

**CITY OF PUNTA GORDA, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
WEDNESDAY, JULY 3, 2018, 9:00 A.M.**

COUNCILMEMBERS PRESENT: Cummings, Keesling, Matthews, Prafke, Wein

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

Invocation was given by Mr. John Burrage, followed by the Pledge of Allegiance.

Introduction of Board/Committee Member Nominees

Mr. Roger Peterson announced he was a candidate for the Planning Commission.

Note: City Council recessed and reconvened as the Community Redevelopment Agency (CRA) (see corresponding minutes).

ORDINANCE/RESOLUTION

No Public Hearing Required

Citizen Comments – Ordinances/Resolution Items Only

None.

Z-02-18 – An Ordinance of the City Council of the City of Punta Gorda, Florida, rezoning .90 +/- acres, generally described as “Units 1 through 12, of Isles Colony Condominium Apts No. II, a condominium, according to the declaration of condominium recorded in O.R. Book 182, Page 418, and all exhibits and amendments thereof, Public Records of Charlotte County, Florida”, from General Multi-family 15 Units Per Acre (GM-15) to Neighborhood Center (NC); providing for conflict and severability; and providing an effective date. SECOND READING

City Attorney Levin read the ordinance by title.

Councilmember Cummings **MOVED** approval of Z-02-18, **SECONDED** by Councilmember Wein.

MOTION UNANIMOUSLY CARRIED.

ZA-07-18 – An Ordinance of the City of Punta Gorda, Florida, amending Chapter 26, “Land Development Regulations”, Punta Gorda Code; Article 3, “Regulating Districts”, Section 26-3.10, “HC, Highway Commercial District”, Subsection (f), to allow permanent canopy shade structures as a use permitted by Special Exception; and amending Section 26-4.39, to provide for conditions and

services being acquired. She clarified Council was being asked to continue the Blanket Notice of Intended Decision, thus remaining within the Procurement Division's policy requirement for the appropriate level of award authority. She clarified staff was seeking the correct award authority for the embedded technology and simply wished to be proactive.

Councilmember Matthews **MOVED** approval of an expenditure of up to \$60,000, **SECONDED** by Councilmember Wein.

MOTION UNANIMOUSLY CARRIED.

- A. City Clerk's Department
 - 1. Approval of Minutes: Regular Meeting of June 20, 2018
- B. Legal Department
 - 1. Monthly Litigation Report
- C. Finance Department
 - 1. Approval to continue blanket single source with Upland Software, Inc. (fka Advanced Processing & Imaging, Inc.) for the purchase of integrated software products, maintenance, and support
 - 2. A Resolution of the City Council of the City Of Punta Gorda, Florida, approving the Federally-funded Subaward and Grant Agreement (Contract Number: Z0243) between the City of Punta Gorda and State of Florida, Division of Emergency Management relating to debris removal, emergency protective measures and repair or replacement of disaster damaged facilities as a result of Hurricane Irma; authorizing the City Manager to execute the agreement and all other necessary grant related documents on behalf of the City; and providing an effective date.
- D. Utilities Department
 - 1. A Resolution of the City Council of the City of Punta Gorda, Florida, supporting the Southwest Florida Water Management District's issuance of a Water Use Permit that increases the Peace River Manasota Regional Water Supply Authority's withdrawals from the Peace River during wet-weather flows for a 50-year period; directing the City Clerk to transmit a certified copy of this resolution to the Charlotte County Legislative Delegation, Southwest Florida Water Management District, and Peace River Manasota Regional Water Supply Authority; providing for conflicts and severability; and providing an effective date.

Citizen Comments – Regular Agenda Items Only

Mr. Jonathon Miller voiced concern at the potential loss of a vibrant downtown in Punta Gorda due to the Sunseeker development in Port Charlotte as well as a result of the restrictions the City continued to place on those investing capital into Punta Gorda. He explained his concern was based on the amount of time being dedicated to development of the Master Plan.

BUDGET

Appropriation of Additional Funds for Automated Metering Infrastructure Project

Ms. Pace explained Fortiline advised the City of a miscommunication in the final estimated contract amount related to retrofitting the existing Zenner meters; however, despite the adjustment, Fortiline was still the lowest bidder.

Discussion ensued regarding the estimated contract amount with consensus the final outcome was not affected.

Councilmember Cummings **MOVED** approval, **SECONDED** by Councilmember Wein.

MOTION UNANIMOUSLY CARRIED.

Award Agreement and Specific Authorization #1 for a GIS Study and Design for the Utilities Department to The CEDRA Corporation of Victor, NY.

City Manager Kunik explained the goal of this project was the addition of all of the City's utilities into the Geographic Information System (GIS).

Mr. Jackson confirmed the City's new GIS Specialist would play a key role in this project, providing a detailed explanation of same.

Councilmember Wein commented this was an important project which would result in a positive return on investment. He confirmed abandoned lines would be mapped as well.

Mr. Jackson added infrastructure information would be verified as information was entered.

Councilmember Wein **MOVED** approval, **SECONDED** by Councilmember Matthews.

MOTION UNANIMOUSLY CARRIED.

Fiscal Year 2019 General Fund Budget Update

Ms. Kristin Simeone, Interim Finance Director, reviewed Fiscal Year (FY) 2019 budgetary changes in revenues and expenditures approved by Council on May 16, 2018, as delineated in the agenda material, stating same would increase the use of reserves by \$293,120, \$51,120 of which resulted from the addition of 3 School Resource Officers. She reported \$733,480 in reserves was being used in the current FY 2018 budget, adding staff recommended the use of an additional \$798,000 in reserves to assist in balancing a gap in the FY 2020 budget.

Councilmember Prafke objected to discussing FY 2020 budget issues during presentation of the proposed FY 2019 budget.

Ms. Simeone responded staff always looked ahead one year, adding Council had made similar decisions in the past so as to set aside funds when necessary. She clarified the use of reserves in FY 2020 affected the amount available for FY 2019.

Councilmember Prafke requested same be depicted separately in future presentations.

Ms. Simeone continued her presentation with a review of items which had been proposed but were not yet funded in the proposed FY 2019 budget, noting if the items depicted on page 9 of the presentation were approved/funded, ending reserves were estimated to be \$569,330.

City Manager Kunik interjected the revised estimated ending reserves available in the amount of \$1,445,180 were over and above the 8% reserves. He explained the intent was to somehow fund the abovementioned items in the FY 2019 budget. He acknowledged funds had not yet been established for the Public Safety bargaining units, Master Plan, City Hall/Annex renovations, building security or City Hall/Annex renovations; however, such projects were one-time costs which could possibly be funded through the \$3.5 million realized by the sale of the Fishermen's Village property, acknowledging those funds would remain in escrow until conclusion of associated litigation.

City Attorney Levin stated he was cautiously optimistic the Fishermen's Village litigation would be concluded by August 2018, including a signed settlement proposal. He expressed hope the City would not incur any financial impact.

Ms. Simeone then stated in light of the number of pending, unfunded items, staff had presented the value of a 0.1000 increase in the millage rate or \$298,000 based on the July 1, 2018, taxable value estimate.

City Manager Kunik noted staff had been working under the assumption there would be no increase in the millage rate, reiterating receipt of the Fishermen's Village funds was uncertain. He clarified if Council opted to maintain the current millage rate, the previously approved, additional staff positions, with the exception of the School Resource Officers, would be eliminated, and existing staff would be utilized in the most efficient manner possible.

Mayor Keesling questioned whether the budget included assumptions for the bargaining units.

Ms. Simeone replied only a 3% merit increase.

Councilmember Wein stated he had no objection to utilizing Fishermen's Village funds on added security or refurbishing a durable City Hall building; however, he cautioned against failing to meet the minimum standard of budget reserves. He noted Punta Gorda was an affluent community which should be well above the standard in that regard.

Councilmember Matthews suggested certain non-critical line items could be pushed back into other calendar years or spread over several years to avoid a deficit. She pointed out Councilmembers had previously agreed they were not in favor of an increase in the millage rate; however, an increase would be unavoidable if all of the currently unfunded expenditures were approved. She opined the Master Plan was mandatory while the other proposed projects could be reconsidered.

Mayor Keesling commented citizens were desirous of the services provided by the City, citing the new drainage program as an example, noting all services entailed costs which were paid through the millage rate. She agreed with the City Manager's philosophy relative to the utilization of current employees as opposed to hiring new staff.

Councilmember Prafke requested all budget proposals be depicted in a spreadsheet. City Manager Kunik stated staff could provide a spreadsheet at City Council's next meeting, asking if Councilmembers wished to increase the millage rate for advertising purposes.

Councilmember Prafke voiced opposition to doing so.

Mayor Keesling acknowledged several residents had expressed acceptance of an increased millage rate, noting State revenues were proposed to be decreased within the next few years.

Councilmember Wein agreed Council should be cautious with regard to increasing the millage rate; however, Councilmembers must have the political courage to do so if necessary and to avoid continuing to postpone actions to an unknown future date. He pointed out doing so would preserve the asset value, infrastructure and services of the community.

Consensus was to maintain the current millage rate in the resolution to be adopted on July 11, 2018.

City Manager Kunik confirmed the previously proposed increase in staff would be eliminated.

Councilmember Prafke acknowledged the number of unknowns; however, Council could always take action at a later date.

Employee Classification and Pay Plan Study

Mr. Phil Wickstrom, Human Resources Manager, announced Cody & Associates, Inc. (Cody) had performed an Employee Classification and Pay Plan Study (Pay Study), adding Cody's report and recommendations were included in Council's agenda material along with staff's recommended approach to implement same. He advised the City had lost 61 employees over the past 2 years, which equaled a turnover ratio of approximately 25%. He stated the Pay Study was conducted for a few reasons, including reducing turnover costs and attracting qualified applicants. He explained a median target was established as was done for the previous Pay Study in 2007, noting North Port and Cape Coral paid their employees at a much higher level with the former being in the 65th percentile. He explained much consideration was given to equitably compensating those employees who went through the economic downturn and remained with the City but had not enjoyed the benefits of career progression or unscheduled pay adjustments, pointing out Alternative C, as delineated in the agenda material, spelled out the methodology to address such individuals through a conditional pay adjustment. He reported salaries for the majority of positions were determined to be under the median market, some substantially so, concluding with a brief review of benefits, which were found to be comparable. He outlined Alternatives A, B and C, as delineated in the agenda material, concluding with a recommendation to implement Alternative C.

City Manager Kunik noted exempt positions were excluded from consideration of a conditional pay adjustment, adding he would address some type of compensation change for a very select number of those employees outside of the Pay Study's scope.

Mayor Keesling pointed out during the economic downturn, certain employees remained with the City, assumed additional responsibilities, sometimes performing the work of two employees, and even experienced a reduction in benefits. She opined those situations/employees should be taken into consideration.

City Manager Kunik responded such employees would be left out of consideration based on the proposed language.

Councilmember Cummings commented on the importance of considering employees' morale.

Councilmember Wein pointed out employees were doing far more with a great deal less and were being paid less than median, adding it was important to be fair to the incredible employees of the City and to maintain their morale.

Discussion ensued with regard to compensation and career progression for plant operators in the Utilities Department.

Councilmember Prafke inquired if staff felt Alternative C addressed the critical needs of the organization, specifically by minimizing turnover.

Mr. Wickstrom responded the implementation proposal was not perfect but was an improvement, adding he could not predict turnover; however, the changes would make the City more competitive. He stated taking the additional step of addressing some of those employees who experienced the economic downturn with the City would also help in terms of morale.

Mayor Keesling stated Alternative B was the most desirable, suggesting the budget be drafted each year with a provision which would avoid such significant turnover.

Councilmember Matthews **MOVED** approval of the Pay Plan and implementation of Alternative C, **SECONDED** by Councilmember Prafke.

MOTION UNANIMOUSLY CARRIED.

Note: A short break was called at 10:57 a.m.

Note: City Council reconvened as the Burnt Store Isles Canal Maintenance Assessment District at 11:07 a.m.

BURNT STORE ISLES CANAL MAINTENANCE ASSESSMENT DISTRICT

A Resolution adopting a tentative levy of annual special assessment for the Burnt Store Isles Canal Maintenance Assessment District for Fiscal Year 2018–2019; setting a date, time and place of public hearing to consider final adoption of the assessment; and providing an effective date.

City Attorney Levin read the resolution by title.

Ms. Simeone announced the public hearing would be held on September 5, 2018, at 5:01 p.m. in Council Chambers. She explained the Burnt Store Isles Canal Advisory Committee recommended approval of the proposed assessment of \$555 for FY 2018/2019.

Mayor Keesling called three times for public comment on the resolution.

Councilmember Prafke **MOVED** to close the public hearing, **SECONDED BY** Councilmember Matthews.

MOTION UNANIMOUSLY CARRIED.

Councilmember Prafke **MOVED** approval of the resolution, adopting the proposed assessment of \$555, **SECONDED** by Councilmember Matthews.

MOTION UNANIMOUSLY CARRIED.

Note: The Burnt Store Isles Canal Maintenance Assessment District adjourned and reconvened as the Punta Gorda Isles (PGI) Canal Maintenance Assessment District at 11:10 a.m.

PUNTA GORDA ISLES CANAL MAINTENANCE ASSESSMENT DISTRICT

A Resolution adopting a tentative levy of annual special assessment for the Punta Gorda Isles Canal Maintenance Assessment District for Fiscal Year 2018–2019; setting a date, time and place of public hearing to consider final adoption of the assessment; and providing an effective date.

City Attorney Levin read the resolution by title.

Ms. Simeone explained the PGI Canal Advisory Committee recommended approval of an increase of the current assessment rate to \$650 for FY 2018/2019.

Mayor Keesling called three times for public comment on the resolution.

Councilmember Prafke **MOVED** to close the public hearing, **SECONDED BY** Councilmember Matthews.

MOTION UNANIMOUSLY CARRIED.

Councilmember Matthews **MOVED** approval of the resolution, adopting the proposed assessment of \$650, **SECONDED** by Councilmember Prafke.

MOTION UNANIMOUSLY CARRIED.

Note: The PGI Canal Maintenance Assessment District adjourned and reconvened as the City of Punta Gorda Lot Mowing Assessment District at 11:12 a.m.

CITY OF PUNTA GORDA LOT MOWING ASSESSMENT DISTRICT

A Resolution adopting a tentative levy of annual special assessment for the City of Punta Gorda Lot Mowing Assessment District for Fiscal Year 2018–2019; setting a date, time and place of public hearing to consider final adoption of the assessment; and providing an effective date.

City Attorney Levin read the resolution by title.

Ms. Simeone stated the proposed resolution set the tentative levy of the mandatory lot mowing program assessment at \$170, an increase of 3% over the previous year.

Mayor Keesling called three times for public comment on the resolution

Councilmember Prafke **MOVED** to close the public hearing, **SECONDED BY** Councilmember Matthews.

MOTION UNANIMOUSLY CARRIED.

Councilmember Prafke **MOVED** approval of the resolution, adopting the proposed assessment of \$170, **SECONDED** by Councilmember Matthews.

MOTION UNANIMOUSLY CARRIED.

Note: The Punta Gorda Lot Mowing District adjourned and reconvened as the City Council at 11:16 a.m.

UNFINISHED BUSINESS

Scope of Work for Citywide Master Plan Request for Qualifications (RFQ)

Mr. Mitchell Austin, Urban Design Planner, provided a presentation on the Master Plan RFQ process, as delineated in the agenda material, the timing for which was largely dependent on the community. He stated staff proposed a three part solution including an economic and budgetary analysis, charrettes and implementation of the vision, providing a detailed description of each part. He spoke at length on charrettes, noting an outside consultant would bring a fresh perspective, an awareness of trends, experience, access to data sources, objectivity and political neutrality.

City Manager Kunik stated staff recommended issuing an RFQ as opposed to a Request for Proposal (RFP), stating once the evaluations were conducted, City Council could select three to five firms to interview and subsequently rank.

Mayor Keesling pointed out the proposed RFQ was missing a critically necessary review and evaluation of the 2005 Master Plan and the Florida Building Codes, the latter having changed significantly since 2005.

Councilmember Cummings requested the Master Plan depict ways in which Punta Gorda could benefit from development in Charlotte County. He further suggested the RFQ include an analysis of the Comprehensive Annual Financial Report (CAFR).

Mayor Keesling requested the firm formally determine the appropriateness and effect of a residential/commercial mix of 75%/25%, noting the current ratio was 90%/10%.

Councilmember Matthews opined respondents should be required to submit actual proposals along with their qualifications, suggesting submissions should identify staff/team members who would be assigned to the project along with their qualifications.

Councilmember Prafke agreed the economic impact of Council's recommendations should be made known, albeit not at the level of the CAFR.

Councilmember Wein commented the Master Plan should be a living document rather than one which would only be reviewed once every ten years, stressing it must focus on the entire City rather than just the downtown. He agreed the 2005 Master Plan was not reviewed after its implementation, reiterating same should be included in the RFQ.

Mayor Keesling requested staff comment on Councilmember Matthews' recommendation to require submission of proposals at the same time as qualifications. City Manager Kunik explained same would constitute an RFP.

Ms. Pace interjected the Consultants Competitive Negotiations Act (CCNA) prohibited the City from requesting prices in advance if the proposal included specialized services such as engineering or surveying.

Councilmember Matthews countered she was not asking for prices but rather a requirement for respondents to address the scope of the work and their plan to accomplish same.

Ms. Pace confirmed the solicitation document would include that requirement along with team members' qualifications.

Discussion ensued with regard to the differences between an RFQ and an RFP.

City Manager Kunik confirmed City Council would review all of the submitted applications and determine which firms would be interviewed. He clarified Councilmembers wished to review the final RFQ prior to it being issued.

Discussion ensued with consensus to schedule a special meeting on July 18, 2018, at 9:00 a.m., for a final review of the scope of work.

RECOMMENDATION FROM CITY OFFICERS

CITY ATTORNEY

Litigation Update Relating to Fishermen's Village

Discussed under the FY 2019 General Fund Budget update.

BOARDS AND COMMITTEES

Announcement of Vacancies

Code Enforcement Board

City Clerk Smith announced the vacancy.

Nominations

Police Officers' Pension Board

Councilmember Prafke **MOVED** to nominate and appoint Mr. Norman Ashworth, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

Appointments

Code Enforcement Board (2)

Voting forms were distributed.

City Attorney Levin announced Mr. John Chalifoux and Mr. Vincent Lanza had received the majority of votes and were thus appointed to the Board.

Historic Preservation Advisory Board

Voting forms were distributed.

City Attorney Levin announced Mr. James Williams had received the majority of votes and was thus appointed to the Board.

Planning Commission

Voting forms were distributed.

City Attorney Levin announced Mr. Roger Peterson had received the majority of votes and was thus appointed to the Commission.

POLICY AND LEGISLATION

KEESLING: Announced the Home Rule Rally was scheduled at the upcoming Florida League of Cities conference.

WEIN: Thanked the PGI Neighborhood Marine Watch for their assistance with the Freedom Swim event on July 4, 2018.

The meeting was adjourned at 12:03 p.m.

Mayor

City Clerk