

**CITY OF PUNTA GORDA, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
WEDNESDAY, FEBRUARY 5, 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

St. Vincent de Paul Day

Councilmember Cummings presented the proclamation, which was accepted by Mr. Richard Collins.

15 Year Service Award - Philip Wickstrom

City Manager Kunik presented the award to Mr. Philip Wickstrom, Human Resources Manager.

30 Year Service Award - Chief Raymond Briggs

City Manager Kunik presented the award to Mr. Raymond Briggs, Fire Chief.

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- 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, effective as of May 20, 2021 and effective as of May 20, 2022; 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.

FIRST READING

City Attorney Levin read the ordinance by title.

Ms. Kristin Simeone, Finance Director, recalled City Council had approved drafting an ordinance with impact fee increases phased in over three years, noting the proposed ordinance provided for the imposition and calculation of impact fees relating to parks, mobility and public safety to be effective on the 20th day of May 2020, May 2021 and May 2022. She noted the Planning Commission had recommended full implementation of revised impact fees in year one.

Mr. Ed Weiner spoke in favor of full implementation of the increase, opining developer considerations included land availability and existing codes rather than impact fees.

Ms. Wendy Mueller agreed.

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

MOTION UNANIMOUSLY CARRIED.

Councilmember Cummings stated he was in favor of the three-year implementation stressing the increase impacted commercial as well as residential properties.

Councilmember Matthews concurred, noting Charlotte County was also implementing a phased increase.

Councilmember Miller pointed out full implementation would result in a substantial increase to fees received, speaking in favor of same.

Councilmember Carey agreed, noting citizens wanted public safety, parks and mobility. She opined impact fees were the fairest way to generate revenue.

Mayor Prafke spoke in favor of full implementation.

A lengthy discussion ensued regarding increasing impact fees and a phased versus full implementation approach.

Councilmember Carey **MOVED** approval of GA-01-2020 amending the implementation timeframe from 3 years to 1 year, effective May 20, 2020, **SECONDED** by Councilmember Miller.

VOTING AYE: Carey, Matthews, Miller and Prafke.

VOTING NAY: Cummings.

MOTION CARRIED.

ORDINANCE/RESOLUTION

(No Public Hearing Required)

Citizen Comments - Ordinances/Resolution Items Only

None.

A Resolution of the City Council of the City of Punta Gorda, Florida, approving the Local Agency Program (LAP) Agreement with the Florida Department of

Transportation for the design, construction, and construction engineering and inspection for improvements located along Tamiami Trail (US 41) from Airport Road to Carmalita Street within the City of Punta Gorda, Florida; authorizing the City Manager to execute the agreement and all related documents on behalf of the City; and providing an effective date.

City Attorney Levin read the resolution by title.

Mr. Austin explained the agreement was for the design construction and construction engineering services for a segment of US 41 from Airport Road to Carmalita Street, noting the improvements would be primarily geared towards bicycle and pedestrian safety along with roadway resurfacing, which included intersection treatments, lighting, as well as Americans With Disabilities Act (ADA) compliance issues. He stated funds included a LAP grant for \$3,061,214, Special Use Funds of \$175,000 and 1% Sales Tax Funds in the amount of \$174,000.

Councilmember Matthews **MOVED** approval of the resolution with the clarification that only interest from the Special Use Fund would be utilized for the project, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

CONSENT AGENDA

A. Citizen Comments - Consent Agenda Items
None.

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 January 22, 2020
2. A Resolution of the City of Punta Gorda, Florida, opposing legislation that proposes to modify, restrict or eliminate the authority of municipalities to regulate short term vacation rentals; and providing an effective date.

C. Legal Department

1. Monthly Litigation Report
2. A Resolution of the City Council of the City of Punta Gorda, Florida, approving a pre-annexation agreement with Punta Gorda SS, LLC for the property generally described 3086 Cooper Street in Charlotte County, Florida; authorizing the Mayor to execute the Agreement; and providing an effective date.

D. Urban Design Division

1. Event Permit: 19-156128; Peace River Revival; Laishley Park; April 3-5, 2020

2. A Resolution of the City Council of the City of Punta Gorda, Florida, as fiscal host agency for the Coastal & Heartland National Estuary Partnership, approving a grant agreement with the Mosaic Company for the Warm Mineral Springs Run Habitat Restoration Project; authorizing the City Manager to sign the grant agreement and administer the funding on behalf of the City; and providing an effective date.

E. Police Department

1. Application for 2020 Target Corporation Grant for the Punta Gorda Police Department Summer Youth Academy

Citizen Comments - Regular Agenda Items Only

Ms. Geri Waksler spoke in favor of engaging Dover Kohl & Partners (DKP) to update the Comprehensive Plan with no preconditions, adding City Council would have the opportunity to edit the proposal. She opined DKP should be allowed to develop a long-term vision for the City as future residents would have different needs than today's residents.

Ms. Pat Niles voiced concern regarding building height.

Ms. Sheila Yaeger expressed safety concerns related to traffic volume and speed as well as parking on West Retta Esplanade.

Mr. Sam Castronovo commented on building height and the US 41 Corridor Vision Plan, opining Taylor Road needed to be realigned and the bridge on Alligator Creek should have a pedestrian bridge.

Ms. Patti Allen concurred with Ms. Waksler's comments.

Mr. Skillicorn voiced concern regarding building height, opining it was necessary to monitor DKP's progress as there had been some disagreement regarding certain items included within the Master Plan.

Ms. Nancy Johnson concurred with Ms. Waksler's comments, endorsing DKP to update the Comprehensive Plan.

Note: A short break was called at 10:34 a.m.

BUDGET

Appropriation of Funds and Award of Amendment #2 to Dover Kohl & Partners to update the City's Comprehensive Plan in accordance with the Master Agreement #U2017104.

Ms. Anne Heinen, Procurement Manager, explained staff was recommending the appropriation of funds and award of Amendment #2 to Dover Kohl & Partners to update the City's Comprehensive Plan in accordance with the Master Agreement to update the Citywide Master Plan for a total not-to-exceed cost of \$133,040.

City Manager Kunik noted the timeframe was approximately one year. **Councilmember Cummings** stated DKP's specialty was small historic cities, noting they had many notable clients. He suggested moving forward.

City Manager Kunik pointed out public input sessions were built into the process.

Councilmember Cummings **MOVED** approval of the appropriation of funds and Award of Amendment #2 to Master Agreement #U2017104 to Dover Kohl & Partners, **SECONDED** by Councilmember Miller.

MOTION UNANIMOUSLY CARRIED.

Appropriation of Funds and Award of Amendment #3 to Dover Kohl & Partners to develop and prepare the City's Land Development Code in accordance with the Master Agreement #U2017104.

Ms. Heinen explained staff was recommending the appropriation of funds and award of Amendment #3 to Dover Kohl & Partners to develop and prepare the City's Land Development Code in alignment with the changes to the City's Comprehensive Plan for a total not-to-exceed cost of \$221,590.

City Manager Kunik stated the timeline would likely be longer than one year as DKP needed to substantially complete the Comprehensive Plan process, noting preparation of the Land Development Code also included public workshops.

Councilmember Matthews commented there should be a stipulation that the form-based code should address building height based on feet rather than stories, adding many residents felt it was important to limit height to preserve the City's historic character.

Mr. Austin explained form-based codes provided much more certainty regarding what types of building could be developed. He acknowledged there was much apprehension regarding building height, opining it was important to specify how many stories would be permitted.

Councilmember Carey voiced concern DKP was not hearing what residents were saying, adding City Council had a responsibility to the City's residents, not the firm hired to design the City. She stressed seven stories in City Center was unacceptable.

Councilmember Cummings stated developers would only build something that was financially feasible. He stated there were logical consequences for our actions, adding in order for us to thrive we have to skillfully coordinate our efforts with the communities around us, and when our community fails to move correctly, we jeopardize the sustainability of our economy and threaten the quality of life for residents. He stated many residents were retirees with fixed incomes, adding if City Council voted based on polling rather than on planning, the long-term consequence

would be a significant rise in taxes in order to maintain the degree of services provided. He stated the downtown needed to be robust, adding to maintain our small historic city basis, the city must always be growing in a historical manner, clarifying the city must be in motion to stay relevant and alive. He stated he understood there was a fear that developers could possibly destroy good things; however, to be able to take care of our residents and offer them long term security in terms of not threatening them with higher taxes and a loss of services, we have to be allowed to bring our City back, which had only one third of the commercial it had 15 years ago. He stated DKP was being asked to create a framework, concluding City Council would decide the final design of the Code.

Mayor Prafke questioned the reference to “bonus” in relation to building height. She opined the proposed Harborside Center for the Arts might require substantial height, concluding she disagreed with several items in the CWMP; however, she was willing to see what DKP had to say.

Councilmember Miller spoke in favor of moving forward with the contract.

Councilmember Matthews reiterated DKP did not listen to citizen input during development of the Master Plan.

Councilmember Carey voiced concern regarding DKP’s suggestion of seven stories as she was told five stories was economically viable in the downtown. She stated she would like DKP to help the City achieve its goals rather than attempting to force residents to accept their goals. She concluded she was amenable to the contract, but the dynamic of the conversation needed to change a bit.

Mr. Austin stated “bonuses” were not known at this time, adding same would be developed through the process of drafting the Code. He explained there would be a testing period where the draft code was applied to a parcel of land then brought back to the community for input on the results. He stated staff’s intention was to have a code which reflected the vision of the community.

City Attorney Levin stated when defending the City Code in front of a judge, “stories” meant nothing, questioning whether DKP could be asked to use their expertise as planners to talk about development in terms of feet.

Mr. Austin replied affirmatively, noting most form-based codes talked about stories as well as feet.

City Attorney Levin stated when the word “story” was used without having height it created many possible loopholes that the City wanted to avoid.

Councilmember Cummings **MOVED** approval of the appropriation of funds and Award of Amendment #3 to Master Agreement #U2017104 to Dover Kohl & Partners, **SECONDED** by Councilmember Miller.

MOTION UNANIMOUSLY CARRIED.

City Attorney Levin recommended the Agreement be forwarded with a cover letter specifying that City Council preferred development be in terms of height rather than stories.

Award of Amendment #3 to Carrollo Engineers, Inc. to develop and prepare the City's 2020 Hydrobiological Monitoring Program 5-Year Summary Report in accordance with Master Agreement #U2018107

Ms. Heinen explained Amendment #3 was to develop and prepare the City's 2020 Hydro-biological Monitoring Program 5-Year Summary Report in accordance with the Master Agreement for providing Engineering Services for Public Water Supply. She stated staff requested a proposal for professional services from Carrollo Engineers, Inc., noting the completion timeframe was 6 months from the issuance of the notice to proceed. She concluded staff recommended approval.

Councilmember Cummings **MOVED** approval of the appropriation of funds and Award of Amendment #3 to Master Agreement #U2018107 to Carrollo Engineers, **SECONDED** by Councilmember Matthews.

MOTION UNANIMOUSLY CARRIED.

Discussion of Harborwalk ADA Ramp at US 41 SB Project Funding

Mr. Mitchell Austin, Chief Planner, stated in discussions with the Florida Department of Transportation and the Charlotte County-Punta Gorda MPO, staff had learned the City could request a change of project limits for the Harborwalk Area 3 project in order to fund construction of the ADA ramp at US 41 southbound project, noting this funding option would be timely as the \$367,208 grant funds became available in FDOT fiscal year (FY) 2021/2022. He stated the project would be subject to Local Agency Program requirements which would obligate the City to fund the engineering design portion as well as any construction and/or Construction Engineering Inspection (CEI) costs beyond the total grant amount. He concluded based on initial conversations with engineering professionals, it was a feasible project to undertake at a construction cost similar in scale to the total grant amount, concluding staff was recommending moving forward with changing the project limits and re-appropriating some design funds.

Councilmember Miller inquired whether additional funding would be needed.

Mr. Austin replied staff felt confident the amount of the grant was in line with the anticipated project costs; however, CEI services might be an issue as would any

unforeseen design considerations. He pointed out the scale of the project was small and involved a relatively short timeline for construction.

Mayor Prafke voiced concern regarding the ramp being overdesigned.

Mr. Austin explained the ramp design would be a fairly inexpensive configuration; however, it would become known during the design process whether the project was becoming expensive, explaining the City was not creating an obligation to accept the funds by submitting the change of limits request.

Councilmember Cummings **MOVED** approval of moving forward with the ADA ramp project as proposed and appropriation of the funds, **SECONDED** by Councilmember Carey.

MOTION UNANIMOUSLY CARRIED.

Ms. Simeone clarified the funds were being transferred from the Harborwalk Area 3 to the ADA project.

UNFINISHED BUSINESS

Recruitment Process for City Manager Position

Mr. Phil Wickstrom, Human Resources Manager, noted all of City Council's recommendations from the January 22, 2020, meeting had been incorporated into the recruitment process materials.

Discussion ensued with consensus to move forward as described in the materials.

Councilmember Cummings **MOVED** approval of the revised overview and posting the position, **SECONDED** by Councilmember Matthews.

MOTION UNANIMOUSLY CARRIED.

Councilmember Carey suggested the makeup of the stakeholder group be similar to the 1% Sales Tax Committee.

Councilmember Miller agreed, displaying a list which included 12 organizations and 5 Councilmember representatives, as delineated in the agenda material. He stated the organizations should identify a representative and then City Council could fill in any potential gaps with their choices.

Councilmember Matthews questioned how the stakeholder meetings would be facilitated.

City Manager Kunik described the process used for the Police Chief search. He then suggested the group could meet at the Laishley Community Room, with each candidate meeting with the group for approximately one hour. He stated concurrently, City Council would meet with the candidates one-on-one, noting same would take place in a single day. He concluded the HR Manager should facilitate the group meeting.

Mr. Wickstrom offered to collect input from the group and summarize same for City Council.

Consensus was to do so.

Councilmember Matthews confirmed the Councilmember's representative did not need to be a resident of their district.

Mr. Wickstrom agreed to contact the organizations to request a representative, noting the interview process would take place on May 27, 2020.

City Manager Kunik stated staff would provide the name of the organization representatives at the March 4, 2020 Council meeting.

NEW BUSINESS

Florida Department of Transportation US 41 Corridor Vision Plan for Charlotte County

Ms. Bessie Reina, Florida Department of Transportation (FDOT), presented the Charlotte County US 41 Corridor Vision Plan, as delineated in the agenda material, offering to answer questions.

Councilmember Matthews inquired as to the cost of a traffic signal installation on US 41.

Ms. Nicole Mills, FDOT, explained the cost varied significantly depending on the section of the roadway and ranged from \$100,000 to \$500,000.

Councilmember Matthews noted the Harborside Performing Arts Center had indicated an interest in closing Retta Esplanade between Taylor Road and US 41 northbound, pointing out the presentation indicated a traffic signal was planned for the US 41 intersection.

Mr. Austin explained the City had requested a signal warrant study, adding based on current traffic conditions, the study showed a signal was warranted at that location.

Councilmember Matthews then stated Burnt Store Isles residents wanted an opening which allowed them to head north on US 41.

Mayor Prafke interjected the issue was the inability to turn northbound onto US 41 from Madrid Boulevard, stressing the problem had been talked about for years; however, FDOT had failed to address it. She stated the area was becoming more urban and should be re-evaluated.

Councilmember Matthews recalled discussion at a recent workshop about a possible land acquisition for a parallel road with a right turn at the Thomas Ryan Real Estate office; however, same was not included in the plan presented this date. She requested reconsideration of same.

Ms. Mills advised a left turn would not be installed on Madrid as it was too close to the signal at Jones Loop Road. She stated solutions needed to be made in partnership with the City and County as FDOT could not make changes on local roads.

Mayor Prafke commented traffic was being forced onto a local road.

Ms. Mills stated it was necessary to devise a different solution.

Councilmember Cummings pointed out drivers were not using Burnt Store Road as a solution to get back to US 41 because it was difficult to make the U-turn.

Mayor Prafke then stated Burnt Store Meadows residents did not want to bring Royal Poinciana and Taylor Road together as they were concerned Royal Poinciana would become a through-traffic road.

Ms. Reina stated she had heard similar comments, adding she had tried to emphasize that this was a concept that was reflective of some of the input received. She stressed the plan was still in the draft phase and welcomed additional comments.

Councilmember Matthews reiterated input provided previously was not reflected in the proposal.

Mayor Prafke concluded until FDOT began observing and connecting with the people who lived in the communities, they were not going to understand what needed to be done.

Discussion of parking along West Retta Esplanade

Ms. Lisa Hannon, Zoning Official, explained an outdated provision in the event manual prohibited parking along the south side of West Retta Esplanade, noting the original intent was to regulate parking on both sides of the street from Harvey Street to approximately Gilchrist Street. She stated same did not take into account the reconfiguration of Gilchrist Park or parking for events held in nearby facilities. She stated staff was seeking City Council direction on whether to proceed with an ordinance prohibiting parking along certain areas of West Retta Esplanade, noting a few residents parked in the right-of-way in front of their residences; however, from a technical perspective, there was no issue with prohibiting same.

City Manager Kunik stated the intent was to revise the event manual to prohibit parking on the south side of West Retta Esplanade from Harvey Street to Shreve Street during events. He stated the diagonal parking was available on the north side up to Gilchrist, adding additional diagonal parking would be constructed down to the Bayfront Center. He clarified area residents wanted the prohibition for more than just events.

Discussion ensued regarding parking on West Retta Esplanade.

Councilmember Cummings inquired if there were safety concerns regarding closing north or south.

Chief Pam Davis responded there were 3 crashes on West Retta Esplanade over the past three years, none of which were related to parking, adding parking in that area as well as parking on Marion Avenue and Olympia Avenue was monitored on New Year's Eve due to overflow parking for events at Fisherman's Village and there were no issues. She concluded she found no evidence of a safety concern.

City Manager Kunik reiterated staff was only proposing to allow parking to be prohibited on the south side of West Retta Esplanade from Harvey Street to Shreve Street during events.

Discussion ensued with consensus for staff to revise the event manual to prohibit parking on the south side of West Retta Esplanade from Harvey Street to Shreve Street during events.

Councilmember Carey voiced concern regarding the residents on West Retta Esplanade due to the many events being held, adding she was amenable to the revision; however, the issue should be revisited.

Discussion of City's Participation in Southwest Florida Regional Planning Council

City Manager Kunik explained the City had received an invoice from the Southwest Florida Regional Planning Council (SWFRPC) in the amount of \$5,846 which represented an assessment to be a voting member. He stated the City had never paid in the past, noting this invoice was sent to the City because Charlotte County had withdrawn its membership with the SWFRPC. He stated no funds had been budgeted for this purpose, questioning whether the City should pay to be a voting member.

Councilmember Cummings opined it was worth the return on investment, adding at a recent meeting he mentioned the City's need for funding for drainage, and SWFRPC had identified a grant and were willing to write same. He stated they were coordinating for six counties and would perform some administrative work for the City, concluding it would be worth the cost if the City utilized their services.

Councilmember Matthews stated it was unprecedented that so many members had withdrawn.

Councilmember Miller inquired whether it was necessary to be a member to take advantage of what they had to offer in terms of grants, etc.

City Attorney Levin advised the agreement defined the party responsible for paying the fee as a "principal member", which was defined to be a County rather than a municipality. He stated the City was entitled to be a member of SWFRPC but there was nothing to indicate payment of a fee was required. He stated if the City desired to

continue to be a member, the SWFRPC should be advised that Statute required the County to be a member. He stated if the County chose not to participate, that was their prerogative; however, they still had to pay the fee.

Mayor Prafke opined membership was no longer necessary.

Councilmember Matthews opined the SWFRPC was no longer relevant.

Councilmember Cummings disagreed, stating they were relevant as an interface between the City and federal agencies.

Councilmember Matthews **MOVED** to decline payment of the SWFRPC invoice, **SECONDED** by Councilmember Miller.

MOTION UNANIMOUSLY CARRIED.

RECOMMENDATION FROM CITY OFFICERS

CITY MANAGER

City Manager Kunik announced City staff would present its septic-to-sewer proposal to the Charlotte County Commission at their workshop on February 18, 2020, at 2 p.m.

CITY ATTORNEY

No comments.

CITY CLERK

City Council Service Boards - Punta Gorda Housing Authority

City Clerk Smith explained the Punta Gorda Housing Authority Executive Director had indicated they would like Council representation at the Board meetings.

Discussion ensued with consensus for Councilmember Cummings to continue to serve with Councilmember Carey serving as alternate.

BOARDS AND COMMITTEES

Announcement of Vacancies

Board of Zoning Appeals - Alternate

Building Board - Alternate

Punta Gorda Isles Canal Advisory Committee

Utility Advisory Board (2)

City Clerk Smith announced the vacancies.

POLICY AND LEGISLATION

PRAFKE: Reported she and Councilmember Cummings would be attending the Florida League of Cities Legislative Action Days in Tallahassee, Florida, noting she would attend a meeting regarding vacation rentals scheduled for Tuesday, February 11, 2020.

CUMMINGS: No comment.

MATTHEWS: No comment.

CAREY: Thanked those who purchased tickets to the Visual Arts Center for the Mural Society's 25th Anniversary and silent auction, noting \$14,000 was raised.

MILLER: No comment.

CITIZENS COMMENTS

Ms. Yaeger voiced concern regarding traffic and pedestrian safety near the Gilchrist playground.

Mr. Castronovo suggested requesting the State revoke permits for the driveway into the gas station and the drive into the development (between Madrid and Burnt Store Road).

Mr. Weiner opined DKP needed to graphically display building heights.

The meeting was adjourned at 12:55 p.m.

Mayor

City Clerk