

**CITY OF PUNTA GORDA, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
WEDNESDAY, JANUARY 8, 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. Carlo Gargiulo, followed by the Pledge of Allegiance.

PROCLAMATION/PRESENTATIONS

Punta Gorda Historic Mural Society Month

Councilmember Matthews presented the proclamation, which was accepted by Ms. Kelly Gaylord and Mr. Robert Armstrong, Punta Gorda Historic Mural Society.

Dr. Martin Luther King, Jr. Day

Mayor Prafke presented the proclamation, which was accepted by Reverend Ellison Haddock.

Introduction of Board/Committee Member Nominees

Mr. Jay Nadelson introduced himself as a nominee for the Board of Zoning Appeals.

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.

CP- 03- 19 An Ordinance of the City Council of the City of Punta Gorda, Florida, amending the City of Punta Gorda Comprehensive Plan Future Land Use Map to reflect the change in the current zoning designation of High Density Residential to Professional Office for 0.46 acres, a parcel of land lying within Lots 1, 2, 3, 4, 5, 6 & 7, subdivision of original Lots 1, 2, & 3 of Block O, Woods Second Addition to Town of Punta Gorda, as filed in Plat Book 1, Page 78, Public Records of Charlotte County, Florida, being more particularly described in Exhibit "A" attached hereto; providing for conflict and severability; and providing an effective date.

SECOND READING

City Attorney Levin read the ordinance by title.

Ms. Lisa Hannon, Zoning Official, requested City Council approval of the ordinance on second reading and to transmit the Proposed Expedited State Review Comprehensive Plan Amendment to the Department of Economic Opportunity and the related reviewing agencies.

Councilmember Matthews **MOVED** approval of CP-03-19 and to transmit the Proposed Expedited State Review Comprehensive Plan Amendment to the Department of Economic Opportunity and the related reviewing agencies, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

Z- 04- 19 An Ordinance of the City Council of the City of Punta Gorda, Florida, rezoning 0.46 acres, a parcel of land lying within Lots 1, 2, 3, 4, 5, 6 & 7, subdivision of original lots 1, 2, & 3 of Block O, Woods Second Addition to town of Punta Gorda, as filed in Plat Book 1, Page 78, Public Records of Charlotte County, Florida, being more particularly described in Exhibit "A" attached hereto; from its current Charlotte County zoning classification of Neighborhood Residential 15 units per acre (NR- 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.

Ms. Hannon requested City Council approval of the ordinance on second reading Councilmember Cummings **MOVED** approval of CP-03-19, **SECONDED** by Councilmember Matthews.

MOTION UNANIMOUSLY CARRIED.

CONSENT AGENDA

A. Citizen Comments - Consent Agenda Items
None

Mayor Prafke noted Item E.3. had been withdrawn.

City Manager Kunik commented Americans with Disabilities Act-compliant signage was being installed throughout the City's buildings.

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

MOTION UNANIMOUSLY CARRIED.

B. City Clerk's Department

1. Approval of Minutes: Regular Meeting of December 18, 2019

C. Legal Department

1. Invoice of Allen, Norton & Blue, P.A. for legal services rendered through November 30, 2019.

2. Monthly Litigation Report
- D. Finance Department
 1. Approval to Piggyback Contract with Collier County Public Schools for security enhancements to City Facilities.
- E. Urban Design Division
 1. A Resolution of the City Council of the City of Punta Gorda, Florida, repealing Resolution No. 3390-18 and adopting an updated City of Punta Gorda Americans With Disabilities Act (ADA) Transition Plan (FY 2019 update); and providing for an effective date.
 2. A Resolution of the City Council of the City of Punta Gorda, Florida, as local host agency for the Coastal and Heartland National Estuary Partnership, accepting funding from Manatee County for implementing the Fiscal Year 2020 CHNEP Workplan and Budget; authorizing the City Manager to sign the Funding Agreement and administer the funding on behalf of the city; and providing an effective date.
 3. A Resolution of the City Council of the City of Punta Gorda, Florida, as local host agency for the Coastal and Heartland National Estuary Partnership (CHNEP), approving the Interlocal Agreement between the City of Punta Gorda and Lee County to perform activities consistent with Punta Gorda's Comprehensive Conservation Management Plan (CCMP) on behalf of the CHNEP; authorizing the Mayor to sign the Agreement on behalf of the City; and providing an effective date.
- F. Police Department
 1. Application for FY 2021 Charlotte County Boater Revolving Fund Grant
- G. Utilities Department
 1. A Resolution of the City Council of the City of Punta Gorda, Florida, approving the Second Amendment to the Water Systems Interconnect and Water Transfer Contract between the Peace River Manasota Regional Water Supply Authority and the City of Punta Gorda; authorizing the Mayor to execute the Agreement; and providing an effective date.
 2. A Resolution of the City Council of the City of Punta Gorda, Florida, accepting a bill of sale, release of liens/affidavit of no liens from and warranty from Honc Industries Inc for water distribution and wastewater collection facilities located within 7 Eleven Piper & Jones Loop; providing for conflicts and severability; and providing an effective date.

Citizen Comments - Regular Agenda Items Only

Mr. John Peterman suggested resurfacing the basketball courts at the same time as the tennis court resurfacing might be a cost saving measure.

Ms. Wendy Mueller spoke in favor of switching the locations of the tennis courts with the pickleball courts.

BUDGET

Resurfacing of Tennis Courts in Gilchrist Park

City Manager Kunik explained as Phase 2 of Gilchrist Park had been delayed, staff was being asked to move forward with resurfacing the tennis courts in Gilchrist Park, which would cost approximately \$19,000.

Mr. Rick Keeney, Public Works Director, explained the resurfacing process, noting the courts were in poor shape. He estimated it would take approximately six weeks to obtain a quote and complete the work. He stated the lifetime of the new surface would be approximately ten years.

Discussion ensued regarding the tennis courts and whether to resurface the basketball courts at the same time.

Councilmember Matthews **MOVED** approval of moving forward with resurfacing the Gilchrist Park tennis courts, **SECONDED** by Councilmember Matthews.

MOTION UNANIMOUSLY CARRIED.

Swale Regrading/Drainage Program Status

Mr. Mark Gering, City Engineer, provided a status update on the swale regrading/drainage program budget, as delineated in the agenda material, noting at current work levels, the contractor would likely expend all funds, including carryover funds. He clarified no funds would be carried over to a future budget year, requesting direction for setting the final work program budget.

Councilmember Carey objected to spending funds on the swale program when there were drainage problem areas such as Berry Street and Boca Grande.

Councilmember Matthews pointed out City Council had committed to decreasing the swale program, adding it was necessary to educate the public on the thatch issue. She suggested allowing the backlog to be completed and then reducing funding.

Discussion ensued with consensus to allow the contractor to move forward with the objective of not rolling over funds the following year.

Discussion of Fair Share/Development Impact Fees Ordinance

Ms. Kristin Simeone, Finance Director, explained staff was seeking Council direction regarding the percentage of recommended rates, inclusion of the affordable housing exemption and continued elimination of change of use fees. She drew members'

attention to the City Impact Fee Comparison and Single-Family Detached Impact Fee Comparison, as delineated in the agenda material, briefly reviewing same.

City Manager Kunik explained residents paid both City impact fees and as well as a portion of Charlotte County's impact fees, noting the County planned to increase their impact fees by 45% with 5% increases annually thereafter.

Councilmember Matthews suggested phasing in the increase.

Councilmember Cummings concurred, suggesting a mechanism for automatic adjustments increase and mobility be included.

A lengthy discussion ensued regarding impact fees and appropriate phased-in percentage increases, with consensus to move forward with an initial 50% increase with a 25% increase for the following two years and to retain the affordable housing exemption.

Budget Re- appropriation from FY 2019 to FY 2020 and Appropriations for FY 2020

Ms. Simeone drew members' attention to the Schedule of Requests for Re-appropriation fund list, as delineated in agenda material, briefly highlighting each fund. She noted the list did not negatively impact the ability to balance the City's FY 2020 financial plan and retain sufficient reserves.

A question and answer session clarifying certain funds followed, with consensus to eliminate the line item for replacement of trees.

Councilmember Cummings **MOVED** approval of the list as presented with the exception of \$32,000 for trees which would be transferred to general fund balance, **SECONDED** by Councilmember Matthews.

MOTION UNANIMOUSLY CARRIED.

Request by the Urban Design Division for a Paid Intern Position

Ms. Joan LeBeau, Urban Design Manager, explained the need for a six month intern position, adding staff hoped to hire a Florida Gulf Coast University student. She noted the intern could potentially be transitioned to a full-time position.

Councilmember Matthews **MOVED** approval of the position and appropriation of funds, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

NEW BUSINESS

National League of Cities Utility Service Partners Discussion

Ms. Melissa Reichert, Communications Manager, announced the National League of Cities (NLC) Service Line Program (Program) educated residents regarding their responsibility for utility lines on their property, displaying a brief video describing the

program. She concluded the monthly cost to the homeowner was \$5.75 for a water line, \$7.75 for a sewer line and \$9.99 for in home plumbing.

Mr. Lee Zell, Regional Director, National League of Cities Service Line Program, provided a brief overview of the Program's establishment, noting their goal was to assist the City in educating the public regarding their responsibilities. He stressed the program was voluntary and had no pre-existing condition exclusions as a requirement for coverage.

A lengthy discussion ensued regarding the Program's coverage and fees.

City Attorney Levin inquired why the NLC required the City's permission if the City opted not to participate in the royalty.

Mr. Zell replied the program was not offered to residents without the City's approval, explaining residents would be offered a lower rate if the City did not desire to participate in the royalty.

City Attorney Levin inquired if Service Line Warranties of America (SLWA) was the only company offering this type of warranty.

Mr. Zell replied in the negative, explaining American Water Resources offered a similar warranty.

Councilmember Miller questioned how the program handled condominiums.

Mr. Zell replied the program was set up for properties with individual water and sewer connections. He then noted the Program also covered individuals using wells and septic systems.

City Manager Kunik confirmed members were interested in considering a contract for the Program provided the City did not receive any reimbursement from same.

City Attorney Levin inquired why the City's approval was necessary.

Mr. Zell replied the NLC did not wish to work outside of the City's oversight.

City Attorney Levin confirmed SLWA was a for-profit company. He suggested City Council consider liability the City could incur by indirectly partnering with a private, for-profit company as the State Constitution prohibited municipalities from partnering with for-profit organizations in the absence of a statutory exemption.

Mr. Zell stated the contract indemnified all employees of the City, including City Council, noting in twelve years there had been no lawsuits.

NOTE: A short break was called at 11:01 a.m.

RECOMMENDATION FROM CITY OFFICERS

CITY MANAGER

None.

CITY ATTORNEY

City Attorney Action Register December 2019

City Attorney Levin advised City Council needed to hold a discussion regarding signage regulations in the Punta Gorda Code (Code), suggesting a moratorium on enforcing certain provisions might be appropriate as staff did not have the authority to selectively enforce the Code.

Discussion ensued regarding sign regulations with consensus to further discuss the matter at a future meeting.

City Attorney Levin then reported a court date for the Plattner case had been scheduled for February 2020, explaining the judge would consider Mr. Douglas Plattner's pending default.

Councilmember Matthews confirmed two law suits related to the Vivante cut-through project had been dismissed.

CITY CLERK

Firefighters' Pension Board 5th Member Appointment Confirmation

City Clerk Smith explained City Council confirmation of the appointment of Mr. Justin Gerow was needed.

Councilmember Matthews **MOVED** to confirm Mr. Gerow's appointment, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

BOARDS AND COMMITTEES

Announcement of Vacancies

Board of Zoning Appeals - Alternate

Code Enforcement Board - Alternate

City Clerk Smith announced the vacancies.

Appointments

Board of Zoning Appeals (2)

Voting forms were distributed.

City Attorney Levin announced Ms. Wendy Mueller and Mr. Jay Nadelson received the most votes and were thus appointed to the Board.

POLICY AND LEGISLATION

PRAFKE: Stated she would contact Mr. Jerry Paul to make arrangements for meetings with legislators during Legislative Action Days next month.

- Announced the PicklePlex's Grand Opening Tournament would be held this coming weekend.

MILLER: Reported he would be attending the Institute for Elected Municipal Officials.

MATTHEWS: Noted real estate signs were becoming a problem again and enforcement was needed, speaking in favor of increasing the fines for violations.

Ms. Lisa Hannon, Zoning Official, stated Code Compliance Officers would be working random weekends to assist with enforcement, noting a citation could not be issued unless an officer had first-hand knowledge of the violation.

Discussion ensued with consensus to hold a discussion regarding an increase to the fines at a future meeting.

CITIZENS COMMENTS

Ms. Cathy Getz opined the increase to impact fees was overdue.

Mr. Ed Weiner opined the full increase to the impact fee would not negatively impact development.

The meeting was adjourned at 11:38 a.m.

Mayor

City Clerk