

**CITY OF PUNTA GORDA, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
WEDNESDAY, AUGUST 21, 2019, 9:00 A.M.**

COUNCILMEMBERS PRESENT: Carey, Cummings, 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 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

10 Year Service Award - PFC Joseph Angelini, Police Department

City Manager Kunik presented the award to PFC Joseph Angelini.

Police Chief Davis spoke regarding Mr. Angelini's service to the Department and the community as a School Resource Officer.

10 Year Service Award - Captain Norman H. Nahra, Police Department

City Manager Kunik presented the award to Captain Norman Nahra.

Police Chief Davis spoke regarding Mr. Nahra's service to the community and contributions to the leadership of the Department.

15 Year Service Award - Chief Planner Mitchell Austin, Urban Design

City Manager Kunik presented the award to Mr. Mitchell Austin.

Ms. Joan LeBeau, Urban Design Manager, spoke regarding Mr. Austin's service to the City and commitment to excellence.

Introduction of Board/Committee Member Nominees

None.

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

PUBLIC HEARINGS

GA- 03- 19 - An Ordinance of the City of Punta Gorda, Florida, amending the Punta Gorda Code, Chapter 23, "Traffic", Article II, "Parking Areas", Section 23- 17(a), limiting on- street parking along a portion of Goldstein Street to the west side of the street; providing for conflict and severability; and providing an effective date.

FIRST READING

City Attorney Levin read the ordinance by title.

Ms. Macalle Finkle, Paralegal, explained residents had requested the change, noting staff was recommending relocation of the on-street parking to the west side of the street to provide for better traffic flow.

City Manager Kunik stated "No Parking" signs would be installed on the east side of the street.

Mr. Kevin Doyle commented favorably on the change.

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

MOTION UNANIMOUSLY CARRIED.

Councilmember Matthews **MOVED** approval of GA-03-19, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

Quasi- Judicial Public Hearings

CCSP- 06- 19 Appeal – An appeal of the Burnt Store Isles Canal Advisory Committee’s denial of a petition for Special Permit under the provisions of Section 6- 6(j) of the Punta Gorda Code to install a boat lift with three (3) boat lift pilings and a portion of a two (2) foot wide aluminum walkway outside the 45 degree angle which is prohibited by Section 6- 6(c)(4), Punta Gorda Code at Lot 100, Block 273, Section 15, Punta Gorda Isles, a/k/a 670 Macedonia Drive, Punta Gorda, Florida 33950. Owner/Petitioner: Jeffrey A. Finklestein Charlotte County Parcel Id: 412330203001

City Clerk Smith swore in the participants.

City Attorney Levin explained City Council’s decision in this matter must be based on evidence presented this date as well as satisfaction of the criteria for granting a special permit.

Mr. Bob Nikula, Public Works, displayed photographs of the subject property and proposed construction drawings, provided a brief overview of the request and presented the staff report, as delineated in the agenda material. He concluded safe navigation of the waterway would not be impeded; thus, staff recommended approval.

Councilmember Matthews inquired why the Burnt Store Isles Canal Advisory Committee (BSI CAC) denied the request.

Mr. Nikula replied the Committee felt the request was not in harmony with the general intent and purpose of subsection 6-6(c).

Mayor Prafke inquired what size boat could be accommodated if the lift was not installed outside of the 45 degree angle.

Mr. Nikula replied it was possible to moor a boat up to the berthing lines, which were outside of the 45 degree angle; however, the applicant preferred to store the boat on a lift. He voiced uncertainty regarding the length of the boat.

Discussion ensued regarding the berthing lines and proposed location of the dock and lift as well as the property location being at the end of a canal.

Mr. Mike Parr, Parr Marine, explained if a conventional boatlift was installed inside the 45 degree angle at the end of a canal, the angle of access and water depth was limited, clarifying the angle made it necessary to back the boat into the slip, which could be a navigation hazard. He stated the design was for a 24- to 26-foot boat. He opined the objections of the neighbors had been alleviated after the proposed design and space issues were discussed. He stated with fewer lots being available the need for special permits to allow proper access was becoming greater, opining a change to the Punta Gorda Code was needed.

Discussion ensued regarding the dock and lift and its impact on safety and navigation.

Mr. Mike McIntosh stated the BSI CAC denied the request due to the objections of the neighbors.

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

MOTION UNANIMOUSLY CARRIED.

Councilmember Matthews opined the criteria had been met and the proposed design was a logical way to solve the problem of navigation at the end of the canal.

Mayor Profke suggested a Code revision might be needed to accommodate end of canal locations.

Discussion ensued with members concurring with Councilmember Matthews' comments.

Councilmember Cummings **MOVED** approval of CCSP-06-19 based on the evidence and testimony presented this date and all six special permit criteria being met, **SECONDED** by Councilmember Wein.

MOTION UNANIMOUSLY CARRIED.

CONSENT AGENDA

A. Citizen Comments - Consent Agenda Items

None.

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

MOTION UNANIMOUSLY CARRIED.

B. City Clerk's Department

1. Approval of Minutes: Regular Meeting of July 3, 2019
2. Approval of Minutes: Regular Meeting of July 10, 2019
- C. City Manager's Department
 1. Request from Punta Gorda Historic Mural Society to create mural at the new Punta Gorda Library
- D. Legal Department
 1. Invoices of Persson & Cohen, P.A. for services rendered in June & July 2019
 2. Invoice of Allen, Norton & Blue, P.A. for legal services rendered through July 31, 2019
 3. Invoice of Icard, Merrill, Cullis, Timm, Furen & Ginsburg, P.A. for services rendered through August 15, 2019.
- E. Police Department
 1. FDLE Justice Assistance Grant - Direct Application (2018-JAGD-2150) for the Volunteer Bike Patrol Program
 2. FDLE Justice Assistance Grant - Direct Application (2019-JAGD-2123) for the Volunteer Bike Patrol Program

Citizen Comments - Regular Agenda Items Only

Ms. Ruby Vine, Punta Gorda Boat Club Commodore, voiced support of moving the Harborwalk project forward.

Ms. Patti Allen, Fishermen's Village, requested the decision regarding the Harborwalk Area 2A & B improvements be delayed to allow Councilmembers to explore possible other options which would potentially save the City millions of dollars but also enhance the beauty of the Park.

BUDGET

Award of renewal to Public Risk Management of Florida Health Trust of Fort Myers, FL for Group Health, Dental, Life, Vision and Employee Assistance Program.

Ms. Anne Heinen, Interim Procurement Manager, explained staff recommended award of renewal to Public Risk Management of Florida Health Trust, noting the overall estimated percentage of increase from current year was approximately 6.7%.

City Manager Kunik stated the budget included a 12% increase, adding at the September 4, 2019 Budget Public Hearing staff would present two options: 1) retain the savings in reserves; 2) slight reduction to the millage rate.

Councilmember Wein **MOVED** approval of the award as recommended by staff, **SECONDED** by Councilmember Matthews.

MOTION UNANIMOUSLY CARRIED.

Award of agreement to Pavement Maintenance, LLC of Fort Myers, FL for Harborwalk Area 2A & B improvements and appropriation of additional funds October 1, 2019 (FY 2020)

Ms. Heinen explained staff recommended award of the agreement to Pavement Maintenance LLC of Ft. Myers, Florida as being the lowest responsive and responsible bidder. She stated the base bid was \$2,788,450, noting pricing was requested for PVC and cast iron piping for use with option 2 for the removal of existing pipes and capping cast iron pipes. She stated staff recommended a 20% contingency be included, noting any actual costs incurred for option 2 would be funded using contingency funds. She stated staff was requesting direction regarding the pattern asphalt pavement option.

Mr. Austin presented information on the optional intersection treatment of patterned pavement for the intersections of West Retta Esplanade and Dolly, Chasteen, McGregor and Gilchrist Streets, noting the total cost was \$123,556.

A lengthy discussion ensued regarding the patterned pavement option.

City Manager Kunik interjected staff could pursue discussions and a possible change order with the contractor regarding different types of permeable solutions; however, that was not being recommended at this time, clarifying staff was recommending approval of the construction contract as presented.

Councilmember Matthews commented it was necessary to complete the Harborwalk.

Councilmember Wein stated Councilmembers had been approached regarding a potential alternate way of looking at the two phases, opining City Council should not procrastinate any longer than necessary on the Harborwalk portion of the phase. He questioned the length of time for making a decision.

City Manager Kunik advised the bid was valid for 90 days from July 11, 2019.

Councilmember Wein suggested a delay for another two meetings to allow time for the alternatives to be developed.

Councilmember Matthews commented she could not consider closing off any portion of West Retta Esplanade.

Councilmember Wein opined the closure would result in traffic calming for that area of the Park and would create a "parkway" as opposed to a through way type of street.

Mayor Prafke suggested more specificity for clarification for the audience.

Councilmember Cummings opined it was not time for disclosure, adding he agreed with a short delay in order to make a decision that was consistent with the Master Plan.

Mayor Prafke reiterated it was possible to make a decision at a later date regarding a pervious surface, opining it was consistent with the Master Plan. She objected to

closing West Retta Esplanade which had been in existence since the City's founding, opening doing so would not serve the neighborhood or the community.

Discussion ensued regarding whether to delay the decision in this matter.

Councilmember Wein **MOVED** to continue the Award of the Agreement to the September 4, 2019 meeting, **SECONDED** by Councilmember Cummings.

Voting Aye: Wein, Carey and Cummings.

Voting Nay: Matthews and Prafke.

MOTION CARRIED.

Agreement award to Stevens and Layton of Fort Myers FL for Veterans Park Phase II Construction

Ms. Julie Rogan-Sutter explained staff recommended award of the agreement to Stevens and Layton of Ft. Myers, Florida as being the lowest responsive and responsible bidder, noting the base bid was \$326,652 with a total lump sum bid to complete the project of \$416,652, which included a 20% contingency budget of \$65,000. She concluded the project timeline for completion was 180 calendar days after issuance of a notice to proceed.

Mayor Prafke suggested including construction of a shade structure as part of a subsequent project for Veterans Park, inquiring as to the possibility of a Solar One project with FP&L.

City Manager Kunik agreed to research same.

Councilmember Wein **MOVED** approval of the award, **SECONDED** by Councilmember Matthews.

MOTION UNANIMOUSLY CARRIED.

Award of Master Agreement and Specific Authorization 1 for engineering/design services of Multi Use Recreational Trails (MURT) as part of the City's Punta Gorda Pathways

Ms. Heinen explained staff recommended award of the Master Agreement and Specific Authorization 1 (SA1) engineering/design services to CPH, Inc., noting the SA1 included planning, design, permitting and bidding services for the MURT on Airport Road from U.S. 41 to Cooper Street at a cost of \$167,474. She stated additional fees to be paid by the City to the Southwest Florida Water Management District and railroad permitting were estimated at \$10,000. She stated \$40,000 was budgeted in 2019, and additional funding would be available for the project in Fiscal Year 2020. She concluded the Master Agreement was for five years, noting fees were fixed for the first year, and completion of SA1 was anticipated by October 1, 2020.

Councilmember Matthews **MOVED** approval of the award and appropriation of the funds **SECONDED** by Councilmember Wein.

MOTION UNANIMOUSLY CARRIED.

NOTE: A short break was called at 10:53 a.m.

Mayor Prafke announced a change to the order of the remaining agenda items, noting the next item to be heard was the Temporary Use Permit Application for 223 and 227 Dr. Martin Luther King, Jr. Blvd., followed by the Presentation of the Septic to Sewer Master Plan.

NOTE: Unfinished Business was heard following Presentation of the Septic to Sewer Master Plan.

UNFINISHED BUSINESS

City Hall Historic & Functional Building Evaluation Discussion

Mr. Mitchell Austin, Urban Design Planner, provided an overview of the work completed to date by Parker, Mudgett, Smith, noting initial findings found structural, mechanical and plumbing issues. He stated the consultant indicated additional work was needed related to hazardous materials such as mold and asbestos as well as chemical and petrographic analysis, noting additional funding of \$27,240 was necessary to complete the work. He concluded staff was seeking direction as to whether to pursue the change order.

Councilmember Matthews inquired as to the total cost.

Mr. Tyler Paddick, Parker, Mudgett, Smith, responded the probable cost of preconstruction for the construction manager would be a realistic number. He stated same would be available about two months from now.

Discussion ensued with consensus to move forward and for staff to provide a funding source at the September 4, 2019 meeting.

NOTE: Ponce de Leon Park 60% Plan Review was heard following City Hall Historic & Functional Building Evaluation

Presentation of Septic to Sewer Master Plan - Phase 2 Financial Analysis

Mr. David Young, Jones Edmunds, stated the primary goal of the Sewer Master Plan (SMP) was to collaboratively develop an initial 15-year plan to implement an affordable, reliable, and efficient wastewater collection and treatment system for a sustainable environment. He presented Phase 2 of the SMP as delineated in the agenda material, providing a brief overview of the goals, objectives and work completed during Phase 1. He reviewed the 7 prioritized project areas which included a total of 2,314 lots. He reviewed the Capital Improvement Plan which was segmented into three-year periods

with a total cost of \$39 million during years 1 thru 9 and \$43 million for years 10 thru 21, noting a method for implementation had been identified.

Mr. Tony Harrison, Raftelis, reviewed the Septic-to-Sewer (STS) interactive financial model along with the various financial assumptions, including construction implementation from FY 2021 to FY 2029 and a 3% annual construction inflation factor. He stated project financing assumptions included project management and financing by the City, an administration allowance of 4% of construction costs and design as well as construction being funded by State Revolving Fund loans, infrastructure sales tax funds, grants and legislative appropriation. He concluded the total costs for project areas 1-3 after nine years would be slightly less than \$50 million; however, the proposed transmission system costs could be eliminated through wastewater capacity fees and other utility funding sources which would reduce the STS funding requirements to approximately \$40 million. He gave a detailed account of the proposed amounts needed from each funding source, concluding assumptions were provided to bring awareness to risks that might be involved.

City Manager Kunik explained the County's methodology was used because the City customers involved lived outside of the City limits, clarifying the County would need to approve any assessment of the customers.

Councilmember Wein inquired whether a step system was considered for isolated areas in order to reduce installation costs.

Mr. Young replied affirmatively, noting it was determined a gravity system would be most cost effective for the City considering capital and Operation and Maintenance (O&M) costs.

Councilmember Wein inquired as to the maintenance cost of a step system.

Mr. Young explained in detail that O&M costs for a step system would be more expensive than a gravity system.

Discussion ensued regarding costs distribution for a step system.

Councilmember Wein confirmed solids pumped from a septic tank would be taken to a waste treatment plant, therefore, there would be no reduction in solids loading to the waste treatment plant over a long period of time. He stated step system pumps had a finite life, opining failure could create an environmental issue in a localized area. He requested the information regarding step systems be included with the explanation as to why it was not a viable consideration for a high-density area.

Mr. Young agreed. He then stated they were seeking Council's understanding of the financial plan as it affected the amount and type of funding needed for planning purposes.

City Manager Kunik stated it was imperative that a decision be made regarding whether to continue the program, adding it was necessary to provide the information to the County in order to get the project on the Sales Tax Committee's Program list. He stated it was hoped some of those dollars would be earmarked for Charlotte Park.

Councilmember Matthews pointed out STS was not on the County's Sales Tax Program list.

City Manager Kunik agreed to research whether sales tax funding could be used for STS projects.

Mayor Prafke confirmed the presentation had been made to the Utility Advisory Board and they had approved moving forward. She acknowledged the project was needed; however, financing remained an issue.

City Manager Kunik stated staff was seeking input from City Council as to whether they wished to staff to continue to move forward with at least Charlotte Park, which included areas 1, 2 and 3.

Mayor Prafke requested the City begin to socialize this with the County more so that we are starting to get some concurrence that they supported working with the City.

Councilmember Wein **MOVED** approval of moving the project forward, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

Councilmember Wein left the meeting at 11:55 a.m.

Note:

Ponce de Leon Park 60% Plan Review and Construction Discussion

Mr. Austin presented information on the existing conditions at Ponce de Leon Park as well as the redesign objectives which included relocation of the Peace River Wildlife Center while maximizing parking and improving park amenities, noting an anticipated cost of \$1 million was budgeted. He reviewed the projects included in the preliminary engineer's estimated construction costs, as delineated in the agenda material, which totaled \$3,695,000, noting the engineering costs totaled \$282,100; thus, the total project cost was \$3,977,100. He stated the total funding allocation was approximately \$1 million, leaving an anticipated project deficit of \$2.97 million.

Mayor Prafke voiced concern regarding the increased cost.

Mr. Austin provided a historical overview of the project and costs, concluding based on the information that was discovered through the course of the project, City Council approved the design changes, and the engineering design changes had pushed the 60% construction cost estimate to the point we are at today.

City Manager Kunik pointed out there were significant costs included associated with the pier, seawall and boardwalk issues that were not in the original cost, noting \$450,000 which was set aside for utilities was not in the original.

Mayor Prafke stressed the City had \$1 million for the project; therefore, many items could not be completed.

Councilmembers Matthews agreed, stating it was a wish list.

Councilmember Carey inquired if the improvements could be done in stages.

Mr. Austin replied some projects could be done independently; however, it was uncertain as to when the PRWC could be relocated.

City Manager Kunik agreed to bring back a pared down project.

Mayor Prafke stated while she was in favor of having a premier park, it was necessary to determine how to fund it, concurring it was necessary to be in sync with the PRWC.

Ms. Stahl stated it was very unlikely the PRWC would be ready to begin construction of the new facility by April 2019, thus there was time to reconfigure the project or identify a funding source. She stated there had been no pressure from the land owner to evict the PRWC from their current location.

Discussion ensued regarding the PRWC.

NOTE: New Business was heard prior to the Septic to Sewer Presentation.

NEW BUSINESS

Temporary Use Permit Application for 223 and 227 Dr. Martin Luther King, Jr. Blvd., from the Peace River Wildlife Center

Ms. Lisa Hannon, Zoning Official, explained the Peace River Wildlife Center (PRWC) had entered into a purchase agreement for the property and desired to relocate the surgical center there, adding the property was zoned City Center which allowed for the use. She stated a portion of the adjacent property would be utilized as additional space for patient rehabilitation, noting the PRWC proposed to install temporary outdoor cages which would be screened from view by an eight-foot high, white vinyl fence. She concluded staff recommended approval of the request, explaining the use would be valid through 2022.

Mayor Prafke disclosed she had met with the PRWC, confirming all other Councilmembers had done so as well. She inquired whether the PRWC would be amenable to installing landscaping along the fence facing the street.

Ms. Hannon responded with uncertainty, adding staff recommended the properties be combined once they were purchased, and the fence be maintained.

Ms. Callie Stahl, PRWC Executive Director, explained there would be no access from Martin Luther King, Jr. Blvd., adding she would be amenable to installation of

landscaping for aesthetics. She confirmed the PRWC was still searching for a permanent location for the rehabilitation facility. She stated all exterior materials would be temporary and would be removed when the temporary use was finished. Councilmember Wein **MOVED** approval, **SECONDED** by Councilmember Matthews.

MOTION UNANIMOUSLY CARRIED.

NOTE: Presentation of the Septic to Sewer Master Plan was heard following the Temporary Use Permit.

RECOMMENDATION FROM CITY OFFICERS

CITY MANAGER

City Manager Kunik invited the public to attend the Citywide Master Plan presentation at 5:00 p.m.

CITY ATTORNEY

No comment.

BOARDS AND COMMITTEES

Announcement of Vacancies

Utility Advisory Board

Historic Preservation Advisory Board Alternate

Building Board - Alternate

Board of Zoning Appeals (2)

Code Enforcement Board (2)

City Clerk Smith announced the vacancies.

Nominations

Punta Gorda Housing Authority - Resident Commissioner

Councilmember Matthews **MOVED** to nominate and appoint Ms. Jane Allison, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

POLICY AND LEGISLATION

PRAFKE: Reported the Charlotte County Legislative Delegation meeting would be held on October 8, 2019 from 8:00 a.m. to 11:00 a.m. at the Punta Gorda Isles Civic Association.

CUMMINGS: Stated he spoke with a representative of the U.S. Census Bureau who encouraged everyone to respond to the census as it affected funding distribution to the City.

MATTHEWS: Reported the Charlotte County Board of Commissioners would review the contract for completion of widening of Burnt Store Road, noting work was anticipated to begin in November 2019 for the two-year project.

- Stated a left turn arrow to turn north from Aqui Esta Drive to head north on U.S. 41 would be installed; however, there would be no arrow to head south due to issues with land acquisition and the railroad.

- Commented the Assisted Living Facility was moving forward with a new aesthetic.

CAREY: Announced the Charlotte Harbor CHEC Harvest for America would be held at Laishley Park in November, 2019.

- Reported the Charlotte County Airport Authority had been presented three viable options for use of the Western Michigan hangar, explaining the three groups would try to work together to share the building.

CITIZENS COMMENTS

Mr. Gary Skillicorn suggested shutting down portions of certain streets for Halloween. He opined there was no need for the PRWC to be located in Ponce de Leon Park (on the water).

The meeting was adjourned at 12:43 p.m.

Mayor

City Clerk