE/RESOLUTION

No Public Hearing Required

GA- 01- 2020 An Ordinance of the City Council of the City of Punta Gorda, Florida amending Chapter 11 of the Punta Gorda City Code (“City Code”), the City of Punta Gorda Development Impact Fee Ordinance; providing findings, intent, and revised definitions; providing for waiver of applicability for certain affordable housing; amending benefit districts; providing for imposition of impact fees; providing for calculation of impact fees and establishing new impact fee schedules for parks, mobility, and public safety effective as of May 20, 2020; amending impact fee trust funds; revising provisions regarding administrative petitions and impact fee credits; providing for severability; and providing for an effective date and time.

SECOND READING

City Attorney Levin read the ordinance by title.

Ms. Kristin Simeone, Finance Director, provided a brief summary of the process and discussion to date regarding an increase to impact fees as recommended by the Impact Fee Study conducted by Raftelis.

Mayor Prafke called for citizen comments.

Ms. Suzanne Graham, Charlotte DeSoto Building Industry Association, voiced objection to 100% implementation of the increase, opining same would hurt economic development. She asserted no final report had been presented by Raftelis, questioning what data was used. She concluded Florida Statutes allowed adoption of the ordinance to be challenged.

Mr. Ed Weiner stated impact fees were pass through costs for developers and contractors.

Mr. Paul Schaeffer agreed the cost of impact fees were passed on to the homeowners; however, same negatively affected the contractors’ ability to sell homes.

Councilmember Cummings stated City Council’s decision differed from his understanding of the discussion with building industry representatives.

Councilmember Matthews clarified Council attended a meeting of building industry representatives but did not participate.

Councilmember Carey commented impact fees supported the City, adding the City was behind the curve. She opined \$3,000 rolled into a 30-year mortgage should not have a large impact on the ability to purchase a home.

Councilmember Cummings opined a gradual increase was reasonable.

Councilmember Miller stated impact fees had not been increased since 2012, adding the City's fees were lower and would continue to be lower than surrounding areas.

Councilmember Matthews questioned if the City had the authority to eliminate impact fees on a special project.

City Manager Kunik replied in the negative, explaining impact fees were not required for affordable housing provided the housing remained affordable for ten years. He stated there was a five-year installment payment plan for commercial properties; however, same could be expanded if Council desired to amend the ordinance. He stated impact fees paid a portion (fair share) of the cost of growth.

Councilmember Carey **MOVED** approval of GA-01-2020, **SECONDED** by Councilmember Miller.

VOTING AYE: Carey, Matthews, Miller, Prafke.

VOTING NAY: Cummings.

MOTION CARRIED.

A Resolution of the City Council of the City of Punta Gorda, Florida, calling for a straw ballot of property owners within a certain area of Punta Gorda Isles, Section 15 (a/k/a Burnt Store Isles) relating to the creation of a special district for assessing the costs of undergrounding utilities within the subdivision; authorizing the City Clerk to conduct the straw ballot; and providing an effective date.

City Attorney Levin read the resolution by title.

City Manager Kunik reviewed information regarding the undergrounding project, as delineated in the agenda materials, explaining the planning estimate totaled approximately \$11.4 million. He stated based on 1,246 units the cost was a one-time prepayment of \$9,215 per unit or an annual assessment \$712 for 20 years (\$14,243 per unit). He reviewed the timeline, noting a straw poll would be undertaken in March 2020 with results being presented to City Council in April 2020. He stated if City Council moved the project forward, a methodology consultant would be engaged with an allocation methodology adopted in August 2020. He stated the earliest assessment on a tax bill would be November 2021, concluding staff was seeking Council's direction regarding the resolution and the straw ballot language.

Mr. Bill Courtney stated this was the next step on a five-year journey to determine the viability, cost and level of support for converting the overhead wires to underground in Burnt Store Isles. He thanked City staff for their assistance. He stated the decision this

date was to allow the affected property owners an opportunity to vote whether they would like to move forward with the project.

Mr. Chick Petrosino stated there would be no resolution to this matter if the question was not put forward to the property owners.

Mayor Prafke stated City Council would listen to the will of the community. She called for public comment, stressing the discussion should focus on whether to move forward with the straw poll.

Mr. Marty O'Neil inquired how many people requested a straw poll.

Mr. Ken Lampkin spoke in favor of the straw poll.

Mr. Bob Fritz voiced concern regarding the proposed construction plans and costs, asserting condominium owners may be assessed but had no voice in the process. He opined FPL should bear the cost of updating its primary wiring to create a loop system at the condominiums rather than single-family property owners paying for same.

Mr. Jeff Finklestein voiced concern the straw ballot wording included an approximate project cost.

Ms. Judy Kirsch encouraged City Council to move forward with the straw ballot.

Mr. Peter Zebold stated the project was voted down in 2004, questioning why it kept resurfacing.

Mayor Prafke pointed out the number of homes had increased, and the population had changed since 2004.

Councilmember Carey voiced support for the straw poll process.

Councilmember Matthews suggested a minimum 60% or two thirds approval rate be required in order to move the project forward.

Discussion ensued regarding the approval threshold.

Ms. Macalle Finkle, Paralegal, explained the straw poll was non-binding; therefore, there were no set rules to follow, pointing out the resolution contained no set approval rate; therefore, City Council would have an opportunity to analyze the results before making a decision.

Councilmember Carey voiced concern establishing a set percentage would require City Council to move forward, even if they did not desire to do so.

Councilmember Cummings **MOVED** approval of the Resolution, **SECONDED** by Councilmember Miller.

VOTING AYE: Carey, Cummings, Miller, Prafke.

VOTING NAY: Matthews.

MOTION CARRIED.

Councilmember Matthews stated her vote was based on the lack of establishing a level of approval.

A Resolution of the City Council of the City of Punta Gorda, Florida, approving a Marketing Agreement with Utility Service Partners Private Label, Inc. d/b/a Service Line Warranties of America to administer the National League of Cities Service Line Warranty Program within the City; and providing an effective date.

City Attorney Levin read the resolution by title.

Ms. Melissa Reichert, Communications Manager, recalled the National League of Cities (NLC) Service Line Program presentation was provided at the January 8, 2020 City Council meeting, noting the City Attorney had negotiated the agreement language.

Councilmember Matthews voiced concern citizens would be inundated with mailings or phone calls, noting such solicitation would be unwelcome.

Ms. Reichert explained Utility Service Partners could conduct up to three campaigns per year comprised of up to six mailings and such other channels as agreed upon.

Mr. Lee Zell, Regional Director, National League of Cities Service Line Program, stated residents would not be contacted by telephone, noting there were a maximum of three mailings per year; however, residents could opt out of receiving the communications at any time.

Discussion ensued regarding the type and number of communications sent to residents.

Mayor Profke inquired whether the communication would specify the City would not benefit financially from the program, noting the City desired residents to receive the lowest rate possible.

Mr. Zell replied in the negative.

Ms. Reichert stated the City's communications would make that clear.

Ms. Beth Magnin inquired whether the mailing was to a resident or to the homeowner.

Mr. Zell replied letters were sent to the property owner.

Mr. Fritz inquired whether the City could revoke the agreement to participate.

City Attorney Levin replied affirmatively.

Mr. Gary Skillicorn inquired if there was any benefit to the League of Cities.

Mr. Zell replied in the negative.

Ms. Metcalf questioned if the mailing list would be sold.

Mr. Zell replied in the negative. He then provided a brief overview of the program.

Councilmember Cummings **MOVED** approval of the Resolution, **SECONDED** by Councilmember Matthews.

MOTION UNANIMOUSLY CARRIED.

CONSENT AGENDA

Mayor Profke noted Item C.1. been withdrawn. She then confirmed there were no citizens comments on Consent Agenda items.

Councilmember Matthews **MOVED** approval of the remainder of the Consent Agenda, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

- A. City Clerk's Department
 - 1. Approval of Minutes: Regular Meeting of February 5, 2020
- B. Legal Department
 - 1. Invoice of Icard, Merrill, Cullis, Timm, Furen & Ginsburg, P.A. for legal services rendered through February 10, 2020.
- C. Urban Design Division
 - 1. A Resolution of the City Council of the City of Punta Gorda, Florida, as fiscal host agency for the Coastal & Heartland National Estuary Partnership, accepting a grant donation from The Ocean Foundation; authorizing the City Manager to sign the grant donation and administer the funding on behalf of the City; and providing an effective date.

Citizen Comments - Regular Agenda Items Only

Mr. Courtney voiced concern regarding the traffic issue on Madrid Boulevard, stressing same had been a problem for many years; however, the Florida Department of Transportation (FDOT) had failed to resolve same. He requested City Council demand action from FDOT.

Ms. Metcalf stated the Madrid traffic issue was a safety concern, especially during evacuation for an emergency. She stated FDOT's concern with installing a traffic signal at Madrid Boulevard was due to its proximity to Burnt Store Road as well as the speed limit on US 41, suggesting the speed limit be lowered on that section of road.

Mr. Chuck Modglin spoke regarding the problems with traffic and pedestrian safety on Tripoli Boulevard, including speed and semi-truck traffic.

Mr. Weiner stated FDOT required 500 feet between traffic signals; however, there was 600 feet between Madrid Boulevard and Burnt Store Road, opining a lower speed limit on that section of US 41 would resolve the problem. He then commented there was enough space on the southbound I-75 sign to include the Vietnam Veterans Wall and Military Heritage Museum.

Ms. Judy Kirsch stated the issue of speed on Tripoli Boulevard should be addressed immediately.

Mr. Gary Sievers concurred speed was a safety issue on Tripoli Boulevard.

NOTE: A short break was called at 10:32 a.m.

Mayor Prafke confirmed members were amenable to moving the Long-Range Financial Plan to the end of the regular agenda.

BUDGET

Property Acquisition for Corto Andra/Boca Grande Drainage Improvements Project

Ms. Macalle Finkle, Paralegal, explained the project design was approximately 90% complete and called for stormwater retention ponds. She described the project area, displaying an aerial view and description of the vacant parcels proposed to be purchased, as delineated in the agenda material. She stated staff was still pursuing contracts for the Palmera Drive properties, inquiring as to City Council's direction regarding counteroffers for the purchase price to acquire two larger parcels at 1802 Manzana Avenue and 301 San Carlos Drive. She explained the project design and property acquisition would be funded through sales tax revenues, noting approximately \$640,000 remained after the design. She stated construction of the project was unfunded but was included on the future Sales Tax project list, noting staff continued to pursue legislative funding.

Discussion ensued regarding the project area, making counteroffers for the property acquisitions and the possibility of the installation of fencing around the ponds due to safety concerns.

Councilmember Cummings suggested \$200,000 as a counteroffer for 1802 Manzana Avenue.

Councilmember Matthews recommended \$199,000.

Consensus was to make the offer.

Councilmember Matthews suggested a counteroffer of \$78,000 for San Carlos Drive.

Consensus was to make the offer.

NOTE: Unfinished Business was heard prior to the Long Range Financial Plan.

FY 2020- 2024 Long Range Financial Plan

Ms. Simeone presented the Long-Range Financial Plan Fiscal Years 2020-2024, briefly reviewing the forecast assumptions, proforma and operating/capital outlay reserves for each of the City's funds, as delineated in the agenda material, clarifying this was a beginning planning discussion and things would change as the year progressed. She provided a Strategic Plan process update and reviewed the Financial Policy update, noting for the General Fund and all other funds except the Utility Fund, the City would establish an unassigned fund balance minimum of 9% of total fund appropriations.

She continued for the General Fund an additional \$120,460 would be added to the 9% for use in mitigating future health insurance increases greater than 6%.

City Manager Kunik stated departments could be directed to build their budgets based on the current property tax revenues (including new construction only), explaining operating expenses in excess of same must be justified. He stated this made departments consider how best to keep expenses to a minimum, inquiring whether Council desired staff to follow that process.

Discussion ensued with consensus to do so.

Ms. Simeone completed the review of the budget issues, noting one area of consideration to reduce the shortfall would be further reduction of the drainage program funding or elimination of various programs and related staffing. She stated staff would schedule a workshop to obtain public input. She reviewed items not included in the current budget or proforma, such as security measures for City buildings, City Hall refurbishment, Citywide Master Plan or the possibility of boat/trailer parking fees.

City Manager Kunik interjected the City was the only entity which did not charge boat/trailer parking fees.

Discussion ensued with consensus to consider boat/trailer parking fees as well as increasing park rental rates.

City Manager Kunik stated staff would provide proposals for same as part of the budget presentation.

Ms. Simeone noted information technology costs continued to rise due to security enhancement, storage capacity needs and accessibility improvements.

Mayor Prafke suggested showing how those improvements enhanced service delivery and productivity. She cited the example of photographing all swales in one day after a major rain event due to the investment in GPS technology.

Ms. Simeone concluded with a review of the budget considerations for the PGI and BSI Canal Maintenance Funds and Utilities Fund.

City Manager Kunik announced the Charlotte County Board of County Commissioners had agreed to develop an MSBU for Charlotte Park septic to sewer; therefore, the City would move forward with a rate study immediately, explaining the City would go out for proposals, select a firm, present the proposals to City Council and hopefully have some results beginning in December 2020 in order to develop a plan.

Ms. Simeone continued with a review of the budget considerations for the Sanitation Fund and Building Fund and then provided an overview of the 1% Local Sales Tax

extension which ended December 31, 2020, noting if approved by voters, sales tax funding would be added to the budget in early Fiscal Year 2021.

Councilmember Matthews voiced concern regarding the amount of funding expended on outside consultant contracts, opining Urban Design needed an additional staff member to allow consultation for projects such as the Master Plan and update to the Punta Gorda Code to remain in-house.

Mayor Profke pointed out consultants were typically hired for a specific area of expertise; however, that expertise was not needed on a daily basis. She concurred Urban Design could use an additional staff member.

Councilmember Matthews stated it had been suggested that a citizens group for the dog park could perhaps raise funds for some of the desired dog park improvements.

NOTE: Recommendations from City Officers was heard following the Long Range Financial Plan.

UNFINISHED BUSINESS

Madrid Boulevard and US 41 Issue

City Manager Kunik stated City Council could direct staff to complete some traffic enhancements, adding staff recommended this matter be placed on the next Charlotte County Punta Gorda Metropolitan Planning Organization (MPO) agenda.

Mayor Profke stated the City had done everything FDOT had requested, recalling the discussions that had occurred during numerous meetings with residents and FDOT officials. She stated the current situation did not support quality of life and thwarted economic development, stressing the community felt that FDOT did not care about their situation and was ignoring a problem which continued to worsen. She clarified the need was for a left turn with a traffic signal that would control traffic flow, noting FDOT had indicated the speed limit could not be lowered on US 41.

Councilmember Miller inquired whether lowering the speed limit on US 41 would allow installation of an additional traffic signal.

Mayor Profke replied with uncertainty. She then suggested installation of signage on Tripoli prohibiting commercial traffic other than local deliveries as well as adoption of an ordinance to enforce same.

Councilmember Matthews stated Mr. L. K. Nandem, FDOT, had indicated there would be no traffic modifications at Madrid and US 41. She suggested truck traffic be forced to go back to the Burnt Store Road light, opining same might help eliminate the truck traffic on Tripoli. She concurred with installation of signage on Tripoli.

Police Chief Davis stated City Code currently prohibited through truck traffic. She stated much staff time had been spent studying the area, reporting the average speed

was in the upper 30s, which appeared not to be acceptable to the residents. She suggested consideration be given to lowering the speed limit to 25, pointing out homes in that area were close to the road, and the speed of the traffic seemed unsafe. She stated in the near future a radar trailer would be deployed on Tripoli which would provide much data regarding traffic patterns. She agreed to research and provide a recommendation for signage for commercial traffic.

City Manager Kunik confirmed members were in favor of requesting the US 41 and Madrid issue be put on an MPO agenda.

Councilmember Matthews inquired whether MPO could be asked to approach FDOT regarding installing a light on Burnt Store Road at the Home Depot exit.

Mr. Gary Harrell, MPO, stated at their March 23, 2020 meeting, FDOT's US 41 Visioning Program, which included the Burnt Store area, would be presented. He stated FDOT was looking at the situation very seriously; however, they were very much against "dangerous by design". He pointed out some FDOT recommendations might require local funding; thus, it might be helpful for FDOT to meet with Councilmembers individually or in a workshop prior to the MPO meeting.

City Manager Kunik reiterated staff's direction was to draft an ordinance to reduce the speed limit on Tripoli to 25 miles per hour and to install signage of "no commercial trucks except local deliveries". He confirmed there was consensus to install speed limit signs in the Burnt Store area which were previously removed, noting signs on Tripoli would be installed first.

Ms. Metcalf stated there were some objections to the installation of speed limit signs, adding it had been suggested to paint the speed limit on the street. She then confirmed City Council's intention was to lower the speed limit on Tripoli only between Madrid and Monaco.

Chief Davis stated the City's traffic engineer needed to provide input regarding the effectiveness of speed limits being painted on the street, concluding it was necessary to post speed limit signs on Tripoli if the limit was reduced to 25.

Interstate 75 South Signage for Vietnam Memorial Wall and Military Heritage Museum

City Manager Kunik explained FDOT had determined that placement of signage on the exit 164 ramp from I-75 southbound was not possible based on their engineering standards, noting if City Council did nothing, signage would be installed at the exit #167 to direct traffic to the Vietnam Memorial Wall and Military Heritage Museum via Harborview Road, stressing it was a problematic, indirect route. He stated FDOT had

provided five signage configuration options; however, it was not possible to choose one non-profit over another, suggesting this was another issue for the MPO to discuss. **Mayor Prafke** stated Representative Michael Grant felt the Harborview exit was a non-issue as drivers used their GPS to find their destination.

City Manager Kunik suggested "Historic Downtown" could be removed from the ramp sign and be replaced with combined language for the two military attractions.

Councilmember Carey concurred with removing "Historic District" if it was necessary, suggesting "military heritage attractions" for the ramp sign as travelers could then follow the signs within the City to the individual attractions.

Councilmember Matthews suggested the I-75 sign be located south of the Harborview Road exit with the words "next exit", adding the sign at the bottom of the exit ramp was the issue. She opined "military heritage attractions" would not solve the problem, concluding it was necessary to continue discussions with FDOT and MPO.

Mr. Harrell stated it was on the MPO agenda under "FDOT Comments".

Hounds on Henry Street Update

Ms. Joan LeBeau, Urban Design Manager, recalled at the June 19, 2019 City Council meeting, staff had presented a simple design concept to enlarge the small dog park, adding at that time Council directed staff to obtain more public input on the needs for the park. She reported a workshop was held on January 17, 2020, presenting the findings for same, as delineated in the agenda materials. She reviewed the list of immediate improvements that were needed. She then reviewed three improvement options: 1) Expand Small Dog Park; 2) Implement ADA Transition Plan & Additional Improvements; 3) Redesign/Expansion.

Discussion ensued regarding the improvement options.

Councilmember Carey questioned the timing of the discussion, noting a sales tax project was being considered for the dog park.

Councilmember Matthews agreed; however, there were some repairs that needed to be done immediately.

Mayor Prafke clarified staff was seeking input from City Council on their priorities, adding residents wanted a holistic approach that involved pathways and other amenities.

Councilmember Miller agreed it would be appropriate to wait until the results were known for the sales tax projects, opining there were several items on the list which could be done now for very little money.

Ms. Reichert commented positively on the community engagement at the workshop, noting when given the opportunity, participants provided much input for creating their

ultimate dog park. She concluded residents love their dog park and had been very complimentary of the City.

NOTE: The Long Range Financial Plan was heard prior to Recommendations from City Officers.

RECOMMENDATION FROM CITY OFFICERS

CITY MANAGER

City Manager Kunik stated the Finance Director would forward the Jones Edmunds report to Charlotte County for the septic to sewer project.

CITY ATTORNEY

City Attorney Levin reported he anticipated receiving information from Mr. Doug Plattner's attorney shortly, noting the attorney had advised the court they would be making a request to the City Code Enforcement Board for a fine reduction.

BOARDS AND COMMITTEES

Announcement of Vacancies

Board of Zoning Appeals – Alternate

City Clerk Smith announced the vacancy.

Nominations

Building Board – Alternate

Councilmember Matthews **MOVED** to nominate and reappoint Ms. Wendy Mueller, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

Punta Gorda Isles Canal Advisory Committee

Councilmember Cummings **MOVED** to nominate and reappoint Mr. Robert Knabe, **SECONDED** by Councilmember Miller.

MOTION UNANIMOUSLY CARRIED.

Utility Advisory Board (2)

Councilmember Matthews **NOMINATED** all interested parties.

POLICY AND LEGISLATION

PRAFKE: Reported on Legislative Action Days, noting water quality was becoming an important legislative discussion item. She stated she and the City Manager would be meeting with Senator Greg Steube's representative regarding septic to sewer later this date.

CUMMINGS: Concurred the City's timing (for a funding request) was good, opining next year would be a good year for legislative appropriations.

MATTHEWS: Reported the Boater's Alliance had met with representatives of the Punta Gorda International Air Show (PGIAS), to discuss holding this year's air show over

Charlotte Harbor due to runway expansion work at the Airport. She stated the PGIAS were working to ensure all of the boating groups in the community were made aware of the event and advised as to security precautions, noting they would also be working with law enforcement, the United States Coast Guard and the Florida Wildlife Commission and other groups that would help with enforcement.

Mayor Profke stated Representative Grant had offered to visit the City to provide a legislative update after the session had ended.

CAREY: No comment.

MILLER: No comment.

CITIZENS COMMENTS

Ms. Pat Niles commented on public safety.

The meeting was adjourned at 1:11 p.m.

Mayor

City Clerk